



National Association of Public
Child Welfare Administrators

an affiliate of the American Public Human Services Association

How States are Implementing the Fostering Connections Act

New Mexico's At-risk Children

During the state's first 2009 fiscal quarter, there were 2,107 children in foster care with the highest percentage ages 1 to 5 years old, at 37.4 percent, and the second highest percentage being 6 to 10 years old, at 26.8 percent. Nearly ten percent of New Mexico's foster care population is 16 to 17 years old. The permanency goals for the state's foster children as of the 1st quarter for SFY 2008 included 1,284 with the goal of reunification, 1,000 with the goal of adoption, 14 with the goal of permanent guardianship and 8 placed with a fit and willing relative. Of the children with the goal of reunification, nearly 62 percent were reunified in less than 12 months.¹

Between 2004 and 2007, New Mexico saw an increase in foster care caseload of 17 percent due to many factors, including but not limited to methamphetamine abuse. Since 2007, caseloads have decreased to 2004 levels due in large part to the state's collaboration with the court system on achieving permanency and their use of the family centered meeting to reunify families while ensuring safety with the implementation of comprehensive services.

In New Mexico, state child protection workers do not have the legal authority to remove children and place them into foster care without a court order. However law enforcement does have that authority. Recently, state law was amended to require the state agency to conduct an onsite safety assessment prior to placing the child into custody. New Mexico has recently begun working with Casey Family Program's 20/20 initiative and will be examining what types of community-based services and supports might be put into place that can help place children with non-custodial parents and/or with relatives as an alternative to children coming into custody.²

New Mexico's Budget Landscape

The state's general revenue has fallen below 2008 levels and is expected to continue to decline until 2012.³ The state legislature also needs to fill a \$454.2 million gap for this fiscal year.⁴ This is due to several factors including the drop of oil and natural gas prices, deflation of the housing market and the decrease in the stock market.⁵

P.L. 110-351 State Options

Currently, the state is reviewing all options and conducting cost/benefit analysis on the implications of the entire Fostering Connections Act. New Mexico is interested in implementing the guardianship assistance program option available under the law and hopes to begin SFY 2011. Specifically, the state is looking closely at non-IV-E eligible children to see how New Mexico may fund a guardianship program that includes these children.⁶ New Mexico had a IV-E Demonstration Waiver to support subsidized guardianships, including guardianships established through tribal courts. The waiver ended in 2005.⁷ Additionally, the Protective Services Division of the Children, Youth and Families Department has initiated conversations with the state Medicaid agency to assess the feasibility of expanding coverage for this new program. The state's current practice supports relatives that care for children in foster care with state general funds, and only claims IV-E reimbursement when they become fully licensed as foster parents. Also, as a diversionary strategy, New Mexico's policies and procedures guide case workers to look for a safe and loving home with a relative to keep children from coming into the foster care system in the first place. Case workers review what types of services may be provided to these families early on in order to strengthen the new family unit. These goals are accomplished through the Family Centered Meeting process where the birth parents are encouraged to invite relatives to participate in the care of the child prior to the agency filing a petition for custody.⁸ The state works with families on a voluntary basis by providing in-home services.

Similar to the guardianship option, New Mexico continues to evaluate the option to support eligible foster youth to the age of 21. The fiscal impact of implementing this option is fairly significant for the state. There are approximately 100 - 120 youth who age out of state custody each year. The state does extend Medicaid coverage for these youth to age 21. Also, New Mexico has initiated conversations with its court system as there is no court involvement with the youth after the age

of 18 unless they have a disability and need a guardian.⁹ These disabled youth are transferred to the Aging and Long Term Services Department and are no longer involved in the family court system.¹⁰ Other youth, however, may participate in a supervised independent living program on a voluntary basis and may receive a subsidy until their 21st birthday contingent upon their efforts to meet certain employment or educational goals. Youth also receive Chafee Independent Living Services.¹¹

Supporting youth who are placed in guardianships and adoptions after the age of 16 until the age of 21 is not something the state is currently considering at this point. Youth who are adopted and who are medically fragile are eligible to receive support to the age of 21. New Mexico is interested in making sure that Chafee supports are provided to those youth who are adopted and who are in guardianships.¹²

