8.26.2 NMAC

ISSUING AGENCY: Children, Youth and Families Department (CYFD), Protective Services Division (PSD).

SCOPE: Protective services division employees, CYFD licensed foster and adoptive families, and the general public.


DURATION: Permanent.

EFFECTIVE DATE: May 29, 2009, unless a later date is cited at the end of a section.

OBJECTIVE: To establish standards for the provision of foster care adoption services for children in PSD custody and for families who are seeking to foster and adopt, or current foster parents who want to adopt those children.

DEFINITIONS:
A. “Administrative appeal” is a formal hearing for families whose license has been revoked, suspended, or not renewed. The family has the opportunity to present evidence to an impartial hearing officer in accordance with CYFD’s Administrative Appeals regulations 8.8.4 NMAC.
B. “Administrative review” is an informal process that may include an informal conference or record review, and does not create any substantive rights for the family.
C. “Adoptee” refers to any person who is the subject of an adoption petition.
D. “Adoption” is the establishment of a court sanctioned legal parental relationship between an adult and a child.
E. “Adoption subsidy” is a third party payment program that may include reimbursement for adoption related expenses, monthly maintenance payments, medical provisions, or payments for pre-approved expenses for pre-existing conditions.
F. “Adoption tax credit” is a federal or state tax credit program that may be available to families who adopt children from foster care.
G. “Adoptive home” refers to:
   (1) a foster home licensed by PSD or a licensed child placement agency who chooses to adopt a foster child; or
   (2) a family approved by a private agency or a licensed individual to adopt a child.
H. “Assessment” is the process of collecting information and conducting interviews with applicants by the licensing agent, and evaluating that information to determine the suitability of an applicant for a foster parent license.
I. “Best interest adoptive placement” is the adoption placement considered by PSD staff to be the most appropriate placement to meet the child’s needs and best interest.
J. “Case management team” means the group of individuals with responsibility for implementing the case plan which may include PSD staff, parents or relatives, and the child if age appropriate.
K. “Community service providers” refers to organizations or individuals that provide support services to families, and may include CYFD contractors or any public or private agency or individual.
L. “Concurrent plan” refers to case planning and legal practices providing reunification services while simultaneously implementing an alternative case plan should the reunification efforts be unsuccessful.
M. “Consent to adoption” is a document signed by the adoptee if the child is fourteen (14) years of age or older consenting to the adoption.

N. “Conversion adoption” refers to an adoption in which the child’s foster parents have adopted the child.

O. “CYFD” means the New Mexico children, youth and families department.

P. “Disruption” means the removal of a child by CYFD from a pre-adoptive home after an adoptive agreement has been signed, but prior to the finalization of the adoption.

Q. “Dissolution” means the legal termination of an adoption.

R. “Fictive kin” is a person not related by birth or marriage who has a significant relationship with the child.

S. “Foster care maintenance payment” is the monthly reimbursement to foster care providers for costs associated with the child’s room and board, and other expenses. Payments are determined by the child’s age and level of care.

T. “Foster parent” refers to a person or persons licensed by CYFD or a licensed child placement agency to provide emergency, respite, stranger, relative or fictive kin, or treatment foster care services. The parent(s) may also be concurrently licensed to adopt. The term foster parent also refers to an adoptive parent whose adoption has not yet finalized.

U. “Foster parent bill of rights” is a statement of PSD’s responsibilities to foster parents.

V. “Freed for adoption” means all parental rights are terminated and all time for appeal is exhausted.

W. “Home study” is the final written document that results from the assessment process to determine the suitability of an applicant for a foster parent license.

X. “Individualized adoption plan (IAP)” is an individualized and specific recruitment plan developed by PSD staff for children who have a plan of adoption.

Y. “Initial relative or fictive kin assessment” is an in-home assessment of relative or fictive kin completed by the child’s caseworker to determine suitability for provisional licensure.

Z. “Level 1 foster care” is the basic level of foster care services. Every child, except for those with documented serious medical or behavioral conditions, enters foster care as a level 1.

