

TITLE 8 SOCIAL SERVICES
CHAPTER 14 JUVENILE JUSTICE
PART 1 GENERAL PROVISIONS

8.14.1.1 ISSUING AGENCY: Children, Youth and Families Department.
[8.14.1.1 NMAC - Rp, 8.14.1.1 NMAC, 6/1/2010]

8.14.1.2 SCOPE: This rule applies to clients and staff of the juvenile justice division, also referred to as juvenile justice services, of the CYFD.
[8.14.1.2 NMAC - Rp, 8.14.1.2 NMAC, 6/1/2010]

8.14.1.3 STATUTORY AUTHORITY: Sections 32A-1-1 et seq., 32A-2-1 et seq., 32A-3-1 et seq., 32A-4-1 et seq., 32A-11-1 et seq., 32A-15-1 et seq. NMSA 1978 Comp., as amended.
[8.14.1.3 NMAC - Rp, 8.14.1.3 NMAC, 6/1/2010]

8.14.1.4 DURATION: Permanent.
[8.14.1.4 NMAC - Rp, 8.14.1.4 NMAC, 6/1/2010]

8.14.1.5 EFFECTIVE DATE: June 1, 2010, unless a later date is cited at the end of a section.
[8.14.1.5 NMAC - Rp, 8.14.1.5 NMAC, 6/1/2010]

8.14.1.6 OBJECTIVE: To establish standards and guidelines for programs which serve the best interest of the clients, persons and property under the supervision or in the custody of the department, including implementation of Cambiar New Mexico. This rule further establishes guidelines to address the safety of clients and staff and for the protection of department resources. This rule emphasizes the value and importance of staff in the delivery of services to our clients.
[8.14.1.6 NMAC - Rp, 8.14.1.6 NMAC, 6/1/2010]

8.14.1.7 DEFINITIONS:

A. “Cambiar (Change) New Mexico” refers to the name designated by the children, youth and families department (CYFD) for its juvenile justice reform initiative that focuses on rehabilitation and relationships. Clients and juvenile justice services’ staff members build one-on-one relationships with each other and learn to interact in a completely different way than the old “correctional” model. Group building activities designed to build trust and communication are key components as well as family and community involvement.

B. “Client” refers to a person who is committed to the custody of CYFD’s juvenile justice services or who is receiving services from juvenile justice services.

C. “Critical self analysis” refers to an office of general counsel (OGC) review of a specific serious client or staff related incident.

D. “Department” refers to the New Mexico children, youth and families department.

E. “Director” refers to the juvenile justice services director.

F. “Facility” refers to a facility operated by, or on behalf of CYFD’s juvenile justice services, or any other facility or location designated by the juvenile justice services’ director to house or provide care to clients committed to the custody of CYFD.

G. “Juvenile justice services” or “juvenile justice division” refers to the organizational unit within CYFD that operates juvenile justice facilities, and provides other services under the Delinquency Act, NMSA 1978 section 32A-2-1 et seq.

H. “Media” refers to representatives of general circulation newspapers or news magazines sold through newsstands or mail subscriptions to the general public; representatives of news programs of radio and television stations that hold federal communications commission licenses; or news services that provide material to these news outlets.

I. “Secretary” refers to the secretary of CYFD.

J. “Secure facility” refers to Camino Nuevo youth center, J. Paul Taylor center, youth diagnostic and development center or any other facility designated a secure facility by the director of juvenile justice services.

K. “Staff” refers to employee(s) of CYFD.

L. “Superintendent” refers to the chief administrator at a JJS facility.

M. “Youth care specialist” refers to juvenile justice services security employees whose primary duties include working directly with clients.
[8.14.1.7 NMAC - N, 6/01/2010]

8.14.1.8 GENERAL PROVISIONS: Juvenile justice services maintains a body of policies and procedures that establishes its mission, goals, objectives, and standard operating practices.
[8.14.1.8 NMAC - N, 6/1/2010]

