



Mediation Program

2018

Annual Report

July 1, 2017 to June 30, 2018

**Administrative Office of the Courts
Santa Fe, New Mexico**

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
PROGRAM PROFILE.....	2
JUDICIAL DISTRICTS - DATA & PROGRAM ACTIVITIES	3
Referrals By Judicial District	3
Judicial District Summaries and Activities.....	4
STATEWIDE QUANTITATIVE DATA & ANALYSIS.....	9
Family Participant Data	9
Stage at Which Case Was Referred	11
Program Referral Trends	11
STATEWIDE QUALITATIVE DATA & ANALYSIS	12
Family Participant Assessments.....	12
Family Participant Comments.....	13

EXECUTIVE SUMMARY

This was the eighteenth year of operation for New Mexico's Children's Court Mediation Program. In FY18, the program experienced a positive increase in referrals from the Children, Youth, and Families Department ("CYFD"). A total of 634 referrals were processed in FY 2018, up 39 (7%) statewide from the prior fiscal year. As in all prior years, the majority of referrals were for Time Limited Reunification ("TLR") mediations (524). The increase in referrals was seen in both TLR and Open Adoption ("OA") cases. Statewide, mediation was completed in 76% of Open Adoption referrals and 87% of Time-Limited Reunification referrals.

Changes in the most populated districts have the greatest influence on the program's statistics because they account for over 60% of the total referrals. Referrals increased by 16% from the prior year in the 3rd Judicial District (Doña Ana County), which accounts for approximately 14% of the services statewide. The 13th Judicial District (Valencia, Cibola and Sandoval Counties), accounts for approximately 13% of the services statewide, and referrals were up by 23%. Referrals for both TLR and OA services increased in almost every district with few exceptions, though the decrease of 18% in TLR referrals in the 2nd is concerning. Surprisingly, in light of the overall increases in mediation referrals statewide, related abuse and neglect court filings were down by 10% statewide.

Family participants expressed a strong level of satisfaction with the mediation services. 92% of family participants reported that the mediator was fair, that they could present their views (71%) other participants listened to them (68%), and that they would use mediation again if offered (67%).

PROGRAM PROFILE

The Children's Court Mediation Program is committed to providing quality mediation services for child welfare cases deserving of the support provided by the citizens of New Mexico. The program is operated and administered by the Administrative Office of the Courts ("AOC") with federal funding and support by the Children, Youth and Families Department ("CYFD"). The program provides mediation services to families and professionals in 12 judicial district courts. Mediation is available at every stage of a child abuse and neglect case. The Time-Limited Reunification mediations and Open Adoption mediations are designed to assist everyone involved to work together and to make decisions that are in the best interest of the child(ren). Mediation participants may include a variety of professionals such as social workers, attorneys, child advocates, potential adoptive families, as well as the family members in crisis. The program's mediators are highly educated and skilled, and many have served the program since its inception. Oversight is provided at both regional and statewide levels, with training and educational opportunities for participants, promotional activities, responsiveness to local needs, budget management, administrative operations, as well as qualitative and quantitative reporting.

Dr. Nancy Garcia Tafoya is the Regional Coordinator for the Southern Region. She oversees the 3rd, 5th, 6th, 7th, 9th, 10th, and 12th judicial districts. She has a doctorate in curriculum and instruction, is a practicing anthropologist and received her training in basic mediation and family law mediation from the University of New Mexico School of Law. Dr. Garcia Tafoya has five years of domestic mediation facilitation in the 3rd Judicial District and served as the coordinator of an access to justice component in a United States Agency for International Development (USAID) Rule of Law Project in Mexico from 2007 to 2010. Within the project, she directed alternative justice programs in five Mexican states which included establishment of mediation centers; development and implementation of training programs in mediation, conciliation, and restorative justice; and provided support for building capacity in rural indigenous communities to incorporate traditional conflict resolution approaches.

