

State of New Mexico
Children Youth and Families Department



Child Protective Services Glossary of Terms

Central Register: The central registry is a list of individuals identified as having been responsible for child abuse or neglect following an investigation either by law enforcement, CYD, or both.

Central Registry: Data pertaining to child abuse or neglect.

Child Maltreatment: Maltreatment occurs when a child age birth to through 17 is physically, emotionally, or sexually harmed.

Abuse:

- **Physical:** Information indicates the existence of an injury that is unexplained; not consistent with the explanation given; or is non-accidental. The information may also only indicate a substantial risk of bodily harm.
- **Emotional:** Information indicates psychopathological or disturbed behavior in a child, which is documented by a psychiatrist, psychologist, or licensed mental health practitioner to be the result of continual scapegoating, rejection, or exposure to violence by the child's parent/caregiver.
- **Sexual:** Information indicates any sexually oriented act, practice, contact, or interaction in which the child is or has been used for the sexual stimulation of a parent, the child, or other person.

Neglect:

- **Emotional neglect:** Information which indicates that the child is suffering or has suffered severe negative effects due to a parent's failure to provide the opportunities for normal experience which produce feelings of being loved, wanted, secure and worthy. Lack of such opportunities may impair the child's ability to form healthy relationships with others.
- **Physical neglect:** The failure of the parent to provide for the basic needs, or provide a safe and sanitary living environment for the child.
- **Medical Neglect of Handicapped Infant;** the withholding of medically indicated treatment (appropriate nutrition, hydration and medication) from a disabled infant with life-threatening conditions. Exceptions include those situations in which the infant is chronically and irreversibly comatose; the provision of this treatment would merely prolong dying or not be effective in ameliorating or correcting all of the infant's life-threatening conditions, and the provision of the treatment itself under these conditions would be inhumane.

Child Welfare: A broad spectrum of services that starts with assessment of safety and risk to the child and provides needed intervention when indicated. It includes services that help to preserve families and enhance family strengths and functioning by actively engaging families decision making, assessing needs and linking with resources. It also includes services that children require when out of the home foster care, and different levels of group and therapeutic living arrangements. Finally, when children aren't able to return safely home, children are assisted to permanent living arrangements through services such as adoption, guardianship, or other long-term arrangements.

Family Assessment; An in-depth assessment of family issues where their contributing factors are identified. This assessment lays foundation for a family-centered, child focused approach to case planning and service delivery.

Findings: There are five categories of findings: Court substantiated, petition to be filed, Inconclusive, Unable to locate, and Unfounded.

- **Court Substantiated:** A District Court, county Court, or Separate Juvenile Court has entered a judgment of guilty on a criminal complaint.
- **Petition to be filed:** a criminal complaint indictment or information or a juvenile petition that has been filed in District Court, county, court, or Separate Juvenile Court, and that allegations of the complaint, indictment, information, or juvenile petition relate or pertain to the same subject matter as the report of abuse or neglect.
- **Inconclusive:** The evidence indicates it is more likely than not (preponderance of evidence standard) that the child abuse or neglect occurred, and court adjudication did not occur.
- **Unable to Locate:** Subjects of the maltreatment report have not been located after a good-faith effort on the part of the CYFD/CPS.
- **Unfounded:** All reports not classified as "court substantiated" "Petition to be filed," "Inconclusive," or "unable to locate," will be classified as "Unfounded".

Intake: The process of documenting all Child Welfare related contacts with CYFD/CPS. Intake includes the activities associated with the receipt of a referral, the assessment of screening, the decision to accept, and the referral of individuals or families to services. In New Mexico this occurs when reporters call Statewide Centralized Intake (SCI) located in Albuquerque and staffed 24 hours. SCI staff complete assessment and other structured decision making tools to determine how CYFD or other agencies will respond based on the information provided.

Initial Investigation: The gathering and analyzing of information in response to reports of suspected child abuse or neglect, to determine which families need further intervention. During this phase the CPS worker is primarily concerned with child safety. The CPS worker determines if child maltreatment did occur, determines the level of risk, and arranges services as necessary to protect the child.

Perpetrator: The person who was found to have committed an offense, as in abuse or neglect of a child.

State Ward: When a court of competent jurisdiction gives custody of a child under the age of 18 to the state, that child becomes a ward of the state. This is

done to provide for safety and/or facilitate the provision of services. The state acts as the child's parent.

Custody Standard: The federal laws regarding risk of child abuse/ neglect are interpreted liberally in New Mexico. Investigations regarding child abuse and neglect can be based on the perceived risk of potential abuse and do not require the abuse to have been perpetrated in order for the state to investigate. The safety and protection of the alleged child victim is always the overriding standard when assessing or determining custody.

