

SCAN Policies Database State Profile 2023: New Mexico

Overview of the SCAN Policies Database

The State Child Abuse and Neglect (SCAN) Policies Database compiles data on the definitions and policies that states use in their surveillance of child maltreatment, along with data on associated risk and protective factors. The SCAN Policies Database is funded by the Office of Planning, Research, and Evaluation in collaboration with the Children's Bureau in the Administration for Children and Families, U.S. Department of Health and Human Services. Mathematica leads this project in partnership with Child Trends.

The project's purpose is to review and compile information from states' definitions and policies to create a database of those definitions and policies that can be used for analysis. The SCAN Policies Database is a resource for researchers, analysts, child welfare agency staff, and others interested in examining differences between states in their definitions and policies on child maltreatment and how they change over time.

Content

The scope of the SCAN Policies Database includes information about state definitions and policies related to child abuse and neglect for all 50 states, the District of Columbia, and the Commonwealth of Puerto Rico. The SCAN Policies Database team gathered this information through a document collection, review, and coding process. The team obtained input from states on data collection through a confirmation and verification process. More information about these data collection procedures can be found in the data user's guide and data collection protocol, accessible at <https://www.scanpoliciesdatabase.com/data-use-resources>.

The SCAN Policies Database 2023 represents data collected, reviewed, and verified between June 2023 and July 2024. The data reflect the state definitions and policies for the calendar year 2023. The scope of topics in the database includes states' definitions of child abuse and neglect, as well as information about policies related to reporting, screening, and investigating child maltreatment. Key aspects of the child welfare systems' response and context are also included.

The content in the SCAN Policies Database is organized into six domains. The state profiles, codebook, data collection protocol, and data file are also organized by these domains. In the protocol, each question begins with a letter prefix identifying the domain for each variable. The six domains with the identifying protocol number prefix are listed below.

| Domain | Question prefix |
|------------------------------|-----------------|
| Definitions | D |
| Reporting | R |
| Screening | S |
| Investigation | I |
| Child welfare response | W |
| Child welfare system context | C |

State profile

This SCAN Policies Database state profile is a summary of the information collected about the definitions and policies for the identified state. Each of the six domains contain a set of tables that depict the state's information for all variables within that domain.

The state profile presents data for each variable with “yes,” “no,” “unknown,” or other response, as appropriate. The response of “unknown” appears for topics that could not be located from the state's available resources or verified with that state. In some cases, “logical skip” appears when a question was not applicable to a particular state, given a related response on a preceding question. Some information was not included in the state profile to ensure alignment with Executive Orders or other Presidential Actions.

Data use resources

Several data use resources are available to support users of the SCAN Policies Database:

- **Data user's guide:** The guide has detailed information about the data set, including the process used to collect and review the data, the scope of information included in the data set, guidance on using the data, such as how to link the data with other data sources, and notes about specific topics. The data user's guide includes appendices, including information about changes to the data between 2021 and 2023 that reflect changes to state laws and policies during that time period. There is one data user's guide that is updated and applicable for all rounds of data collection for the SCAN Policies Database.
- **Codebook:** The codebook provides information about each variable in the data set, including variable names, labels, definitions, protocol number, variable type, and frequencies. There are separate codebooks to summarize the data from each round of data collection.
- **Errata statement:** The errata statement presents corrections applied to previous rounds of data for the SCAN Policies Database. Starting in 2023, there is one errata statement that is updated and applicable for all rounds of data collection for the SCAN Policies Database.
- **Data collection protocol:** The protocol has the questions used to collect information about states' laws and policies as part of the data review and coding process for each round of data collection. There are separate data collection protocols for each round of data collection for the SCAN Policies Database.

These data use resources can be found on the SCAN Policies Database website (<https://www.scanpoliciesdatabase.com/data-use-resources>) or from the National Data Archive for Child Abuse and Neglect (NDACAN) (<https://www.ndacan.acf.hhs.gov/>).

