

## 2006 New Mexico Statutes - Section 32A-8-1 32A-8-1.

### Short title.

Chapter 32 [32A], Article 8 NMSA 1978 may be cited as the "Citizen Substitute Care Review Act".

### 32A-8-2. Purpose of act.

The purpose of the Citizen Substitute Care Review Act [32A-8-1 NMSA 1978] is to provide a permanent system for independent and objective monitoring of children placed in the custody of the department **by a citizen review board.**

### 32A-8-3. Implementation of act.

~~The department of finance and administration shall maintain and fund a contract with a nonprofit organization having a demonstrated knowledge of the problem of children in substitute care and the issues in permanency planning to operate a statewide system of local substitute care review boards.~~

**The Administrative Office of the Courts (AOC) shall administer a statewide system of citizen review boards to review every child in custody of the Children, Youth, and Families Department, or its successor, after the adjudication hearing for the child and prior to the initial judicial review and each subsequent judicial review. Following the adjudication hearing, the Children, Youth and Families Department shall immediately submit the treatment plan and the affidavit to AOC for every child in the state of New Mexico. CYFD will also timely submit requested information and a case summary needed by the local boards prior to case reviews. The AOC, or contractor, shall timely administrate all of the dissemination of information to the appropriate citizen review board members and other parties involved.**

**The AOC may contract with a ~~qualified~~ contractor, having a demonstrated knowledge of the issues facing children in substitute care and the issues in permanency planning, to operate the statewide system of local substitute care review boards. This contractor, or the AOC, shall work directly with citizen review board chairpersons to create a workable system for sending and receiving board reports.**

### **32A-8-3a. Implementation of act administrative fees.**

**The Administrative Office of the Courts may collect up to 5 percent of appropriated monies for administrative expenses if they use a contractor to operate the statewide system of local substitute care review boards.**

### ~~**32A-8-4. State advisory committee; members; compensation; responsibilities.**~~

~~A.— A state advisory committee shall be composed of three persons with expertise in the area of substitute care, appointed by the secretary of finance and administration, and also one representative of each local substitute care review board. Each local board shall select its representative to the state advisory committee in accordance with procedures established by that committee. No person employed by the department or a district court may serve on the state advisory committee.—~~

~~B.— Terms of office of local substitute care review board members of the state advisory committee shall be coterminous with their terms as members of the local boards. Terms of office of members who are appointed by the secretary of finance and administration shall be for three years; provided, however, that appointment of the first state advisory committee members shall be to staggered terms so that one member shall serve for a term of three years, one member shall serve for a term of two years and one member shall serve for a term of one year. The term of each member shall expire on June 30 of the appropriate year. In the event that a vacancy occurs among the members of the state advisory committee appointed by the secretary of finance and administration, the secretary shall appoint another person to serve the unexpired portion of the term.—~~

~~C.— The state advisory committee shall select a chairperson, a vice chairperson, an executive committee and other officers as it deems necessary.—~~

~~D.— The state advisory committee shall meet no less than twice annually and more frequently upon the call of the chairperson or as the executive committee may determine. The state advisory committee is authorized to adopt reasonable rules relating to the functions and procedures of the local substitute care review boards and the state advisory committee in accordance with the duties of the boards as provided in the Citizen Substitute Care Review Act [this article]. These rules shall include~~

~~guidelines for the determination of the appropriate type of review and the information needed for all cases to be monitored by the local substitute care review boards. The state advisory committee shall review and coordinate the activities of the local substitute care review boards and make recommendations to the department, the courts and the legislature, on or before January 1 of each year, regarding statutes, policies and procedures relating to substitute care.~~

~~E. State advisory committee members shall receive per diem and mileage as provided for nonsalaried public officers in the Per Diem and Mileage Act [10-8-1 NMSA 1978] and shall receive no other compensation, perquisite or allowance.~~

**~~32A-8-5.~~ 32A-8-4 Local boards; appointments; exclusion; terms; training; compensation; meetings.**

A. The AOC shall establish and maintain at least 26 local substitute care review boards, and in all counties with CYFD offices, to review the case disposition and prepare a report for the court for every child in custody of the Children, Youth, and Families Department, or its successor, after an adjudication hearing for the child and prior to the initial judicial review and each subsequent judicial review. More boards shall be created if the caseload in that area demands it. The AOC, or contractor, shall work to actively recruit board members, along with local members, in all areas of the state.

Each board shall, to the maximum extent feasible, represent the various socioeconomic, racial and ethnic groups of the community that they serve. Ideally, each board will have between 3-5 members who have background knowledge of working with children or knowledge of the child welfare system. Citizen review board members shall undergo a prescribed training seminar, developed through the AOC and citizen review board chairpersons, prior to placement and shall take part in quarterly training. An annual meeting/training session shall be held at the Children's Law Institute for board members. Board chairpersons shall receive additional training, as identified.

