



RECOMMEDATIONS FOR CHILDCARE ASSISTANCE IN NEW MEXICO

Prepared on Behalf of New Mexico Civil Legal Services

By

Southwest Women's Law Center

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The Southwest Women's Law Center is a non-profit legal advocacy organization in Albuquerque, New Mexico. Founded in 2005, the Center's mission is to provide women in New Mexico with the opportunity to achieve their full economic and personal potential by: eliminating gender bias, discrimination and harassment; lifting women and their families out of poverty; and ensuring access to comprehensive reproductive health services and information. SWLC integrates five tools to create social change: legal research; policy analysis; advocacy; community and stakeholder education; and coalition work on local, state and national levels. The Center's goals include ensuring low and middle-income families in the state have access to essential government services such as subsidized childcare. This report outlines several recommendations that would provide greater access to childcare assistance in New Mexico.

INTRODUCTION

Access to quality childcare is one of the most important concerns of low-income mothers in New Mexico. New Mexico has responded to this concern by adopting the Child Care Assistance Program, which subsidizes the cost of childcare for women making below an income threshold. The Southwest Women's Law Center researched the implementation of this policy as well as the other aspects of childcare in New Mexico in order to determine what improvements can be made in order to provide quality childcare to low-income women. The first area of improvement concerns the under-payment of childcare professionals. The second area of concern is for the lack of availability of daycare seats available, especially in rural New Mexico. The third area of concern centers on the instability of the program, particularly the maximum yearly income that will qualify a New Mexican woman for subsidized childcare benefits. Our final area of concern is the lack of available information.

CHILDCARE PROFESSIONAL PAY

The average childcare worker in New Mexico makes \$21,130 a year according to the Bureau of Labor Statistics.¹ Women comprise the vast majority of the childcare profession, encompassing about 95% of the childcare workforce according to a recent report by the New Mexico Childcare and Early Education Task Force.² This salary is only \$970 more than the federal poverty level

for a family of three.³ These statistics taken together show that single mothers, who are childcare professionals in New Mexico, qualify for childcare assistance subsidies because of how little they are paid—100-200% of the federal poverty level.⁴

It is important to consider the implications of these statistics. Women make up the vast majority of the childcare workforce.⁵ They look after our children in childcare centers, programs and then eventually serve as our elementary and middle school teachers. A major indicator of how we value these jobs is by the amount that we pay them. Pay grade is the most concrete measure we have that shows the world how much we think the work being done is worth. For childcare workers, this amount isn't much. The average worker barely earns above the federal poverty level.⁶ What kind of message does that send? It shows in clear monetary terms that society does not value the time and effort that it takes to raise our children.

Society promulgates a much different message about the importance of professions that influence children. We often hear rhetoric that asserts teachers and childcare professionals perform some of the most crucial tasks in society. These assertions have factual support. Statistics have shown that children who do not have access to quality childcare and early education are 25% more likely to drop out of school; 40% more likely to become young parents; 60% more likely to never attend a higher education program; and 70% more likely to be incarcerated for a violent crime.⁷ So we see that there is a stated desire for strong childcare programs and statistical support for their importance. However this theoretical commitment does not translate into highly valued jobs. We cannot continue to ignore the importance of quality childcare provider jobs and still proclaim the importance of the work. Society must make these jobs worth having if we are ever going to see the payoff in the lives of New Mexican children.

AVAILABILITY OF CHILDCARE

New Mexico does not have enough spots available for children at licensed childcare facilities. The State has 146,483 children under the age of five years old.⁸ There are 57,124 spots available at a licensed childcare facility.⁹ The State only has the capacity to serve 39% of children under five years old. The State has even fewer spots available to young children under the age of two years old. There are 9,465 spots available at a licensed childcare facility for these children.¹⁰

There are four counties in New Mexico with no available childcare at a licensed childcare facility. Catron, Harding, Mora, and Union Counties have no childcare available to families in need.¹¹ Nine counties have the capacity to care for very few of the children residing there. Cibola, Colfax, De Baca, Lea, McKinley, Rio Arriba, Sandoval, San Miguel, and Socorro Counties can care for less than a quarter of children under five years old.¹² Colfax and McKinley Counties can only care for 8% of these children.¹³ Only two counties can provide for more than half of the children under the age of five. Bernalillo has enough childcare spots for 51% of children under five at a licensed childcare facility and Los Alamos has the capacity to care for 67% of these children at a licensed facility.¹⁴

Families in New Mexico need adequate childcare to pursue employment. If the county does not have the capacity to provide for the majority of children needing childcare, families are left to find other childcare elsewhere. Some families can leave their children with a trusted family

member or friend. Many families do not have that option. Without childcare, some parents are unable to find or remain employed.