More information

More information about the SCAN Policies Database can be found at <https://www.scanpoliciesdatabase.com>. General inquiries can be submitted to SCANPoliciesDatabase@mathematica-mpr.com.

State identifying information

Table I. State Identifying information

| | Response |
|---|----------|
| State abbreviation | NM |
| State Federal Information Processing Standard (FIPS) code | 35 |
| Census region code | West |
| State verified coding of information | Yes |
| State confirmed documents reviewed | Yes |
| State definitions and policies for calendar year | 2023 |
| Data version | 2023v1 |

Domain D: Definitions of child maltreatment

Table D.I. State's definition of child maltreatment

| | Response |
|---|--|
| 1. Types of maltreatment included in state definition | |
| a. Physical abuse | Yes |
| b. Excessive corporal punishment | Yes |
| c. Sexual abuse | Yes |
| d. Emotional maltreatment | Yes |
| e. Neglect | Yes |
| f. Inadequate clothing | Yes |
| g. Inadequate shelter | Yes |
| h. Malnourishment, inadequate food | Yes |
| i. Medical neglect, inadequate medical care | Yes |
| j. Failure to thrive | Yes |
| k. Educational neglect | Yes |
| l. Abandonment | Yes |
| m. Injurious environment. Likelihood of harm to child's health, physical well-being | Yes |
| n. Drug lab. Child present within structure where methamphetamine is being created | Yes |
| o. Inadequate supervision. Failure to meet parent or caretaker responsibilities | Yes |
| p. Drug or alcohol misuse. Parental drug or alcohol misuse causing harm to child | No |
| q. Prenatal exposure to drugs or alcohol | No |
| r. Illicit substance. Illegally providing a controlled substance to a child | No |
| s. Human trafficking, involuntary servitude, sexual servitude | Yes |
| t. Female genital mutilation | No |
| u. Shaken baby syndrome, abusive head trauma | Yes |
| v. Failure to protect. Failure to protect from harm | Yes |
| w. Domestic violence. Exposure to domestic violence | Yes |
| x. Factitious disorder by proxy | No |
| y. Institutional abuse/neglect | No |
| z. Other definition (specify) | Yes - Child placed in care or adoption in violation of the law |
| 2. Subtypes of maltreatment included in state definition | |
| a. Subtypes of maltreatment considered abuse | Abuse includes physical abuse, emotional abuse, psychological abuse, sexual abuse and exploitation, injurious environment, punishment; Physical abuse includes malnutrition, failure to thrive, shaken baby syndrome |

Table D.I (continued)

| | Response |
|--|--|
| b. Subtypes of maltreatment considered neglect | Neglect includes abandonment, inadequate subsistence, medical neglect, educational neglect, failure to protect, inability to meet parent responsibilities (when parent/guardian/custodian unable to do responsibilities due to incarceration, hospitalization, physical/mental disorder or incapacity), when child placed in care/adoption in violation of the law |
| c. Subtypes of maltreatment considered other than abuse or neglect | Not applicable |
| 3. Level of harm included in state's definition of child maltreatment | |
| a. Inflicts harm | Yes |
| b. Imminent danger or substantial risk of harm | Yes |
| 4. Differences in level of harm included in state's definition of child maltreatment by type of maltreatment | No |
| 5. Type of harm or injury specified in state's definition of child maltreatment | |
| a. Death, bodily injury, impairment of physical condition | Yes |
| b. Impairment of mental or emotional condition | Yes |
| c. Harmful environment, conditions | Yes |
| d. Type of harm or injury not specified | No |
| e. Other (specify) | No |
| 6. Variation in extent of injury or harm by maltreatment type in the state's definition of child maltreatment | No |
| 7. Perpetrator identified as part of state's definition of child maltreatment | Yes |
| 8. Types of perpetrators specified as part of state's definition of child maltreatment | |
| a. Any person | Yes |
| b. Parent | Yes |
| c. Guardian | Yes |
| d. Caregiver/caretaker | Yes |
| e. Family member or parent's paramour | No |
| f. Household member | No |
| g. Person responsible for child | Yes |
| h. Other (specify) | No |

