

MINUTES
of the
FOURTH MEETING IN 2007
of the
WELFARE REFORM OVERSIGHT COMMITTEE

September 6-7, 2007
State Capitol
Santa Fe

The second meeting of the Welfare Reform Oversight Committee was called to order by Vice Chair Luciano "Lucky" Varela on Thursday, September 6, 2007, at 10:10 a.m. in Room 322 of the State Capitol in Santa Fe. Handouts are in the meetings file.

Present

Sen. Linda M. Lopez, Chair
Rep. Luciano "Lucky" Varela, Vice Chair
Sen. Sue Wilson Beffort
Sen. Dianna J. Duran
Rep. Antonio Lujan
Sen. Gerald Ortiz y Pino
Rep. Nick L. Salazar
Rep. Jim R. Trujillo
Rep. Shirley A. Tyler
Rep. Gloria C. Vaughn

Absent

Sen. Clinton D. Harden, Jr.
Sen. John Pinto

Advisory Members

Rep. Candy Spence Ezzell
Rep. Daniel R. Foley (9/7)
Rep. Edward C. Sandoval
Sen. John C. Ryan (9/7)

Sen. Ben D. Altamirano
Rep. Miguel P. Garcia
Rep. Larry A. Larrañaga
Rep. Steven P. Neville

Other Legislators

Rep. Ray Begaye
Rep. Nora Espinoza (9/6)
Sen. Dede Feldman (9/7)

(Attendance dates are noted for those members not present for the entire meeting.)

Staff

Jennie Lusk
Carrie McGovern

Guests

The guest list is in the meeting file.

Thursday, September 6

Domestic Violence — Program Overview

Children, Youth and Families Department (CYFD) Secretary Dorian Dodson reviewed the budget for domestic violence programs, noting that \$12.6 million is in the budget and not a penny reverted to the federal government for domestic violence programs, as was the committee's concern. The budget includes \$2.6 million of federal Temporary Assistance for Needy Families (TANF) dollars, and the process for identifying TANF clients will be simplified in 2008. Confidentiality problems arising from sharing names and social security numbers among departments have been addressed through creative work between the Human Services Department (HSD) and the CYFD, she said. Billing has been restructured and the CYFD is now working with a "roundtable" comprising law enforcement, district attorneys, providers and others in order to address problems encountered by victims of domestic violence. The department has placed a three-month moratorium on audits and is working on performance measures for 2009. The department is working with the governor's domestic violence advisor, Sharon Pino, with a goal of making the system the least bureaucratic it can be while it remains effective, efficient and interactive.

Legislators expressed lingering concerns about the CYFD's requirement for highly credentialed workers at domestic violence shelters in rural areas, more technical assistance for rural providers and ways of involving law enforcement in working with victims so that fewer cases are dismissed in court.

Innovative Approaches to Domestic Violence Prevention

Sue Ludwig, Ph.D. and R.N., a registered psychologist from the Alberta Mental Health Board, detailed an approach to domestic violence prevention that has proven effective in reducing recidivism among offenders. The province has teamed district attorneys, law enforcement, mental health providers, substance abuse treatment providers and judges in a roundtable and trained them in risk assessment and screening. The tools developed have established a standard by which such professionals can reliably design services for assessment, treatment, rehabilitation and follow-up services for perpetrators of family violence. The roundtable also established a systemic level of coordinated local response to family violence. The report of the roundtable is at 222.wcpfv2005.ca/resources/finding_solutions_together_report.pdf. The province also participated in the HomeFront Pilot, a national demonstration project focused on domestic violence, which led to establishment of local domestic violence courts. All in all, the province has seen recidivism reduced to 9.8% for those who completed treatment and 3.7% post-treatment compared to a recidivism rate of approximately 33% for those who did not complete the program as part of court-ordered consequences.

Dr. Ludwig also reviewed the Canadian Protection Against Family Violence Act (PAFVA), which uses three tools for protecting families: (1) an emergency protection order that allows police to remove the abusive family member from the home for a specified period of time (usually nine days); (2) a second protection order that can last up to one year and mandates treatment and reimbursement for financial losses; and (3) a warrant permitting entry authorizing police to enter a home if abuse is suspected following the original protection order.

Dr. Ludwig said that the assessment tool has been very useful because even medical professionals are not perfect in screening victims, as demonstrated by the statistic that 48% of domestic violence victims who were murdered had been seen in a medical setting within 48 hours of their demise. She also commented that mental health professionals and law enforcement had been reluctant to work together but found the day-to-day exchange of information and expertise constructive. Domestic violence offenders, even those with substance abuse problems, are not treated in residential facilities, but in community-based programs and participate in group therapy with as few as 15 participants shortly after the incident to 100 participants who are two years removed from the incident.

Committee discussion turned to the importance of substance abuse treatment in the prevention of domestic violence, with Dr. Ludwig noting that at least 60% of offenders had a substance abuse problem prior to the violence. Johnnie Trujillo, executive director of El Puente Domestic Violence Services, told the committee that there is currently no location where a domestic violence offender with a substance abuse problem can be taken right away for treatment because there are only four substance abuse treatment centers in the state, 23 shelters and some 10 additional locations for domestic violence victims.