~~selected by the department of finance and administration pursuant to the provisions of Section 32-8-3 [32A-8-3] NMSA 1978,~~

B. Criteria for membership and tenure on local substitute care review boards shall be as following: **Each prospective member must be at least eighteen years of age, shall undergo a background review and shall commit in writing to attend meetings, follow the statute and have the best interest of foster children in substitute care as their goal. Each board member shall be required to be computer literate, with internet capability, to receive training information and information from the AOC or the board chairperson. Applications for board membership will be background checked with AOC, or contractor, and any application submitted that reveals any type of child abuse/neglect, stalking, sexual or domestic violence, or any other violent misdemeanor or felony criminal conviction will automatically be rejected for membership.** ~~the state advisory committee, after consultation with the department of finance and administration and the contractor.~~ No person employed by the ~~department of finance and administration,~~ **the AOC, CYFD** ~~department~~ or a district court may serve on a local substitute care review board.

C. Each local substitute care review board shall elect a chairperson, a vice chairperson and other officers as it deems necessary. **Board chairpersons shall serve as liaisons between board members and the AOC. They shall be responsible for delivering a succinct and informed report of each child to the AOC prior to judicial reviews so that these reports may be read by judges in a timely manner. Board chairpersons shall also be responsible for identifying any training their board may require and alerting the AOC to the board's specific needs. The AOC, or contractor, shall deliver monthly case information to all board members, via email, at least ten days prior to the CRB review date. Monthly case information shall include, but is not limited to: the affidavit, the treatment plan, the CRB case summary, the prior CRB report, and any available CASA report, if the child has a CASA worker.**

D. Local substitute care review board members may receive per diem and mileage as provided for non-salaried public officers in the Per Diem and Mileage Act [ 10-8-1 NMSA 1978] and shall receive no other compensation, perquisite or allowance.

**32A-8-6. 32A-8-5 Citizen review board reviews of Children in Custody of CYFD ~~dispositional judgments.~~**

A. **After the adjudicatory hearing and prior to ~~any~~ the initial judicial review and all subsequent judicial reviews** by the court pursuant to Section 32-4-23 [ 32A-4-25]NMSA 1978, the local substitute care review board shall review ~~any~~**every** dispositional order or the continuation of the order and the department's progress report on the child and submit a report to the court. The parties in the children's court proceedings shall be given prior notice of the review board meeting. All parties shall be afforded the opportunity **and shall be encouraged to participate fully in the meeting. Parties may include the guardian ad litem, social worker, school personnel, CASA, foster parents, attorneys, Indian tribe representatives, mental health advocates, law enforcement and anyone else involved in the welfare of the child.**

B. The report of the local substitute care review board submitted to the court pursuant to this section shall become a part of the child's permanent court record. **As soon as the report is prepared by the local board and submitted by the chair, the report shall be submitted to the AOC. The AOC is then responsible for electronically sending the report to the presiding judge, and filing it with the court, at least five days prior to a hearing. The report format and length shall comply with the wishes of that district's Children's Court judge. All local CRB board chairs shall communicate with their Children's Court judges at least yearly to maintain requests concerning the reports.**

C. **The Administrative Office of the Court or contractor administrating CRB shall actively survey information requested by legislators or CRB members concerning specific issues to study in order to make meaningful recommendations to the CYFD and the legislature, on or before January 1 of each year, regarding statutes, policies and procedures relating to substitute care. The yearly recommendations shall include a report from all local CRB boards, submitted by each board chair, reflecting the status of the child welfare system in their area.**

#### **32A-8-6. CAPTA Citizen Review Panels**

A. **If the requirements for the federal Child Abuse Prevention and Treatment Act (CAPTA) Citizen Review Panel requirements are placed upon the New Mexico Citizen Review Boards, the Administrative Office of the Courts**

shall adopt the policies and procedures for the functioning of those panels or the gathering of statistical data after collaborating with the CYFD, and Regional CAPTA personnel.

B. Any incremental costs associated with the adoption of the CAPTA panel requirements will require incremental appropriated monies commensurate with the increased responsibilities.

### **32A-8-7. Temporary provisions; transfer; funds; contracts.**

A. On the effective date of the Children's Code [ 32A-1-1 NMSA 1978], all records, personnel, money, property, equipment and supplies of the department relating to the Citizen Substitute Care Review Act [ 32A-8-1 NMSA 1978] shall be transferred to the ~~Department of Finance and Administration~~ **the AOC**.

B. On the effective date of the Children's Code, all appropriations, contract funds and funds for contract administration and staff, the cost of ~~advisory committee~~ **board members** per diem and travel, training and all other costs relating to the Citizen Substitute Care Review Act shall be **transferred** ~~from the department~~ to the ~~Department of Finance and Administration~~ **the AOC**.

C. On the effective date of the Children's Code all existing rules and regulations, contracts and agreements in effect with the department for providing a statewide system of local substitute care review boards shall be binding and effective on ~~the Department of Finance and Administration~~ **the AOC**.