INCOME UNCERTAINTIES

For those families that can find childcare, many cannot afford it. The State provides a Childcare Assistance Program to assist qualifying families with the cost of childcare. The minimum income requirement to qualify for the Childcare Assistance Program varies unpredictably. This creates uncertainty for mothers looking to apply for assistance. The program sometimes requires families to make less than 100% of the federal poverty level or the families are placed on a waiting list. Other times, the State increases the income threshold, allowing families making up to 200% of the federal poverty level to get access to assistance.

According to the National Women's Law Center, there were 5,467 children on the waiting list for services in 2013.¹⁵ In 2014, this number decreased to 256 children because women making up to 200% of the federal poverty level now qualified to be in the program.¹⁶ In 2015, there were 126 children on the waitlist.¹⁷ At first glance this seems like a steady stream of improvement. However, according to a news release published on the CYFD website, Governor Martinez raised the income eligibility from 150% to 200% of the federal poverty level in April of 2016.¹⁸ This effectively cleared the waitlist.

This puzzle has many missing pieces. It is unclear when the eligibility was lowered to 150%, and what the income eligibility level was prior to that amount. There is no set procedure to determine what the income eligibility should be or what causes the eligibility to change. The Southwest Women's Law Center attempted to contact several people within CYFD to ask questions regarding these uncertainties, but was unable to speak to anyone within the organization. Some of the key questions that we have targeted for further study include: How frequently does the minimum income fluctuate? How does this fluctuation affect low-income women? Does a reduction in the qualifying income remove women from the program? If so does that happen immediately, within 30 days of becoming ineligible, or at their 6-month recertification period? The answers to these questions would prove to be crucial information that would help low income women all over the state better understand what resources are available to them concerning childcare assistance subsidies.

ACCESS TO INFORMATION

The Southwest Women's Law Center made several attempts to contact CYFD the way a typical citizen would in order to assess the public's access to information about the childcare assistance program. The first place we attempted to look was on the CYFD website. Here we found some conflicting information on both the childcare assistance brochure and the application checklist. All of the literature available on the CYFD website claims that women who make between 100-200% of the poverty level are immediately being placed on a waitlist until further notice.^{19 20} However, this is incorrect because the same website published a news release about the income level being raised to 200% of the poverty level.²¹ The Southwest Women's Law Center first accessed this information in April of 2016 and again in June of 2016 and no updates had been made to any of the available documentation. At the very least there is a danger that women will

feel discouraged the information presented on the website and fail to seek services they qualify for because they are unaware that they qualify.

CYFD Online Material

The Southwest Women's Law Center also found conflicting/ misleading information when comparing the available literature and the specific regulations that govern the program. The CYFD website only references five potential options for childcare providers; however, the New Mexico Administrative Code provides for more types of childcare programs covered by the Childcare Assistance Program. The Southwest Women's Law Center would like to emphasize that the average New Mexican woman would not know to look to the administrative code for the types of care allowed. They would rely on information available to them through the CYFD website, which appears to be incomplete.

Additionally, there are provisions of the regulations that are not explained anywhere in the literature available via CYFD. Section 8.15.2.11L states that any absence for greater than five days without an excuse such as "illness, sudden death or family medical emergency" may cause childcare assistance benefits to be terminated.²² CYFD's website does not give families this vital information about termination. The website also fails to tell families about their right to appeal decisions made by the CYFD. Families have a right to a fair hearing if they have been denied benefits or if the family was accepted to the Childcare Assistance Program and benefits were reduced, suspended or terminated.²³

CYFD Telephone Contact

The Southwest Women's Law Center attempted to contact CYFD in the manner that a typical New Mexican woman would to see what information we would be able to receive via telephone. First, we attempted to call the public information line. Here, they transferred us to the childcare division. At this hotline, they informed us that they were just covering the phone lines and that we should contact our local office for more information. After calling the local Albuquerque office, the phone rang for approximately 10 minutes with no answer or answering service. After 10 minutes of the phone ringing, someone picked up the line and placed us on directly on hold for another 10 minutes. At that point, we hung up the line.

