



The leadership of the agency in charge of child welfare has directed staff to use encrypted messaging to communicate. Photo Illustration by Kevin Beaty

# Agency underground

In the state department charged with child welfare, leadership and staff avoid a paper trail with encrypted messaging.

By [Ed Williams](#) | April 26, 2021



Since last year, the department tasked with overseeing foster care and child welfare in New Mexico has been encrypting and routinely deleting its communications, making much of its work essentially untraceable.

The leadership of the Children, Youth and Families Department (CYFD) has directed staff to use Signal, a secure communication app, and has set chats to automatically delete. In contrast to standard text messages or emails — which could be accessed by attorneys, reporters and members of the public under the state’s open records laws — messages sent via Signal are all but impossible to retrieve. Once deleted, virtually no trace of a Signal conversation remains, even on the company’s server.

Attorneys and child advocates say the practice likely violates state open-records laws and could hamper any investigation into the department, which has been subject to lawsuits and massive criticism for its management of the foster-care system.

Records of employee communications have been central to journalists’ coverage of state agencies, including Searchlight New Mexico’s [2018 investigation of abuse within the foster care system](#).

“You can’t just encrypt and automatically delete communications between state employees,” said Melanie Majors, executive director of the New Mexico Foundation for Open Government. “That’s no different than putting official documents in the shredder at the end of every day.

“Improper destruction of public records is a fourth-degree felony,” she added.

In an interview with Searchlight, CYFD Secretary Brian Blalock said the department began using Signal near the outset of the COVID-19 pandemic. The move was part of an agency-wide information technology upgrade, which Blalock said was needed in order to protect confidential records of children in state custody and to facilitate secure, remote communications.

Blalock acknowledged that CYFD routinely deletes communications on Signal, but said that the information was not subject to New Mexico’s Inspection of Public Records Act.

“We destroy records every day because we have to; otherwise, we’d run out of space,” Blalock said, adding that the department also shreds paper communications and deletes conversations on other messaging software used by employees.

“Our lawyers have thoroughly vetted the use of all of our platforms,” he said. “None of our new technology is designed to make anything less transparent.”

Barring personnel records, medical records and several other narrowly defined exceptions, New Mexico law defines public records as those “that are used, created, received, maintained or held by or on behalf of any public body and relate to public business,” regardless of physical form.

Tripp Stelnicki, communications director for Gov. Michelle Lujan Grisham, did not return multiple requests for comment as to whether the governor’s office was aware of CYFD’s Signal use or whether other agencies also have similar practices.

Blalock, who serves as the administrator for encrypted group chats between employees, has set at least some messages to automatically delete after 24 hours, according to screenshots of Signal messages and app settings shared by multiple sources who spoke on the condition of anonymity. Those screenshots reveal extensive conversations between employees — including Blalock and Deputy Secretary Terry Locke — about issues ranging from problems with private contractors to coordination during the 2021 legislative session.

Child advocates and attorneys interviewed for this story expressed alarm at the practice, saying that transparency is an integral part of the child-welfare system. Court-appointed child guardians, special advocates and attorneys regularly turn to agency records to ensure a child’s case is being handled appropriately.

Those records can include communications between CYFD staff members, attorneys interviewed for this story said. But if records are destroyed, there’s no way to access them or to know whether they might be relevant to a given case.

“By law we’re supposed to have access to all of these records,” said Bette Fleishman, executive director of Pegasus Legal Services for Children, a nonprofit law firm that represents children in CYFD custody.

“Our job and our obligation is to investigate, and do what’s best for the children. In order to keep the children safe, we need to have access to all the information. To have the state routinely deleting any sort of communications is outrageous.”

**Editor’s Note April 28, 2021 :** On Wednesday, New Mexico Attorney General Hector Balderas confirmed his office is looking into CYFD’s use of Signal.

“It is highly concerning that public employees are potentially deleting public information without a thorough legal process, and we are reviewing the matter,” Balderas said in a statement to Searchlight.

