

TITLE 8 SOCIAL SERVICES
CHAPTER 14 JUVENILE JUSTICE
PART 16 HUMAN RESOURCES AND TRAINING PLAN

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

8.14.16.2 SCOPE: This rule applies to clients and staff of the juvenile justice division, also referred to as juvenile justice services, of the children, youth and families department.
[8.14.16.2 NMAC - N, 6/1/2010]

8.14.16.3 STATUTORY AUTHORITY: Sections 32A-1-1 et seq., 32A-2-1 et seq., 32A3-1 et seq., 32A-4-1 et seq., 32A-11-1 et seq., 32A-15-1 et seq. NMSA 1978 Comp., as amended.
[8.14.16.3 NMAC - N, 6/1/2010]

8.14.16.4 DURATION: Permanent.
[8.14.16.4 NMAC - N, 6/1/2010]

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

8.14.16.6 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.
[8.14.16.6 NMAC - N, 6/1/2010]

8.14.16.7 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 the CYFD’s juvenile justice services or who is receiving services from CYFD’s juvenile justice services.

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

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

E. “Facility” refers to a facility operated by, or on behalf of the 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.

F. “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.

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

H. “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.

I. “Student intern” refers to an unpaid student who works at CYFD as part of a university education program for credit or a grade. The university and the CYFD sign a standard student internship agreement that governs the conditions of the internship. A CYFD employee supervises the student intern when the student intern when the student provides services or works with CYFD clients. Student interns undergo a level 1, 2 or 3 background check depending on the nature of their duties

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

K. “Superintendent” refers to the chief administrator at a juvenile justice services facility.

L. “Volunteer” any unpaid person (community member, student, etc) that provides services to clients or otherwise participates in the CYFD workplace. Generally, CYFD employees supervise volunteers who

interact with CYFD clients, except in certain circumstances in juvenile justice services facilities. Volunteers receive a level 1, 2 or 3 background check depending on the nature of their duties.

M. “Youth care specialist” refers to juvenile justice services security employees whose primary duties include working directly with clients.

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

8.14.16.8 HUMAN RESOURCE MANAGEMENT: There are procedures specific to juvenile justice services for human resources management. Each employee has access to these policies and procedures.

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

8.14.16.9 STAFF PRE-EMPLOYMENT SCREENING: All qualified applicants for youth care specialist positions must take a pre-employment selection test. All juvenile justice services employees whose jobs involve direct contact with children youth and families department clients, including prospective employees and employees who are promoted, transferred or hired into new positions are subject to a background check including a nationwide criminal record search through fingerprints, and subject to medical screening in accordance with state law.

[8.14.16.9 NMAC - Rp, 8.14.1.26 NMAC, 6/1/2010]

8.14.16.10 EMPLOYMENT OF EX-OFFENDERS: Juvenile justice services conforms to the New Mexico Criminal Offender Employment Act with regards to an employment eligibility determination and the power to refuse, renew, suspend or revoke employment or a license as a direct result of criminal behavior.

[8.14.16.10 NMAC - Rp, 8.14.1.26 NMAC, 6/1/2010]

8.14.16.11 CONTRACTORS, VOLUNTEERS AND STUDENT INTERNS: Juvenile justice services fingerprints and conducts nationwide criminal history record searches on all contract or service providers, volunteers and student interns who have direct unsupervised client contact. The background check for contract or service providers, volunteers and student interns without direct unsupervised client contact includes a state level check and an abuse and neglect screening of the protective services database.

[8.14.16.11 NMAC - Rp, 8.14.1.27 NMAC, 6/1/2010]

8.14.16.12 PROFESSIONAL APPEARANCE: Juvenile justice services employees contract or service providers, student interns, volunteers and visitors shall present a professional or appropriate appearance while on juvenile justice service property. In addition, the director of juvenile justice services may establish reasonable dress standards that are set forth clearly in procedure or memorandum. An employee who arrives at work in inappropriate attire may be sent home on annual leave or leave without pay to change into appropriate clothing and may be subject to disciplinary action. Visitors that arrive to a juvenile justice services facility in inappropriate attire can be refused admittance.

[8.14.16.12 NMAC - Rp, 8.14.1.41 NMAC, 6/1/2010]

8.14.16.13 CONTACT INFORMATION: Juvenile justice services maintains contact information on all employees, contract or service providers, student interns or volunteers. Employees are required to immediately report any change in their telephone number or mailing address to their supervisor and request an update to their personnel file through the human resources bureau.