8.14.1.9 MISSION: CYFD believes in the strengths and resiliency of families who are our partners and for whom we advocate to enhance their safety and well-being. CYFD respectfully serves and supports children and families and supervises youth in a responsive, community-based system of care that is client-centered, family-focused and culturally competent. CYFD partners with communities to strengthen families in New Mexico to be productive and self-sufficient. Juvenile justice services’ focus is on rehabilitation and regionalization, and on Cambiar New Mexico, which emphasizes rehabilitation and regionalization.
[8.14.1.9 NMAC - N, 6/1/2010]

8.14.1.10 ORGANIZATION: Juvenile justice services maintains an organizational structure providing a clear picture of its roles and responsibilities to the public and the roles and responsibilities of its employees. Juvenile justice services also groups similar functions together, establishes lines of authority, maintains an effective span of control, and promotes two-way channels of communication.
[8.14.1.10 NMAC - N, 6/1/2010]

8.14.1.11 NON-DISCRIMINATION: All services and licenses are provided in accordance with federal and state constitutional, statutory and regulatory requirements. Except as otherwise stated, the department and any contract provided service and license shall be without regard to age, gender, race, religion, disability, marital status, or tribal affiliation in accordance with the law.
[8.14.1.11 NMAC - N, 6/1/2010]

8.14.1.12 INTERAGENCY RELATIONSHIPS: Juvenile justice services works with, and when appropriate shares information with, other service programs within CYFD and other state agencies to enhance the provision of services to clients.
[8.14.1.12 NMAC - Rp, 8.14.1.9 NMAC, 6/1/2010]

8.14.1.13 REGULATIONS, POLICIES AND PROCEDURES: Juvenile justice services maintains a manual of policies and procedures directing its operations, invites public comment as required by law, and conducts annual reviews on the effectiveness of its policies and procedures.
[8.14.1.13 NMAC - Rp, 8.14.1.11 NMAC, 6/1/2010]

8.14.1.14 PUBLIC INFORMATION AND MEDIA ACCESS: The department’s director of communications or public information officer respond to inquiries from the media. Unless authorized by the director or public information officer, staff members do not communicate with the media as a representative of the department regarding CYFD matters.
[8.14.1.14 NMAC - N, 6/1/2010]

8.14.1.15 POLITICAL ACTIVITIES: Juvenile justice services guidelines for political activities is guided by CYFD’s policy and procedure, State Personnel Act and state personnel board rules.
[8.14.1.15 NMAC - N, 6/1/2010]

8.14.1.16 CRITICAL SELF ANALYSIS: CYFD may conduct an internal review of any critical situation in which self-analysis is determined to be appropriate. Critical self-analysis is confidential and privileged and not for publication or release. Unauthorized disclosure of critical self analysis documentation and content is grounds for discipline, including termination.
[8.14.1.16 NMAC - Rp, 8.14.1.35 NMAC, 6/1/2010]

8.14.1.17 LEGAL COUNSEL: CYFD’s office of general counsel is available to review policies, procedures and practices to ensure they are consistent with federal and New Mexico state statutes, regulations and

relevant court decisions. The office of general counsel is also available to assist juvenile justice services employees as needed in the performance of their duties.

[8.14.1.17 NMAC - N, 6/1/2010]

8.14.1.18 CLEAN INDOOR AIR ACT: Juvenile justice services buildings, offices and work areas comply with the Dee Johnson Clean Indoor Air Act. All employees, clients and visitors will be notified of any designated tobacco free or tobacco use zones.

[8.14.1.18 NMAC - N, 6/1/2010]

8.14.1.19 CHILD ADVOCACY GROUPS: Approved advocacy personnel have access to staff members, administrators, clients and client records. Facility superintendents are responsible for ensuring that staff who have contact with clients sign a copy of the department approved form called “acknowledgement of receipt and understanding” pertaining to advocacy groups and that these signed forms become a part of the of the employee’s personnel file.

[8.14.1.19 NMAC - Rp, 8.14.1.45 NMAC, 6/1/2010]

8.14.1.20 PROCEDURES: The juvenile justice services director will make appropriate internal procedures available to the public but reserves the right to add, delete or modify internal procedures without notice or comment in furtherance of the mission and goals of the department or service area.