On a second occasion, we placed a call to the office of the secretary of CYFD. They informed us that their office wouldn't have this information, and we were transferred to the childcare division once again. After this, we decided to contact the local office to see if any information could be provided to us there. First, we placed a call to Central Regional Operations Manager and left a message there. Next, we placed a call to the Albuquerque field office. We were transferred to another person at the local office, and we left another message there. No responses were received from anyone that was contacted at CYFD. It is important to consider this from the prospective of a New Mexican women who would be trying to obtain vitally important information about a vital service. Many mothers work full time jobs and/ or attend school in addition to caring for their children. Easy access to current information is crucial to the success of programs like the Childcare Assistance Program

RECOMMENDATIONS

Based on all of these preliminary findings, the Southwest Women’s Law Center recommends the following:

- (1) CYFD should facilitate greater access to information through both frequently updating their available literature and also making someone available via the telephone to respond to questions from the public.
- (2) New Mexico should implement a base wage for childcare workers, which would provide a higher quality of living and in turn makes childcare jobs more desirable. This will enable facilities to ensure that they are staffed with the best people possible.
- (3) The state should provide greater subsidies to childcare facilities in order to create more available seats especially in the counties that have the fewest childcare seats available.
- (4) Implement a process to ensure long-term program stability. It is especially crucial that the maximum income threshold should remain the same for longer periods and for the fluctuations in income requirements to be less drastic. Right now, it is unclear how often the program fluctuates, but it appears that it might be as much as month-to-month. Additionally, the required income varies between under 100% and 200% of the federal poverty level. This is a qualitative difference of around \$20,000 per year.²⁴ Stabilizing these requirements would allow women who are expecting or planning a family to know whether they would qualify for these programs with a level of certainty that isn’t possible under the current implementation.

¹ U. S. DEP’T OF LABOR, *May 2015 State Occupational Employment and Wage Estimates New Mexico*, BUREAU OF LABOR STATISTICS http://www.bls.gov/oes/current/oes_nm.htm#21-0000 (last modified: Mar. 30, 2016).

² N. M. CHILDCARE AND EARLY EDUC. TASK FORCE, FINAL REPORT, 15 (2014).

³ HEALTHCARE.GOV, *Federal Poverty Level (FPL)*, <https://www.healthcare.gov/glossary/federal-poverty-level-FPL/> (last visited: June 27, 2016).

⁴ CHILDREN YOUTH & FAMILIES DEP’T, *Child Care Assistance Brochure* https://cyfd.org/docs/CCSB_Brochure.pdf (last visited: June 27, 2016).

⁵ U. S. DEP’T OF LABOR, *supra* note 1

⁶ U. S. DEP’T OF LABOR, *supra* note 1

⁷ N. M. CHILDCARE AND EARLY EDUC. TASK FORCE, *supra* note 2 at 8

⁸ New Mexico’s Indicator-Based Information System, Health Indicator Report of Child Care, Licensed Provider Total Capacity, All Children (March 2016). Available at <https://ibis.health.state.nm.us/indicator/view/ChildCareRatioLT5.Cnty.html>.

⁹ *Id.*

¹⁰ New Mexico’s Indicator-Based Information System, Health Indicator Report of Child Care, Licensed Provider Capacity for Infants and Toddlers (March 2016). Available at <https://ibis.health.state.nm.us/indicator/view/ChildCareCapacityInfant.Cnty.html>.

¹¹ New Mexico’s Indicator-Based Information System, Health Indicator Report of Child Care, Licensed Care Availability (March 2016). Available at <https://ibis.health.state.nm.us/indicator/view/ChildCareRatioLT5.Cnty.html>.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ NAT'L WOMEN'S LAW CTR., *State Child Care Assistance Policies: New Mexico*, https://nwlc.org/sites/default/files/pdfs/ccsubsidy2013/new_mexico-childcare-subsidy2013.pdf (last updated: Dec. 2013)

¹⁶ NAT'L WOMEN'S LAW CTR., *State Child Care Assistance Policies: New Mexico*, http://www.nwlc.org/sites/default/files/pdfs/ccsubsidy2014/new_mexico-childcare-subsidy2014.pdf (last updated: Dec. 2014).

¹⁷ NAT'L WOMEN'S LAW CTR., *State Child Care Assistance Policies: New Mexico*, <http://nwlc.org/wp-content/uploads/2016/04/newmexico-childcare-subsidy2015.pdf> (last updated: Mar. 2016).

¹⁸ CHILDREN YOUTH & FAMILIES DEP'T, *Governor Martinez Announces Expansion of Child Care Services*, (Apr. 21, 2016) <https://cyfd.org/news-events/news/governor-martinez-announces-expansion-of-child-care-services>.

¹⁹ CHILDREN YOUTH & FAMILIES DEP'T, *Child Care Application Checklist*, <https://cyfd.org/child-care-services/child-care-applicant-checklist> (last visited: June 27, 2016).

²⁰ CHILDREN YOUTH & FAMILIES DEP'T, *supra* note 4

²¹ CHILDREN YOUTH & FAMILIES DEP'T, *supra* note 11

²² NMAC § 8.15.2.11L (2005).

²³ NMCA § 8.15.2.22 (2005).

²⁴ HEALTHCARE.ORG *supra* note 3