



Children Youth & Families Department

CYFD Presentations of Grievances & Complaint Procedures

Presented for the Enhancing Delivery of Services Steering Committee

CYFD Office of Children's Rights

- The mission of OCR is to respond to the urgent need in New Mexico to improve the lives of vulnerable CYFD-involved children by breaking down barriers to access and ensuring that children receive all state and federal services they are entitled.
- OCR Initiatives
- Children and Youth Bill of Rights (BOR) and Grievance Process

Foster Child and Youth Bill of Rights and Grievance Procedure

New Mexico Foster Child & Youth Bill of Rights

- Purpose
- Promotion
- Trainings

NEW MEXICO FOSTER CHILD AND YOUTH BILL OF RIGHTS

Every child in the foster care system is endowed with the rights inherently belonging to all children. In addition, because of the unique circumstances facing foster children, special safeguards, resources and care are also necessary. Below you will find a list of rights that are to be given to every child and youth in custody of the Children, Youth and Families Department (CYFD). These rights must be explained by the caseworker to every child and youth in a manner in which they can understand. These rights are to be reviewed, in detail, upon entering custody and at a minimum of every six months. Additionally, these rights are to be clearly posted in all CYFD and service provider offices. They are to be provided to all staff working with foster children and youth, and to all foster parents.

1 To be informed of your rights in foster care by your caseworker and to receive a list of those rights in written form.

2 To have your privacy protected and your right to confidentiality adhered to, as outlined in the New Mexico Children's Code.

3 To be explained why you came into foster care and why you are still in foster care by a representative of CYFD.

4 To be free from physical, sexual, emotional or other abuse, including corporal punishment.

5 To stay safe and avoid exploitation.

6 To advocate for yourself and to speak to persons involved with your case without negative repercussions.

7 To make a report to Statewide Central Intake (1-800-797-3260) if you feel you are being abused and/or neglected.

8 To be represented by a guardian ad litem or youth attorney in all judicial matters (hearings and mandatory meetings) conducted in your abuse/neglect case so that your interests are safeguarded; to attend and participate in all court hearings as coordinated through your attorney.

9 To be informed of how to contact your caseworker and other professionals involved in your case.

10 To contact your attorney, caseworker and CASA when you want.

11 To have a minimum of at least monthly visitation with your caseworker, which includes private time between yourself and the caseworker.

12 To receive medical, dental, vision and behavioral health services.

13 To refuse medical and behavioral health services and medications, unless court ordered, after age 14.

14 To live in a safe, healthy and comfortable home where you are treated with respect.

15 To have foster parents who are screened, trained and licensed, and who receive adequate support and supervision from CYFD and/or private agencies.

16 To receive adequate and healthy food, adequate clothing and appropriate personal hygiene products.

17 To have all your personal belongings secure and transported with you.

18 To have a permanent plan for placement, to participate in developing this plan, and to have choice in placement or the right to request a placement change.

19 To be placed in a home with your siblings who are in custody unless it is contrary to your safety and/or wellbeing.

20 To maintain regular contact with your siblings, whether or not they are in custody, unless it is contrary to your safety and/or well-being.

21 To have regular and ongoing contact (by phone, through letters and in person) as soon as possible after entering custody with biological parents, relatives and other important people in your life, unless it is contrary to your safety and/or wellbeing and prohibited by a court order or you choose not to.

22 To be informed by a CYFD representative when contact with important people in your life is being monitored or prohibited, and the reasons it is being monitored or prohibited.

23 To remain in the same school you were enrolled in before entering into custody and to remain in the same school throughout your stay in custody; to be provided with transportation arrangements to ensure continued enrollment in the same school.

24 To attend and participate in school meetings, including parent /teacher conferences, Individual Education Planning (IEP) meetings and Next Step Planning meetings.

25 To participate in extra-curricular, cultural, spiritual and personal enrichment activities.

26 To be involved in the development of your treatment plan, life skills plan, transition plan and visitation plan; to receive factual information about the treatment decisions made by the agency that affect your life.

27 To have a plan for your future, including a life skills plan and transition plan; to be offered services to help you prepare to become a successful adult.

28 To an annual credit check from age 14 to 18.

29 To initiate a review of any prudent parenting decision made by your foster parents, at 14 and older.

If you feel your rights have been violated, please email CYFD.YouthGrievance@state.nm.us or call or text 505-228-6797.

