

	<b>JUVENILE JUSTICE SERVICES</b> <b>General Provisions</b>	<b>Effective Date: 6/15/10</b>
		<b>Issue Date: 6/15/10</b>
	<b>Title: Child Advocacy</b>	
	<b>Procedure #: P.1.19</b>	

**1 ISSUING AGENCY** Children, Youth and Families Department (CYFD)

**2 SCOPE** Juvenile Justice Service (JJS)

**3 STATUTORY AUTHORITY** NMSA 32A-2-1, 32A-2-2.E

**4 FORMS** None

**5 APPLICABLE POLICY** **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 are part of the of the employee’s personnel file.

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**7 DEFINITIONS**

**8 CHILD ADVOCACY GROUPS**

- 8.1 Only advocacy groups approved by the Director of JJS shall be allowed to visit clients in a JJS facility.
- 8.2 The Director of JJS shall maintain a list of approved child advocacy organizations, groups or representatives and provide for their appropriate access to facilities, clients and client records. This list may include:
  - 8.1.1 Organizations, groups or representatives of the protection and advocacy system pursuant to the provisions of the federal Developmental Disabilities Assistance and Bill of Rights Act and the federal Protection and Advocacy for Mentally Ill Individuals Act of 1991.
  - 8.1.2 Representatives of Disability Rights New Mexico or recognized under the Children’s Mental Health and Developmental Disabilities Act (NMSA 1978 32A-6A-24).

- 8.1.3 Ombudsman, or groups or organizations formed to represent client interests in civil rights, conditions of confinement or provision or rehabilitative services.
- 8.1.4 Groups and/or organizations registered and approved to conduct business in the State of New Mexico, possessing a valid New Mexico business license as a child protection and/or child advocacy organization or group.

9 APPROVED CHILD ADVOCACY GROUP LIST

- 9.1 Any child advocacy organization, group or representative wishing to have access to a JJS facilities or JJS clients shall forward a letter of intent and verification of their organizational status to the Director of JJS for review and approval prior to inclusion on the approved child advocacy group list.
  - 9.1.1 Ombudsman and similar organizations, groups or representatives shall only be allowed access via a contract or other similar mutual agreements between CYFD and the respective ombudsman organization, group or representative.
- 9.2 If approved, all child advocacy organizations, groups, or representatives must complete, sign and return a confidentiality agreement.
- 9.3 The Director of JJS will provide an updated list of approved child advocacy organizations, groups or representatives to each facility superintendent as needed.

10 GENERAL ACCESS

- 10.1 Approved child advocacy group interviews, meetings and documentation reviews shall be held in a location within the facility designated by the facility superintendent or designee.
- 10.2 Approved organizations, groups or representatives shall contact the facility superintendent or on-call manager in charge at least 48 hours in advance of the requested visit and provide their name, organization they represent and the names of clients or specific documents they wish to interview or review.
  - 10.2.1 Upon receipt of a requested visit, the facility superintendent will consult the approved child advocacy group list. If the organization, group or representative appears on the list, the facility superintendent will forward the request to the Director of JJS, who must approve the visit.
  - 10.2.2 Approved Child Advocacy Groups may be denied admittance to a facility or access to a client by the Director of JJS for safety or security reasons or if a behavioral health professional familiar with a client determines that the meeting is not in the best interest of the client(s).
  - 10.2.3 Child advocacy organizations, groups or representatives acting under a court order shall contact the facility superintendent or on-call manager in charge at least 24 hours in advance of the requested visit and in addition to providing their name, organization they represent and the names of clients or specific documents they wish to interview or review, must provide a certified stamped copy of the court order to the Office of General Counsel.
    - 10.2.3.1 If directed by the Office of General counsel, the facility superintendent shall grant access at a reasonably expeditious time.
    - 10.2.3.2 The certified stamped copy of the court order will become a part of the client's permanent file.
- 10.3 Under normal circumstances, visits by child advocacy organizations, groups or representatives shall be contact visits. Non-contact visits may only be used to ensure the safe, secure and orderly operation of the facility. Non-contact visits can be over the telephone or if available, in a non-contact visiting room.