The announcement came a day after House Republicans sent a letter to Balderas calling for an investigation into the systematic deletion of government communications in CYFD. The same letter asked Gov. Lujan Grisham to provide a report detailing “whether her office staff and or cabinet level staff have been using data encryption and data dumping.”



[Ed Williams](#) won the News Leader Association’s Frank A. Blethen Award for local accountability for his 2019 stories about abuses in the foster care system. He also was an NLA award finalist in 2020 for a story about the abusive discipline of students with disabilities. Ed spent seven years in public radio before joining Searchlight, where he covers foster care, education and other issues. He has been a reporter in both the United States and Latin America, working for print, digital and radio outlets. Williams was a 2016 USC Annenberg Health Journalism Fellow and earned a Master’s in journalism from the University of Texas at Austin in 2010.







## Records without a trace

Records show CYFD destroyed communications on COVID response, other official documents. Employees who complained were fired.

May 21, 2021

[Ed Williams](#)

Photo by [Don J. Usner](#)

The New Mexico Children, Youth and Families Department has fired two high-level employees who raised concerns about the agency's practice of encrypting and summarily destroying records.

A Searchlight New Mexico investigation has found that over the past year, CYFD used the secure text messaging app Signal to discuss a wide range of official business, including the state's response to the COVID-19 pandemic, the care of children in state custody and concerns about private contractors. Department leadership then set many of those communications to automatically delete, rendering them forever inaccessible to attorneys, members of the public and journalists.

Searchlight also found that the Office of the Governor and the state's Department of Information Technology supported the systematic deletion of messages, according to emails and policy guidance obtained through an Inspection of Public Records Act (IPRA) request. Legal experts warn that it is likely to impede investigations into the agency, cripple the ability of attorneys to represent children in state custody, and could violate the New Mexico Public Records Act's rules on the retention of documents.

CYFD's use of Signal is currently under investigation by the office of state Attorney General Hector Balderas, following an [earlier Searchlight report](#) detailing the agency's routine deletion of encrypted messages. House Republicans [asked](#) Gov. Michelle Lujan Grisham to provide a report detailing "whether her office staff and/or cabinet level staff have been using data encryption and data dumping."

### Delete at will

CYFD officials, however, asserted that they relied on Signal primarily for "transitory communications" — what agency Secretary Brian Blalock described as

employee banter, routine check-ins between workers and other insignificant exchanges not subject to public records laws.

"I don't think there's a legal responsibility to keep that information under the New Mexico Public Records Act's rules and laws," he told Searchlight in April, adding that CYFD began using Signal as part of a security upgrade.

In an internal CYFD Signal message obtained by Searchlight, CYFD records custodian Kathleen Hardy went so far as to advise that "practically everything we do [on Signal] qualifies under the retention policies as a non-record, and is therefore not subject to the retention policies." That message — a public record itself, one lawyer said — was set to auto-delete after 24 hours.

The governor's office offered similar advice to Lujan Grisham's staff. "Every single text message that you send or receive likely qualifies as a 'transitory record,'" the [official guidance](#) counsels. "We recommend that you delete all text messages which are 'transitory records' every ten days. You may delete them more often if you wish." In a statement, press secretary Nora Sackett said the office recently conducted a refresher for staff on what counts as transitory, and that the governor takes transparency and open government "very seriously."

The New Mexico Department of Information Technology has also encouraged CYFD's use of the app, citing the security benefits of Signal's encryption. In one email circulated by Lujan Grisham's office, DoIT chief counsel Olga Serafimova asserted that "the practice of deleting messages automatically does not violate IPRA," and that "use of the Signal app for transitory messages is not a violation of the Public Records Act."