Table D.I (continued)

| | Response |
|---|--|
| 9. Types of perpetrators vary by type of maltreatment | Yes |
| 10. Explanation of variation in types of perpetrator by maltreatment type | Any person can be a perpetrator for human trafficking |
| 11. Child age included in definition of child maltreatment | Yes |
| 12. Specific child age in definition of child maltreatment | Under age 18 with variability under 18 |
| 13. Variability of child age by type of maltreatment | Yes - The abandonment definition specifies different time periods to be considered abandonment based on whether child is under or over 6 years old |

Table D.II. Child maltreatment definition exemptions

| | Response |
|---|------------------------------|
| 1. Exemption included in state's definition of child maltreatment | |
| a. Financial issues, financial inability to provide for a child | No |
| b. Discipline; physical discipline, if it is reasonable and causes no bodily injury to the child | No |
| c. Safe haven exemption; newborn relinquished or abandoned in accordance with infant safe haven and safe surrender laws | Yes |
| d. Infant testing positive for drugs – medical; newborn with positive test for controlled substance due to parent's medical treatment | Yes |
| e. Religious observance; parent relies on spiritual or religious forms of medical treatment | Yes |
| f. Other exemption (specify) | No |
| 2. Safe haven exemption included in state's definition of child maltreatment | |
| a. Must leave a child at specific safe haven locations or designated providers | Yes |
| b. Child must be left by parent or parent's agent | No |
| c. Child must be left by a certain age (specify) | Yes - 90 days old or younger |
| d. No intent to return | No |
| e. Child must be left unharmed | Yes |
| f. Other (specify) | No |

Table D.III. Definitions and response for child fatalities and near-fatalities cases

| | Response |
|---|---|
| 1. State's definition of fatalities or deaths caused by child maltreatment | |
| a. Not specified or defined | No |
| b. Injury from abuse or neglect caused death | No |
| c. Abuse or neglect was contributing factor in death | No |
| d. Death of child who was in child welfare custody or foster care | No |
| e. Other (specify) | Yes - Definition of physical abuse include conditions for child death as the following: (1) there is not a justifiable explanation for the death; (2) the explanation given for death is at variance with the nature of the death; (3) circumstances indicate that the death may not be the product of an accidental occurrence |
| 2. State conducts case reviews with a child fatality review team or a similar review process for fatalities caused by child abuse or neglect | Yes, reviews are required for all or some cases |
| 3. State's definition of near-fatalities or near-deaths caused by child maltreatment | |
| a. Not specified or defined | Yes |
| b. General reference to a serious or critical condition or injury that is life threatening with a substantial risk of death | No |
| c. Specific injury or specific medical treatment or intervention (specify) | No |
| d. Other (specify) | No |
| 4. State conducts case reviews with a review team or similar review process for near-fatalities caused by child abuse or neglect | No |

Domain R: Reporting child abuse and neglect

Table R.I. Reporting policies

| | Response |
|---|-----------------|
| 1. Statewide centralized reporting | Yes |
| 2. Decentralized reporting | Logical Skip |
| 3. Standard for reporting child maltreatment | |
| a. Known abuse and neglect | Yes |
| b. Reasonable cause to believe a child was abused or neglected | Yes |
| 4. Universal mandated reporting | Yes |
| 5. Required training for mandated reporters | No |
| 6. Penalties for failure to report | Yes, all adults |
| 7. Specific penalties for failure to report | |
| a. Criminal charges | Yes |
| b. Civil charges | No |
| c. Professional licensure suspended or revoked | No |
| d. Other (specify) | No |
| 8. Penalties for false reporting | No |
| 9. Specific penalties for false reporting | Logical Skip |
| 10. Immunity for reporters of child abuse and neglect | Yes |
| 11. Information requested at the time of report | |
| a. Identifying information of child | Yes |
| b. Location and contact information of child and family | Yes |
| c. Type and severity of suspected maltreatment | Yes |
| d. Date of suspected maltreatment | Yes |
| e. Identifying and other information of alleged perpetrator(s) | Yes |
| f. Identifying and other information of reporter | Yes |
| g. Identifying information of child's parents, guardian, or caregiver/caretaker | Yes |
| h. Identifying and other information of family or household members | Yes |
| i. Information on prior maltreatment | Yes |
| j. Other (specify) | No |