Kim Montgomery is the Regional Coordinator for the Northern Region, overseeing the 2nd, 4th, 8th, 11th and 13th judicial districts. Ms. Montgomery has over twenty years of experience in conflict resolution management providing services as a professional mediator, facilitator, trainer and program manager. She has over 500 total hours of formal training in workplace mediation, advanced facilitation and mediation, family law mediation, special education mediation, and children's court mediation. She's conducted mediations for the program, the NM Special Education Bureau, as well as school districts and courts throughout the state. In addition, she is a member of the NM State Bar ADR Committee.

Program Budget

Both the AOC and the CYFD contribute to the Program's Budget. In FY18, the Children's Court Mediation Program began the year with a \$338,900 budget¹ which included AOC's state general funds of \$188,900 and \$150,000 from CYFD's Title IV-B federal grant funds. The CYFD reduced the program's federal grant funds by \$44,000 during the year due to a decrease in mediation referrals, but CYFD will restore the funding to \$150,000 in FY19. Referrals were only accepted from the CYFD or by court order.

JUDICIAL DISTRICTS - DATA & PROGRAM ACTIVITIES

REFERRALS BY JUDICIAL DISTRICT

During the FY 2018 grant period (July 1, 2017 to June 30, 2018), a total of 634 cases were referred to the program, including 524 TLR (Legal), and 110 Open Adoption referrals. The chart, below, provides a breakdown of the referrals to the Program in each of the participating judicial districts.

Judicial District	Open Adoption Referrals	% of Total	TLR Referrals	% of Total
2nd	13	12%	201	38%
3rd	10	9%	76	15%
4th	1	1%	3	1%
5th	13	12%	39	7%
6th	4	4%	42	8%
7th	12	11%	21	4%
8th	4	4%	4	1%
9th	3	3%	2	0%
10th	0	0%	0	0%
11th	10	9%	37	7%
12th	20	18%	34	6%
13th	20	18%	65	12%
Total	110	100%	524	100%

Note: The 1st Judicial District provides its own in-house mediation services.

The table reflects the differences between the district courts in the types and numbers of

¹ Excludes the state general funds designated for the AOC's Statewide Alternative Dispute Resolution (ADR) Coordinator position. This position has been vacant since January 2018 due to an unexpected resignation. The AOC has posted several times for a replacement and hopes to hire to this position in September 2018. In the interim, the Coordinator's duties have been pooled between several AOC staff.

referrals:

- The majority (83%) of the cases referred to the program in FY18 were TLR (Legal) and just 17% were Open Adoption.
- The greatest total number of referrals (38%) was in the Second Judicial District (Bernalillo Co.).
- The Third and Thirteenth Judicial Districts, which also serve large metropolitan areas, each accounted for 15% and 12%, respectively, of the total referrals for the program.
- The nine remaining districts accounted for 34% of the total.
- As was the case last year, eight or fewer total referrals were made in each of districts located in the northeast corner of the state (the 4th, 8th, 9th and 10th). This area is sparsely populated and largely rural.

Most of these differences can be attributed to the demographics of the service area, where the highest concentration of the population is located within the central corridor of the state (2nd, 3rd and 13th Judicial Districts).

JUDICIAL DISTRICT SUMMARIES AND ACTIVITIES

2nd Judicial District

The 2nd Judicial District serves Bernalillo County, home of the state's largest city, Albuquerque. This district accounted for 34% of all program referrals. Compared to the prior year, Open Adoption referrals increased dramatically (63%), but referrals for TLR cases decreased (18%) for an overall net decrease of referrals at the 2nd of 15%.

	FY17	FY18	% Change
Open Adoption	8	13	63%
TLR (Legal)	245	201	-18%
TOTAL	253	214	-15%

The 2nd Judicial District serves the largest metropolitan area of the state, and continues to generate high demand for the program's services. The program is critical to this district; almost all of the abuse and neglect cases filed in this district are referred to mediation to serve in place of the pre-adjudication conference. The number of abuse and neglect cases that were filed in this court decreased 25% from the prior year, which may account for the decreased mediation referrals. At the same time, the court now has a plan in place to work through a backlog of adoptions and terminating parental authority cases, which will likely result in an increase in Option Adoption referrals.