New Mexico Tribes

The state has 22 federally recognized tribes, including the Navajo Nation that crosses into Arizona and Utah. The state has 11 agreements with tribes to operate their own foster care system. In addition to the Navajo Nation, two tribes (Laguna and Ramah Navajo) have provided a letter of intent to the federal government expressing their interest in operating their own program. A few tribes have reached out to states regarding the requirements of the Statewide Automated Child Welfare Information Systems. New Mexico has recently provided technical assistance to the tribes around the sufficiency of court order requirements.¹³

P.L. 110-351 Mandatory Provisions

New Mexico asked for a delay in implementing the transition planning requirements for youth existing foster care, sibling connections and the education stability provisions until July 1, 2009. New Mexico's state legislature passed a bill, SB 248, to ensure that their children's code followed these mandatory provisions found in the federal law.¹⁴ This law goes into effect on July 1, 2009.

Relative Notification: New Mexico was notifying relatives prior to Fostering Connections and made small modifications through legislation to go beyond the requirements in the federal law. The state utilized the opportunity of the 30 day notification to align practice with the state's desired outcomes for permanency. For example, during the permanency hearing, the state agencies may propose a plan other than reunification. The agency would describe efforts made to locate relatives and assess them for placement.¹⁵

Sibling Connections: Prior to the passage of Fostering Connections, New Mexico recognized the importance of sibling connections as it impacts placement stability and child wellbeing. The state's Adolescent & Adoption Resource Team (AART) works with caseworkers to ensure connections with siblings are not only maintained, but also encouraged and facilitated. Policy and procedure promotes the maintenance and development of these relationships.¹⁶ The state is interested in more federal guidance around the issue of not placing siblings together when it is contrary to their well-being. Additionally, State law was recently amended to allow for open adoption agreements for siblings. This provides a court ordered agreement describing ongoing contact for sibling placed separately.

Health Oversight and Coordination Plan: The child welfare agency has initiated discussions with the state Medicaid agency around this provision. New Mexico has a pediatrician on staff that helps coordinate health services and is available to consult with staff. The agency also works closely with the Family, Infant Toddler Program to coordinate services for the 0 to 3 populations. . The Behavioral Health Purchasing Collaborative provides the mechanism to allow for conversations, plans and contract negotiations to address the behavioral health needs of children in foster care and their parents including substance abuse treatment issues. The Collaborative was created by Governor Bill Richardson and the New Mexico State Legislature during the 2004 Legislative Session. The Legislation allows several state agencies and resources involved in behavioral health prevention, treatment and recovery to work as one in an effort to improve mental health and substance abuse services in New Mexico. This cabinet-level group represents 15 state agencies and the Governor's office.

Educational Stability: New Mexico requires caseworkers to actively participate in educational planning as part of court ordered case plans. Additionally, the state connects foster care youth who have dropped out to GED courses in their communities. Caseworkers work with educational professionals and caregivers to ensure educational services are appropriate and that they are delivered effectively.¹⁷ Starting July 1, 2009, at the court hearing the state agency will be required to describe efforts taken on behalf of the child's education. New Mexico is looking for additional federal guidance on this provision.

Youth Transition Plan: Between the ages of 15 ½ and sixteen, youth in foster care participate in a formal assessment of their independent living skills. A transitional living plan must be developed by age 16. The plan is included in every court hearing and is updated to reflect the needs of the youth.¹⁸ New Mexico has a Youth Services Bureau that includes eight Youth Services Consultants. These consultants and caseworkers aid youth in foster care to develop life skills and to connect them with education, employment, medical/mental health services, and other services to aid them in their transition to adulthood. The AART also reviews cases of all transitioning youth with staff to ensure that transition issues are being addressed in a timely manner. The reviews occur every 60 days until the youth ages out.¹⁹ One piece the state is excited about is looking at the possibility of youth safely reconnecting with their biological family, which is included as one of the state's Program Improvement Plan goals.²⁰

Family Connections Grants

New Mexico is very interested in the Family Connections Grants and anticipates applying. The state is interested in funding requirements of the grants, specifically in what the match would look like due to the state's fiscal issues.

The state has the facilitated family-centered meeting that may fit the family group decision making grant areas. The state believes this would be an opportunity to expand family engagement throughout the life of the case.