Table R.I (continued)

| | Response |
|---|---|
| 12. Anonymity of reporter | All reporters can remain anonymous |
| 13. Tribal involvement in state or local public child welfare agency's process to accept reports of Tribal cases | Yes, Tribes directly accept reports - All tribes and pueblos in New Mexico: Navajo Nation; Fort Sill Apache Tribe; Jicarilla Apache Nation; Mescalero Apache Tribe; Acoma Pueblo; Cochiti Pueblo; Isleta Pueblo; Jemez Pueblo; Laguna Pueblo; Nambe Pueblo; Ohkay Owingeh Pueblo; Picuris Pueblo; Pojoaque Pueblo; Sandia Pueblo; San Felipe Pueblo; San Ildefonso Pueblo; Santa Ana Pueblo; Santa Clara Pueblo; Santo Domingo Pueblo; Taos Pueblo; Tesuque Pueblo; Zia Pueblo; Zuni Pueblo |
| 14. State requires all notifications of substance-exposed newborns (SENs) to be submitted as reports of child maltreatment | |
| a. State does not require all cases of SENs to be reported for child maltreatment, but they could be reported if they meet certain criteria | Yes |
| b. State requires all SENs to be reported as child maltreatment | No |
| c. Other (specify) | No |
| 15. Accepts reports of risk without an allegation of child maltreatment (risk-only reports) | No |

Table R.II. Types of mandated reporters

| | Response | Response | Response |
|--|--|--------------------------------|---|
| 1. Types of mandated reporters | Included in state's definition of mandated reporters | Training required ¹ | Subject to penalties for failure to report ² |
| a. Foster parents | Yes | Logical Skip | Yes |
| b. School staff - teachers | Yes | Logical Skip | Yes |
| c. School bus drivers or other transportation staff | Yes | Logical Skip | Yes |
| d. Before- /after-school program staff | Yes | Logical Skip | Yes |
| e. Child care staff | Yes | Logical Skip | Yes |
| f. Camp counselors, directors, or administrators | Yes | Logical Skip | Yes |
| g. Athletic coaches or staff | Yes | Logical Skip | Yes |
| h. Medical or dental professionals | Yes | Logical Skip | Yes |
| i. Substance abuse disorder treatment providers | Yes | Logical Skip | Yes |
| j. Mental health, counselors, or other social service professionals | Yes | Logical Skip | Yes |
| k. Police or other law enforcement | Yes | Logical Skip | Yes |
| l. Emergency medical technicians, firefighters, or other emergency personnel | Yes | Logical Skip | Yes |
| m. Judges | Yes | Logical Skip | Yes |
| n. District attorneys or other attorneys | Yes | Logical Skip | Yes |
| o. Guardians ad litem or court-appointed special advocates | Yes | Logical Skip | Yes |
| p. Other court personnel | Yes | Logical Skip | Yes |
| q. Shelter staff | Yes | Logical Skip | Yes |
| r. Those who work in fields processing or monitoring print, film, or computer images | Yes | Logical Skip | Yes |
| s. Religious clergy | Yes | Logical Skip | Yes |
| t. Volunteers | Yes | Logical Skip | Yes |
| u. Coroners or medical examiners | Yes | Logical Skip | Yes |
| v. Staff or contractors of state and county agencies | Yes | Logical Skip | Yes |