AA. “Level 2 foster care” is for children requiring a higher level of care, structure, or supervision than would be required for a child of similar age development. Level 2 requires a PSD assessment and PSD supervisory approval.

BB. “Level 3 foster care” is for children requiring a significantly high level of care and is generally an alternative to institutional care. Level 3 requires a medical or psychological clinical assessment and PSD deputy director approval.

CC. “Life book” is a combination of documents that remains with the child that may include photos, letters, correspondence, development milestones, memorabilia and other items related to the child’s life.

DD. “Non-conversion adoption” refers to an adoption in which a child is placed in a pre-adoptive home, for the purpose of adoption, which did not serve as a foster home for the child.

EE. “Non-recurring adoption expenses (NRAE)” are reasonable and necessary adoption fees that may include transportation, food and lodging for the child and adoptive parent, court costs, attorney fees and other expenses which are directly related to the legal adoption of a child with special needs and which have not been reimbursed from other sources or funds.

FF. “Post adoption contact agreement (PACA)” is an agreement between the birth and adoptive families regarding contact between them after the adoption has been finalized.

GG. “Post placement support services” are services intended to strengthen families and support adoptive placement provided by PSD staff, or community service providers to children in custody and their pre-adoptive families to enhance the family’s capacity to care for the child, assure the stability of the placement, and help the family meet the requirements to finalize the adoption.

HH. “Post decree support services” are services provided by PSD staff or community service providers to children and families who have finalized an adoption to enhance the family’s capacity to care for the child and support family functioning.

II. “Pre-adoptive home” refers to a family who has signed the adoption agreement to adopt a foster child, but the adoption has yet to finalize.

JJ. “Protective services division (PSD)” refers to the protective services division of the children, youth and families department, and is the state’s designated child welfare agency.

KK. “PSD custody” means custody of children as a result of an action filed under the New Mexico
Children’s Code 32A-4-1 et seq., NMSA 1978 or 32A-3B-1 et seq., NMSA 1978.

LL. “Relative” refers to mothers, fathers, brothers, sisters, grandparents, aunts, uncles, nieces, nephews, first cousins, mother-in-laws, father-in-laws, sister-in-laws and brother-in-laws, as well as fictive kin.

MM. “Surrogate parent”:

(1) a person, other than the child’s case worker, appointed by the New Mexico department of health family, infant and toddler program director to represent the special needs of a child in all matters related to the early intervention and evaluation assessment and treatment for the child in the event the parent is unable or unwilling to act in that capacity; or

(2) a person, other than the child’s case worker, appointed by the court who stands in for the parent of a student who qualifies for special education to protect the student’s educational rights, and act as the student’s advocate in the education decision making process in the event the parent is unable or unwilling to act in the capacity.

NN. “Transition calendar” refers to the calendar which is developed once the family has accepted the child for an adoptive placement.

OO. “Traveling file” includes copies of the medical and educational records related to the foster child. The traveling file shall remain with the child.

8.26.2.7 NMAC - Rp, 8.26.2.7 NMAC, 5/29/09; A, 3/31/10

8.26.2.8 PURPOSE OF PLACEMENT SERVICES: The purpose of placement services is to recruit, support and retain safe and stable families willing to make life long commitments to foster children and their families, to create permanent families for children requiring adoption, and to ensure a child’s safety, permanency, and well-being.

8.26.2.9 CHILD ELIGIBILITY CRITERIA AND WAITING LIST:

A. A child is eligible for foster care and adoption services when in PSD custody under a court’s jurisdiction or through a voluntary placement agreement.

B. There are no waiting lists for eligible children.

8.26.2.10 RECRUITMENT AND INQUIRIES FOR PSD FAMILIES:

A. PSD recruits foster and adoptive families and responds to inquiries from individuals interested in becoming foster or adoptive parents. PSD provides general information regarding the special needs of children requiring foster care and adoption, and makes attempt to identify and locate relatives for consideration of placement.