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

8.14.16.14 PERSONAL PROPERTY: Juvenile justice services employees contract or service providers, student interns, volunteers and visitors are expected to exercise reasonable caution in safeguarding their personal clothing, jewelry, and possessions.

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

8.14.16.15 AFTER HOURS RESPONDERS: Juvenile justice services is prepared to respond to the public and operational issues by designating personnel to respond to emergencies and unusual incidents after traditional working hours. Employees designated to respond must be able to respond within 10 minutes by telephone, or if required to report to a designated location, within 60 minutes of the request. An employee who cannot be reached, fails to promptly respond, or reports in a condition of being unable to perform their duties may be subject to disciplinary action.

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

8.14.16.16 EMPLOYEE ASSISTANCE PROGRAM: Budget permitting, the risk management division of the general services department maintains a counseling or referral process for employees with a personal problem that affects or has the potential to affect the employee's job performance.
[8.14.16.16 NMAC - N, 6/1/2010]

8.14.16.17 CODE OF CONDUCT: To protect the public trust and integrity of CYFD, juvenile justice services and the staff and clients associated therein, all personnel shall be provided, familiarized with and held accountable to an employee code of conduct.
[8.14.16.17 NMAC - N, 6/1/2010]

8.14.16.18 TRAINING PLAN: Juvenile justice services shall provide a training program categorized by job classification for all employees, contract or service providers, student interns, or volunteers that is job-relevant and consistent in meeting the program and services needs of our clients. The training program shall be planned, coordinated and implemented by qualified employees under the consultation of the professional development bureau and director of juvenile justice services.
[8.14.16.18 NMAC - N, 6/1/2010]

8.14.16.19 TRAINING ADVISORY COMMITTEE: The director of juvenile justice services, in conjunction with the professional development bureau chief, shall assign trainers and key facility staff to a training advisory committee to evaluate and update the training plan and curriculums based on job related and performance needs.
[8.14.16.19 NMAC - N, 6/1/2010]

8.14.16.20 TRAINERS: Juvenile justice services shall only use qualified trainers that have completed an approved train-the-trainer course, have other specialized training or education in adult learning theory, or have a recognized skill or ability as demonstrated through experience or education as determined by the professional development bureau or director of juvenile justice services.
[8.14.16.20 NMAC - N, 6/1/2010]

8.14.16.21 TRAINING CALENDAR: Juvenile justice services, in conjunction with the professional development bureau, shall establish and maintain a training calendar detailing training offerings for each quarter of the calendar year. The training calendar shall provide sufficient offerings to meet training mandates and timeframes for all employees.
[8.14.16.21 NMAC - N, 6/1/2010]

8.14.16.22 TRAINING RESOURCES: Juvenile justice services supports the development and training of staff through both internal and external resources and encourages staff to participate in educational seminars, membership and participation in professional associations, continuing education opportunities, and other relevant training opportunities to augment the internal training calendar and resources provided through the professional development bureau. Relevant training may be reimbursed as budget permits.
[8.14.16.22 NMAC - N, 6/1/2010]

8.14.16.23 REQUIRED TRAINING: Juvenile justice services considers specific training hours and specific training subjects critical to the success of each employee, contract employee, volunteer or intern operating at a facility. Juvenile justice services employees will be required to complete the number of yearly recertification hours as established by the director of juvenile justice services.
[8.14.16.23 NMAC - N, 6/1/2010]

8.14.16.24 CONTACT WITH CURRENT AND FORMER JJS CLIENTS AND FAMILIES:
A. JJS staff will not show partiality toward, or become emotionally, physically, sexually, or financially involved with clients, former clients or the families of clients or former clients.
B. Chaplains, psychologists and psychiatrists may continue a previously established therapeutic relationship with a former client in accordance with their respective codes of professional conduct and responsibility.

C. JJS staff may not engage in, or allow another person to engage in sexual or sexualized behavior (gestures, demonstrations, etc.) with a client. Regardless of whether force is used or threatened, consensual sex between staff and clients or staff and client family members is never allowed.

D. JJS staff are subject to disciplinary action, up to and including termination for any inappropriate contact or relationship with clients or the families of clients, regardless of whether such contact constitutes a prosecutable crime. Physical contact is not required to subject an employee to sanctions for sexual misconduct. [8.14.16.24 NMAC - N, 6/1/2010]

HISTORY OF 8.14.16 NMAC:

Pre-NMAC History: [RESERVED]

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.