



NEW MEXICO SENATE REPUBLICAN OFFICE

Senator Greg Baca, Leader

FOR IMMEDIATE RELEASE

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Senate Republicans Call for Accountability and Action in Letter to CYFD Secretary

SANTA FE – Today, Senate Republican Leader, Senator Greg Baca (District 29-Bernalillo and Valencia), Senator David Gallegos (District 41-Eddy and Lea), and Senator Crystal Diamond (District 35-Grant, Hidalgo, Luna, and Sierra) sent a letter to Child, Youth and Families Department (CYFD) Secretary Barbara Vigil, calling for greater accountability and action within the department. The letter comes on the heels of horrific allegations of a departmental cover up, negligence, gaslighting of caseworkers, and consistent failure of the department to stop the death and abuse of our state's most vulnerable children.

“Anger, frustration, and sadness—that is how I would describe what it has been like to see such apathy in light of the horrendous reports of what is happening at CYFD,” said **Senator David Gallegos**. “I do not know what it will take for this department and this administration to take responsibility for their failures. The least they can do is get behind legislation to deliver independent oversight. We need options for intervention since this department seems unwilling to make drastic changes on their own.”

In 2022, Senator Gallegos was a cosponsor of [legislation](#) to create an independent ombudsman office to investigate and resolve complaints made by or on behalf of children placed in the CYFD custody. The bill was publicly opposed by CYFD and [Governor Michelle Lujan Grisham's office](#), and tabled by Senate Democrats.

“Yet again, this Governor remains apathetic to the evil happening right under her nose,” said Senate Republican Leader, **Senator Greg Baca**. “It was this Governor who said on the campaign

trail regarding CYFD that '[we must hold our partners, our leaders, and ourselves accountable.](#)' Well, Governor, it is long overdue that you step up and hold your partners, your department, and yourself accountable for the death and abuse happening under your administration."

"We are not asking for something unattainable. All the people of New Mexico want is a straight answer on who or what is responsible for this department's failure and how they are going to fix it. If the administration and CYFD are not willing to provide that answer to us, then the people deserve an advocate responsible for hand holding this department to ensure they do their job," added **Senator Crystal Diamond**.

The letter to Secretary Vigil is attached below.

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New Mexico State Senate

STATE CAPITOL

Santa Fe 87501

June 6, 2022

The Honorable Barbara Vigil
Secretary, Children, Youth and Families Department
1120 Paseo De Peralta
Santa Fe, NM 87501

SENT VIA EMAIL

Dear Secretary Vigil:

We, the undersigned New Mexico State Senators, are writing to you following reported allegations of negligence and evidence tampering by staff at the Children, Youth and Families Department (“CYFD”).

According to a recent KRQE report, attorneys in the wrongful death lawsuit of four-year-old James Dunklee claim that “CYFD destroyed evidence and forced caseworkers to hide how they handled his case.”¹ The severity of these allegations prompted a request from our office that the Attorney General immediately launch a formal investigation into the matter. However, given the fact that many other children’s lives remain at stake, we cannot delay appropriate action at CYFD until the lawsuit and any investigations conclude.

In a memorandum dated September 23, 2021, Legislative Finance Committee (“LFC”) staff addressed LFC members’ concerns regarding CYFD staffing, safety metrics, and oversight. Among the findings noted in the memorandum were high turnover and vacancies in key leadership positions; high child maltreatment death rates and significant underperformance in child maltreatment and safety metrics; and shortcomings in child welfare and death oversight mechanisms. Last month, these findings were further corroborated when CYFD released its own internal investigation into James’ death. According to the investigation summary report, caseworkers had investigated at least four allegations of physical abuse just months before the child was ultimately beaten to death. Further, when caseworkers attempted to keep the child in CYFD custody, they were allegedly told by their supervisors to “calm down.”²

Following the release of the internal investigation, CYFD stated, “Rather than focusing on blame, the department is engaged in a process that will enable it to examine carefully systemic processes and procedures that require change to minimize risk of child fatalities in New Mexico.”³ Similar statements were released in response to the recent deaths of a 16-year-old special needs child in Albuquerque; a one-month-old baby in Los Lunas; and a two-year-old child in Albuquerque. It would appear that CYFD’s consistent response to these and other tragedies is to deflect from the facts and sidestep responsibility, while the Governor remains silent.

¹ KRQE. (2022, May 27). *Lawsuit alleges CYFD cover-up over 4-year-old’s death*. Retrieved from <https://www.krqe.com/news/albuquerque-metro/lawsuit-alleges-cyfd-cover-up-over-4-year-olds-death/>

² KRQE. (2022, April 6). *CYFD releases investigation report on 4-year-old beaten to death*. Retrieved from <https://www.krqe.com/news/albuquerque-metro/cyfd-releases-investigation-report-on-4-year-old-beaten-to-death/>

³ Ibid.

The Honorable Barbara Vigil

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While many of the issues now plaguing the agency can be attributed to the poor leadership of your predecessor, we simply cannot afford “more of the same” from the department charged with protecting the state’s most vulnerable children. It is clear, perhaps now more than ever, that CYFD needs drastic reform and greater accountability.

During the 2022 Legislative Session, House Bill 145 sought to establish an independent child welfare ombudsman office to, among other things, “investigate and attempt to resolve complaints made by or on behalf of children placed in the custody of the department.” This bipartisan sponsored legislation passed the House of Representatives with unanimous support, but was subsequently tabled by Senate Democrats in the Senate Health and Public Affairs Committee after CYFD publicly opposed the bill.

The citizens of New Mexico are quickly losing faith in CYFD’s ability to supervise itself. We, therefore, urge you and your agency to seriously reconsider your opposition to this legislation. An independent child welfare ombudsman office would help restore public trust in CYFD by offering some much needed and impartial oversight and accountability. According to the National Conference of State Legislatures, “twenty-three states have established a Children’s Ombudsman/Office of the Child Advocate with duties and purposes specifically related to children’s services.”⁴ It is time for New Mexico to join them.

We must do all we can to prevent future child maltreatments and fatalities in our state, and to that end, we stand ready to assist any way we can. New Mexico’s children are depending on us and it should not take another dead and/or abused child for CYFD and this administration to finally take appropriate action.

Thank you for your attention to this urgent matter. We look forward to your response.

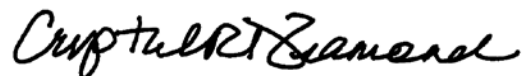
Sincerely,



GREGORY A. BACA
State Senator
Senator Republican Leader



DAVID M. GALLEGOS
State Senator



CRYSTAL DIAMOND
State Senator

⁴ NCSL. (2021, October 5). *Children's Ombudsman Offices | Office of the Child Advocate*. Retrieved from NCSL: <https://www.ncsl.org/research/human-services/childrens-ombudsman-offices.aspx>