### 'Detrimental' to public's trust

Cliff W. Gilmore, who served as CYFD's chief public information officer, repeatedly raised concerns within the agency over the department's Signal use. On April 22, he sent a [memo](#) to senior CYFD leadership stating that the practice was "detrimental to the credibility of and the public's trust in government institutions and their leaders." He advised that the agency immediately halt its use of the app.

He was fired on May 6.

Immediately following his firing, Gilmore also informed Attorney General Balderas that he had not received any guidance on the legal requirements for retaining Signal messages, and that he and other employees were instructed to set their Signal messages to delete automatically.

"At one point Secretary Blalock told a group of roughly 30 of us staff members at a 'leadership' meeting that people who regularly submit IPRA requests would eventually find out we were using Signal and that, because when an IPRA request came in we would have to retain everything from that moment, we should set our Signal apps to 24-hour auto-delete," Gilmore told Searchlight in an email on May 18.

Gilmore's wife, Debra Gilmore, who was hired in late 2020 to lead CYFD's newly formed Office of Children's Rights, confirmed that she, too, had raised internal concerns about Signal. She was also fired May 6.

Both Cliff and Debra Gilmore declined to comment further about their termination. CYFD spokesman Charlie Moore-Pabst said the department could not comment on the firing, citing a policy prohibiting the discussion of personnel issues.

Other employees have also raised internal concerns about CYFD's routine deletion of communications. In August 2020, a [complaint](#) filed with the Attorney General alleged that the department was directing staff to communicate using the messaging platform Slack, and was then systematically erasing conversations on the app.

In response, Assistant Attorney General John Kreienkamp [determined](#) that CYFD appeared to be doing so in order to "reduce the number of communications retained by the Department subject to disclosure as public records," but did not investigate further.

### A problematic pattern

Attorneys familiar with CYFD described the deletion of Signal messages as part of a "decades-long history of secrecy." Employee communications, even if not subject to public records requests, nonetheless play a vital role in the work of court-appointed guardians.

"Kids aren't safe if we don't have all the information," said Sara Crecca, an attorney who represents youth in foster care.

"This is an agency with a history of covering up abuses. And they're deleting information on top of that? It's not Blalock's job to determine what's transitory. That material should be preserved."

The practice has also raised alarms among attorneys who focus on government transparency.

"The governor's policy guidance recommending the prompt, automatic and routine deletion of all government text messages and voicemail messages is clear evidence of a contemptuous attitude toward principles of transparency," said Charles Peifer, an Albuquerque-based attorney who formerly served as New Mexico's chief assistant attorney general. "It would be naïve for the public to believe that, having established a 'secret channel' for communication, government officials can be trusted not to say anything of importance over it."

From June 2020 until April 2021, CYFD used Signal to coordinate its response to the COVID-19 pandemic with the New Mexico Human Services Department and the state Department of Health, according to over 100 screenshots the DOH provided to Searchlight in response to a public records request.

Those conversations include extensive discussions between Blalock and other public employees about the state's network of COVID-19 shelters — including Canyon Transitional Rehabilitation, [the troubled nursing home that was awarded a lucrative state contract to care for COVID-19 patients](#) — as well as discussions on federal aid, communications with tribal governments, updates on testing sites and infection counts.

Those Signal messages were set to automatically delete after one week, according to screenshots of the app settings, but they were nonetheless preserved by several Department of Health employees.

While lawyers told Searchlight that some of these messages may be transitory, they characterized others as official records that are subject to retention laws.

Other Signal messages obtained by Searchlight show CYFD using the app to discuss legislative issues and problems with private contractors. Searchlight has also confirmed that CYFD employees have used Signal to communicate with foster parents on issues concerning the well-being of children in foster care.

Although the department ceased using the app on April 29, according to an agency press release, many CYFD employees continue to have active Signal accounts on their phones. Meanwhile, the department has switched to Microsoft Teams, a platform that offers the agency the same ability to encrypt and automatically delete messages.