Table R.II (*continued*)

| | Response | Response | Response |
|--|------------------|--------------|------------------|
| w. Other type of mandated reporter (specify) | Yes - Any adults | Logical Skip | Yes - All adults |

¹ Responses in this column can equal logical skip when the given type of mandated reporter is not included in the state's definition of mandated reporters or when no training is required for mandated reporters (Table R.II). Responses in this column can be yes when a state has universal mandated reporting (Table R.I) and all mandated reporters require training (Table R.II).

² Responses in this column can equal logical skip when the given type of mandated reporter is not included in the state's definition of mandated reporters or when no mandated reporters are subject to penalties (Table R.I). Responses in this column can be yes when a state has universal mandated reporting (Table R.I) and when all adults or all mandated reporters are subject to penalties (Table R.I).

Domain S: Screening reports of child abuse and neglect

Table S.I. Screening policies

| | Response |
|--|--|
| 1. Statewide centralized screening | Yes |
| 2. How screening is decentralized | Logical Skip |
| 3. Information required to screen in report | |
| a. Identifying information of child | No |
| b. Location and contact information of child and family | No |
| c. Type and severity of suspected maltreatment | No |
| d. Date of suspected maltreatment | No |
| e. Identifying and other information of alleged perpetrator(s) | No |
| f. Other (specify) | Yes - Collect sufficient information to make a screening decision including (1) information received from the reporting source, (2) information from collateral contacts as available, and (3) results of their review of their central registry system for any previous referrals for child abuse and neglect |

Table S.II. Screening decision process and activities

| | Response | Required cases | Conditions or types of cases |
|---|----------|------------------|------------------------------|
| 1. Decision processes used during screening | | | |
| a. Supervisory review | Yes | Required for all | — |
| b. Team-based decision | No | Logical Skip | — |
| c. Individual screener | No | Logical Skip | — |
| d. Other (specify) | No | Logical Skip | — |
| e. Unknown | No | — | — |
| 2. Variability of decision process used for screening | | | |
| a. Consistent statewide | Yes | — | — |
| b. Varies locally | No | — | — |
| 3. Certain activities or information are required as part of screening | Yes | | |
| 4. Activities or information required as part of screening | | | |
| a. Safety or risk assessment | Yes | Required for all | Not applicable |
| b. Review agency records for prior involvement with child protective services | Yes | Required for all | Not applicable |
| c. Other (specify) | No | Logical Skip | Not applicable |
| 5. Types of safety or risk assessment used during screening | | | |
| a. Structured decision making | Yes | — | — |
| b. Other (specify) | No | — | — |
| 6. Consistency of screening activities/information | | | |
| a. Consistent statewide | Yes | — | — |
| b. Varies locally (specify) | No | — | — |

Table S.III. Screeners

| | Response |
|---|--|
| 1. Screener of abuse and neglect reports | |
| a. Caseworkers (frontline staff) | No |
| b. Case managers (supervisors) | Yes |
| c. Staff in specialized screening unit | Yes |
| d. Other (specify) | No |
| 2. Qualifications of screener | |
| a. Associate's degree | Yes |
| b. Bachelor's degree | Yes |
| c. Master's degree | No |
| d. Training for screening (specify) | No |
| e. Years of experience (specify) | Yes - 4 years of experience and a high school diploma or 2 years of experience and an associate's degree can be substituted for a bachelor's degree |
| f. Other (specify) | Yes - High school diploma |
| 3. Degree in social work or related field for screeners | No |
| 4. Tribal involvement in state or local public child welfare agency's process to screen Tribal cases | Yes, Tribes directly conduct screening - All tribes and pueblos in New Mexico: Navajo Nation; Fort Sill Apache Tribe; Jicarilla Apache Nation; Mescalero Apache Tribe; Acoma Pueblo; Cochiti Pueblo; Isleta Pueblo; Jemez Pueblo; Laguna Pueblo; Nambe Pueblo; Ohkay Owingeh Pueblo; Picuris Pueblo; Pojoaque Pueblo; Sandia Pueblo; San Felipe Pueblo; San Ildefonso Pueblo; Santa Ana Pueblo; Santa Clara Pueblo; Santo Domingo Pueblo; Taos Pueblo; Tesuque Pueblo; Zia Pueblo; Zuni Pueblo |