Incarcerated parents continue to experience barriers to mediation participation. Those transported to court often find the three available courtrooms and judicial officers already occupied, causing difficulties in scheduling. Those participating by phone were time-restricted by the correctional facility, and frequently experienced poor phone connections, so meaningful participation was difficult. Some reported that they had not met with or been assigned to an attorney prior to the mediation. Coordination between agencies is needed in order to better accommodate incarcerated parents.

3rd Judicial District

The 3rd Judicial District serves the urban area of Dona Ana County, which is home to the city of Las Cruces. After a recent downward trend, referrals in this district increased in FY18.

	FY17	FY18	% Change
Open Adoption	3	10	233%
TLR (Legal)	71	76	7%
TOTAL	74	86	16%

Related case filings increased in this district as well, but at a slightly higher pace (19%). Respondent Attorney positions have been filled, after some earlier turnover, but some attorneys are serving multiple districts, so the court dockets are difficult to coordinate. The new Children's Court Judge, Marci Beyer, is supportive of the program, which has probably helped the CYFD referrals increase.

4th Judicial District

The 4th Judicial District serves the primarily rural counties of Guadalupe, Mora, and San Miguel. This district is located in the northeast part of the state. Case filings in this district increased 33%, as compared to the prior year. The number of referrals to the program continues to be low, so the changes from the prior year are statistically insignificant.

	FY17	FY18	% Change
Open Adoption	0	1	100%
TLR (Legal)	3	3	0%
TOTAL	3	4	33%

5th Judicial District

The 5th Judicial District serves a mix of urban and rural areas in the counties of Chaves, Eddy and Lea. It is home to five cities: Roswell, Lovington, Carlsbad, Hobbs and Artesia. The number of case filings decreased for Open Adoptions but increased significantly for TLR cases.

	FY17	FY18	% Change
Open Adoption	26	13	-50%
TLR (Legal)	1	39	3800%
TOTAL	27	52	93%

6th Judicial District

The 6th Judicial District is in the southwest and serves the primarily rural areas of Luna, Hidalgo and Grant counties. This district borders Mexico, and includes Deming, Lordsburg and Silver City. Case filings decreased by 43%, but CYFD referrals increased by 24% over last year.

	FY17	FY18	% Change
Open Adoption	3	4	33%
TLR (Legal)	34	42	24%
TOTAL	37	46	24%

This district has suffered from chronic personnel shortages. The Children's Court Attorney was covering four counties, including one in the 7th Judicial District, and there was no legal secretary. The legal secretary typically makes the referrals, and now that a legal secretary has been hired the referrals are increasing

7th Judicial District

The 7th Judicial District serves a rural area that represents the largest geographic region of all the districts in the state. The district includes Catron, Sierra, Socorro and Torrance counties. Court filings increased slightly (10%). Referrals for TLR cases significantly increased, whereas referrals for Open Adoption cases remained flat.

	FY17	FY18	% Change
Open Adoption	13	12	-8%
TLR (Legal)	13	21	62%
TOTAL	26	33	27%

This district did not have a legal secretary for a time, and referrals came from the legal secretary and Children's Court Attorney in the 3rd Judicial District, along with CYFD personnel. The Torrance County office, especially, began making more referrals due to their work with the mediator covering the 7th district, and this may account for the large increase in TLR referrals.

8th Judicial District

The 8th Judicial District serves the sparsely populated counties of Taos, Union and Colfax, in the northeast corner of the state. Case filings were up 18%, as compared to the prior year, but the number of referrals remained low. The court will be referring most of their pre-adjudication cases for referral, going forward, in addition to the Open Adoption, Guardianships, and Parenting Plans that were previously being referred at a rate of approximately 5-6 per year. This change will result in an additional 16-18 cases. The struggle then will be with too few attorneys spread too thin, who may call-in rather than appear in person, leaving clients feeling under represented.