B. PSD completes an annual recruitment plan to recruit foster and adoptive families. The recruitment plan, at a minimum, addresses the following:

   (1) information about the characteristics and needs of available children;
   (2) information about the nature of the foster care and adoption process; and
   (3) information about the cultural, racial, and ethnic identity of children in the population.

C. PSD may coordinate adoption events in order to create permanent families for children in PSD custody with a plan of adoption. Only licensed adoptive families may attend these events. Children who are freed for adoption or who have a plan of legal risk adoption may attend these events.

8.26.2.11 RIGHTS OF FOSTER PARENTS:

A. PSD shall share records or information about the social, medical, psychological or educational needs of a child in PSD custody to a foster parent who is considering a child for placement to make an informed decision regarding the placement.

B. PSD staff shall provide updated information regarding the status of a child’s case to the foster parent, upon request of any confidential records or information concerning the child’s social, medical, psychological or educational needs pursuant to the New Mexico Children’s code.

C. Foster parents shall maintain confidentiality of all information regarding the foster child and the child’s family as described herein at 8.26.2.12 N, NMAC.

D. PSD shall inform foster parents of their right to receive notice of and be heard at any court proceeding held with respect to the child placed in the home.

E. PSD shall provide each foster parent with a copy of the foster parent bill of rights.

8.26.2 NMAC
### 8.26.2.12 ROLES AND RESPONSIBILITIES OF FOSTER PARENTS:

A. Foster parents are considered integral members of a professional team dedicated to the critical responsibility of providing safety, permanency and well-being for children who have been abused or neglected. As such, foster parents shall be active participants in case planning for foster children. The foster parent shall work closely with PSD staff to implement the service plan for each foster child including visitation for each foster child.

B. Foster families support the preservation of connections for foster children in their care. Preserving connections may include the development of a long-term supportive relationship with foster children and their foster families even after the child has been discharged from care.

C. Foster care providers shall adhere to applicable PSD policy and procedure.

D. Foster parents shall not use words, language, gestures, either directed at the foster child or made within a foster child’s sight or hearing, which disparage the foster children’s parents, relatives or the child’s cultural heritage. Foster parents shall encourage the child to recognize and accept such strengths and achievements of their family as honestly identified.

E. Prohibited forms of discipline shall include, but are not limited to the following: corporal punishment such as shaking, spanking, hitting, whipping, or hair or ear pulling; isolation; forced to exercised; denial of food, sleep or approved visits or contact with parent; verbal assaults which subject the child to ridicule or which belittle the child or the child’s family, gender, race, religious preference, sexual orientation or cultural identity. The child shall not be excluded from the foster family and shall not be threatened with exclusion from the foster home as punishment. The child shall not be locked in a room or closet.

F. The foster parent may serve as a surrogate parent to protect the foster child’s educational rights and act as the student’s advocate in the educational decision making process.

G. When appointed by the New Mexico department of health family, infant and toddler program director, the foster parent may serve as a surrogate parent to represent the special needs of a child in all matters related to the early intervention and evaluation assessment and treatment for the child in the event the parent is unable or unwilling to act in that capacity.

H. Foster parents return all of a child’s belongings when he or she moves to another placement, including the return home.

I. Foster parents shall not release a foster child to the custody of any person, including the child’s biological parent or any relative, without the authorization of PSD. The only exception to this rule is that foster children may be surrendered to the custody of a law enforcement officer.

J. Foster parents shall adhere to all statutes and regulations applicable to the provision of foster care, including but not limited to child labor laws, public health laws, mandatory school attendance, and motor vehicle laws.

K. Foster parents shall provide PSD with any documents they obtain with respect to the foster child’s legal status, health needs or care, service planning, school progress or other relevant documents.

L. Foster parents shall maintain copies of all educational and medical documents related to the foster child in a traveling medical and educational file that shall remain with the child if the child is moved.

M. Foster parents, in cooperation with PSD staff, shall create or maintain a life book for each child in their care that shall remain with the child if the child is moved.

