

## **Children's Code Reform Task Force (CCRTF)**

**April 25, 2024**

**4:00 – 5:30 p.m.**

### **Members present**

Cristen Conley, Chair  
Catherine Pavelski  
Brandie White  
Matthew Cockman  
Hilari Lipton  
Bette Fleishman  
John Romero (retired Judge)  
Rosenda Chavez-Lara  
Senator Linda Lopez  
Leslie Jones  
Mary McQueeney

### **Others present**

Alison Pauk  
Kathleen Sabo  
Tony Ortiz

### **Introduction of Task Force Chair, Coordinator and Staff**

Cristen Conley introduced herself. She is serving as the Task Force Chair. Ms. Conley is also the Director of the Corinne Wolfe Center for Child and Family Justice, University of New Mexico School of Law. She then asked Kathleen Sabo and Tony Ortiz to introduce themselves. Ms. Sabo is serving as the Task Force Coordinator and Mr. Ortiz is serving as Task Force Staff.

### **Self-introduction of Task Force members**

The Task Force members introduced themselves and briefly described the work they perform in the child welfare system.

### **Reminder of resolution**

Cristen Conley reminded the Task Force members of the contents of a resolution that will guide how the CCRTF conducts its business. Ms. Conley reminded members that the Task Force is not subject to the provisions of the Open Meetings Act, but that it is vitally important to operate in a transparent manner. Meetings of the CCRTF will be held on the fourth Thursday of each month, concluding on June 27, 2024. All meetings will be conducted via Zoom. Information on how members of the public can attend the Zoom meetings will be

posted online on the website for the Corinne Wolfe Center for Child and Family Justice. <https://childlaw.unm.edu> .

The schedule of meetings, agendas, meeting notes and a copy of the above-mentioned resolution are posted online on the website for the Corinne Wolfe Center for Child and Family Justice.

Finally, the Task Force will provide an opportunity for public comment. When possible, each registered member of the public wishing to comment will be given two minutes to speak. The Task Force will also accept written comments from members of the public, by way of the chat during an allocated time during meetings or by an email to [kathleensabocctf@gmail.com](mailto:kathleensabocctf@gmail.com) in advance of meetings.

### **Subcommittee reports**

**Improving Responses to Poverty and Substance Misuse Subcommittee (PSM subcommittee)** The PSM subcommittee met on April 18, 2024. The subcommittee has created work groups that are focused on the following discrete issues:

**-More frequent judicial reviews, better aligned with federal “Adoption and Safe Families Act” (ASFA) timelines, in child welfare cases.** The work group has met and is working on language to revise timelines for judicial reviews and permanency hearings. There are timelines in the Children’s Code that are state-specific and other timelines that are tied to the federal Adoption and Safe Families Act (AFSA) that don’t work well together. The work group wants to ensure that families involved in child welfare cases have enough time to access treatment, if needed. Also, the work group would like to see more judicial check-ins earlier in cases.

**-Amend the definitions of “neglected child” and “abused child” in child welfare cases, including instances when a child has negligently unsupervised access to firearms.** The work group is working on a bill draft that proposes amendments to the definition of “neglected child” in Section 32A-4-2 NMSA 1978. The essence of the proposed revisions is to clarify that poverty alone is not neglect and to address situations when a child has unsupervised access to firearms. The revisions also recognize that Native American cultural norms don’t constitute neglect. Also, the work group will research other state laws for definitions regarding “emotional abuse” and “psychological abuse” and make a determination if those terms should be defined in the Children’s Code.

**-Amend the elements of “presumptive abandonment” in child welfare cases.**

The work group has met and is working on revisions that will remove presumptive abandonment, as set forth in Section 32A-4-28(B)(3), as a basis for termination of parental rights under the Abuse and Neglect Act. Also, the work group will survey the Adoption Act to determine if revisions are appropriate in that act.

**Expand the definition of “families in need of court-ordered services”**

**(FINCOS).** The work group will meet before the end of the month to consider possible changes to the Families in Need of Court Ordered-Services Act.

**Provide economic stabilization for families.** The work group is considering a number of issues, including pilot universal basic income programs, transfer of foster care monies to provide services and supports for biological families, the creation of STABLE accounts for eligible children in out of home care, and the protection of revenue sources that can be used to provide economic stability for children in the foster care system.

**Crossover Youth Subcommittee (COY subcommittee).** The COY subcommittee met on April 19, 2024. The COY subcommittee is working on a proposed Crossover Youth Act for youth who are in foster care and have juvenile justice involvement. The act will include a definition for “crossover youth” and may also include definitions for “dually-involved youth”, and “fostering connections youth”. Additionally, the COY subcommittee will review recommendations developed by the Children’s Court Improvement Commission (CCIC) regarding annual mandatory training concerning crossover youth. The training would be provided to the Judiciary; the Children, Youth and Families Department; the Law Offices of the Public Defender and the Administrative Office of the District Attorneys. **(and attorneys representing such youth in JQ cases?)** The subcommittee has also discussed the creation of a “crossover youth program” within CYFD, the provision of notice to all relevant parties in crossover youth cases, and inter-agency collaboration in the provision of services to children and families in the child welfare system.

On a related note, there was a concern raised that the Eleventh Judicial District Attorney’s Office has a significant challenge in recruiting and retaining assistant district attorneys. Largely due to those staffing shortages, there are no delinquency petitions being filed in that judicial district.

**Other matters**

A public safety town hall was held recently in Albuquerque. During the meeting, law enforcement officials expressed interest in amending elements of the Children’s Code. However, it is unlikely that revisions to the Children’s Code will be addressed during the upcoming special session in July 2024.

Senator Linda Lopez reported that she has been talking to officials at the Anne E. Casey Foundation regarding additional funding to continue the work of this task force through December 2024. She will provide updates on this effort.

### **Public comment**

**Monica Miura:** She is working with other folks on a memorial that proposes to analyze “dual consent” laws in other states, concerning who can give consent regarding behavioral health services for children. They are primarily focused on laws involving instances when a child is still living with their biological family. At a future task force meeting, she would like to present a draft memorial to the task force. There was a concern that kids in different systems – within family homes and within CYFD custody – will have differing rights.

**Shelly Strong (General Counsel, NM Early Childhood Education and Care Dept.):** She expressed support for the work of the task force and expressed her concern about possibly removing rights from children regarding their behavioral health treatment.

**Melissa Beery:** She referenced a recent change in Texas law, which revised the standard for removing children from their families. The standard was formerly “substantial risk of harm” and has been changed to “imminent danger of harm”. The change in the standard has been accompanied by an increase in support and services for families.

### **Next meeting**

The next meeting of the Task Force will be held on May 23, 2024, from 4:00 – 5:30 p.m.