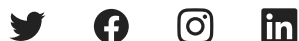


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NEWSLETTER



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New Protections in New Mexico for Hidden Foster Care Cases

BY SARA TIANO

Lawmakers in New Mexico passed a bill to ensure foster care subsidies are available for kinship guardians taking in children under a voluntary placement agreement, and providing legal counsel for parents before they agree to these voluntary custody arrangements. The subsidies would last for the duration of the placement.

Voluntary placement arrangements are sometimes referred to as [hidden foster care](#) because they involve moving children out of their parent’s home and into that of a relative or family friend without child welfare officials opening a formal abuse or neglect case. This practice, common in many jurisdictions, is sometimes criticized as coercive due to the looming threat of having abuse or neglect charges filed if parents choose not to voluntarily relinquish custody.

The new provision of legal representation for parents under New Mexico’s [Senate Bill 31](#), which was signed into law by Gov. Michelle Lujan Grisham in March, is meant to ensure that voluntary placement agreements “are only used in situations where



Michelle Lujan Grisham

provides children involved in the voluntary agreements with a guardian ad litem, a person — often a lawyer — assigned to represent the children’s interests in court proceedings.



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Under SB 31, the child welfare department will take custody of children before placing them into voluntary kinship guardianship. This is necessary for the kinship caregivers to become eligible for financial subsidies. The new law reduces the timeframe for returning children to parents who withdraw from the agreement — which is allowed due to its voluntary nature — from 72 hours to 48.

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The advertisement features a light blue background with three smaller circles of varying sizes in the top left. The main text is in a dark blue, sans-serif font. Below the text is a dark blue wavy line. Underneath this line are four dark blue rectangular boxes arranged in a 2x2 grid. The top-left box contains the text 'Engagement Packages', the top-right box contains 'COA Accreditation', the bottom-left box contains 'Consulting Services', and the bottom-right box contains 'Learning Solutions'. A light blue rounded rectangular button with the text 'learn more' is positioned horizontally across the center of the four boxes.

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