N. The foster parent shall maintain the confidentiality of all information regarding the foster child and the child’s family pursuant to the New Mexico Children’s Code 32A-4-33 NMSA 1978. The provision requires that, among other things, all records or information regarding a part to a neglect or abuse proceeding, including but not limited to medical, social, and psychological records regarding the child’s educational needs, be kept confidential, and that the unlawful public disclosure of such confidential information is a misdemeanor under New Mexico criminal law.

O. Foster parents shall immediately report any signs, symptoms indications or risk of abuse or neglect to any child to PSD statewide central intake (SCI) or law enforcement.

P. With PSD approval, foster parents may consent to the use of their own personal vehicle by a foster child, and shall assume all civil and financial liabilities applicable to the foster child’s operation of a motor vehicle. Foster parents shall provide to PSD written documentation that all requirements have been met, including insurance coverage for any vehicle driven by the foster child. Liability may extend to the foster parents even after the foster child has left the home.

Q. Foster parents may not permit foster children to work without approval from PSD.

R. Foster parents shall complete the foster parent report form provided by PSD regarding the child’s...
well-being and progress and submit it to their PSD worker monthly.
[8.26.2.12 NMAC - Rp, 8 NMAC 27.3.25 & 8.27.2.29 NMAC, 5/29/09]

8.26.2.13 HEALTH SERVICES FOR FOSTER CHILDREN:
A. The foster parent shall observe daily the foster child’s behavior and signs of emotional or physical health problems. Any concerns shall be reported to PSD immediately.
B. There shall be a designated license physician and dentist for each child so that a coordinated plan of care is assured. Foster parents shall obtain medical attention for any sick or injured child. Foster parents, in their role as an adjunct representative of state government, shall not rely solely on spiritual or religious healing for foster children.

8.26.2.14 EDUCATIONAL SERVICES FOR FOSTER CHILDREN:
A. Parents shall assist PSD in meeting the child’s educational requirements, and in transporting the child to school he or she attended at the time of placement when necessary and reasonable. Foster parents shall ensure that the foster child attend school. Foster children may not be home schooled.
B. Foster parents shall actively advocate for the foster child’s interest in the school setting, including seeking evaluations of the child’s abilities and placement in any special education programs appropriate to the child’s needs. Foster parents shall attend school conferences and activities when appropriate. Foster parents shall report significant educational information to PSD.

8.26.2.15 FOSTER CARE MAINTENANCE PAYMENTS:
A. Reimbursement: Foster care providers shall receive reimbursement for the care and support of a child in PSD custody placed in their home. Rates are established through legislative appropriation based on the age and needs of the child.
B. Foster parents receiving CYFD foster care and support maintenance payments shall use these funds for the care and support of the identified child in their care, and shall not be considered a source of income and is not recognized as income when filing taxes.
C. PSD shall advise foster parents that they should consult a tax advisor to determine if foster children in their home may be considered eligible for a federal tax credit under the Internal Revenue Code.
[8.26.2.15 NMAC - N, 5/29/09]

8.26.2.16 MONITORING AND SUPPORT:
A. PSD monitors foster and adoptive homes licensed by PSD.
B. At a minimum, when a child is placed in the home, PSD placement staff shall:
   (1) visit the foster or adoptive parent in the home within five (5) days of each new placement;
   (2) conduct a home visit to the foster or adoptive parent once a month for the first three (3) months following placement;
   (3) conduct a home visit to the foster or adoptive parent at least every three (3) months, and make phone contact at least every thirty (30) days thereafter.
C. At a minimum, when a child is not placed in the home, PSD placement staff shall conduct a home visit to the foster parent every three (3) months and have monthly phone contact.
D. PSD receives documents and investigates all reported licensing violations and reports of maltreatment in foster care.
E. PSD placement staff may continue to have contact with a foster family if license that is under investigation for allegations of child abuse or neglect, but is prohibited from action in such a manner that may interfere with any ongoing civil or criminal investigation.
F. PSD may develop and implement a professional development plan to include training and professional development opportunities to address parenting needs, or licensing and policy infractions. At no time is the safety of a foster child compromised to allow for a foster parent to participate in a professional development plan.
G. Relative foster homes receive the same monitoring and support afforded to non-relative foster homes.
H. Additional support services may be available from community service providers or PSD staff.
[8.26.2.16 NMAC - Rp, 8.27.2.28 NMAC, 5/29/09]
8.26.2.17 INVESTIGATIONS OF ABUSE AND NEGLECT REFERRALS AND POLICY VIOLATIONS:

A. Any CYFD employee suspecting child abuse or neglect in a foster parent home makes a report as set forth in Protective Services Intake policy, 8.10.2.14 NMAC. PSD staff who suspects, has knowledge of, or receives an allegation about a foster parent violating CYFD policy or licensing regulations shall immediately notify the placement supervisor.

B. Investigations of abuse and neglect referrals in foster homes:
   (1) PSD shall investigate all screened-in reports of allegations of abuse or neglect regarding children in accordance with protective services investigation policy and procedure.
   (2) If a screened-out report involves a child in PSD custody, the child’s worker shall conduct a safety assessment of the placement.
   (3) No new placement may be made in the home during a pending investigation. Existing placements in the home shall be evaluated for safety. The decision as to whether to maintain placement shall depend on the continued safety of any child.
   (4) Based upon the results of the investigation of the abuse or neglect referral, PSD may take one or more of the following actions:
      (a) continue the placement, implementing a professional development and safety plan, if appropriate;
      (b) terminate the placement; or
      (c) determine if the family shall continue to be licensed as a PSD foster family.

C. Investigations of CYFD policy violations:
   (1) The placement worker shall assess any allegations that the family has violated CYFD policy or licensing regulations.
   (2) Based upon the results of the investigation of the alleged policy violation, PSD may take one or more of the following actions:
      (a) continue the placement, implementing a professional development and safety plan, if appropriate;
      (b) terminate the placement; or
      (c) determine if the family shall continue to be licensed as a PSD foster family.

D. PSD shall notify the foster parent in writing, by return of receipt mail, of the results and PSD actions of any substantiated abuse and neglect investigation or policy violations.

E. The results of any substantiated abuse and neglect investigation or policy violation, which is not the subject of court action, may be reviewed through CYFD’s administrative review process. The foster family may request an administrative review within ten (10) days of receiving the written notice.

8.26.2.18 CRISIS INTERVENTION:

A. PSD staff may develop and implement a crisis intervention plan to prevent the disruption of a foster or adoptive placement and strengthen the family’s capacity to care for the child.

B. If disruption is unavoidable, PSD staff focuses on minimizing the trauma to the child. After a disruption, PSD staff re-assesses the permanency plan for the child and child’s placement and services needs.

8.26.2.19 POST ADOPTION CONTACT AGREEMENT (PACA): PSD facilitates the negotiation of post adoption contact agreements.

8.26.2.20 BEST INTEREST ADOPTION PLACEMENT:

A. When a child’s permanency plan becomes adoption, the child is referred to a PSD adoption consultant for the purposes of identifying a potential adoptive family. If an adoptive family is not identified, an individualized adoption plan is developed for the child.

B. The best interest of a child is paramount in identifying an adoptive family for a child. PSD makes reasonable efforts to place siblings together in the same adoptive home, unless PSD documents that such a joint placement would be contrary to the safety and well-being of any of the children in the sibling group. PSD will not separate siblings solely because an adoptive placement is available for one or more children, but not the entire
C. When a family is identified, placement staff will schedule a best interest placement staffing.

D. Children aged fourteen (14) years or older must consent to the adoption.

E. The placement of a child shall not be delayed or denied based on the race, color, sex, gender identity, sexual orientation, mental or physical handicap, ancestry, or national origin of the adoptive parent or child involved.

F. For Native American children, the Indian Child Welfare Act (ICWA) adoption preferences shall be followed pursuant to the Adoption Act, 32A-5-5 NMSA 1978.


