Kevin S.: A Lawsuit to Fix New Mexico’s Broken Foster Care System

Fourteen children in New Mexico’s foster care system, joined by Disability Rights New Mexico and the Native American Disability Law Center, demand that the state agencies responsible for foster care in New Mexico provide the state’s 4,700 foster children with the essential care, stability, treatment, and support that they need to grow and thrive.

Despite a budget of over $33 million for fiscal year 2019, New Mexico’s child welfare system remains among the worst in the nation.

It is the State’s responsibility to protect the health and wellbeing of the children in its care. Every child entering foster care in New Mexico is highly likely to have experienced multiple forms of trauma. We know that exposure to complex trauma deeply impacts the development of a child. When unaddressed, the effects of trauma often result in problems with sleep, cognition, behavior, and emotional self-regulation.

The experiences of the Kevin S. plaintiffs painfully illustrate that children in state custody in New Mexico are repeatedly re-traumatized by being uprooted and cycled in and out of short-term emergency placements, such as homeless shelters, government offices, and residential treatment centers.

For years, New Mexico has simply pushed its most vulnerable children through a broken foster care system as if they do not matter. The fourteen children who are plaintiffs in this case are taking a stand to hold accountable the child welfare system that has failed to keep them safe. New Mexico has the tools and expertise needed to immediately improve the way it serves children in state custody. It is time the State steps up.

VIEW THE COMPLAINT, FREQUENTLY ASKED QUESTIONS, AND PLAINTIFF PROFILES AT PUBLICCOUNSEL.ORG/NEWMEXICO
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WE KNOW WHAT WORKS

An effective child welfare system must include:

Sufficient numbers of case workers, foster parents, and mental health professionals to ensure stable and supportive placements;

Screening for trauma and swift provision of appropriate, adequate, and coordinated behavioral health services;

Consistent monitoring of children’s health and treatment;

A holistic wraparound model that:
(1) facilitates collaboration between those responsible for providing care and services,

(2) ensures an individualized planning process for each child and

(3) focuses on sustaining relationships.

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