Domain I: Investigations of child abuse and neglect

Table I.I. Investigations policies

| | Response |
|--|---|
| 1. Findings from child maltreatment investigations can lead to criminal penalties | Yes |
| 2. Investigator for reports | |
| a. Caseworkers (frontline staff) | Yes |
| b. Case managers (supervisors) | Yes |
| c. Staff in specialized investigations unit | No |
| d. Law enforcement | No |
| e. Other (specify) | No |
| 3. Qualifications of investigator | |
| a. Associate's degree | Yes |
| b. Bachelor's degree | Yes |
| c. Master's degree | No |
| d. Training for conducting investigations (specify) | No |
| e. Years of experience (specify) | Yes - 4 years of experience and a high school diploma or 2 years of experience and an associate's degree can be substituted for a bachelor's degree |
| f. Other (specify) | Yes - High school diploma; Valid driver's license |
| 4. Degree in social work or related field for investigators | No |
| 5. Level of evidence required for substantiation (founded/indicated/confirmed) | Credible or substantial evidence |
| 6. Investigation determination can result in an "inconclusive" finding | No |

Table I.II. Required activities/information for investigation

| | Response | Required cases | Conditions or types of cases |
|---|----------|-------------------|------------------------------|
| 1. Certain activities or information required for the investigation process | Yes | | |
| 2. Specific activities or information required for investigation | | | |
| a. Review agency records for prior involvement with child protective services | No | Logical Skip | Not applicable |
| b. Visit to child's home | Yes | Required for all | Not applicable |
| c. Interview or observation of child victim | Yes | Required for all | Not applicable |
| d. Interview or observation of other children living in child's home | Yes | Required for all | Not applicable |
| e. Risk or safety assessment | Yes | Required for all | Not applicable |
| f. Evaluation of home environment or home study | Yes | Required for all | Not applicable |
| g. Interviews with child's parents, caregivers, or other adults residing in child's home | Yes | Required for all | Not applicable |
| h. Check of criminal records for adults in home | Yes | Required for all | Not applicable |
| i. Check of child welfare or central registry for prior child maltreatment allegations against adults in home | Yes | Required for all | Not applicable |
| j. Medical evaluation | Yes | Required for some | As required |
| k. Mental health evaluation | Yes | Required for some | As required |
| l. Interview alleged perpetrator | No | Logical Skip | Not applicable |
| m. Interview reporter or collateral source | Yes | Required for all | Not applicable |
| n. Other (specify) | No | Logical Skip | Not applicable |