[8.14.1.20 NMAC - N, 6/1/2010]

HISTORY OF 8.14.1 NMAC:

Pre-NMAC History: The material in this part replaces the material that was previously filed with the State Records Center and Archives under:

NMYA/CSD 89-I-8, Neglect/Abuse, filed 12/28/89.

NMYA/CSD 89-I-10, Use of Force, filed 12/28/89.

NMYA/CSD 89-I-13, Firearms/Chemical Agent Use, filed 12/28/89.

NMYA/CSD 89-I-15, Client Grievance Procedure; filed 12/28/89.

YDDC/GS 09-04, Criminal Law Violations, filed 5/23/90.

YDDC/GS 13-03, Use of Force, filed 5/23/90.

YDDC/GS 15-01, Equal Opportunities for Juvenile Programs, filed 5/23/90.

YDDC/GS 17-15, Prohibition of Medical Experimentation, filed 5/23/90.

YDDC/GS 17-20, Proper Notifications In Case of Serious Illness, Surgery, Injury or Death, filed 5/23/90.

BS 67-1, Exchanging, Giving, Buying Clothing, filed 5/23/67.

BS 67-2, No Title, filed 5/23/67.

BS 67-3, No Title, filed 5/23/67.

BS 67-4, No Title, filed 5/23/67.

BS 67-5, No Title, filed 5/23/67.

BS 67-6, No Title, filed 5/23/67.

BS 67-7, No Title, filed 5/23/67.

BS 67-8, No Title, filed 5/23/67.

BS 67-9, No Title, filed 5/23/67.

BS 67-10, No Title, filed 5/23/67.

BS 67-11, No Title, filed 5/23/67.

BS 67-12, No Title, filed 5/23/67.

BS 67-13, Workmans Compensation Insurance Report, filed 5/23/67.

BS 67-14, Regarding Compensatory Time and Annual Leave, filed 5/23/67.

BS 67-17, Records Management Disposition Instructions, filed 5/23/67.

BS 67-18, Vehicle Accident Reports, filed 5/23/67.

BS 67-20, Performance Evaluation Policy, filed 5/23/67.

BS 67-21, Performance Evaluation Procedure, filed 5/23/67.

BS 67-24, Students Notification of Parents Regarding Illness or Injury, filed 5/23/67.

BS 67-25, Personnel Observance of Speed Limits, filed 5/23/67.

BS 67-26, Records Management Case Record File, filed 5/23/67.

BS 67-28, Professional Services, Educational Personnel Teachers Contracts, Qualifications, Salary, and Sick Leave, filed 5/23/67.

BS 67-30, Organization and Management on Premise Sales Soliciting, filed 5/23/67.
BS 67-31, Students Use of Boys Case Files, filed 5/23/67.
BS 67-32, Personnel Political Activities, filed 5/23/67.
BS 67-34, Organization and Management Administrative Minutes of Selected Supervisory Conferences, filed 5/23/67.
BS 67-35, Personnel Dismissal or Demotion of Employees, filed 5/23/67.
BS 67-36, Personnel Payment for Meals, filed 5/23/67.
BS 67-37, Professional Services Students Case Records Confidentiality of Boys Case File Material, filed 5/23/67.
BS 67-39, Organization and Management Firearms on Boys School Property Prohibited, filed 5/23/67.
BS 67-42, Personnel Policy Promotional Procedure, filed 5/23/67.
BS 67-44, Personnel Policy National Guard, filed 5/23/67.
BS 67-51, Organization and Management Use of New Mexico Boys School Facilities, filed 5/23/67.
BS 67-52, Personnel Leave Policy, filed 7/26/67.
BS 67-55, Organization and Management Travel, filed 9/7/67.

History of Repealed Material:

8 NMAC 14.1, General Provisions, filed 11/2/98 - Repealed effective 8/31/2005.
8.14.1 NMAC, General Provisions, filed 8/15/2005 - Repealed effective 12/30/2005.
8.14.1 NMAC, General Provisions, filed 12/16/2005 - Repealed effective 6/1/2010.