Foster Child and Youth Bill of Rights and Grievance Procedure

Bill of Rights and Grievance Procedures Training to Date

CYFD Office	In Person or Virtual	# Staff Trained
County Offices	In-Person	255
Fostering Connections	Virtual	8
Cornerstone	Virtual	170
Children's Court Attorneys	Virtual	32
Treatment Foster Care	Virtual	45
Office of Tribal Affairs	Virtual	12
	Total	465

Complaints and Grievances

Informal Complaints	39
Formal Complaints	1

Grievance Procedure

- Who can file?
- What can be the subject?
- Process

- 24 hours to initiate/contact grievant
- 2 days for OCR determination if informal or formal (three-person panel)
- Three-person panel 5-7 days to make a determination
- 2 days for County Office Manager and OCR to determine remedial measures
- 30 days to appeal and convene a second panel (final)

Foster Child and Youth Bill of Rights and
Grievance Procedure

CYFD Constituent Affairs

Total Constituent complaints
processed for FY 22 = 755

- CYFD has developed a systematized process to listen, respond to, and attempt to resolve complaints and/or grievances brought to our attention by our clients: the citizens of New Mexico.
- Our objective is for constituents to receive prompt, professional attention and action as seamlessly as possible.
- Priority 1 response from the assigned division is due within 2 business days
- Priority 2 response from the assigned division is due within 5 business days
- Priority 3 calls handled immediately



Resource Family Bill of Rights and Grievance Process

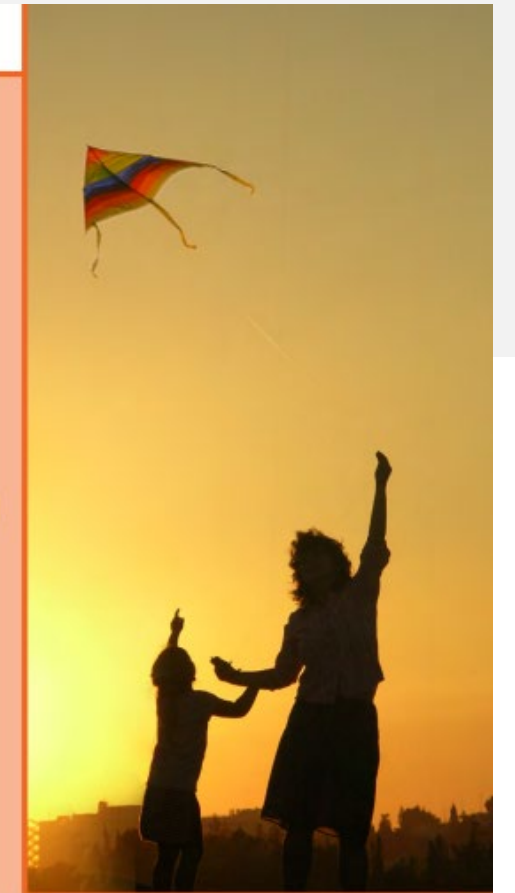
- Bill of Rights sets forth 24 rights
- Two-tiered grievance process – CYFD Constituent Affairs and then Office of Inspector General if not resolved:
 - Level 1: The response to the constituent, from the Protective Services Division management team, is due within 15 business days of time of receipt.
 - Level 2: The RP can file a Level 2 with OIG and they have 30 days to respond from the time of receipt.
- Total RPGs processed= 9 Level 1's and 2 Level 2's

Appendix Five: New Mexico Bill of Rights for Resource Families

- To be treated with dignity, respect, and consideration as integral members of the child welfare team;
- To be notified of scheduled meetings concerning a child in their care to actively participate in the care planning and treatment process unless the child is 14 or older, at which point, they may make their own decision on who attends and participates in their care plan as described in the Youth Bill of Rights;
- To provide input concerning the plan of services for the children in their care and to have that input given full consideration, in the same manner as information presented by any other member of the team, without fear of retaliation;
- To communicate about the child/ren in their care with professionals who work with the child/ren including, but not limited to, their Guardian Ad Litem/ Youth Attorney, therapists, physicians, and school personnel, without fear of accusation of violating the Confidentiality Code or retaliation;
- To receive a written copy of the child's treatment and service plans and any subsequent revisions on a timely basis;
- To receive the completed Child Specific Placement Agreement within 24 hours of the time the child in care is placed in their home;
- To be given pre-service training and appropriate ongoing training, including upon request training relevant to the needs of the child in their care;
- To be informed of and have access to, all agency policies and procedures related to their role as resource families and related to any child for whom they provide substitute care;
- To a fair, timely, and impartial investigation concerning referrals filed against them, and access to a fair and impartial appeal process free from retaliation, according to CYFD policy and procedure. The result of any referral or investigation will be provided to the resource family in writing and within 15 days of its conclusion;
- To be free from acts of harassment and retaliation by CYFD staff;
- To emergency access to CYFD staff on a twenty-four-hour, seven days per week basis. These CYFD staffs have access to individual children's records and are specifically trained to support resource families in emergencies;
- To report misconduct by CYFD employees, service providers, or contractors and to have such reports initiated and investigated within 10 days of the report. CYFD shall take immediate action to remedy any action taken against a resource parent in retaliation for exercising their rights under this section;
- To expect and rely upon the fact that CYFD's decisions regarding them and the children placed in their care will comply with state and federal law;