Domain W: Child welfare response

Table W.I. Differential or alternative response

| | Response |
|--|---|
| 1. Differential/alternative response | Yes--implemented statewide |
| 2. Types of maltreatment eligible for differential/alternative response | Only certain types of maltreatment are eligible |
| 3. Types of maltreatment <u>not</u> eligible for differential/alternative response | |
| a. Cases involving child fatalities and near-fatalities | Yes |
| b. Substance-exposed infants | No |
| c. Physical abuse | No |
| d. Sexual abuse | Yes |
| e. Neglect | No |
| f. Abandoned infants | No |
| g. Other (specify) | No |
| 4. Eligibility for differential/alternative response determined by a risk determination | No |
| 5. Tools used to determine risk for differential/alternative response | Logical Skip |
| 6. Risk level eligible for differential/alternative response | Logical Skip |
| 7. Other types of cases or conditions eligible for differential/alternative response | |
| a. No other cases or conditions | No |
| b. No immediate safety concerns | Yes |
| c. No or few prior reports of child abuse or neglect | No |
| d. Other (specify) | Yes - Cases without serious threat of imminent harm to a child, no immediate safety concerns, does not require law enforcement involvement, and does not require specialized assessment or a traditional investigative approach |
| 8. When is determination made for differential/alternative response | |
| a. At the time of screening to assign to differential response | Yes |
| b. After a report is screened in | No |
| c. Other (specify) | No |
| 9. Referrals to community services for cases engaged in differential response | |
| a. No | No |
| b. Yes - for all cases | No |
| c. Yes - when families express interest | No |
| d. Yes - when there is a determination of risk | No |
| e. Yes - other (specify) | Yes - Based on the results of the family assessment |

Table W.II. In-home services, foster care, and permanency

| | Response |
|---|---|
| 1. In-home services provided for unsubstantiated cases to maintain intact families | Yes--implemented in specific counties or regions |
| 2. In-home services provided post reunification | Yes--implemented statewide |
| 3. Permanency | |
| a. Kinship guardianship as a permanency option | Yes |
| b. Subsidized guardianship | Yes |
| c. Subsidized kinship guardianship | No |
| d. Subsidized adoption | Yes |
| 4. Foster care case management staff | |
| a. State/county public agency staff | Yes |
| b. Contracted provider staff | No |
| c. Tribal agency staff | No |
| 5. Qualifications of foster care case managers | |
| a. Associate degree | No |
| b. Bachelor's degree | No |
| c. Master's degree | Yes |
| d. Training for case management (specify) | No |
| e. Years of experience (specify) | Yes - 2 years of experience including working with communities, working on health or social service related matters, social work/case management experience, behavioral health and/or health care |
| f. Other (specify) | Yes - A current license or eligibility for licensure for a Doctoral Level Psychologist, Psychologist Associate, LISW, LMSW, LPC, LPCC, LMHC or LMFT |
| 6. Degree in social work or related field for foster care case managers | Yes, required |

Table W.III. Tribal foster care and Tribes that directly operate Title IV-E programs through an agreement with HHS

| | Response |
|--|--|
| 1. Tribal involvement in foster care for Tribal cases | Yes, Tribes within state provide foster care - All tribes and pueblos in New Mexico: Navajo Nation; Fort Sill Apache Tribe; Jicarilla Apache Nation; Mescalero Apache Tribe; Acoma Pueblo; Cochiti Pueblo; Isleta Pueblo; Jemez Pueblo; Laguna Pueblo; Nambe Pueblo; Ohkay Owingeh Pueblo; Picuris Pueblo; Pojoaque Pueblo; Sandia Pueblo; San Felipe Pueblo; San Ildefonso Pueblo; Santa Ana Pueblo; Santa Clara Pueblo; Santo Domingo Pueblo; Taos Pueblo; Tesuque Pueblo; Zia Pueblo; Zuni Pueblo |
| 2. Tribes directly operate a Title IV-E program through an agreement with US HHS | Yes |
| 3. Number of Tribes that directly operate a Title IV-E program through an agreement with US HHS | 1 |
| 4. Specify Tribes that directly operate a Title IV-E program through an agreement with US HHS | Navajo Nation |

Table W.IV. Indian Child Welfare Act (ICWA)

| | Response |
|---|----------|
| 1. Federal ICWA requirements codified in state law | Yes |
| 2. Federal ICWA requirements that are codified in state law | |
| a. Identifying a child's Tribal status | Yes |
| b. Use of active efforts to prevent removal/reunite families | Yes |
| c. Notification of child's parents and Tribe for child custody proceedings | Yes |
| d. Actively working to involve a child's parents and Tribe during the custody proceedings | Yes |
| e. Identifying a foster care or pre-adoptive placement using ICWA preferences provisions | Yes |
| f. Use of qualified expert witnesses | Yes |
| 3. State law codifying ICWA includes state-recognized Tribes | No |