State Custody: Children can enter state custody in New Mexico by one of two methods. Children can be placed into CYFD custody in an emergency for a maximum of 48 hours by any law enforcement officer in New Mexico. During this period CYFD will assess the situation and either return the child home at 48 hours or file a petition for continued custody with the district court. If the child is not returned home by CYFD within this time period an affidavit for continued or *Ex Parte* custody is provided to the court and the court will rule on the evidence of the affidavit within this 24 hour time period. The court can dismiss or place the child in continued *Ex Parte* custody for up to 10 days. Parents do not have a legal right to be present at the Ex Parte custody hearing but do have a legal right to be heard before the court within the initial 10 days of a child being placed in state custody.

Any person can also petition the district court to place a child in the custody of the state due to the perceived risk of abuse or neglect. The court will rule based on the preponderance of evidence submitted to the court and may place a child in the temporary custody of the state for no longer than 10 days.

A note on *legal* time: Once a child is placed into the custody of the state *legal* time overrides calendar time. Legal time is determined by the number of work (or court) days and do not include weekend days or holidays on which the court is closed. In the event a child is placed into 48 hour emergency custody on a Friday the 48 hour custody would expire by close of business in Tuesday. In this case if the following Monday were a national holiday the 48 hour emergency custody would expire by close of business on Wednesday.

Ex Parte Custody Hearing: Occurs before a district court judge within 48 hours of a child being placed in the custody of the state by a law enforcement officer. The state can also request this hearing by providing an affidavit for ex parte custody as described above. Parents are not present at this hearing and the judge rules on the evidence presented by the state.

Custody Hearing: (Also called the 10-day or initial custody hearing). State law requires that a hearing be held in district court within 10 legal days of a child being placed in the custody of the state by ex parte custody. The state, children and parents are represented and/ or heard at this hearing in which the court determines if enough evidence is provided by the state for continued custody of up to 120 days. The court may order assessments to determine family needs requested by the state at this hearing.

Adjudication and Disposition: (also called the adjudicatory hearing) This hearing is held within 120 days of the initial custody hearing. The court will rule

on whether the child has been abused or neglected and may order services for the family and continued custody.

Judicial Review: This hearing is held between the adjudicatory hearing and the initial permanency hearing for all parties to the case in order to review the progress in alleviating the causes and conditions that led to the court ordering the child into state custody.

Initial Permanency Hearing: By the end of the 12th month of custody the state must provide evidence to the court at the initial permanency hearing that the causes and conditions that led to the abuse have not been alleviated and that the child's safety cannot be assured if returned to the home. Unless the permanency plan for the child has changed to something other than a return home prior to this hearing and approved by the court the state can also recommend an alternative permanency plan at this hearing.

Subsequent Permanency Hearing: This hearing is held within three months of the initial permanency hearing to review the status of the case and review the plan for achieving permanency for children within 24 months of custody.

Subsequent Judicial Reviews: In the event the child is not returned home within 18 months of custody these hearings are held every six months to review the status of the case until permanency is achieved.

CRB/ Citizen's Review Board: Legislatively mandated volunteer boards of child advocates are active in most counties in New Mexico. These boards hold meetings for parties to child abuse cases every six months and make independent recommendations to the court as to the status and direction of the case. CRB members are entitled to all information related to their cases.

CASA/ Court-appointed Special Advocates: Legislatively mandated volunteer organization that operates in most New Mexico judicial districts. The court or other parties to the case may request a CASA be assigned to a child abuse case by order of the court. The CASA becomes an integral member of the case by advocating for what they believe are the best interests of the child and make recommendations to the court. CASAs are entitled to all information related to their cases.

Concurrent Plan: Children who enter foster care are screened for a potential concurrent permanency plan. A concurrent plan/ concurrent placement occurs when circumstances in the case indicate the child may not be able to safely return home. Foster parents who agree to a concurrent foster care placement make a commitment to adopt the child if they become available for adoption or become a permanent support for the child.

Traveling File: A traveling file is created for children in foster care over 60 days which includes their medical, education, demographic and historical information. These files travel with the child in the event the child's placement changes.
Information

Life Book: Life books are created for children in foster care over 60 days. These books chronicle the child's activities while in foster care and may include photos and information about birth relatives, siblings, foster families, friends or anything

import in the child's life. Life books remain permanently with the child as a historical reference of the child's time spent in foster care.

Permanency: Each child in care is assigned one of five potential permanency plans that will guide services to ensure the child achieves the goal of placement in a safe, loving and permanent family environment. Unless the state proves unusual circumstances in a case at the adjudicatory hearing a child's first permanency plan is always *reunification*, sometimes also referred to as *return-home*. Other permanency plan options include: *adoption*, *permanent guardianship*, *placement with a fit and willing relative* or *planned permanent living arrangement*. Permanent plans are recommended by CYFD and approved by the court. A permanent plan for all children entering care is expected to be finalized within 24 months of entering care.