8.26.2.21 FULL DISCLOSURE:

A. Prior to placement, PSD staff shall provide full disclosure about the child to the foster or adoptive family, and continue to provide full disclosure throughout the case and after finalization of the adoption, provided the information does not reveal information that would identify the biological family. Pursuant to the Adoption Act, 32A-5-3 (N) NMSA 1978, full disclosure information includes:

(1) health history;
(2) psychological history;
(3) mental history;
(4) hospital history;
(5) medication history;
(6) genetic history;
(7) physical description;
(8) social history;
(9) placement history; and
(10) education.

B. All records, whether on file with the court, an agency, PSD, an attorney or other provider or professional services in connection with an adoption are confidential pursuant to the Adoption Act, 32A-5-8 NMSA 1978. A person who intentionally and unlawfully release any information or records closed to the public pursuant to the Adoption Act or releases or make other unlawful use of records in violation of that act is guilty of a petty misdemeanor.

C. Documentation provided for the purpose of full disclosure shall remain the property of the person making the full disclosure when a prospective adoptive parent decides not to accept a placement. Immediately upon refusal of the placement, the prospective adoptive parent shall return all full disclosure documentation to the person providing the full disclosure. A prospective adoptive parent shall not make public any confidential information received during the full disclosure process, but may disclose such information only as necessary to make an informed placement decision, or to the child’s guardian ad litem or youth attorney.


8.26.2.22 PRE-PLACEMENT ACTIVITIES FOR NON-CONVERSION ADOPTIONS:

A. PSD placement staff in coordination with the child’s worker shall develop a calendar for the transition of the child to the adoptive home, except in the event a foster parent decide to adopt the child.

B. PSD staff and the adoptive family shall review and sign a placement agreement when the child is placed in the home.

C. Placement staff becomes responsible for the case form placement in the adoptive home until finalization of the adoption.


8.26.2.23 FOSTER HOME ADOPTIONS:

A. PSD shall attempt to place foster children with concurrent plans of adoption in foster homes which have been identified as concurrent families.

B. PSD completes the pre-placement home study for foster parents and treatment foster parents who have been selected as adoptive parent for children in PSD custody.


8.26.2.24 ADOPTION ASSISTANCE:

A. Adoption assistance is available to any family who adopts an eligible child through CYFD.
B. PSD determines if a child is eligible to receive state or federal adoption assistance based upon federal of state established criteria. PSD informs the adoptive family of the adoptee’s eligibility for adoption assistance.

C. Initial adoption agreement:
   (1) PSD shall negotiate adoption assistance based on the family’s circumstances and any special needs of the child. The monthly adoption maintenance payment may not exceed the maximum monthly amount that was paid for the child in foster care. Where a private agent has licensed a foster family and the foster family has determined to adopt, the adoption subsidy shall be negotiated in the same manner as any other subsidy.
   (2) Types of assistance available:
       (a) Maintenance: Monthly adoption assistance maintenance payments for the eligible child shall be utilized to meet the child’s existing day to day needs and is not considered income. Monthly adoption assistance maintenance payments are terminated on the child’s eighteenth birthday. Adoption assistance may be extended until the child is twenty-one (21) years of age, if the child is certified medically fragile by the New Mexico department of health.
       (b) Medical: Medical adoption assistance may be made on behalf of a child and shall cover only those pre-approved, pre-existing conditions that are not covered by the family’s private or group medical insurance or medicaid, and does not include co-payments or deductible for which the patient is responsible. Medicaid is available in accordance with the laws, regulations or procedures of the state in which the child resides.
   (3) Interstate placement: When the adoption of the child involves interstate placement, the state that enters into the adoption assistance agreement shall be responsible for paying the non-recurring adoption expenses of the child. In cases in which there is interstate placement, but no agreement for adoption assistance, the state in which the final adoption decree is issued shall be responsible for paying the non-recurring expenses if the child meets the requirements.
   (4) With placement worker approval, the adoptive family may be reimbursed for non-recurring adoption expenses (NRAE) up to $2000.00 per child in PSD custody. NRAE may include transportation and other reasonable expenses such as lodging and food for the child and adoptive parents that are not otherwise reimbursed. NRAE are not reimbursable in the event the adoption does not finalize. There is no income eligibility requirement for adoptive parents in determining whether payments for non-recurring expenses of adoption shall be made. However, parents cannot be reimbursed for out-of-pocket expenses for which they have otherwise been reimbursed.
   (5) An adoptive family may receive a one-time only subsidy for legal services leading to the finalization of an adoption based on the adoption case regardless of number of siblings.

