

TITLE 8 SOCIAL SERVICES
CHAPTER 14 JUVENILE JUSTICE
PART 20 CLIENT RIGHTS AND SERVICES

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

8.14.20.2 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.
[8.14.20.2 NMAC - N, 6/1/2010]

8.14.20.3 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.
[8.14.20.3 NMAC - N, 6/1/2010]

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

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

8.14.20.6 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.
[8.14.20.6 NMAC - N, 6/1/2010]

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

H. “Secretary” refers to the cabinet secretary of CYFD.

I. “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.

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

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

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

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

8.14.20.8 CLIENT RIGHTS AND SERVICES: Juvenile justice services protects the safety and constitutional rights of clients committed to their care and custody, promotes the rehabilitative process through the provision of mandated and recognized services and strives to maintain a balance between the expression of individual freedoms and the safe, secure and orderly operation of its facilities.

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

8.14.20.9 CLIENT COURT, COUNSEL AND MEDIA ACCESS: Each client placed in the care and custody of the juvenile justice services shall have the right to have confidential contact with the courts, counsel, authorized representatives of counsel, and the media subject only to limitations necessary to maintain facility order and security, pursuant to procedures developed for this policy. All clients shall be assured that seeking judicial relief will not be met with reprisal or penalty from any agent or officer of CYFD and that these rights cannot be diminished or denied for disciplinary reasons.

[8.14.20.9 NMAC - Rp, 8.14.1.30 NMAC, 6/1/2010]

8.14.20.10 CLIENT PRIMARY LANGUAGE: If a client's primary language is a language other than English, the client may speak that language at any time that English is allowed except for when doing so would interfere with programming or communication, such as in classroom or group discussions, group activities, or when speaking with a staff member who does not understand the client's primary language.

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

8.14.20.11 CLIENT RIGHT TO TELEPHONE USE: To maintain ties with the community, each client in the care and custody of juvenile justice services shall have access to a telephone to make and receive personal telephone calls with frequency and time allotments subject only to the facility schedule and their respective program evaluation level.

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

8.14.20.12 CLIENT RIGHT TO CORRESPONDENCE: To maintain ties with the community, clients in the care and custody of juvenile justice services have the right to send and receive written correspondence with members of their family and other persons or organizations subject only to the limitations necessary to maintain order and security of the facility. Clients are also allowed to send and receive packages subject to procedure.

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

8.14.20.13 CLIENT RIGHT TO VISITATION: To maintain ties with the community, each client in the care and custody of juvenile justice services shall have the right of regular visitation with frequency and time allotments subject only to valid safety and security concerns, the facility schedule and their respective program evaluation level. Visitation shall foster the ability for informal communication, including the opportunity for physical contact, unless otherwise directed by the superintendent for cause.

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

8.14.20.14 CLIENT PERSONAL GROOMING: Juvenile justice services regulates personal grooming at the least restrictive level necessary and allows clients freedom in personal grooming unless a safety, security, identification or hygienic interest justifies otherwise.

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

8.14.20.15 RIGHT OF GRIEVANCE COMPLAINT AND APPEAL: The client grievance and appeal procedure is written and made available to all clients and families and includes at least one level of appeal. The published process for submitting a grievance is posted and grievance boxes are provided nearby in conspicuous places for clients and families in each living unit and common areas. Grievances are transmitted confidentially and without alteration, interference, or delay to the party responsible for receipt and investigation. A written report on the final disposition of a grievance is prepared and filed, and a copy given to the client.

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

8.14.20.16 RULES OF CONDUCT: Juvenile justice services provides clients written rules of conduct and the consequences followed when rules are broken. All consequences are carried out promptly and are guided by Cambiar philosophy.

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

8.14.20.17 CLIENT LABOR AND FACILITY WORK PROGRAMS: Under the supervision of juvenile justice services, able bodied clients are expected to participate in uncompensated work associated with the care of the facility or for assigned community justice restoration or restitution programs. Clients shall not perform work prohibited by state or federal laws pertaining to child labor, nor be allowed to perform work assignments that expose them to dangerous working conditions. In addition, no private organization or individual may profit from client labor unless the client has been approved to participate in a community work program at the prevailing rate or assigned an approved facility work assignment with specified compensation.

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

8.14.20.18 CLIENT RELIGIOUS FREEDOM: All juvenile justice services facilities recognize the individual client right to adhere to the tenements of his/her religion or faith. Subject only to limitations necessary to maintain safety and security, clients shall have access to religious literature, to representatives of faith, and to religious counseling. Participation in religious programs and activities is voluntary. Each facility shall provide adequate space and plan and coordinate religious activities. No particular religious faith shall be endorsed or required; nor shall any client be punished, disciplined or discriminated against for participation or non-participation in religious or spiritual activities. Religious activities or participation may never be denied or attendance required solely for disciplinary reasons or as punishment.

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

8.14.20.19 CLIENT PROPERTY: Juvenile justice services governs the control and safeguarding of client personal and state issued property. Allowable personal property shall be itemized in a written list that becomes part of the client's permanent record. Clients are prohibited from trading, loaning, selling or possessing property approved for another client. In addition, juvenile justice services issues required property to clients including clothing that is properly fitted, climatically suitable, durable, and presentable.

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

8.14.20.20 CLIENT HYGIENE AND LAUNDRY SERVICES: Juvenile justice services' sanitation and hygiene program complies with applicable state or federal regulations and protects the health and safety of clients and staff. This includes regular sanitation inspections, appropriate waste disposal, control of vermin, regular housekeeping, an appropriate supply of bedding, clothing and linens, client hair care services, scheduled access to showering or bathing facilities, and laundry services that ensure that clients have three sets of clean clothing per week.

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

8.14.20.21 RECREATION PLAN: Juvenile justice services provides clients with an organized and planned calendar of recreational and leisure time activities, supervised by qualified staff, to maintain good morale, improve physical fitness and well-being, teach leisure time skills, prevent idleness and reinforce cooperation and sportsmanship.

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

8.14.20.22 CLIENT VIEWING, LISTENING AND READING MATERIALS: Juvenile justice services provides and encourages clients to use personal media materials, including books, magazines, movies, television programs, audiotapes and discs that are age-appropriate and beneficial to the growth, wholesome entertainment and education of clients in its care and custody. Materials that are pornographic, excessively violent, or which threaten the order, safety or security of the facility are prohibited.

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

8.14.20.23 FOOD SERVICE: Juvenile justice services provides for meals that are nutritionally balanced, well planned, and prepared and served in a manner that meets the rules and regulations set forth by the New Mexico environment department or other recognized health authority. Menus are reviewed by a registered dietician, include appropriate medical or religious substitutions, and the food provided shall be regularly monitored for flavor, texture, temperature, appearance and palatability. Food is never used as a disciplinary measure.

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

8.14.20.24 PROCEDURES: The juvenile justice services director will make appropriate procedures available to the public but reserves the right to add, delete or modify procedures under the client rights and services policy without notice or comment in furtherance of the mission and goals of the department or service area.
[8.14.20.24 NMAC - N, 6/1/2010]

HISTORY OF 8.14.20 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.