TPR/ Termination of Parental Rights: In some cases children are abandoned by their parents or cannot return to their care. In some of these cases the state may recommend the state pursue a termination of parental rights trial. During these trials the court will rule on evidence presented to the court as to whether a parent's legal rights to their children should be terminated. The courts may subsequently establish another legal parent-child relationship by means of adoption. Parents may appeal the district courts decision regarding termination of parental rights. There are currently no laws or regulations regarding time frames for higher court decisions. Appeals place children in "legal-limbo" until a decision by the appeals court is made.

"It Depends": This statement is used widely in child welfare services. Just as all individuals and families are unique, circumstances and situations related to all child protective services cases are variable and differ widely. Each case presents its own unique set of issues, weaknesses, strengths and opportunities. Situations and circumstances are different in the case of every child we serve so we must respond to each child, family and case differently to preserve families, protect each child's best interests and achieve permanency for all children.



FIT Early Intervention Glossary of Terms

Annual Review: IFSP team meeting held each year to evaluate and, as appropriate, revise the child's IFSP.

Assessment an ongoing process including the use of tests and tools to identify your child's or family's needs and strengths.

BABYNET - the statewide information and referral line (1-800-552-8195).

CME: A Comprehensive Multi-Disciplinary Evaluation is a group or team of persons responsible for evaluating the abilities and needs of an infant or toddler to determine whether or not the infant or toddler is eligible to receive early intervention and/or related services.

Child's Record – is the file that includes evaluations, reports, progress notes and the child's IFSP, which is maintained by the service coordinator.

Community Partners: Family, friends, neighbors, church organizations, health care systems, specialized childcare, social services, educational services, and other resources a family needs to care for an infant or toddler with a disability as close to home as possible.

Consent: The parent gives permission for the agency(ies) to evaluate the child, provide services, share information with other agencies.

Cultural Competence: Respect for the beliefs, interpersonal styles, attitudes, and behaviors both of families who access or are referred to early intervention

services and the staff who provide them. Early Intervention policy, administration and practices reflect this competency.

Developmental Delay: Any of the disability classifications or conditions which qualifies a child for early intervention services.

Due Process Hearing – a hearing involving a hearing officer who rules on evidence related to a disagreement between a parent and an early intervention provider .professional judgment.

Early Intervention Program: The point of entry to service coordination for eligible infants and toddlers as identified by each Early Intervention provider via the stat system contract.

Early Intervention Services: The early Intervention system contains entitled services and access to other available services designed to meet the developmental needs of each eligible infant or toddler with disabilities and the needs of the family related to enhancing the development of their infant or toddler.

Entitlement: Benefits of a program granted by law to persons who fit within the defined eligibility criteria. Entitlement through Early Intervention ACT includes services coordination and development of the (IFSP) Individual Family Services Plan.

Family: Parent(s) guardian(s),and/or other person identified by the family.

IFSP: The Individual Family Service Plan is a process for providing early intervention services which results in a written plan for the provisions of those services that includes goals, outcomes, location duration and intensity of each service provided.

IDEA: The Individuals with Disabilities Education Act: A federal law that establishes the Part C Early Intervention Program for Infant and Toddlers with a disabilities.

Lead Agency: The Department of Health, Family Infant Toddler Program is the lead agency appointed and responsible for planning, implementation, and administration of the federal early intervention program and the Early Intervention Act (Part C).

Mediation - a way to settle a conflict so that both sides win. Parents and other professionals discuss their differences and, with the help of a trained and independent mediator, reach a settlement that both sides accept.

Native Language: Mode of communication normally used by the child's family.

Natural Environments – settings that are natural or normal for the child's age peers, who have no disabilities and include the home, childcare and other community settings.

Outcomes - statements of changes you want for your child and family that are documented in your IFSP.
in situations where there is no other person to act as parent at the IFSP).

Referral - when a parent or professional (with the parent's permission) thinks that a child may benefit from early intervention services and makes contact with CMS (Children's Medical Services) or a local early intervention provider agency.

Service Coordinator - a person who works with your family to help coordinate the evaluation, the IFSP and early intervention services as well as other community support and resources for your child and family.

Special Education - specially designed instruction and services to meet the education needs of children over the age of three. Provided by the local school district for children who are eligible in preschool or other settings.

Strategies - the methods and activities developed to achieve outcomes. Strategies are written into the IFSP.

Transition - the process of planning for support and services for when your child will leave the Family Infant Toddler Program or if you move to a new community.

Surrogate Parent- means the person appointed in accordance with these regulations to represent the eligible child in the IFSP Process when no parent can be identified or located or the child is a ward of the state. A surrogate parent has all the rights and responsibilities afforded to a parent under Part C of IDEA.