



Center for the  
Study of Social Policy



October 30, 2023

Tara Ford  
Kevin S. Plaintiffs' team

Via electronic mail

**CONFIDENTIAL**

Re: Amendment to the Co-Neutrals' October 10, 2023 Letter re: Summary Information on Critical Incident Reports (CIRs) for Quarter Ending 9/30/2023

Dear Tara,

Last week CYFD informed us that they had unintentionally not disclosed three additional critical incidents that occurred in September 2023. Each of these involved an incident within the CYFD Offices in Bernalillo, including one in the Receiving Center. This was the first critical incident for each of the three children involved. We have amended our report below to include these incidents.

\*\*\*\*

In accordance with Section I.4. of the Parties' Corrective Action Plan (CAP) agreement, CYFD provided the Co-Neutrals with notice of 31 Critical Incident Reports (CIRs) involving 14 unique children and youth between July 1 and September 30, 2023.<sup>1</sup> The CAP requires CYFD to provide the Co-Neutrals with notice of critical incidents within one business day of notification to the department; nearly all notices we received beginning in July and through mid-August occurred more than one business day since the incident occurred, but timeliness improved for many incidents that occurred in September.<sup>2</sup>

Children Involved

The majority of CIRs involved the same five children. Specific information on the number of reports per child is below.

---

<sup>1</sup> One CIR included three children, and two separate CIRs were submitted for the same incident involving two children.

<sup>2</sup> Specifically, of the 16 critical incidents reported as occurring in September 2023, the Co-Neutrals received notice within one business day for five incidents, within two business days for six incidents, within three business days for two incidents, and between 23 and 27 business days for three critical incidents.

**CONFIDENTIAL**

Amendment to the Co-Neutrals' Summary Information on CIRs for Quarter Ending 9/30/2023

October 30, 2023

Page 2

Number of CIRs	Number of Children
1 report	9 children
3 reports	2 children
4 reports	1 child
5 reports	1 child
9 reports	1 child

Of the 14 children involved in the critical incident reports, one child is 9 years old, one child is 11 years old, six youth are 14 or 15 years old, and six youth are 16 or 17 years old. Most children (9 of 14) were male.

Placement Setting

Most critical incidents were reported as having occurred in CYFD offices (25 out of 31). Specifically, 16 critical incidents were in the Roswell/Chaves office, seven incidents were in the Bernalillo/Pine Tree office, one incident was in the McKinley/Gallop office, and one incident was in the San Miguel office. Five critical incidents were in an out-of-state facility, [REDACTED]

The last critical incident was reported as within a kinship home.

Critical Incident Category

The most common category of critical incident type identified by CYFD were calls to 911 by CYFD staff. Specifically:

- 24 incidents were categorized as 911 calls;
- One incident within a CYFD office was categorized as an allegation of abuse or neglect;<sup>3</sup>
- Three incidents were categorized as an allegation of harm;<sup>4</sup> and
- Three incidents were categorized as an allegation of restraint/seclusion.

[REDACTED]

<sup>3</sup> CYFD reports that this allegation was investigated and unsubstantiated.

<sup>4</sup> Two of the allegations of harm appear to be alleged harm against staff, not against the child. In one instance, security was called and the child was detained. The third allegation of harm was within an out-of-state facility.

**CONFIDENTIAL**

Amendment to the Co-Neutrals' Summary Information on CIRs for Quarter Ending 9/30/2023

October 30, 2023

Page 3

*Safety Plans*

With notice of each critical incident, the State is required to provide a safety plan for the child describing the services and supports that will be provided as necessary to address the harm of the critical incident, and steps that will be taken to protect the child from such harm in the immediate future.

For the 25 incidents in offices, nine did not include a documented safety plan.<sup>5</sup> For the remaining incidents where safety plans were documented, strategies included: developing a clear plan for use of electronics and wifi; keeping children in staff line of sight; ensuring two staff are on shift at a time while the child is in the office; offering situational awareness and verbal de-escalation training to staff; staffing cases daily to discuss alternative placements; and placing the child in an alternative placement.

For the five incidents reported in out-of-state facilities, no safety plan was documented within the information provided to the Co-Neutrals for three incidents;<sup>6</sup> the safety plan for one incident was that the "other child was moved"; and for the last incident, the plan was for 15-minute interval checks of the child to assess for dysregulation before any escalation of behaviors.

The State has been responsive to questions and requests from the Co-Neutrals for additional information. Please let us know if you have any questions.

Sincerely,



Judith Meltzer  
Center for the Study  
of Social Policy



Kevin Ryan  
Public Catalyst

cc: Acting Cabinet Secretary Teresa Casados, CYFD  
Cabinet Secretary Kari Armijo, HSD  
Julie Sakura, General Counsel, CYFD  
John Emery, Acting General Counsel, HSD  
Alex Castillo Smith, Deputy Cabinet Secretary, HSD  
Governor Perez, Special Projects Coordinator, CYFD  
Farra Fong, Deputy Director, Fostering Connections Bureau, CYFD  
Jennifer Archuleta-Earp, Program Deputy Director, CYFD  
Annabelle Martinez, Acting Deputy Director, HSD/MAD Division  
Bianca Foppert, Change Implementation Coordinator, CYFD  
Sally Jameson, Project Manager, Office of the Secretary, HSD

■ [REDACTED]