D. Prior to adoption finalization, the placement worker and the adoptive family shall sign the adoption assistance agreement that specifies adoption assistance and NRAE. Each Title IV-E subsidy agreement shall be completed and signed prior to the adoption finalization to be valid.

E. By signing the adoption assistance agreement, the adoptive parent agrees to immediately notify PSD of any of the changes listed below:
   (1) the adoptive parent is no longer legally responsible for the child;
   (2) the adoptive parent is no longer financially responsible for the child;
   (3) change of address, phone numbers, or email addresses;
   (4) change in the child’s name and social security number;
   (5) change in the family’s needs or circumstances;
   (6) change in electronic funds deposit information;
   (7) the adoptive child no longer lives with the adoptive parents; or
   (8) the death of an adoptive child.

F. Annual contact: On an annual basis PSD shall provide the adoptive family a form to complete and return to PSD attesting to the following:
   (1) the family continues to have financial and legal responsibility for the child; or
   (2) that the adopted child is a full time elementary or secondary student (or has completed secondary school). If the child is incapable of attending school on a full time basis due to medical condition, the adoptive parent must submit to PSD regularly updated medical information to support such incapability. The parent must certify one of the following:
       (a) that the child is enrolled (or is in a timely process of enrolling) in an institution that provides elementary or secondary education and meets school attendance requirements in accordance with state law;
       (b) that the child is being home schooled in an elementary or secondary school program that complies with state law; or
that the child is in an independent study elementary or secondary school program that
complies with state law and is administered by the local school or school district.
(3) the child is or is not covered by private medical insurance.
G. Adoption assistance shall be terminated based upon any of the following events:
(1) the child reaches eighteen (18) years of age, except in the event of medically fragile certification;
(2) PSD determines that the adoptive family is no longer legally responsible for the child; or
(3) PSD determines that the adoptive family is no longer providing any support to the child.
H. PSD shall notify the adoptive family in writing, by return of receipt mail, of any decision to
reduce, change, suspend or terminate an adoption subsidy. The adoptive parent may request an administrative appeal
within ten (10) days of receiving notification of the decision to reduce, change, suspend or terminate adoption subsidy.

8.26.2.25 POST PLACEMENT ADOPTION SUPPORT SERVICES:
A. PSD shall provide support services to the child and adoptive family. Support services are intended
to assist the family in adjusting, enhance the family’s capacity to care for the child, and strengthen the family.
B. PSD shall develop a case plan with all families adopting children in PSD custody.
C. During this period PSD shall provide information to the adoptive family regarding requirements
for legal finalization of the adoption including the family’s selection of an attorney, name change of the child, and
required consent of the child, if the child is over fourteen (14) years of age.
D. PSD shall assess and document the status of placement until finalization of the adoption.
E. If the adoptive family and child, with PSD approval, move out of state prior to the finalization,
PSD shall initiate a referral through the interstate compact on the placement of children to request appropriate post
placement services and written reports from the receiving state. PSD shall retain jurisdiction and responsibility for
all case activities until finalization.

8.26.2.26 ADOPTION FINALIZATION:
A. PSD establishes time frames for finalization based on the age and needs of the child pursuant to
the Adoption Act, 32A-5-25 A and the time frames for court approval of finalization pursuant to 32A-5-36 F(6)
NMSA 1978.
B. The family may file the adoption petition according to their state of residence or in New Mexico.
C. Placement staff compiles and submits post placement reports to the court for all PSD children and
children placed for adoption in New Mexico through the interstate compact for the placement of children.

