



**Minutes of the Meeting of the
Juvenile Committee
11:00 a.m.
January 7, 2021**

via Zoom

Committee Members Present	Committee Members Absent	Others Attending	NMSC Staff
Bob Cleavall (NMSC), Chair	Hon. Marci Beyer (DMCJA)	Hon. John Romero (retd.)	Linda Freeman
Marit Andrews (PED)	Sheriff Manuel Gonzales III (NM Counties)	Douglas Mitchell (JJAC)	Douglas Carver
Cindy Aragon (State Bar)	Hon. William Parnall	Json Weaks (Bernalillo County)	
Jim Cowan (for CYFD)		Eva Buchwald (NM Coalition for Fair Sentencing of Youth)	
Diana Garcia (NMDAA)		Catherine Begaye (Children's Court)	
April Land (UNMSOL)		Charlie Verploegh (Bernalillo County BHS)	
Angela "Spence" Pacheco (Speaker)		Erik Rivera	
Jason Rael (LOPD)		Nick Costales (CYFD)	
Hon. John J. Romero, Jr.		Javier Rojo (NM Voices for Children)	
David Schmidt (Pro Tem)			
Hon. Marie Ward			
Ron West (Senate Minority)			

I. Welcome and Introductions. Bob Cleavall, Chair, called the meeting to order at 10:02 a.m.

II. Announcements

Chair Cleavall informed the committee that this meeting was being held at the request of the Full Commission, as the Commission wanted the committee's input on Bernalillo County's behavioral health proposal. Additionally, after speaking with members of the Juvenile Justice Advisory Committee (JJAC) about referrals, he was considering pulling together a committee to examine the issue of referrals that would

involve JJAC, the Children, Youth, and Families Department (CYFD), the Department of Public Education, and the Committee.

III. Approval of Minutes for the October 30, 2020 meeting. The minutes for the previous committee meeting were approved by consensus.

IV. Staff Report.

Linda Freeman, Executive Director, NMSC, informed the committee that NMSC staff has been working on a study of the adult competency system; as she knows this committee would be interested in juvenile competency issues, she has reached out to CYFD to try to get a study started soon.

V. Update on the Juvenile Justice Continuum Sites and Clients.

Douglas Mitchell, Chair, Juvenile Justice Advisory Committee (JJAC), gave the committee an overview of JJAC's work and an update on continuum sites, working through a handout that he provided to the committee. He informed the committee that JJAC was a governor-appointed advisory committee with 20 members, with a mandate to advise the Governor, CYFD, and the Legislature on juvenile justice issues. Among its duties is that JJAC oversees funding support to local Juvenile Justice Boards and Continuums of Care. JJAC also is mandated to focus on juvenile justice system improvement and reduce racial and ethnic disparities. Mr. Mitchell noted that JJAC wishes to expand the geographic diversity of its members, and incorporate greater victim advocacy.

JJAC funding priorities center on the implementation of evidence-based programs and promising practices in the areas of alternatives to detention, delinquency prevention, graduated and appropriate sanctions, diversion and restorative justice, and gender-specific services. He noted that a challenge with focusing on evidence-based programs is that it potentially closes the door on promising new programs that do not yet qualify as evidence-based. Mr. Mitchell then gave the committee an overview of JJAC program funding, highlighting that funds went to 19 of the state's counties in FY 2020, 20 in FY 2019, serving around 5,400 clients. He noted that typically not all services get funded or that it is difficult to get startup services. As a result, it poses difficulties in going back to the Legislature for more dollars. Mr. Mitchell discussed how JJAC has partnered with the Juvenile Detention Alternatives Initiative (JDAI), trying to spread that effort across the state. The success of this approach has been shown by the fact that the state has dropped from 11 juvenile detention centers to four.

They are presently working to ensure that there is not overrepresentation of communities of color in the juvenile detention system – while such disparities presently exist, those numbers are improving. Mr. Mitchell discussed some of the specific steps being taken to address racial and ethnic disparities. There is Federal reporting at five points – arrest, diversion, pre-trial detention, disposition commitments, and adult transfers. JJAC is working to develop a race equity statement to identify accomplishments, the continuing work to be done, and to reinforce JJAC's commitment to this work.

FY 2021 JJAC accomplishments include getting a four-year funding cycle with annual adjustments; developing a cloud-based JJS grant management system; and making positive pandemic-related adjustments to service provision, including virtual services with increased services support; and a supplemental finding cycle.

Mr. Mitchell concluded his presentation with challenges faced by JJAC. These include addressing alternatives to detention with the state's four juvenile detention centers, the pandemics impact on onsite

visits and audits, the implementation of evidence-based programs and promising practices in a culturally-appropriate manner, and addressing the particular needs of rural counties and communities.

Members of the committee discussed and asked questions about the work being done to reduce racial and ethnic disparities, youth transferred to adult court and adult filings against youth, Federal reporting requirements, the four-year funding cycle, the reasons for a lack of referrals in San Juan and McKinley Counties, referrals in other predominately Native American communities, and the structure of continuum boards.

VI. Bernalillo County Proposal to Amend Confidentiality of Behavioral Health Information.

Jason Weaks, from Bernalillo County, informed the committee that the wish to amend statutes relating to the confidentiality of behavioral health information is clean-up work from changes that were made in HB 267 (2019) regarding behavioral health research. Essentially, the changes would place New Mexico's statutes in line with Federal law, and would put language that currently obtains for adults into the Children's Code. Since the 2019 changes, there has been a question as to whether the information available for research under those changes was available retroactively. The need is for researchers to be able to access this information for those who are 14 and older. The information would still be protected, HIPPA would apply, and all relevant confidentiality provisions would apply.

Members of the committee asked questions about and discussed what is meant by "detention center" in the bill language, the impact the bill might have in child welfare settings; the need to consult with advocates on the language, as the committee had only received it the night before; the importance of keeping children's health information protected; and IRB standards of confidentiality.

VII. Next Meeting. The committee will schedule its next meeting for a time after the end of the Legislative Session.

VIII. Adjourn. The meeting adjourned at 11:38 a.m.