	FY17	FY18	% Change
Open Adoption	4	4	0%
TLR (Legal)	2	4	100%
TOTAL	6	8	33%

9th Judicial District

The 9th Judicial District includes the rural areas of Curry and Roosevelt counties and contains the municipalities of Clovis and Portales. Case filings were up significantly (59%) in this district. There was a decrease in Open Adoption referrals in FY18 but the district began referring for TLR mediation services for the first time

	FY17	FY18	% Change
Open Adoption	10	3	-70%
TLR (Legal)	0	2	100%
TOTAL	10	5	-50%

10th Judicial District

The 10th Judicial District serves the rural areas of Harding, Quay and De Baca counties. The area is so sparsely populated that only one judge is assigned to serve the entire district, and there are only a handful of court employees. It is not surprising that this district consistently refers the least number of cases to the Children's Court Mediation Program. Last year there was just one referral for TLR case. This year, the district did not refer any cases for mediation.

11th Judicial District

The 11th Judicial District serves the primarily urban areas of McKinley and San Juan counties in the northwest corner of the state. The number of Open Adoption referrals was flat from the prior year, and the number of TLR referrals was down only slightly. Case filings are down only slightly (3%).

	FY17	FY18	% Change
Open Adoption	9	10	11%
TLR (Legal)	41	37	-10%
TOTAL	50	47	-6%

12th Judicial District

The 12th Judicial District serves the mixed urban/rural areas of Lincoln and Otero counties, which contain Alamogordo, Carrizozo and Ruidoso. Case filings decreased significantly (55%), but the number of Open Adoption and TLR referrals increased, for a 38% total increase over last year. The 12th had no legal secretary or CCA for most of the fiscal year, but both positions are now filled and referrals increased significantly in the last quarter of the year.

	FY17	FY18	% Change
Open Adoption	9	20	122%
TLR (Legal)	30	34	13%
TOTAL	39	54	38%

13th Judicial District

The 13th Judicial District serves a primarily urban area neighboring Bernalillo County. It includes Cibola, and Valencia counties, as well as the rapidly growing Sandoval County. Case filings increased (27%). The total number of referrals was up 23% from the prior fiscal year, with a significant increase (122%) in Open Adoption referrals. Attorneys are increasingly spread thin, however, leading them and their clients to call into mediations rather than attend in person, weakening the overall mediation effort in the process.

	FY17	FY18	% Change
Open Adoption	9	20	122%
TLR (Legal)	60	65	8%
TOTAL	69	85	23%

STATEWIDE QUANTITATIVE DATA & ANALYSIS

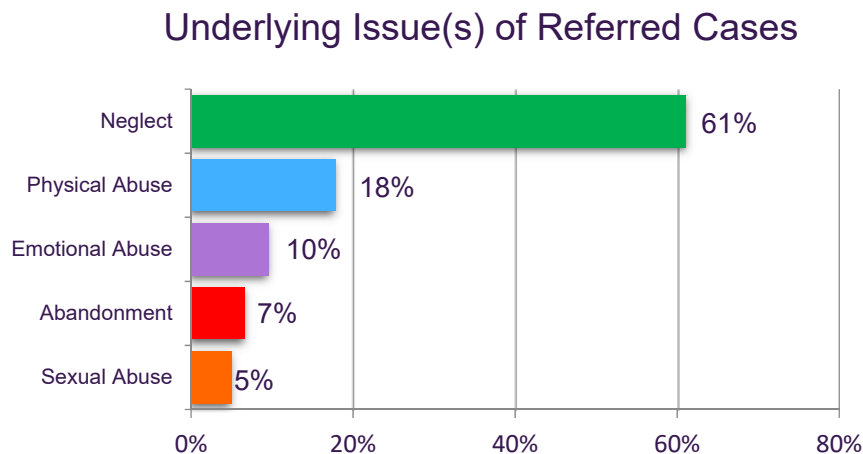
The statewide quantitative data tracks objective and comparable measures, including the stage at which a case is referred to mediation, the characteristics of the case, the characteristics of the family participants, and the cancellation and case closure rates.