Table W.V. Extended foster care

| | Response |
|--|---|
| 1. Foster care extension for youth older than age 18 | Yes |
| 2. Age youth are allowed to remain in extended foster care | Up to age 21 (until 21st birthday) |
| 3. Youth must proactively request, provide consent, or opt-in to receive extended foster care | Yes |
| 4. Criteria for youth to remain in extended foster care | |
| a. There are no criteria to remain in extended foster care | No |
| b. Enrolled in school | Yes |
| c. Employed | Yes |
| d. Participating in workforce development/training program | Yes |
| e. Comply with independent living/self-sufficiency plan | No |
| f. Receive independent living or other services | No |
| g. Medical condition exemption | Yes |
| h. Other (specify) | No |
| 5. Reentry to extended foster care allowed for youth older than age 18 who aged out or left foster care | Yes |
| 6. Conditions for youth to reenter extended foster care | |
| a. Youth consent or sign a voluntary placement agreement | Yes |
| b. Youth develop an independent living plan | No |
| c. It is in the best interest of the youth | No |
| d. Other (specify) | Yes - A young adult who has previously participated in the extended foster care program may re-enter the program at any time before their 21st birthday if they meet eligibility criteria |

Domain C: Child welfare system context

Table C.I. Child welfare system context

| | Response |
|--|--------------------|
| 1. State- or county-administered child welfare system | State-administered |
| 2. State operates under legal consent decree or other court-ordered monitoring | No |

Supplemental Notes on State

Definitions

Safety tool identifies a caregiver as "an adult, parent, guardian, or custodian in the household who provides care and supervision for the child."

Reporting

Although the state has universal mandated reporting, the state statute specifies certain types of professional mandated reporters who are subject to penalties for failure to report:

1. Every person;
2. Licensed physician;
3. Resident or an intern examining, attending, or treating a child;
4. Law enforcement officer;
5. Judge presiding during a proceeding;
6. Registered nurse;
7. Visiting nurse;
8. School employee;
9. Social worker acting in an official capacity; or
10. Member of the clergy who has information that is not privileged as a matter of law.

Although the department does not provide any training on mandated reporting, other entities may take on that responsibility and offer training.

Child welfare response

All screened out reports are referred to the New Mexico Family Resource Connection (NMFRC) program which may include an alternative to an investigation upon completion of evaluation that indicates there are no immediate safety concerns. Families may choose to accept or decline services or programs offered through NMFRC.

State Statutes and Policy Documentation Sources

Child Protective Services, N.M. Admin. Code. § 8-10 (2021).

Children's Code, N.M. Stat. Ann. §§ 32A-1-1–32A-25-5 (2023).

Criminal Offenses, N.M. Stat. Ann. §§ 30-1-1–30-53-1 (2018).

Domestic Affairs, N.M. Stat. Ann. §§ 40-1-1–40-16-1 (2019).

H.B. 376, 54th Legislature, 2019 Reg. Sess. (New Mexico 2019).

Health and Safety, N.M. Stat. Ann. §§ 24-1-1–24-31-1 (2021).

Indian Child Welfare Act Intergovernmental Agreement Between the New Mexico Children, Youth, and Families Department and the Navajo Nation Division of Social Services (2018).

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New Mexico Children Youth and Families Department (2022). Fostering Connections Update.

New Mexico Children, Youth, and Families Department. (2023). Report Abuse or Neglect.

New Mexico Children, Youth, and Families Department, & National Council on Crime and Delinquency Children's Research Center. (2020). The Structured Decision Making (SDM).

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State of New Mexico. (2018). CPS In Home Service Practitioner.

State of New Mexico. (2024). CPS Investigation Case Worker.

State of New Mexico. (2024). Statewide Central Intake Worker.