- 10.4 Child advocacy organizations, groups or representatives shall be advised that the client will be asked if the client wishes to meet with the requesting organization, group or representative.
  - 10.4.1 If the client agrees to meet with the child advocacy organization, group or representative, the client must sign a release of information detailing their consent and what documents can be reviewed and/or released.
  - 10.4.2 If the client refused to meet with the child advocacy organization, group or representative the client must refuse in writing.
- 10.5 The Children, Youth and Families Department shall not compel or otherwise coerce a client's participation with a visit by a child advocacy organization, group or representative.
- 10.6 All visitation, communication or correspondence with a recognized child advocacy organization, group or representative shall be recorded in the respective visitation, telephone or correspondence log and become a part of the client's permanent record.
- 10.7 The Children, Youth and Families Department or its employees shall not question the organization, group, representative or the client about the nature of a pending or completed interview, meeting or documentation review.

## 11 EMERGENCY ACCESS

- 11.1 If a child advocacy organization, group or representative believes that an emergent, urgent or time sensitive situation exists and that a 48 hour delay could further aggravate the emergent situation, the organization, group or representative can request expedited access through the Office of General Counsel.
  - 11.1.1 The Office of General Counsel shall respond to all requests for expedited access as soon as practical.
  - 11.1.2 If the Office of General Counsel does not concur that an emergent, urgent or time sensitive situation is evident, the request shall be handled under the general access portion of this procedure.

## 12 CONFIDENTIAL INTERACTION

- 12.1 Correspondence between a recognized child advocacy organization, group or representative and a JJS client is privileged correspondence as defined in the JJS correspondence procedure.
- 12.2 Visits by a recognized child advocacy organization, group or representative shall take place in a private conference room, if available, or in a regular visiting room in an area and at a time designed to allow a high degree of privacy.
- 12.3 Telephone communications by a recognized child advocacy organization, group or representative are privileged and JJS personnel shall not monitor such communication. These calls may be monitored only if the superintendent or designee determines that there is reasonable cause to believe that the client is planning an escape, trying to obtain contraband, planning to commit a crime or delinquent act or that the telephone call constitutes a crime or delinquent act in and of itself.
- 12.4 As a condition of visitation, the facility superintendent can require presentation of individual and organizational identification and subject the individual to a search of their person and belongings for the purpose of ascertaining if contraband is present.
- 12.5 The exchange of legal or other pertinent documents is permitted, however the facility superintendent must be provided advance notice of a document transfer and the documents are subject to visual inspection, not read or reviewed, before the transfer.

13 ACCESS RESTRICTIONS

- 13.1 Any act by an child advocacy organization, group or representative which violates CYFD or JJS visitation policy or procedure, is a violation of state or federal law, or threatens the security, orderly operation, or safety of the facility is grounds for cancellation, limitation, suspension or denial of current or future visitation by the facility superintendent.
  - 13.1.1 The facility superintendent must forward the rationale for any cancellation, limitation, suspension or denial of visitation to the Director of JJS for review.
  - 13.1.2 The facility superintendent shall notify the child advocacy organization, group or representative in writing of the grounds for any cancelation, limitation, suspension or denial of visitation within five business days of the decision.
  - 13.1.3 Any child advocacy organization, group or representative that wishes to appeal the facility superintendent’s cancelation, limitation, suspension or denial of visitation shall forward the appeal to the Director of JJS.
- 13.2 A child advocacy organization, group or representative cannot compel a Children, Youth and Families staff member to participate in an interview or meeting.

14 DOCUMENT PRODUCTION

- 14.1 Requests for documents by an approved child advocacy organization, group or representative, with a signed consent for release, shall be forwarded by the facility superintendent to the Children, Youth and Families Department’s Public Records Custodian for processing.
  - 14.1.1 The Children, Youth and Families Department’s Public Records Custodian shall follow the New Mexico Inspection of Public Records Act in responding to the records request.

15 AUTHORIZED SIGNATURE



**APPROVED:** \_\_\_\_\_ 6/9/10  
**Dorian Dodson, Cabinet Secretary** **Date**  
**Children, Youth and Families Department**