

FY23 (July 1, 2022 –June
30, 2023)



Current Updates

- ▶ For the last quarter (April, May and June) (unless a contractor transfers most or all of their cases) **we will be leaving the tier assignment at its current placement.** i.e. if your cases drop you will still bill your current rate for the remainder of FY22 **but** if your cases increase please advise us right away so that we can adjust your tier upwards.
- ▶ AOC no longer has to collect COVID-19 attestations but Courts will continue to have guidelines and screening procedures



Indian Family Protection Act

- ▶ Indian Family Protection Act (IFPA) 157 pages of new and amended law
 - ▶ Goes into effect July 1, 2022 on all cases filed on or after
- ▶ Applies to "child custody proceeding"
- ▶ foster care placement
- ▶ termination of parental rights,
- ▶ permanent guardianship
- ▶ adoptive placement
- ▶ or an action pursuant to Section 32A-3A-8 NMSA 1978 or the Family in Need of Court-Ordered Services Act **and includes**
- ▶ investigations and other preliminary activities preceding the formal initiation of an action

IFPA Cont.

Includes (but not limited to) sections on

- Burden of Proof
- Intervention
- Defines and clarifies duties of CYFD regarding notification and active efforts
- Adds a requirement that the Court consider at TPR if an alternative to TPR would best support the Indian child
- **Prohibits findings of futility or aggravated circumstances**

Will require AOC and CYFD to develop and deliver as of July 1, 2023

- annual mandatory training for all attorneys, GALs, and youth attorneys
 - Including information on the Indian Family Protection Act
 - Cultural compacts
 - The Indian tribes geographically located within the state




Family Representation and Advocacy ACT

- Creates the Office of Family Representation and Advocacy (OFRA) as of July 1, 2022
 - It will be an independent adjunct agency in the executive branch
 - It will have a thirteen (13) member commission that will exercise independent oversight of OFRA to review and approve standards and guidance and support to the director
 - Commission initial appointments shall be no later than September 30, 2022
 - No current CYFD employee, employee of OFRA, current judge or their employees, or person under contract with or receiving funds from the office or employees.
 - A Director will be appointed no later than December 31, 2022

OFRA CONTINUED

For FY23 (July 1, 2022 through June 30, 2023 AOC CAAP will continue to oversee contracts

- As of July 1, 2023 (FY24) OFRA is projected to assume oversight of contracts
 - Goals include increasing compensation and raising the level of representation
 - OFRA will be able to seek larger appropriations from the legislature and seek to increase other funding sources –such as draws on the Title IV-E open-ended entitlement fund
- OFRA will utilize a hybrid system of employees and contractors to represent respondents, children, youth, and eligible adults in abuse and neglect proceedings
- Even once fully open OFRA will continue to contract with independent contractors across the state to manage conflicts or overflow



Request for Proposals FY23

- Once the RFP publishes all questions must be submitted pursuant to the directions within the RFP
- Today providing some general highlights To Contractors and Potential Contractors so please make sure to refer to the official RFP and read it carefully

ABUSE AND NEGLECT CASES

- ▶ An RFP will publish on Sunday in the Journal and will go up on the Court's website <https://www.nmcourts.gov/court-administration/request-for-proposals/>
- ▶ This RFP is for all districts and all roles within those districts
- ▶ **All interested attorneys seeking to represent parents, eligible adults, or children and youth in any district around the state should participate in this RFP process**
 - ▶ **The RFP will request a Supreme Court Certificate of Good Standing which can be requested at <https://supremecourt.nmcourts.gov/supreme-court/for-attorneys/certificates-of-good-standing/>**
 - ▶ The RFP will require a copy of your professional liability insurance declaration page
 - ▶ Firms or entities will have to identify and provide the requested information for all designees, associates or subcontractors who would seek to perform work under the contract

RFP Continued

- For FY23 will seek to evaluate tier levels/caseloads semi-annually (November and March) barring a significant change i.e. a drop of more than one tier.
- still a tier: estimated range:

Number of Cases	Monthly Compensation
56-60	\$9,420.00
51-55	\$8,608.00
46-50	\$7,796.00
41-45	\$6,984.00
36-40	\$6,172.00
31-35	\$5,360.00
26-30	\$4,548.00
21-25	\$3,736.00
16-20	\$2,924.00
11-15	\$2,111.00
6-10	\$1,754.00
3-5	\$1,299.00
1-2	\$601.00



APPEALS

- ▶ A RFP will publish on Sunday in the Journal and will go up on the Court's website <https://www.nmcourts.gov/court-administration/request-for-proposals/>
- ▶ Seeking appellate attorneys for respondents in abuse and neglect and termination of parental rights cases for indigent custodian(s) and respondent parent(s) on a case by case basis.

Court-Appointed Mental Health Representation

- A RFP will publish on Sunday in the Journal and will go up on the Court's website <https://www.nmcourts.gov/court-administration/request-for-proposals/>
- for legal representation to children and youth and indigent adults who are the subject of mental health proceedings (NMSA 1978, § 32A-6-1) and (§ 43-1-1 et seq.).
- at a flat rate in New Mexico's Third (Las Cruces) and Fourth (Las Vegas) Judicial Districts.
- at a hourly rate or per appointment rate in other areas of the state including New Mexico's First (Santa Fe), Second (Albuquerque), and Eleventh (Farmington) Judicial Districts.



Thank you
Have a Great Weekend