*Disclosure: Searchlight's outside counsel, Greg Williams, is an attorney with Peifer's law firm.*



### Ed Williams

**Ed Williams**, a Searchlight investigative reporter, won the 2019 News Leader Association's Frank A. Blethen Award in local accountability reporting for his stories about abuses in the foster care system. He also was an NLA award finalist in 2020 for an expose about the abusive discipline of students with disabilities. Ed has been a reporter in both the United States and Latin America, working for print, digital and radio outlets. He spent seven years in public radio before joining Searchlight, where he covers foster care, social justice and other issues. He was a 2016 USC Annenberg Health Journalism Fellow and earned a master's degree in journalism from the University of Texas at Austin in 2010.

Text: Ed securely using Signal encryption at (505) 699-6401







Cliff W. Gilmore and Debra Gilmore  
at home in El Dorado, New Mexico.

Don J. Usner for Searchlight NM

# Firing back

High-level officials accuse

CYFD of retaliation

June 24, 2021

Ed Williams

A husband and wife who blew the whistle on the state's destruction of official records have filed a lawsuit against the New Mexico Children, Youth, and Families Department, claiming they were fired from their jobs in retaliation.

The [lawsuit](#) was jointly filed Tuesday by Cliff W. Gilmore, the former head of CYFD's Public Information Office, and his wife, Debra Gilmore, an attorney who led the agency's newly formed Office of Children's Rights. The suit, filed in New Mexico's First Judicial Court, alleges that CYFD Secretary Brian Blalock and Deputy Secretary Terry Locke violated the state Whistleblower Protection Act by firing them for raising ethical concerns about a range of issues within the department.

"When we asked questions and offered perspectives [about CYFD policies], we were shut down and retaliated against," Cliff Gilmore told Searchlight New Mexico.

"At the end of the day, my biggest concern is that children and families are being harmed by these practices," Debra Gilmore added.

CYFD has been under intense scrutiny in the wake of a [report](#) in April by Searchlight New Mexico, revealing that the agency used the encrypted messaging app

Signal to communicate on a wide range of official state business — and then set those communications to automatically delete.

Legal experts say the practice likely violates open records laws and could hamper the ability of attorneys to represent children in state custody. New Mexico Attorney General Hector Balderas has directed his office to review CYFD's use of Signal, saying it is "highly concerning that public employees are potentially deleting public information without a thorough legal process."

Prior to their firing on May 6, both Cliff and Debra Gilmore had repeatedly raised concerns within CYFD about the practice, according to the lawsuit.

Cliff Gilmore is a Marine veteran whose previous experience included work as a communications officer with the U.S. Department of State and the U.S. Office of the Joint Chiefs of Staff. Debra Gilmore previously managed child welfare and poverty programs for the state of Oregon. Both were hired in late 2020 by the Lujan Grisham administration.

The lawsuit appears to be the first time that CYFD has faced public claims of retaliation by such high-level officials. But employees and foster parents alike have long claimed the agency harbors a culture of retaliation against critics. In 2019, another CYFD employee filed a lawsuit under the Whistleblower Protection Act claiming she was fired in retaliation for her objection to certain department policies. In the most recent legislative session, a bipartisan group of state legislators introduced an oversight [bill](#) designed in part to curb retaliation within the agency; it never received a final vote.

The department responded for comment with this statement by Charlie Moore-Pabst, acting public information officer: "While CYFD appreciates the opportunity to clarify misinformation, CYFD cannot discuss personal personnel matters or threatened litigation."

The lawsuit alleges that the two officials had been raising concerns about the use of Signal within CYFD since at least January 2021.

In one incident, detailed in a March 26 email to the State Personnel Office, Gilmore wrote that Blalock and Locke sent auto-deleting Signal messages instructing him to ensure that a candidate for a position within the public information office "make it to the final interview round, one way or the other." Gilmore said the directive circumvented established hiring protocols and expressed alarm about Blalock's interference — alleging that CYFD was using Signal's disappearing message function "specifically to avoid potential IPRA [Inspection of Public Records Act] requests."

On April 5, Gilmore sent a formal complaint to the Office of the Governor, alerting the executive branch to CYFD's use of Signal's disappearing messages and expressing concern over Blalock's use of the platform to interfere in the hiring process. On April 22, he sent a memo to senior CYFD leadership stating that the practice was "detrimental to the credibility of and the public's trust in government institutions and their leaders." He advised that the agency immediately halt its use of the app.

Prior to her firing, Debra Gilmore also repeatedly raised concerns about Signal and a range of other issues. One of those issues centered around what both she and her husband viewed as a questionable \$4.5 million software contract. Another involved CYFD's practice of allowing private contractors to supervise employees and conduct performance evaluations — a violation of state law, according to the lawsuit.

On April 17, 2021, she filed an official internal complaint reiterating her concerns and claiming that Blalock and Locke were retaliating against her for raising these issues.

Just weeks later, both Cliff and Debra Gilmore were fired.

"This is, in our experience and opinion, one of the most egregious cases of retaliation in response to employees raising legitimate concerns about unlawful or improper acts in government," said Bryan J. Davis, one of the Gilmores' attorneys, in a [press release](#) issued Thursday.

In fact, both CYFD and the Office of the Governor have a longstanding policy of routinely deleting text messaging communications. In August 2020, a complaint filed with the Office of the Attorney General alleged that the department was directing staff to communicate using the messaging platform Slack, and systematically erasing conversations.

In its [official guidance](#), Gov. Lujan Grisham's legal department advises employees that "Every single text message that you send or receive likely qualifies as a 'transitory record.' ... We recommend that you delete all text messages which are 'transitory records' every ten days. You may delete them more often if you wish."

CYFD discontinued its use of Signal in April and now uses the Microsoft Teams app, a platform used by the Office of the Governor and other state agencies. However, many communications on Microsoft Teams have also been set to auto-delete after 24 hours, according to an [email](#) from the New Mexico Department of Information Technology obtained through an IPRA request.

**"This is, in our experience and opinion, one of the most egregious cases of retaliation in response to employees raising legitimate concerns about unlawful or improper acts in government."**

— Bryan J. Davis, one of the Gilmores' attorneys, in a press release issued Thursday





Cabinet Secretary Brian Blalock in his office in 2019, soon after he assumed his position as the head of the Children, Youth and Families Department. Photo by Don J. Usher for Searchlight NM

# Questions of fairness

CYFD employees say they were sidelined or fired for voicing concerns about a ‘sacred cow’ software contract.

July 22, 2021

Ed Williams

In late 2019, Jackson Williams, manager of a data unit at the New Mexico Children, Youth and Families Department, raised his hand at a work meeting to ask about a massive computer system upgrade at the agency — one that could potentially cost \$45 million over the next decade. Led by Cabinet Secretary Brian Blalock, a San Francisco Bay Area transplant, CYFD had selected a young California firm named Binti to lead the overhaul, apparently without considering any of the more than 20 other companies that expressed interest in the job. “Who is Binti, and why are they in charge of this project?” Williams asked.

Within days, Williams said he was taken off the modernization project. Soon after, Williams received a [letter of reprimand](#) from his supervisor asserting that he had violated the CYFD code of conduct by “going outside the chain of command” when he [voiced his concerns](#) about Binti. Williams later resigned from the department.

He would not be the last.

According to interviews, at least half a dozen high-level employees have been reprimanded, resigned or were fired after they raised questions about [Binti Inc.](#), the Oakland, California-based tech company now tasked with overhauling the computer system.

“I felt like I was doing the right thing by raising these issues, and instead I was let go,” said one of the departed workers who, like others interviewed for this story, asked not to be named for fear of further retaliation.

Some of the employees expressed concerns that Binti had not undergone a proper analysis or review. Others worried whether a company that was little more than a year old when it won the contract could be trusted to modernize one of the state’s most critical and complex systems. Still other staffers questioned why Binti was selected without a competitive bidding process.

Taken together, their departures represent a loss of decades of experience and expertise at the agency tasked with ensuring the well-being of New Mexico’s children.

“Binti is the sacred cow at CYFD — you just can’t touch it,” said Williams, who has more than 20 years of computer engineering experience both in government and the private sector. “Any questions about it are met with very quick retaliation.”

CYFD officials vigorously deny that any retaliation has occurred.

“CYFD has not disciplined or terminated any employee for raising concerns, asking questions, or making complaints about the [modernization] project nor the Binti procurement,” CYFD spokesman Charlie Moore-Pabst wrote in a July 21 [email](#).

The stakes are enormous: CYFD’s decades-old computer system, an outdated program called FACTS, tracks everything related to the thousands of children in the department’s care, from adoption to juvenile detention to cases of abuse in foster homes. Binti, which has been paid \$446,000 to date according to state records, will have to develop a brand-new program that can take over and improve all of those functions.

Launched in 2017, Binti has landed contracts with 160 state and local governments, primarily for software that facilitates foster placement and adoption. Binti’s software has won recognition for making the foster-care process more user-friendly and efficient.

But the company has never before undertaken the kind of complex, comprehensive system it’s been tasked with building for CYFD.

“New Mexico would be the first state” that is using Binti for its full child welfare information system, said Binti CEO Felicia Curcuro. “It’s very exciting for us,” she said, adding that the company is fully equipped to meet the demands of the project. The company is offering a low-risk way to build the software, she said: “The state does not need to pay us if we don’t deliver.”

Binti was disqualified from competitive bids in several other states, including [Maine](#) and [Louisiana](#), owing to its low scores.

“This isn’t just some abstract, inconsequential computer program,” said Katherine Ortega Courtney, a former CYFD bureau chief who now is a data expert at a child welfare [institute](#) in New Mexico. “Each one of those data points is an actual child’s life.” If the system fails, the state won’t know where the kids are or what’s happening to them.

The federal government, which CYFD hopes will fund the vast majority of the upgrade expense, has specific rules laying out the acceptable process for contracting with a software vendor. With few exceptions, states must go through a competitive bidding process and a thorough analysis of the project’s needs, scope and costs.

Circumventing those procedures not only risks saddling the state with a subpar software system but could also leave New Mexico taxpayers on the hook for the full price tag.

The federal government has [flagged](#) a number of non-compliance issues with the Binti contract, including CYFD’s claim that Binti was a “sole source” provider — a term used when only one company is capable of delivering on the contract.

Prior to Blalock’s arrival in 2019, CYFD began the contracting process by issuing a formal request for information — the first step in a competitive process, in which companies present their capabilities and offer demonstrations of their product. Respondents included several big-name companies, such as Deloitte and IBM.

“They asked us to submit a plan, and then they wouldn’t even answer our emails,” said the CEO of one of the companies that submitted a proposal.

“They didn’t want to hear from anyone but Binti,” said the CEO, who asked not to be identified. “I’ve never seen anything like it before.”

Meanwhile, CYFD staff and leadership were communicating with Binti on a regular basis, documents show. Once he arrived at CYFD, Secretary Blalock began working to [draft agreements together](#) with Curcuro on Google Docs.

The controversies around the Binti contract — and the consequences for questioning it — are representative of a larger “don’t-rock-the-boat” culture that has taken hold since Blalock took the helm, according to interviews with employees. Staffers who ask questions say they are seen as insubordinate and can be disciplined as a result.

“In the past few years the state has lost numerous veteran staff because of the CYFD administration’s culture of intimidation and harassment,” said another employee who recently resigned after more than a decade in the department.

“I personally know several people, including myself, who have been written up for raising ethical concerns about things going on within CYFD. Morale is extremely low.”

