

**STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT**

ANNETTE TORRES, ANNABEL TORRES,
LAUREN CAMBRA, MONICA BROSHIOUS,
CRISTELA CASTRO, SAMANTHA RIVERA-
all residents of New Mexico on behalf of themselves
and individuals similarly situated and
ORGANIZERS IN THE LAND OF
ENCHANTMENT, New Mexico membership based
organization, representing low-income families.

Plaintiffs,

vs.

No. D-101-CV-2018-02769

MONIQUE JACOBSON, in her official capacity as
Secretary of the New Mexico
Children, Youth and Families Department,

Defendant.

STIPULATED ORDER

THIS MATTER comes before the Court upon agreement between the Parties. Plaintiffs filed their First Amended class action Complaint for declaratory and injunctive relief on September 26, 2018. The Defendant has not filed an Answer. On April 2, 2019, the parties met in an attempt to reach a settlement in this matter. Having been advised of the agreement between the parties, the terms of which are stated herein, the Court FINDS:

1) The Defendant will continue to provide the opportunity for eligible families seeking child-care assistance to receive benefits with incomes up to 200 percent of the federal poverty level until and unless the Department lawfully promulgates regulations to increase or decrease the eligibility threshold.

2) Within 7 days of this Order, Defendant shall post on the Department's website and in each filed office base co-payment rates and the calculation methodology used to determine the share of child care costs a family must pay.

3) Within 90 days of this Order, Defendant shall issue proposed regulations through the process required by the state rules act and CYFD act that codifies all eligibility requirements and Department standards that impact individuals who are not employees of the Department, as required by the State Rules Act NMSA 14-4-1 *et seq.* The proposed regulations shall include:

a) how the Department calculates monthly family income to determine child care assistance eligibility;

b) how the Department calculates the share of child care costs a family must pay, including base-copayment levels and the methodology the Department uses for determining how base co-payments are discounted for families based on hours of care needed and the number of children receiving child care.

4) Within 90 days of this Order, Defendant shall implement a standardized system of written notification, including the child-care placement agreement, that meets the following requirements:

a. State the Department's eligibility decision as to hours of care, share of costs a family must pay, and duration of assistance; and

b. Provide the reason for a decision, if the individual is denied or not approved for full assistance; and

c. Provide information about the individual's right to appeal, including the timeframe and method for doing so; and

d. Provide the contact information for free legal services, and

d. Are provided in English or Spanish, based on the language preference of the applicant.

5) Within 90 days of this Order, Defendant will post posters in the Early Childhood offices that describe child-care application rights with same information available and distributed as a flyer to applicants.

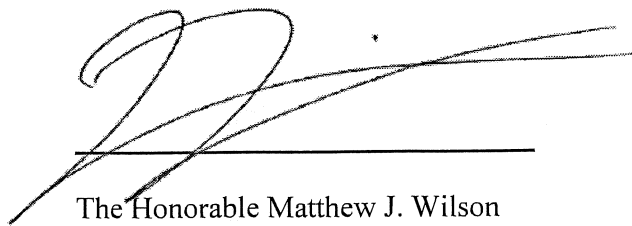
6) To facilitate the timely and accurate completion of the items described above, the parties will consult about the content of child care assistance notices, eligibility policies, and regulations. Defendant will provide notices, eligibility policies, and draft regulations to Plaintiffs' Counsel and provide at least 30 days for Plaintiffs' Counsel to provide written comment and the opportunity to meet and confer.

7) Once the terms of this agreement have been fully implemented by Defendant, her agents or successors, the parties will jointly move for dismissal of this action with prejudice.

Accordingly, the Court ORDERS and CONCLUDES:

1. The Court ORDERS the parties to comply with the terms of the agreement as set forth herein;

2. Until Defendant, her agents or successors have fully implemented the terms of the agreement between the parties as set forth herein and the parties jointly move for dismissal of this action with prejudice, the Court shall have continuing jurisdiction over this matter to resolve disputes and enforce the terms of this agreement.



The signature is a cursive, handwritten name that appears to be 'Matthew J. Wilson'. It is written in black ink and is positioned above a solid horizontal line that serves as a separator between the signature and the printed name below.

The Honorable Matthew J. Wilson
First Judicial District Court Judge

Respectfully submitted,

NM CENTER ON LAW AND POVERTY

By: /s/ Sovereign Hager
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