Although not formally known as a Kinship Navigator program, the state Human Services Department has been developing a no-wrong door system. The designers of the system are contemplating an internet based system that would provide information about available services and programs for persons in New Mexico.

New Mexico has been working with Casey Family Programs during the past few months on kinship care. The state is interested to see if the Family Connections Grants can help in this area specifically through the intensive family finding grants. New Mexico is currently working with providers in the eastern part of the state on developing support services for families taking care of kin with a focused effort on children of incarcerated parents.

The Behavioral Health Purchasing Collaborative may be interested in applying for the family-based substance abuse treatment areas in the grants as the Collaborative is interested in improving the behavioral health system in New Mexico.

Opportunities & Challenges

Implementing the law in both a time when the state is actively involved in its Program Improvement Plan as well as the state fiscal crisis creates challenges for the state. Many of the provisions in Fostering Connections line up with the PIP. However Foster Connections creates requirements and presents opportunities that are not included in the PIP, e.g., subsidized guardianships, and extending foster care beyond age 18.

The child welfare agency is also exploring with the Children's Law Center opportunities to access Title IV-E training dollars to train court personnel. This additional federal funding would complement some of the many joint training opportunities already occurring in the state, such as regional training and the annual Children's Law Institute.

Also, as a border state, New Mexico is interested in issues concerning immigration and how they impact the practice of child welfare. The borders may be important to governments, but families see the issue differently. For New Mexico and other border states, child welfare concerns need to be included in the overall framework addressing immigration reform.

Conclusion

New Mexico sees the Fostering Connections to Success and Increasing Adoptions Act as a great opportunity to improve and increase supports and services to the children, youth, and families of the state. Best practices are outlined and as they are implemented at every level in the child welfare system, New Mexico anticipates continued improvements in outcomes for its families. The state continues to increase the use of relative care, particularly as a diversion to foster care. Moreover, the state supports these voluntary placements. The child welfare agency continues to work with our child welfare parents to implement the provisions of Fostering Connections and to further consider the options that it makes available to states. The agency has reached out to other agencies, the court system and tribes.

¹ 360 Degrees County Profiles. 1st Quarter SFY 2009 (July 1, 2008 to September 30, 2008). New Mexico Child, Youth & Families Department Protective Services.

² Conversation with New Mexico's child welfare directors Jared Rounsville, Acting Director, and Maryellen Bearzi, Administrative Deputy Director, April 23, 2009.

³ New Mexico Fiscal Policy Project, New Mexico's Revenue Crisis: State Revenues and the Economy: FY 2008 to FY 2013. New Mexico Voices for Children. Gerry Bradley, December 2008.

⁴ Update on State Budget Gaps FY 2009 & 2010. National Conference of State Legislatures, February 20, 2009.

⁵ New Mexico Fiscal Policy Project, New Mexico's Revenue Crisis: State Revenues and the Economy: FY 2008 to FY 2013. New Mexico Voices for Children. Gerry Bradley, December 2008.

⁶ Conversation with New Mexico's child welfare directors Jared Rounsville, Acting Director, and Maryellen Bearzi, Administrative Deputy Director, April 23, 2009.
⁷ Administration for Child and Families website.
⁸ Ibid.
⁹ Ibid.
¹⁰ State Foster Youth 18-22 Policies Survey. Maya McKnight, Chafee Manager. Child Welfare League of America, April 23, 2009.
¹¹ Ibid.
¹² Conversation with New Mexico's child welfare directors Jared Rounsville, Acting Director, and Maryellen Bearzi, Administrative Deputy Director, April 23, 2009.
¹³ Ibid.
¹⁴ Table of state legislation introduced since 1/1/2009 through 4/6/2009 related to the Fostering Connections and Increasing Adoptions Act. National Conference of State Legislatures.
¹⁵ Conversation with New Mexico's child welfare directors Jared Rounsville, Acting Director, and Maryellen Bearzi, Administrative Deputy Director, April 23, 2009.
¹⁶ National Association of Public Child Welfare Directors (NAPCWA). Youth Aging Out Workgroup Survey, 2006.
¹⁷ Conversation with New Mexico's child welfare directors Jared Rounsville, Acting Director, and Maryellen Bearzi, Administrative Deputy Director, April 23, 2009.
¹⁸ Ibid.
¹⁹ Ibid.
²⁰ Ibid.

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