Last month, two former employees — Debra and Cliff W. Gilmore — filed a [whistleblower lawsuit claiming](#) they were wrongfully terminated in part because they asked questions about Binti.

The Gilmores, who were hired in late 2020 to fill high-level positions, had both repeatedly questioned the Binti contract, according to CYFD emails. The lawsuit asserts that Cliff Gilmore was removed from the team after questioning the procurement process. The suit further claims that Debra Gilmore received a letter of reprimand from Deputy Secretary Terry Locke soon after she raised concerns about the state selecting “a California-based start-up that did not appear to have a full [plan for replacing the old FACTS system] nor significant experience in the child welfare space.”

Both Cliff and Debra Gilmore had also raised alarms about the department’s policy of using an encrypted messaging app called Signal for official state business. As revealed in a [May Searchlight investigation](#), CYFD was setting the app to automatically delete its Signal messages on a rolling basis, a likely violation of public records laws. The department stopped using Signal in April but is still auto-deleting messages on another platform called Microsoft Teams.

On June 28, the Gilmores, along with Jill and Douglas Michel — two longtime foster parents in Albuquerque — jointly filed a [formal complaint](#) with the inspector general of the federal Health and Human Services Department, as well as the New Mexico attorney general, auditor and ethics commission, alleging that Blalock and Locke violated state and federal laws by [awarding Binti a sole-source contract](#) and giving it unfair advantages. CYFD denies all the allegations.

“We fully intend to vigorously defend the baseless allegations raised in the litigation, other forums and through the media,” spokesman Moore-Pabst stated. “Hints and innuendos are not facts or evidence,” he continued. “The project continues to be managed appropriately.”

Nevertheless, emails obtained through a public records request show that the chief CYFD procurement officer — who is charged with overseeing contracts and making sure the process complies with state law — [repeatedly](#) took issue with the Binti contract, writing that CYFD had not used a “valid procurement method.”

In an [email](#) to agency staffers, that employee, Lucy Vigil Rendon, said that Blalock issued an “executive directive” instructing employees to make Binti the sole company responsible for the software system overhaul.

Vigil Rendon also protested the Binti contract in additional emails. The agency, she wrote, had failed “to provide safeguards for maintaining a procurement system of quality and integrity.”

“I felt like I was doing the right thing by raising these issues, and instead I was let go.”

— anonymous former CYFD employee

“Binti is the sacred cow at CYFD — you just can’t touch it.”

— Jackson Williams, data unit manager at CYFD





# Blalock steps down:

CYFD secretary replaced by former New Mexico Supreme Court Justice

August 10, 2021

Ed Williams

Today, Gov. Michelle Lujan Grisham announced the resignation of Brian Blalock, secretary of the New Mexico Children, Youth and Families Department. It's a remarkably sudden departure, capping Blalock's turbulent 18-month reign over the agency responsible for child welfare in New Mexico.

Blalock will be replaced by [Barbara Vigil](#), a recently retired chief justice of the New Mexico Supreme Court and longtime advocate for child welfare issues.

In a press conference Tuesday morning, Gov. Lujan Grisham said that she had grown concerned over a number of "administrative missteps" Blalock had made, including his policy of using the encrypted messaging app Signal to conduct official state business. That policy — first revealed in an April 26 [Searchlight New Mexico investigation](#) — ignited a flurry of criticism from attorneys, child advocates and legislators on both sides of the aisle.

Blalock's departure was "a mutually agreed-upon decision," Lujan Grisham said.

An unconventional leader from the San Francisco Bay Area, Blalock was initially greeted as a "visionary," who might finally transform CYFD. In 2019 he took on what is probably the hardest job in New Mexico: running the agency that oversees the state's most vulnerable children, a position that put him center-stage in the governor's campaign promise of pulling New Mexico out of its last-place position for child well-being.