FAMILY PARTICIPANT DATA

A total of 510 child welfare cases (“families”) were served in FY18 by the program: The Open Adoption mediation services were provided to 76 families, and the Time Limited Reunification mediation services were provided to 434 families. The families utilizing the mediation services across the state come from diverse backgrounds, and some have complex challenges to surmount in addition to those raised by the abuse and neglect case. The family participant data is provided by the program mediators based on real and/or perceived information, so the data should be evaluated with that in mind.

Child Abuse and Neglect

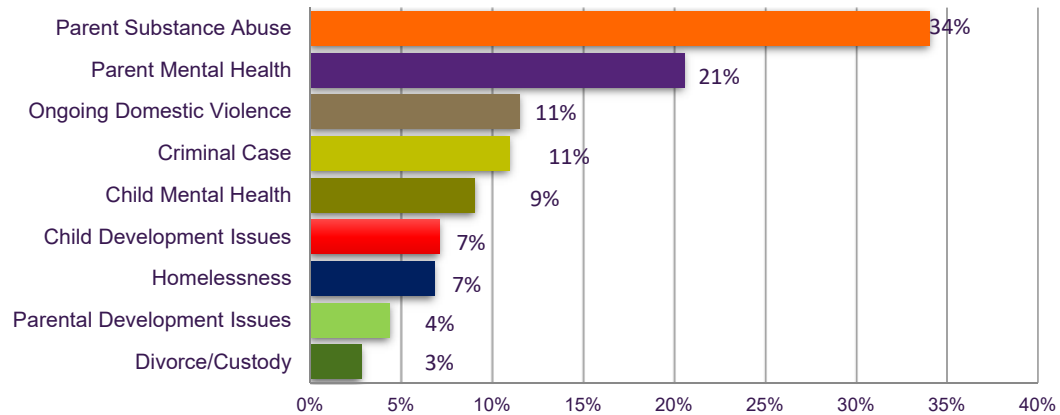
Families referred to the program initially entered the child welfare and state court systems due to reports of child abuse and/or neglect. The New Mexico Abuse and Neglect Act (32A-4 et seq., NMSA 1997) provides the relevant definitions for physical abuse, sexual abuse and neglect. The underlying problem in the cases that are referred to CCMP are recorded under categories of various types of abuse (sexual, emotional, physical, unknown), neglect (or abandonment), and “unknown abuse” or “other reasons”. The primary underlying problems recorded for the cases referred to the program was neglect (61%) and physical abuse (18%).



Psycho-Social & Economic Challenges

In addition to the challenges of abuse and neglect, roughly a quarter of the family participants in mediation struggle with psycho-social and economic challenges. In FY 2018, the families were primarily reported to have substance abuse problems (34%), parental mental health issues (21%), and ongoing domestic violence (11%) problems.

Family Challenges

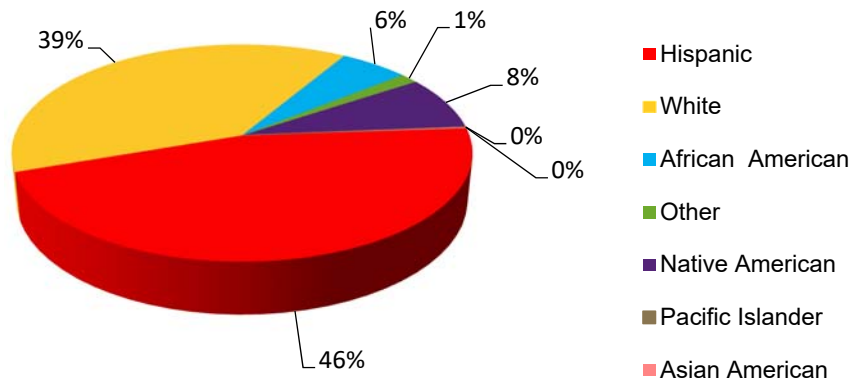


Ethnicity

Data on the ethnicity of family participants is fairly consistent with the prior fiscal year. The family participants' ethnicity is recorded within a limited set of categories: White, Hispanic, Native American, African American, Asian American, and Other. In FY 2018, the majority of families participating in mediation were reported as Hispanic (46%). Comparative US Census Data from 2010² reflects that 46% of New Mexico's population is Hispanic/Latino. Native Americans represented 8% of the CCMP participants, which is roughly equivalent to their composition in the larger population (the 9% census figure also includes Alaskan Natives in this category).