8.26.2.27 POST DECREE SUPPORT SERVICES:
A. Upon finalization, PSD shall provide information regarding resources to support the family in
their community. Placement staff may provide direct support services or make referrals to community service
providers in order to support, strengthen, and enhance the family’s capacity to care for the child to prevent
disruption or dissolution.
B. PSD shall respond to adult adoptee requests for information pursuant to the Adoption Act, 32A-5-
40 E NMSA 1978.
[8.26.2.27 NMAC - Rp, 8.26.2.24 NMAC, 5/29/09]

HISTORY OF 8.26.2 NMAC:
Pre-NMAC History:
The material in this part was derived from that previously filed with the State Records Center and Archives:
HSSD 75-7, Minimum Requirements for Licensing of Child Placement Agencies, 9/15/75.
SSD 5.3.0, Substitute Care for Children - Department Responsibilities, filed 8/22/86;
SSD 5.3.0, Substitute Care for Children - Department Responsibilities, filed 1/29/87;
SSD 5.3.0, Substitute Care for Children - Department Responsibilities, filed 11/18/87;
SSD 5.3.0, Substitute Care for Children - Department Responsibilities, filed 6/14/88;
SSD 5.3.0, Substitute Care for Children - Department Responsibilities, filed 8/22/88;
SSD 5.3.0, Substitute Care for Children - Department Responsibilities, filed 9/18/90;
SSD 5.3.0, Substitute Care for Children - Department Responsibilities, filed 3/15/91;
SSD 5.4.0, Substitute Care for Children - Licensing Standards for Foster Homes, 8/22/86.
SSD 5.4.0, Substitute Care for Children - Licensing Standards for Foster Homes, 1/29/87.
SSD 5.4.0, Substitute Care for Children - Licensing Standards for Foster Homes, 6/18/87.
SSD 5.4.0, Substitute Care for Children - Licensing Standards for Foster Homes, 11/18/87.
SSD 5.4.0, Substitute Care for Children - Licensing Standards for Foster Homes, 8/22/88.
SSD 5.4.0, Substitute Care for Children - Licensing Standards for Foster Homes, 3/28/89.
SSD 5.4.0, Substitute Care for Children - Licensing Standards for Foster Homes, 3/20/90.
SSD 5.4.0, Substitute Care for Children - Licensing Standards for Foster Homes, 9/18/90.
SSD 5.4.0, Substitute Care for Children - Licensing Standards for Foster Homes, 3/15/91.
SSD 5.5.0, Foster Care Child Placement Agency Licensing Regulations, 12/7/89.
SSD 7.0.0, Adoption - Definition and Goal Statement, filed 8/22/86;
SSD 7.0.0, Adoption - Definition and Goal Statement, filed 6/14/88;
SSD 7.0.0, Adoption - Purpose and Goal Statement, filed 10/18/95;
SSD 7.1.0, Adoption - General Provisions: Adoption, filed 8/22/86;
SSD 7.1.0, Adoption - General Provisions: Adoption, filed 6/18/87;
SSD 7.1.0, Adoption - General Provisions: Adoption, filed 1/13/88;
SSD 7.1.0, Adoption - General Provisions: Adoption, filed 3/28/89;
SSD 7.2.0, Adoption - General Guidelines, filed 8/22/86;
SSD 7.2.0, Adoption - General Guidelines, filed 6/18/87;
SSD 7.2.0, Adoption - General Guidelines, filed 6/14/88;
SSD 7.2.0, Adoption - General Guidelines, filed 3/15/91;
SSD 7.3.0, Adoption - Department Responsibilities, filed 8/22/86;
SSD 7.3.0, Adoption - Department Responsibilities, filed 6/14/88;
SSD 7.3.0, Adoption - Department Responsibilities, filed 3/15/91;
SSD 7.3.0, Adoption - Department Responsibilities, filed 10/18/95.

History of Repealed Material: