



Center for the
Study of Social Policy



January 26, 2024

Cabinet Secretary Teresa Casados
New Mexico Children, Youth, and Families Department

Cabinet Secretary Kari Armijo
New Mexico Human Services Department

Tara Ford
Kevin S. Plaintiffs' team

Via electronic mail

Re: Follow up from Co-Neutrals' Site Visit

Dear Secretaries and Ms. Ford,

We are glad to have had the opportunity to meet with you while we were in New Mexico. Over the course of the week, we and our teams met with many CYFD caseworkers, supervisors and managers in the Albuquerque, Santa Fe, Las Vegas, Dona Ana, Roswell, San Juan, McKinley, and Valencia offices; CYFD staff and supervisors at the Receiving Center in Albuquerque; the Governor and staff of one Pueblo and leaders from other Pueblos; other community members, including behavioral health stakeholders; and the *Kevin S.* lawsuit parties. We found staff at all levels to be candid in their conversations. Given that Secretary Casados and CYFD leadership visited many of the same offices that we did earlier this month, we believe many of the observations that we outline in this letter will not be surprising.

We had hoped when undertaking these visits to county offices, four months after our last site visits, that we would see evidence of improvement. However, what we heard and observed was to the contrary; we heard about deteriorating conditions and crisis situations in most of the offices we visited. In our assessment, the issues we identified in our September 2023 letter remain and, for the most part, there has been little to no progress in addressing them. Last year the parties engaged in extensive discussions to reach agreement on a Corrective Action Plan (CAP) designed to address many of the problems we identified last year and in 2022. The State's weak performance implementing many aspects of the CAP – for example, with respect to caseloads and focused resource family recruitment – appears to have worsened the situation. We plan to send you an updated memo on the CAP next month after we have completed our assessment of additional data and information. But we do not want to wait until then to communicate to you our understanding that there currently exist serious risks to child and staff safety, as we underscored when we spoke with you on January 18, 2024.

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There are areas where we think there is some positive momentum. Implementation of the pilot in Dona Ana is on track. In comparison to other CYFD offices visited, Dona Ana's staffing, although incomplete, appears more stable than other CYFD offices. Our on-site validation of caseload data with CYFD staff supported our view that while the work is not complete, the State is making real improvements in the accuracy of caseload data. Also, the continuing work to listen to and engage with Tribal and Pueblo leaders and staff is beginning to make a difference in increased trust and better working relationships with the Nations, Pueblos, and Tribes, based on the feedback we heard. There remains a lot of work to be done in both of these areas, but constructive work has started.

Similar to our prior visits, we again encountered CYFD staff who were committed and dedicated to their jobs and to the children and families they serve, and who are waiting for vacancies to be filled and resources to be provided as anticipated in CYFD's implementation of its Workforce Development Plan. In most sites, there was a sense of camaraderie among staff units, although many staff, supervisors, and managers reported that the restructuring that occurred in October 2023 has caused divisions and silos to emerge or deepen.

When we met with the parties on January 18, 2024, we provided a general verbal summary of our observations. We have outlined below more specific information.

Caseloads and Staffing

- Prior to our meetings in New Mexico, we worked with CYFD's data staff to assess worker level caseload data as of January 5, 2024. We frequently shared this information with staff in the county offices that we visited, and often found that the data on current caseloads were accurate.
- We heard that CYFD managers and supervisors in most of the offices we visited continue to carry cases, which is sometimes reflected in the data.
- Seven investigative staff in Bernalillo County reported responsibility for over 40 investigations each, including two who reported their caseloads as over 120 investigations. Several days before our visit, three investigators had departed the agency, leaving 376 investigations to be newly re-assigned to investigators, supervisors, and managers, many of whom already manage unreasonably high caseloads.
- We also learned that there is a backlog of over 2,000 investigations in CYFD's Metro and Northeast regions that are in various stages of inquiry and decision-making. Some of the pending investigations, we were told, date back to the first half of 2023. Staff in one office reported there are numerous investigations where children have never been seen by CYFD even after the agency determined that a report of alleged abuse or neglect warranted investigation. **This is a clear and urgent safety risk for children.**

- Most CYFD supervisors and new staff were unaware of the graduated caseload standards and how they should be implemented. Given the crisis situation in most offices, there are powerful incentives to ignore the graduated caseload standards.
- CYFD managers, supervisors, and staff across the state repeatedly reported that the agency's months-long hiring freeze in 2023 worsened staffing levels among positions that are essential to the work of the agency, regardless of organizational structure, such as investigators, PPWs, and placement staff. Staff turnover and the number of vacancies continue to be very high, placing a consistent strain on current staff. Some of the staff, supervisors, and managers with whom we spoke reported they are planning their own retirements and resignations in the near future which will create yet more vacancies that need to be filled.

Workforce Support

- Although CYFD re-commenced hiring staff in September 2023, many staff and supervisors reported the training academy was not able to accommodate the influx of workers needing New Employee Training, which created delays in new staff receiving training, and in turn, their ability to begin assisting with caseload assignments. Some workers reported waiting over a month.
- Many CYFD managers are stretched unreasonably thin, with lengthy travel now required in many instances in order to provide support and supervision to the staff they manage across different and distant counties in the new pillar system. In some cases, managers serve as the interim supervisor for vacant supervisor positions although their responsibilities span several offices. The need for supervisors (and managers serving as proxy supervisors) to sign off on decisions, guide case direction, and/or participate in required staffings has caused further delays in closing investigations and moving children toward permanency, whether it be reunification or adoption.
- Most CYFD staff reported feeling supported by their supervisors. Others reported they effectively do not have a supervisor because the position is vacant and a manager is filling in as supervisor but is seldom available because of their new managerial responsibilities over other counties in the pillar system.
- Some CYFD staff have received promotions to supervisory positions but they reported they were not provided with supervisory training to prepare them for their new role and responsibilities.
- Some CYFD workers reported that they received training on recognizing and responding to trauma in children, but they reported feeling that the stress and trauma they are experiencing

- particularly with respect to critical incidents in the CYFD offices and unreasonably high caseloads – have gone unrecognized by leadership.
- CYFD staff in one office reported no longer receiving reimbursement for mileage when they utilize their own cars to transport children or drive to/from visits.
- There was a reported change in the process for staff in one office to request and receive overtime compensation, but this has not been clearly communicated to CYFD workers.
- The on-call requirement for CYFD's case-carrying staff in most offices was viewed by almost every worker as untenable and not sustainable. The frequency with which it occurs and the hours that it involves result in CYFD staff reporting that they get little to no sleep before the following workday when they are required to show up at the beginning of their shifts. Although the pillar system focuses on specialization, CYFD's legacy on-call system does not. In most of the CYFD offices we visited, investigators, PPWs, and placement staff are required to work on-call shifts. PPW and placement supervisors and staff reported they are routinely working out of their pillar practice areas to conduct and oversee investigations during on-call shifts, but without sufficient training. New CYFD staff reported they receive little training for on-call assignments to respond to investigations after hours (sometimes only two instances of observing investigative staff) and many reported feeling unprepared when they are required to respond to investigate allegations of abuse and neglect during their mandatory on-call shift.

Office Stays and Child Safety

- CYFD personnel reported that children's stays within the Roswell, Las Vegas, and Albuquerque offices have occurred consistently for more than a year. Staff reported they are mandated to work shifts to provide supervision for children in the offices, many of whom provide serious emotional, medical, and behavioral challenges that CYFD staff are not prepared to handle. In Roswell, this has resulted in repeated calls to law enforcement to assist in managing youth's behaviors. Staff reported not receiving the necessary training to administer medication to children, which staff described as unsafe and extremely stressful. Some CYFD offices are currently using temporary workers or contracted aides to assist staff with supervising children, however, it does not appear that these staff have been provided with adequate training on trauma, behavior management, medication management, and how to de-escalate behaviors when conflicts or crises occur. In Roswell, CYFD staff frequently respond by calling law enforcement and transferring children to hospital emergency rooms.
- In CYFD offices where staff are repeatedly responsible for supervising children who are sleeping overnight in offices, the staff report not feeling safe. In reviewing critical incident reports provided by CYFD over the last six months in addition to what we heard from staff

during our meetings, **we believe there are conditions now that are unsafe for children and unsafe for staff.**

- CYFD managers, supervisors, and staff repeatedly reported that office stays are a direct result of New Mexico not having developed an appropriate and adequate array of community-based placements and services.

Resource Family Recruitment and Retention

- In every CYFD office we visited, we were unable to identify a staff person who is singularly or mainly charged with recruitment of non-relative resource homes and has the time and resources to perform that function. Implementation of county-based recruitment plans is not well organized or proactive. We were told that when resource family recruitment is discussed, it is during ad-hoc meetings among existing investigative, PPW, and placement staff at the county offices as an additional piece of work. Staff pervasively reported that there is no funding available for resource family recruitment activities.
- Many CYFD staff and supervisors told us they did not learn that their offices had a 2023 recruitment target for resource families until the Fall of last year.
- Given children's office stays, placement challenges, and other demands on too few workers, there continues to be a lack of focus on retention of resource parents.
- Babies and infants are being placed at the Receiving Center – some for more than a week – reflecting a significant and unacceptable deficiency in the pool of available resource homes.
- Adoption specialist positions have been eliminated in some counties, leaving no local staff responsible and available for recruiting adoptive families for legally free children except for PPWs who are already overburdened with high caseloads and other responsibilities.

Access to Community-based Services

- The lack of access to community-based services to support families and treat children remains a pressing need. We rarely heard staff identify community-based services that were readily available and accessible to the children and families with whom they work. CYFD personnel reported long wait lists for services ranging from well-child medical check-ups to medication management. Some counties had no providers for specific services necessary to meet children's needs. We were told that TFC placements within New Mexico are so difficult to obtain that staff in one office reported having to contact other states for this level of service.

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- CYFD staff reported frequently not knowing who to ask for help in securing resources, a problem that is currently more pronounced due to the reorganization. As staff roles have changed, workers are unclear how to get help in their efforts to help families.

Office Morale and Culture

- Across the board, CYFD staff feel stressed by unreasonable expectations, frustrated by the lack of services and resources, angry at unreasonably high caseloads, often fearful about children's office stays and the safety of children they are unable to visit or see due to their caseloads, and unsupported by leadership.
- There is widespread confusion about CYFD's reorganization by staff at all levels. According to most of the CYFD staff who spoke with us, this change felt abrupt and with little communication or clarity. Staff reported a continued lack of communication over roles and responsibilities which is exacerbating staff's feelings of not being heard or supported. Workers reported that it has resulted in, or deepened, silos within offices and an erosion of teamwork.
- CYFD staff salaries were assessed late last year, and in some cases adjusted in a positive direction though not by an amount that has made much of a difference to workers given the reported uptick in benefits costs to staff. Staff also reported that the criteria used to make salary adjustment determinations were not transparent or clearly communicated to staff. As the 10 percent pay raise that occurred at the beginning of last year was eliminated once the salaries were adjusted, some staff reported the amount in their paycheck actually decreased.
- CYFD staff reported again about the inequity in pay band classification with PPW positions receiving the lowest pay. Given the centrality of the PPW position, workers and managers believe there should be parity across pay bands. Many staff said such parity would be fair given the demands and skills required for the different jobs, and would reduce what is viewed as excessive movement between staff positions – from PPW roles to investigation or placement staff positions.

Need for Immediate Action

We understand that CYFD leadership is committed to hiring additional staff through rapid-hire events and other staff recruitment strategies. However, based on what we learned during our meetings in New Mexico, we believe leadership must take immediate and extraordinary steps to stabilize the conditions in many of the CYFD offices we visited. The unsafe backlog of child abuse and neglect investigations requires the deployment of new, additional resources, such as contracting with retirees and deploying trained staff and managers from CYFD's central team. Exorbitant caseloads and very high staff turnover warrant hiring goals and performance that are at least 25 percent greater than the number of investigator, PPW, and placement positions

currently assessed to be needed. Like other States across the nation that have undertaken the initial phase of systemic reform in the face of crushing caseloads, New Mexico needs to over-hire in order to account for continuing turnover. An influx of new workers requires the State to expand its training capacity and ensure that new personnel can expeditiously begin the process of onboarding and training. We have made these and other recommendations previously, and we are happy to discuss them with you. In sum, the agency must begin acting like there is in fact a crisis that threatens children's safety and compels new, urgent, barrier-breaking activity.

Thank you again for your time last week. We look forward to meeting with you to discuss ideas for dealing with these issues that require immediate action.

Sincerely,



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Kevin Ryan
Public Catalyst

cc: Julie Sakura, General Counsel, CYFD
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