

HOUSE JOINT MEMORIAL 4

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

A JOINT MEMORIAL

REQUESTING THE SECRETARY OF CHILDREN, YOUTH AND FAMILIES TO CONVENE A TASK FORCE TO ADDRESS THE ONGOING PROBLEM OF CHILDREN RUNNING AWAY FROM FOSTER HOME PLACEMENT.

WHEREAS, throughout the United States, an estimated fifty-five children will disappear today from the foster care system; and

WHEREAS, in the past twenty years, more than one hundred

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thousand cases involving missing foster children in the United States were closed before the children were located; and

WHEREAS, according to the children, youth and families department, as of January 1, 2023, there were thirty children missing after placement by the department's protective services division; and

WHEREAS, in New Mexico, according to the children, youth and families department, in 2022, nine children in foster care turned eighteen years of age while on runaway status, thus aging out of foster care and losing the safety and protection of the department charged with protecting them; and

WHEREAS, state agencies were not required to report missing foster children to law enforcement until 2014, and since that time, reports of children missing from foster care have more than doubled; and

WHEREAS, human traffickers know that children without stable families are easy prey, and research overwhelmingly shows that most sexually trafficked children are from foster care; and

WHEREAS, children in foster care and out-of-home placement constitute most of the sexually trafficked children in the United States; and

WHEREAS, children removed from sex trafficking report that they are given a quota of up to fifteen buyers per night, perhaps resulting in sex-trafficking victims being raped

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thousands of times a year; and

WHEREAS, missing foster children often remain missing and potentially sexually trafficked because there are no involved families to lead a search and law enforcement authorities are hindered by laws that prevent transparency about the details of a missing child's identity; and

WHEREAS, there are no state or nationwide protocols for preventing the disappearance of foster children or for the search and recovery of missing foster children; and

WHEREAS, the purpose of child protective services is to prevent reoccurring child abuse and the traumatization of children in New Mexico; and

WHEREAS, many children within the foster care system have specific needs that are unaddressed; and

WHEREAS, New Mexico should make every effort to keep foster children safe and spare no effort to locate a child missing from foster care;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the secretary of children, youth and families be requested to convene a child protective services task force to make recommendations to the children, youth and families department on how to prevent children from running away from foster care and develop an effective strategy to recover children missing from foster care; and

BE IT FURTHER RESOLVED that the child protective services

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task force be requested to:

- A. analyze data related to children who have run away from foster care;
- B. analyze the root causes of why children run away from foster care;
- C. identify and analyze behaviors that contribute to children running away from foster care;
- D. analyze the likelihood that children who have run away from foster care will become victims of crime;
- E. analyze best practices, state laws and rules and foster home protocols and practices related to children running away from foster care;
- F. develop a consistent, prompt and effective response to recover missing children; and
- G. address the safety and well-being of a child who has run away upon the child's return to a foster home; and

BE IT FURTHER RESOLVED that the secretary of children, youth and families be requested to include the following as members of the child protective services task force:

- A. a representative of the office of the attorney general;
- B. a representative of the federal bureau of investigation;
- C. a representative of the homeland security and emergency management department;

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D. a representative of the university of New Mexico office for community health;

E. two individuals with experience living in foster care;

F. an individual with experience living in a youth homeless shelter;

G. an expert in the area of human trafficking;

H. an expert in the area of protective services for children;

I. a licensed behavioral health care expert; and

J. a representative of law enforcement; and

BE IT FURTHER RESOLVED that the secretary of children, youth and families be requested to invite the following as appropriate to participate in discussions of the child protective services task force:

A. an expert from a nonprofit children's advocacy organization;

B. an expert in behavioral health care services;

C. a representative of a sexual minority community;

D. a representative of a gender minority community;

E. an expert on the HHHC→~~federal Indian Child Welfare Act of 1978; and~~←HHHC HHHC→Indian Family Protection Act;

F. a licensed social worker; and←HHHC

HHHC→F.←HHHC HHHC→G.←HHHC other stakeholders

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whose expertise the secretary of children, youth and families deems necessary to the work of the child protective services task force; and

BE IT FURTHER RESOLVED that the child protective services task force be requested to enter into an agreement with an HHHC→~~institution of higher education~~←HHHC HHHC→in-state accredited public post-secondary educational institution with a school of social work←HHHC to perform research that supports the task force's work and conduct focus groups with children in foster homes, young adults who have aged out of the child protection system and foster home providers; and

BE IT FURTHER RESOLVED that findings and recommendations of the child protective services task force be presented to the interim legislative health and human services committee by October 1, 2024; and

BE IT FURTHER RESOLVED that the report include the child protective services task force's findings and recommendations to reduce the number of children who run away from foster homes; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the governor, the attorney general, the chair of the interim legislative health and human services committee, the co-chairs of the legislative interim committee that addresses courts, corrections and justice issues, the director of the legislative finance committee, the secretary of

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children, youth and families, the co-chairs of the children's court improvement commission, the director of the protective services division of the children, youth and families department and the chair of the children's cabinet.

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