Senator Lopez said she will appoint a subcommittee to develop an approach to submit for the 2008 legislature that would use mandated substance abuse treatment as a way to avoid incarceration for domestic violence offenders. Senator Lopez and Representative Vaughn were immediately appointed and Senator Lopez requested that others who are interested contact her directly.

The Changing Nature of Domestic Violence Services

Ms. Pino announced that Governor Richardson has established a Domestic Violence Commission comprising representatives from 19 agencies and coalitions, supported by administrative staff from the CYFD. The commission shall set priorities for recommended activities beginning in July 2008. The commission will not have been in operation long enough to participate in the January 2008 legislature.

Ms. Pino updated the committee on the existence of New Mexico's domestic violence courts, which have caused recidivism rates to drop from 70% to 40% or 45%, at least where the courts exist.

Committee members questioned how domestic violence can be effectively treated or prevented without the substance abuse treatment piece in place and linked with domestic violence courts. Representative Vaughn moved and Senator Lopez seconded that the governor be requested to appoint some legislators to the commission.

Domestic Violence Service Providers

Mr. Trujillo, a retired police officer and retired chief of police in Socorro and executive director of El Puente Domestic Violence Services, recommended that any new program should

involve a collaboration of law enforcement and the courts with service providers. With El Puente, each offender is closely monitored each week for compliance with all court orders, including substance abuse treatment and paying child support. With his program, the recidivism rate is similar to Canada's. However, the center has a problem getting services for substance abuse. The center now requests that the court order treatment in order to prioritize treatment, Mr. Trujillo said, since changing a domestic violence offender who is a methamphetamine addict or alcoholic is "spinning their wheels". Mr. Trujillo said domestic violence programs should last 52 weeks, aside from any other treatment, if results are expected. Money is needed, especially in rural areas, for domestic violence programs. He cautioned that such treatment cannot start on a reimbursement basis, but instead should be funded as a line item, and he estimated that the cost per offender in a program such as his own would be approximately \$3,000 per year, including facilitation, monitoring and assessment.

Larry Tackman of the Crime Victims Reparation Commission explained that the commission compensates victims of domestic violence and paid out \$1.9 million last year. The agency also administers the Victims of Crime Act (VOCA) grants and does training seminars for judges statewide. Although alcohol and drug abuse exacerbates the problem of violence, Mr. Tackman said, the core problem of anger must also be addressed to prevent domestic violence.

Domestic Violence Coalition Members

Agnes Maldonado, head of the New Mexico Coalition Against Domestic Violence, told the committee that domestic services statewide include children's counseling, group and individual counseling, legal services, training for first responders, safety planning, shelters and hotlines. Bullying, stalking and sexual assault prevention programs are also offered. For the next session, the coalition will request additional funding for prevention and training.

Gloria Champion, executive director for the Shiprock Home for Women and Children for the past 30 years, said that Native American domestic violence is "epidemic", noting that one in three Native American women will be raped in her lifetime. Generations ago, native culture did not tolerate violence against women, and the Shiprock shelter emphasizes native approaches to reduce recidivism.

Ms. Champion said that services offered by tribes are virtually nonexistent and that a woman will typically go back to the shelter 11 times before making a change. Some 85% of women return to life with the offender. The shelter has a foster grandparent program because grandparents are seen as trustworthy and are admired. Native American culture is so entirely different from mainstream culture that even filling out a form can be overwhelming for some clients, Ms. Champion said. However, where the tradition is one of "honoring" women in the household, the idea of giving up violence can fit into the self-definition of some offenders.

The meeting recessed at 3:32 p.m.

Friday, September 7

A Pragmatic Approach to Investing in Child Care

Rob Grunewald, associate economist with the Federal Reserve Bank, stressed the economic efficiency of investing in early child care, noting that child care is an area where business interests are served by economic investment. He reviewed four studies involving various populations of children in various types of early child care, including part- and full-time care. The results were uniform: good child care has a lifelong impact that causes those who participate to achieve more, earn more, become healthier and refrain from crime. The return per dollar of investment of public dollars ranges from 16% to 18%, a number that compares very well to other types of investment. A home visiting program for at-risk mothers beginning in their pregnancies showed that the numbers of participating families on welfare, the number of child arrests and emergency room visits were reduced. The return on investment for the home visit program were from \$4.00 to \$7.00 per \$1.00.

The important lessons from the studies are: invest in quality, involve parents, start early in a child's life, reach the at-risk population, teach both cognitive and noncognitive skills (including social skills) and do programs in a reasonable scale so that results can be measured. Incentives to participate matter, among them, scholarships to put children in child care and bringing competition to the market.

Mr. Grunewald mentioned that many business leaders are becoming involved in investments for early child care, including the United Way, the Gates Foundation, the Partnership for America's Economic Success and the Minnesota Early Learning Foundation.

