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ICPC Office Hours: Monday - Friday, 8:00 to 5:00 p.m., Mountain Standard Time Zone.

FAX: (505) 827-8400

GENERAL INFORMATION

ICPC Code Citation. 32A-11-1 NMSA 78 Comp.

Statutory Penalties Under Article IV. It is a misdemeanor to operate as a child placement agency without a license. A child placed for care or adoption in violation of law is deemed a "neglected" child under the Children's Code 32A-1-1. (4) NMSA 78 Comp.

Age of Majority. 18 years. (28-6-1 NMSA 78 Comp.)

Court Jurisdiction. Matters dealing with neglect and abuse, termination of parental rights, adoption and the Interstate Compact on the Placement of Children are within the jurisdiction of the Children's Court, a division of the District Court. (32A-1-1-NMSA 78 Comp.)

REQUIREMENTS

Reports. Quarterly report on child's progress is required.

Licensing Requirements: Child placement agencies are to be licensed by CYFD NMSA 78 Comp. Foster homes are also licensed by the Department. (9-8-13 NMSA 78 Comp.)

SPECIAL INFORMATION

Custody Investigation Requests: This service is not provided by the Department (CYFD) unless there is an indication of potential abuse, neglect or exploitation of the child in his current situation. In instance of alleged abuse or neglect, the matter will be referred to the County Protective Services Office. It will open a protective services case and investigate the home setting and care which the child is currently receiving.

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PLACEMENTS

Independent Adoptive Placements: Lawful. ICPC procedures must be followed by the parties involved. Consents or relinquishments are to be executed 48 hours after birth of child, taken in front of a Judge and contain information required by statute (Section 32A-5-21 et. seq., NMSA 1978 (the Act)). Adoptive studies must be conducted 30 days prior to placement of child if placed by parents, and will be paid for by petitioners. Adoptive studies must be conducted by a licensed adoptive agency or, if it is an independent adoption, an individual with an MSW or equivalent degree certified by the Department. Written reports must be filed with the court and must address areas outlined in the Statute. An order allowing placement must be obtained by the petitioners' attorney prior to placement for independent adoptive placements made into New Mexico. (32A-5-13 NMSA 1978.)

Adoption Petition: Residency for at least six months required. Petition must be filed within sixty days of placement if child is under one year old, or within one hundred and twenty days if child is over one year old at time of placement. Final decree may be entered if ninety days have passed since the filing of the petition for adoption.

Residential Placements:

-Placements Requiring Interstate Approval: ICPC approval required after acceptance by facility.

-Requirements for Placements: Residential treatment center placements do require Compact approval, for which normal procedures are followed. Statement indicating why placement in a N.M. facility is in the child's best interest.

-Approval of Facilities: Department of Health, P.O. Box 968, Santa Fe, New Mexico 87503, Telephone: (505) 984-0020.

-Rate Setting: Facilities set their own rates. Sending agencies must negotiate with the facility for each child.

-Monitoring of the Child: Provisions are set for self-monitoring. Monthly progress reports are required. A six-month assessment is mandatory and justification for continued placement must be made and approved.

-Philosophy for the Placement of Non-Resident Youth: Currently there exists no written policies.

Requirements for Foster Care Placements: A license is required and home approved by CYFD prior to the placement, of any child into foster care.

PAYMENTS

TANF Payments: Sending state is ultimately financially responsible for the child. TANF is provided for by New Mexico Human Services Department upon placement with a relative if need is established.

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Medicaid Payments: As long as the State of New Mexico is legally responsible for the child, responsibility for Medicaid will belong to New Mexico. If child is IV-E eligible, receiving state will issue their Medicaid card.

Foster Care Payments on Behalf of Children in Out-of-State Placements: Two conditions currently exist: (1) If a child moves out of state with his/her foster parent(s), payment will be based on New Mexico rates; (2) If out-of-state placement is made through the Interstate Compact, payment can be made at the receiving state's rate (this requires approval before placement is granted).

Special Education Payments: Child may attend public school programs and be entitled to special education.

USEFUL TELEPHONE NUMBERS

Child Abuse Inquiry: Inquiries may be made to the local county office or call statewide central intake at (800) 797-3260.

Juvenile Compact Office: Interstate Placements Unit. Dale Dodd, (505) 827-8478.

Mental Health Compact Office: Barbara Glenn, (505) 454-2441, P.O. Box, Las Vegas Medical Center, Las Vegas, New Mexico 87701, or (505) 827-2954.

Adoptions and Medical Assistance Compact Office: Emily Garcia, (505) 827-8413.