It was a particularly tempestuous time for CYFD. The agency had been slammed for its handling of a number of deaths of children in CYFD custody. (Searchlight brought a particularly harrowing example to light in 2018 with the investigation [A Pattern of Failures](#), which documented CYFD's practice of allowing privately run foster homes to operate without oversight, resulting in appalling child abuse.) Just before Blalock's arrival, New Mexico was also hit with a [massive foster-care lawsuit](#) brought by 14 children, alleging that CYFD was traumatizing the roughly 4,700 youth in its care.

The governor — like many in New Mexico — had high hopes that her new CYFD chief could turn things around. A rising star in California's child welfare scene, Blalock was equipped with an Ivy League pedigree and a Stanford law degree, and had an impressive [track record](#) in nonprofit work. The administration and the media hailed him as a crusader.

Nevertheless, the scandals kept mounting after his arrival. Children's advocates began complaining that Blalock was stalling on reforms he had agreed to as part of the foster-care lawsuit settlement. There were accusations of retaliation against foster parents; CYFD employee complaints about a hostile work environment grew louder. And in late 2019, the brutal murder of James Dunklee Cruz, a 4-year-old boy who CYFD knew was in danger, rattled the entire state. Why had the agency missed all the obvious warning signs, advocates and attorneys asked?

As the chorus of frustration built, so did the political pressure on Lujan Grisham, who recently announced her run for a second term as governor. Her potential opponent in 2022, Republican Rebecca Dow, has made a career of pointing to CYFD's failures to protect children and is sure to weaponize Blalock's performance during a campaign. "I am not surprised that Secretary Blalock would resign," Dow said in a statement released after the press conference. He had failed, she said, to "create a system with accountability and transparency."

The pressures on Blalock reached a boiling point in the last few months following the release of two Searchlight investigations.

A report [published in May](#) revealed that CYFD employees — at Blalock's direction — were conducting official state business using Signal, a secretive text messaging app. In violation of state law, Blalock had set the app to indiscriminately delete messages on a rolling basis, destroying an untold number of public records in the process.

The story quickly caught fire. Child welfare lawyers were incensed that records they needed to represent their clients in court were disappearing. The New Mexico Attorney General launched an investigation; Republicans seized on the scandal.

Shortly afterward, [Searchlight revealed](#) that Blalock had fired two high-level employees who had protested his policy of destroying official communications. The firings only deepened the scandal, resulting in a [whistleblower lawsuit](#) and further media scrutiny.

Last month, another Searchlight investigation — "[Questions of Fairness](#)" — revealed an additional controversy: Under Blalock's direction, CYFD had potentially violated procurement codes by handing a lucrative sole-source contract to a little-known California tech company. And not just any contract — it was for a giant \$45 million overhaul to update the state's computer system for tracking kids in foster care and juvenile detention. Binti Inc., the company in question, was only a year old when it got the contract and had never built such a system before. Federal funding of the project is now in question, state analysts say.

When employees voiced concern about the Binti contract — that the department could be breaking the law, that it could lose its critical federal funding, that the state might be saddled with a broken data system — they were written up for insubordination, taken off the upgrade team or even fired.

Blalock is stepping down to support his wife, Linnea Forsythe, who has taken "an incredible job somewhere else," the Governor said. Forsythe had been serving as director of the Governor's Commission on Disability and as the state's ombudswoman for long-term care.

Blalock, for his part, leaves CYFD in a crisis of low morale, high turnover and a shortage of expertise — and Vigil, his replacement, faces a daunting job.

During her time on the bench, Vigil was instrumental in creating a number of alternative treatment programs for juvenile defendants. She comes to the post with three decades of experience in public service. During more than 12 years as a district court judge, she presided over 16,000 cases, many of them related to children and families. She also presided over the state Children's Court for a decade.

Speaking to the media Tuesday morning, the governor was blunt about her expectations for Vigil going forward.

"I expect [Secretary Vigil] to be open, transparent, that she does everything she can do to train and support her staff, to not make mistakes, to not be careless," the governor said.