On questioning from committee members, Mr. Grunewald said he favors an approach targeted to low-income people because Oklahoma and West Virginia studies have indicated that disadvantaged children benefit even more than other children from early child education. Representative Varela said the state needs to invest at the beginning of life so that investments in early well-being will pay for themselves later and noted that doing so would not necessitate great budgetary increases. Instead, it would require a shifting of budgets and budget priorities. He proposes creating a global children's budget. Senator Lopez noted that the supreme court has requested a unified children's budget, too. Mr. Grunewald emphasized that center-based child care is not intended to replace parental involvement but, instead, to support it. He noted that home environments can and do change to become safer with early child care.

Mr. Grunewald recommended considering creation of a continuum of resources for young children and creating departments for children, as has occurred in Washington and Massachusetts.

At-Home Infant Care

Susan Loubet told the committee that at-home infant care has been a life-changing experience for many participants and their children, and she referred to clients who spoke at the committee's meeting in Las Cruces. The current budget for at-home infant care is \$90,000, one-

half what it used to be. The program has opened a second pilot program in Bernalillo and will request a budget of \$360,000 for a full program in two locations.

Legislators expressed concerns about going "too far" with early childhood education so that parents no longer respect the need to earn a decent living to support their children.

State Approaches to Resolving Child Care Issues

Bill Dunbar, deputy secretary, and Dan Harris, deputy director, both of CYFD, opened their presentation by emphasizing that child care subsidies support families who are working. Child care subsidies help working families keep their jobs. As parents earn more, the co-payment for child care rises. Jack Callahan, director of the Family Services Program at CYFD, also attended and took part in the presentation. They said that in the fiscal year 2009 budget, the department will request an increase of approximately \$2.9 million to increase payments for those earning up to 200% of the federal poverty level (FPL). Of that amount, the department will propose that approximately \$408,000 be used for the Professional Training Program (TTAP) and \$100,000 be used for its TEACH Program. Eligibility for child care support has not needed adjustment due to the increase of the state minimum wage because a parent would have to earn approximately \$10.00 or \$11.00 per hour to jeopardize the child care subsidy; currently, a parent earns too much for a child care subsidy at making 165% FPL.

Mr. Harris reviewed the "carrot approach" for increasing the quality of child care centers — the "stars" incentive. Under the incentive program, child care providers are reimbursed at a higher rate for each new star they receive. Stars are for improved learning environments, better curricula and parent involvement, a better staff-pupil ratio and for national accreditation.

A thorough discussion ensued. On questions of committee members, Mr. Harris explained that although the numbers of registered homes have declined, the total number of children in daycare has not declined overall. The decline was attributed to new requirements that all registered homes now permit inspections at least four times a year and that all registered daycare providers submit to a criminal background check. Mr. Harris said he would provide the committee a matrix showing reimbursement rates for providers, which vary with the age of the children, whether the provider is in a rural or metropolitan area and whether full- or part-time care is provided, as well as on the number of stars the provider has earned. The department will not be seeking an increase in fiscal year 2009, since it got a \$2 million increase in the current budget. The department agreed to study and respond to the committee's concerns about reimbursements in rural versus urban areas, although the rural rate is currently 95% of the metropolitan rate. The legislators also requested that the department reconsider the small 10% to 15% differential paid to providers offering nontraditional hours rather than a differential that reflects competition for overtime or other benefits. They raised the issue of strategies to provide child care workers health insurance benefits that would not violate the state's anti-donation clause; the problem of licensing of zoning for home-based centers; and the possibilities of requiring all registered centers to include a learning component.

Child Care Providers

Gerry Keyes and Marilyn Wagner, both of the Roswell "Generations of Learning" Child Care Center, noted that their facility is the oldest preschool in the state and that it emphasizes early learning, not babysitting. The licensed child care center has a problem in reimbursement because of the mix of children it serves: tuition must remain the same for all students, even though the center receives subsidies for feeding children free or reduced-fee lunches and no subsidies for children who could afford to pay for their own lunches. They affirmed that the "stars" program is an incentive for more training because centers are willing to get training in order to earn a higher base payment from the state.

Rosa Barrazzo from Children's World in Alamogordo is a four-star provider working on her accreditation. She thanked the CYFD for providing staff training, but noted that as staff improves, they leave for higher salaries. Military service members Tonia Hawks and Evelyn Kaslo expressed their appreciation for the center.

Senator Beffort asked the CYFD staff about the possibility of eliminating the problematic "cliff effect" by which parents lose the entirety of a child support subsidy by going even \$1.00 over established income limits, through administrative changes rather than by statute. Mr. Harris described the difficulties of stepping down rates because the matrix of provider reimbursement is already so complex, but agreed to look into the possibilities of doing so or providing an incentive for higher earnings without a loss of subsidy. Ruth Hoffman, executive director of the Lutheran Office of Governmental Ministry, noted that other states allow parents to stay on the system for six months or a year after beginning to earn above the threshold.

Adjournment

The committee adjourned at 3:20 p.m.