

Children's Code Reform Task Force (CCRTF)
November 7, 2024
4.00 - 5.30 p.m.

Members present

Cristen Conley, Chair
Brandie White
John Romero
Leslie Jones
Alison Endicott-Quinones
Mary McQueeney
Judge Alma Cristina Roberson
Beth Gillia
Catherine Pavelski
Lorilynn Violanta
Reed Ridens
Shelly Bucher

Others present

Kathleen Sabo
Tony Ortiz
Alison Pauk

Introductions

Cristen Conley introduced herself. She is serving as the Task Force Chair. Ms. Conley is also the Executive Director of the Corinne Wolfe Center for Child and Family Justice, University of New Mexico School of Law. Kathleen Sabo, Task Force Coordinator, and Tony Ortiz, Task Force Staff, also introduced themselves. Finally, the task force members then introduced themselves and briefly described the work they perform in the child welfare system.

Task force processes

The three subcommittees (FINCOS, Juvenile Justice, and Revisions and Recommendations) have been meeting and will generate proposals for the consideration of the entire task force. At the end of this meeting, 15 minutes will be available for public comment.

Subcommittee reports

The **Juvenile Justice Subcommittee** is working on a response to legislative proposals presented by the 2nd Judicial District Attorney's Office. Those proposals

include recommendations to amend the Children's Code to craft more severe punishments for juveniles who commit crimes. Kathleen Sabo and Tony Ortiz are researching issues that counter the argument for being more punitive, including:

- the impact of adverse childhood experiences (ACES) on adolescents;
- research which shows that increased rates of youth incarceration do not improve public safety;
- research that supports increasing the certainty that offenders will be caught and held accountable, as opposed to the futility of enacting more severe punishments;

- the science regarding brain development in adolescents;
- the use of upstream interventions to address delinquency, including deflection and diversion services; and
- the implementation of the Juvenile Detention Alternatives Initiative (JDAI) in New Mexico.

During the ensuing discussion among task force members, the following points were raised:

- John Schoeppner has joined the subcommittee;
- there is a significant lack of assessment resources when competency is an issue in a case;
- the juvenile justice system lacks the resources (bed space in facilities and staffing) to absorb the consequences of enacting more severe punishments;
- certain and swift accountability is the most effective deterrent and it must be coupled with noting that our communities also bear accountability. For instance, adults should not store firearms in their vehicles;
- New Mexico has high levels of adverse childhood experiences (ACES) in our population;
- we should consider a proposal to ban strip searches of adolescents. Strip searches are an additional trauma for youth in the juvenile justice system; and
- Judge John Romero noted that the New Mexico Child Welfare Handbook is a great resource and can be found on the web site for the Corinne Wolfe Center for Child and Family Justice.

The **Revisions and Recommendations Subcommittee** is working on a definition for a "dependent child" and accompanying, expedited hearing procedures. The subcommittee has reached consensus on the following definition: "dependent child" means a child whose parents or legal guardians are deceased and the child is left without a legal guardian. At a future time, we may want to address separate issues related to Safe Haven infants. Under current provisions in the Children's Code, orphaned children are adjudicated as "abandoned". This is not optimal and

can cause further trauma for orphaned children. We do not want to get involved in situations when relatives step-up and provide for the children.

After an initial proposal to amend the Abuse and Neglect Act, the subcommittee will work on crafting a proposed new article in the Children's Code: The "Dependent Child Act", Chapter 32A-3C. CYFD staff will attempt to organize a meeting to discuss processes that should be included in the act. It was noted that current procedural provisions in the Abuse and Neglect Act, properly modified, may be useful.

The **FINCOS Subcommittee** has formed work groups to develop proposed amendments to Chapter 32A-3B, the Family in Need of Court-Ordered Services Act". The work groups have analyzed legislative proposals related to the FINCOS Act that were introduced during previous legislative sessions. Kathleen Sabo has also noted commentary included in fiscal impact reports for those proposals. The FINCOS Act is under-utilized and the work groups are working on revisions so that the FINCOS Act could be more widely used to support children and families before the filing of an abuse or neglect petition. The current law is primarily focused on older children who are habitually truant from school or who are runaways. The subcommittee has reached consensus on the following amendments to the definition of FINCOS:

"32A-3B-2. DEFINITIONS.--As used in Chapter 32A, Article 3B NMSA 1978, "family in need of court-ordered services" means the child or the family has refused family services or the department has exhausted appropriate and available family services ~~[and]~~ or court intervention is necessary to provide family services to the child or family and it is a family:

A. whose child, subject to compulsory school attendance, is absent from school without an authorized excuse more than ten days during a school year;

B. whose child is absent from the child's place of residence for a time period of twelve hours or more without consent of the child's parent, guardian or custodian;

C. whose child refuses to return home and there is good cause to believe that the child will run away from home if forced to return to the parent, guardian or custodian;

D. in which the child's parent, guardian or custodian refuses to allow the child to return home and a petition alleging neglect of the child is not in the child's best interests; or

E. whose child is [:

~~(1) alleged to be engaged in an act that would be designated as prostitution if committed by an adult ; or~~

~~(2)] a victim of human trafficking as defined in Section 30-52-1 NMSA 1978."~~

During the ensuing discussion among task force members, the following points were raised:

- the act should be amended so that families are more comfortable with the idea of accessing services;
- the act should be amended to ensure a more collaborative relationship between CYFD and families;
- we should ensure that appropriate due process protections are in place and should also ensure that the act includes an “off-ramp” to the filing of an abuse or neglect petition, if the family is not engaging with offered services; and
- we must ensure that IV-E funds are available when guardians are appointed.

General task force discussion

During the discussion, the following issues were raised:

- pursuant to our agreement with the Anne E. Casey Foundation, we must be clear that we are not lobbying and are working on policy proposals;
- this report will be supplemental to the task force report published on June 30, 2024;
- our goal is to publish this report during the initial week of the legislative session, which begins on the third Tuesday in January (January 21, 2025);
- we will have a draft report prepared in early January, for review by the task force;
- Cristen Conley and Kathleen Sabo recently met with Senator Linda Lopez, to discuss possible sponsors for legislative proposals developed by this task force;
- Tony Ortiz provided an overview regarding the logistics of testifying before legislative committees; and
- there was a discussion regarding proposed changes to judicial timelines set forth in proposed legislation included in the June 30, 2024 task force report. There is a level of concern that the expedited timelines will place some children in peril and that the changes must be accompanied by additional resources for CYFD. The counter argument is that time is not static to a child and that delays cause additional trauma to children and families. It was noted that delays are often caused by an inability to successfully provide notice to families.

Public comment

There was no public comment.

Next meetings

Future task force meetings will be held on December 5, 2024, and January 9, 2025.