² Available at: www.census.gov/2010census. Note that comparisons to US Census data are not entirely accurate where the comparative data is drawn from different years and the descriptive categories used by CCMP are slightly different than those used by the US Census.

Mediation Participant Ethnicity

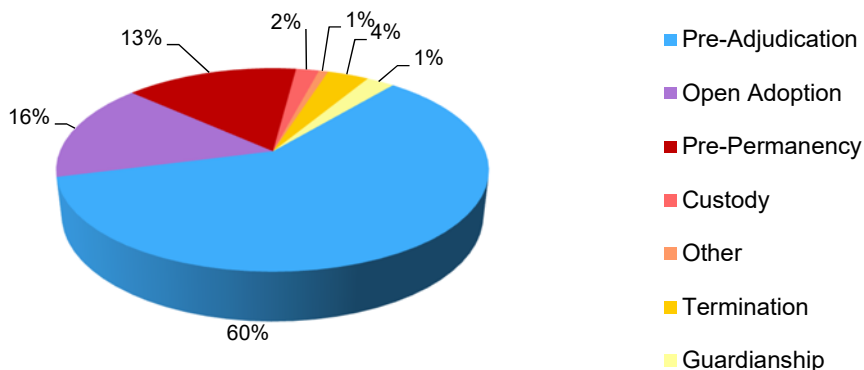


White/Caucasian families are underrepresented in CCMP mediations, comprising 68% of the NM population yet only 39% of the participants. African Americans, on the other hand, are overrepresented: They comprised 6% of participating families, but only 2% of the state's population.

STAGE AT WHICH CASE WAS REFERRED

Referrals to mediation services can occur at any stage of an abuse and neglect case. The overwhelming majority of referrals occur at the Pre-Adjudication stage (60%). Pre-Permanency (13%) and Open Adoption (16%) stages are also common stages of referrals.

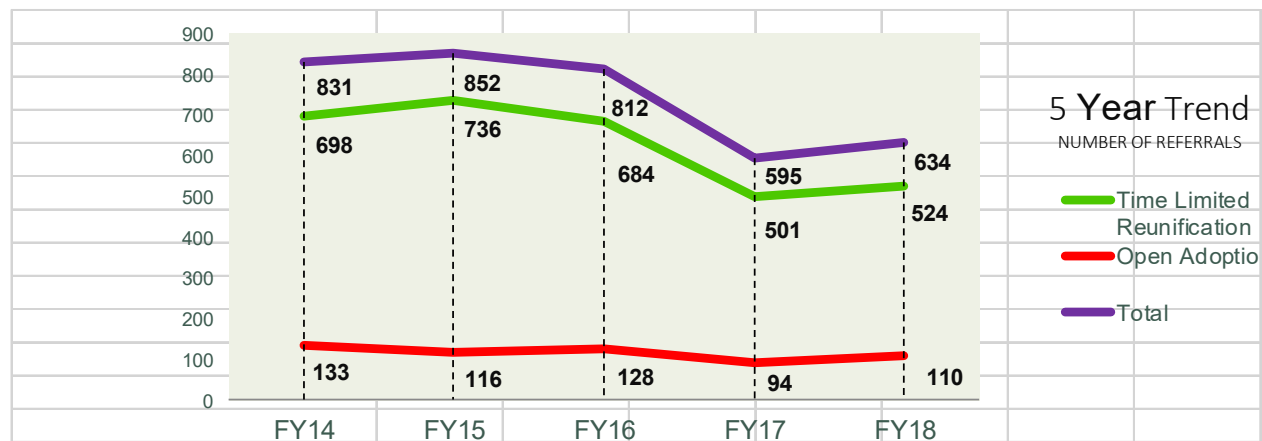
Stage At Which Case Was Referred



PROGRAM REFERRAL TRENDS

Monitoring long-term trends provides the program with the information needed to make budget requests to the legislature, seek outside funding for training and evaluation, and develop

priorities on both an annual and long-term basis. The chart below shows the 5-year trend in referrals from FY14 through FY18:



Referrals rose slightly overall from FY14 through FY15, began to decrease in FY16, and showed a marked decrease in FY17. Referrals from FY17 to FY18 are up overall, in both Open Adoption and TLR referrals, by 6.6%. Based on that positive but slight increase, additional funding will not be sought for FY19, but marketing and training efforts will be increased.