- To be notified when a child in their care has a case scheduled to be reviewed by the Substitute Care Advisory Council (SCAC). Resource families have the right to participate when a child in their care has a case reviewed by the Substitute Care Advisory Council (SCAC);
- To receive adequate prior written notice of, and an opportunity to be heard at, court hearings regarding a child in their care, as provided by law;
- To submit factually based written statements to the court, as provided by law;
- To be informed of and receive available support services for a child in their care, as provided by CYFD policy and procedure;
- To be notified and considered as a placement option when a child formerly in their home reenters the foster care system;
- To receive full and timely financial reimbursement commensurate with the care and needs of the child, as provided by CYFD policy and procedure. Time is defined as within 30 days of the resource family's request for reimbursement;
- To reasonable assistance from CYFD in dealing with loss and separation when a child in their care leaves their home;
- Resource Families of children with a plan of adoption placed in their home have the right to priority consideration as adoptive parents of those children if relatives have not been identified or are not viable placements;
- To confidentiality regarding personal issues, as provided by law;

- To full disclosure of all medical, psychological, and behavioral issues of children in their care, as provided by CYFD policy and procedure, and nothing in the Confidentiality Code shall be understood to require otherwise;
- In matters concerning licensing, Resource Families have the right to be free from discrimination based on religion, race, color, creed, sexual orientation, national origin, age, marital status, or physical disabilities [03-19-21].



CYFD Human Resources

CYFD Employee Relations Bureau

- The Employee Relations Bureau (ERB) is a part of Human Resources (HR).
- Responsible for:
 - Investigating allegations of employee misconduct.
 - Providing guidance to employees, supervisors, and managers about CYFD policies and procedures.
 - Facilitating Labor Relations.
- Does not investigate clients/constituents or providers, but may interview them if they have information about matters involving CYFD employees.

CYFD Human Resources

CYFD HR Retaliation Policy

- Prohibits retaliation by anyone working for CYFD against anyone else working for CYFD and clients/constituents who have expressed a concern or made a complaint about harassment or discrimination.
- Prohibits retaliation by CYFD employees against any person for raising concerns related to unmet needs of children in CYFD custody or their caregivers.
- Compliments other CYFD policies and procedures broadly prohibiting harassment, discrimination, and retaliation against CYFD employees.

CYFD Human Resources

CYFD HR Retaliation Policy and Investigations

- Retaliation complaints received by Constituent Affairs are sent to HR for investigation by ERB.
- HR investigations and disciplinary matters for CYFD employees are directed by:
 - State and federal labor laws
 - State Personnel Board Rules (New Mexico Administrative Code)
 - Collective Bargaining Agreements
- Investigations and employee disciplinary matters are confidential.

CYFD Human Resources

January 1, 2021 – December 31, 2021 referrals	357
January 1, 2022 – June 30, 2022 referrals	224
Retaliation	<10%

3 Employee Relations Bureau Investigators	
May 1, 2022 – June 30, 2022 interviews	114

Thank you

- **CYFD.org: Enhancing Delivery of Service (beta)**
<https://cyfd.org/enhancing-delivery-of-services-steering-committee>
- **Youth Grievance and Bill of Rights Procedure**
https://cyfd.org/docs/PIG_Revised_youth_grievance_and_bill_of_rights.pdf
- **Resource Family Bill of Rights**
https://cyfd.org/docs/PIG_03-2021-6_RE-ISSUE_PR_11_RF_Rights_Grievance.pdf
- **Retaliation**
https://cyfd.org/docs/CYFD_Retaliation_Policy_March_15_2021_3.pdf