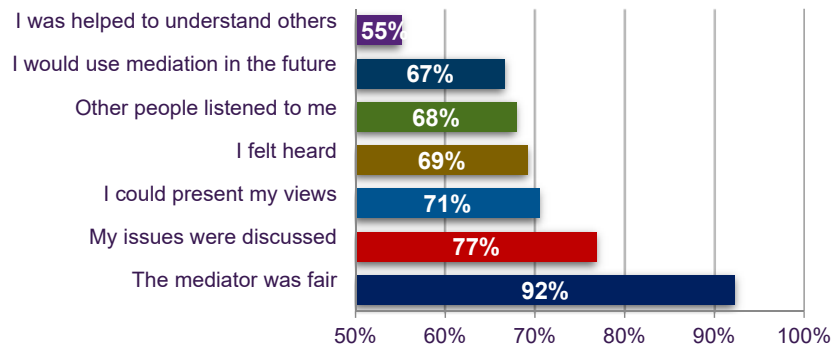
STATEWIDE QUALITATIVE DATA & ANALYSIS

Qualitative reports contain the subjective experiences and perceptions of the participants.

FAMILY PARTICIPANT ASSESSMENTS

Family participants including biological parents, adoptive parents, guardians, children/youth and grandparents are asked to fill out a feedback form at the end of the mediation session. These participants reported a generally high level of satisfaction with their mediation experience.

Family Participant Satisfaction with Mediation



A central tenet of any court-connected alternative dispute resolution process, including mediation, is that participants be treated fairly and without bias. The mediator acted fairly according to 92% of family participants. Equal access through inclusive participation is another essential measure for court-connected services. Family participants of the program reported that: they were able to present their views (71%), their issues were discussed (77%), they felt heard (69%) and that other participants listened (68%). These experiences of validation and inclusion are not generally reported by participants of traditional adversarial court hearings.

Furthermore, the report suggests that mediation may improve the relationships between the participants: 55% reported that the process helped them to understand others, and that they would use mediation in the future (67%). Through a process of mediation, the program participants listen to one another and learn to better understand the experiences of others, so that fragile relationships can begin to heal.

FAMILY PARTICIPANT COMMENTS

At the end of every mediation session the family participants are given a feedback form and encouraged to include a comment about what was most significant to them about the session. The following are some of the comments received in FY18:

Everyone that was involved made me feel really good about my involvement.

I felt relieved after the mediation. We are all on the same page.

Opened a door to be able to just talk. 1st step right direction.

The most important thing was we got to discuss and review treatment items to get my child back and see what's needed to be done that hasn't been done or what still need to be none and also we got to discuss everyones point of views.

I was able to express my concerns and felt they were heard and addressed. Thank you.

I was able to get a better understanding of everything

Options were clarified and questiong answered. Helpful to speak without aninosity clouding the issues.

Got a chance to work with my mom after years of astrangment.

It was all important and very helpful.

It worked awesome. We were able to come to a solution.

That I was heard on issues that were improtant to me. And I have a better understanding of what needs to happen next.

It was good to have a converstaion with bio dad. Glad to move forward and be in agreement that the baby's needs are what is #1.

To able to sit in the same room as the father and not have a problem.

I fell it was very helpful. I could feel her pain and I understood we found out a lot of important information and we have a clear understanding of what will hwppen when she gets out.

Getting the bio mom to understand what to expect out of the guardianship and what the mediator told us.

Just being heard and knowing we have this in writing for any issues than may arise.

We arreed for most subjects and got everythin taken care of we needed to.

Everything went great, thank you!

God bless you.