

**Office of Family Representation and Advocacy
Oversight Commission
Meeting Minutes
December 19, 2022 via Zoom**

Roll Call

In attendance:

Co-Chairs: Judge M. Monica Zamora, Retired, Court of Appeals and Judge John F. Davis, Retired, 13th Judicial District

Members: Representative Gail Chasey, NM House of Representatives, District 18; Cristen Conley, JD, Director, Corinne Wolfe Center for Child and Family Justice; Shaniah Gallegos, Youth with lived experience; Twila Hoon, JD, CAAP Director, NM Administrative Office of the Courts; Bernie Lopez, Parent with lived experience; Senator Linda Lopez, NM State Senate, District 11; Pamela Pierce, JD, CEO Silver Bullet Productions; Cathyanna Sedillo, Youth with lived experience

Absent:

Ms. Monica R. Corica, NM Legal Aid; Hector Diaz, Ph.D., Director and Professor, School of Social Work, NMSU; Elena Giacci, Trainer and Advocate

Guest Presenter:

Julianna Koob, Legislative Advocate for OFRA

Facilitator

Mary Ann Shaening, Ph.D.

Interested Parties:

Beth Gillia, Jenn Viera, Sherrie Trescott, Susan Weiss, Allison Endicott Quinones, Camille Hancock, Queva Hubbard, Arika Sanchez, Corrie Griffin, Catherine Pavelski, Alison Pauk, Leslie Jones, Judge John Romero, Alyssa Davis, Jen Munson, Sharon Shaffer

I. Call to Order/Welcome – Judge Monica Zamora, Commission Co-Chair; Judge John Davis, Commission Co-Chair

Co-Chair Zamora called the meeting to order at 3:32pm

II. Announcements (Informational)

• Director of the Office of Family Representation and Advocacy

Co-Chair Zamora announced that applications for OFRA Director have been received and reviewed and interviews have been held. An offer has been extended and accepted from Beth Gillia. Congratulations were extended to Beth. She will begin January 21, 2023. Co-Chair Zamora thanked the Selection Committee for their work.

III. Adoption of Agenda – Judge Monica Zamora, Commission Co-Chair (Approval/Action)

Co-Chair Davis moved and Twila Hoon seconded the adoption of the agenda. There were no amendments. The agenda was approved unanimously.

IV. Approval of the Minutes – Judge Monica Zamora, Commission Co-Chair; Judge John Davis, Commission Co-Chair (Approval/Action)

- **November 28, 2022 Meeting Minutes**

Senator Lopez moved and Co-Chair Davis seconded the adoption of the minutes. There were no changes. The minutes were approved unanimously.

V. Coming Attractions: OFRA's Navigation of the 2023 Legislative Process – Julianna Koob, OFRA Legislative Lobbyist (Informational)

Julianna Koob introduced herself as the OFRA lobbyist. She walked through the legislative process. There are two initiatives being pursued. One is the budget item and the other the Children's Code Statute change regarding Direct Representation.

All budgets will be dealt with in HB2. One track is the Governor's bill and the other the Legislative Finance Committee's recommendation. These run parallel through the budget committees (House Appropriations and Finance Committee {HAFC} and Senate Finance).

We hope that the Governor's budget has the amounts we provided (\$13.5M total). The LFC may be lower. We need to persuade the decision-making Legislators and LFC itself to get the budget as close as possible to the \$13.5M. The recommendation will come from the House to the Senate. The \$13.5M includes \$5M formerly in the AOC budget; the \$2.5M from Title IVE match; and an additional \$6M in new State General Funds. Mary Ann and Julianna are working with Eric Chenier at LFC. We are also meeting with Legislators we think may be on HAFC. One talking point is simply that "you passed this law and now we need to fund the work you endorsed to improve quality of representation." We also need to point out that if we don't fund Interdisciplinary Legal Teams, we will not get the Return on Investment we have projected.

In terms of the statute, we have a draft to provide to Legislative Council for official drafting. Representative Chasey will sponsor and Representative-Elect Jaramillo will co-sponsor. We anticipate that this will go to House Consumer and Public Affairs, House Judiciary, and the House Floor before moving to the Senate to be guided by Senator Lopez through and Health and Public Affairs Committee, Senate Judiciary, and the Senate Floor. We are prioritizing meetings with Chairs of these Committees. There will be concerns about the level at which children should have a voice in their case. We need to be sure we are clear that the work of Interdisciplinary Teams does not duplicate the work of CYFD.

Senator Lopez recalled that in 2021 we informed Senator Munoz and Senate Finance that we would be back with a budget request. Senator Lopez feels confident that we can get close to the budget we need.

Representative Chasey raised the question of proposing an appropriations bill. This has not been discussed heretofore. Mary Ann explained how the funding from AOC will result; it is different that we anticipated. AOC will reduce its budget by \$5M and we will ask that \$5M be appropriated in turn. The Senator and Representative will reach out to Eric Chenier at LFC about such a bill. The budget request we entered is the first process and funding goes into HB2. If adequate funds are not in there, we could next work with Senator Rodriguez and Senate Finance on a bill to make up the difference. The appropriation is a place holder with a Bill Number that we can refer to. Senator Lopez noted that members of the public new to the system have stories to share that are impactful with Legislators. Co-Chair Davis noted that when he was Judge in the 13th

Judicial District and adopted a model similar to Interdisciplinary Legal Services. This practice changed the engagement of the parents and their work to get their children back. Parent advocates made the difference and attorneys could work more effectively as attorneys. Sherrie Trescott reinforced that the program in the 13th was quite impactful.

Representative Chasey noted that having Judges report that this is what we need, especially on the budget, will be critical.

Bernie Lopez asked what Members can do now. She asked if we have handouts or other material related to both legislative initiatives – direct representation and the budget (we do and will send). Members will be notified of meetings with Legislators as they are scheduled.

Mary Ann clarified that the Interdisciplinary Legal Team model is key to the budget and Return on Investment. Direct Representation is different; it changes the roles of attorneys for children. We want Direct Representation because we believe this is the best model of representation for children and young people. Judge Zamora asked if FRC is taking the lead on DR legislation. We have to wait to hear what the Supreme Court decided about supporting FRC on this.

VI. Overview of the OFRA Oversight Commission and the OFRA Director 2023 Tasks – Judge Monica Zamora, Commission Co-Chair; Judge John Davis, Commission Co-Chair & Mary Ann Shaening (Informational/Approval/Action)

Mary Ann Shaening presented the Task List on the screen. Co-Chair Zamora said that work would be done over the holiday break to determine who and how each item will be addressed. The list is attached. Mary Ann noted that the first nine recommendations have been finalized for review by the Oversight Commission. Mary Ann also noted that we need a logo and perhaps a tagline so we can brand OFRA in the minds of Legislators, members of the Executive, constituents, and the general public. She also noted that the Family Representation Commission has unanimously decided to introduce Direct Representation legislation. While this is a FRC initiative, it speaks to the OFRA practice model. The Oversight Commission needs to get up to speed on this. The legislation lowers the age from 14 years to 6 years in terms of when children get their own attorney. Under 6 years, children would still get an attorney GAL. Mary Ann committed to sending Commission members the proposed statute change and a draft handout. The sponsors are Representative Chasey and Representative-Elect Jaramillo.

Cristen Conley noted that the concern about this legislation is that Judges will not have enough information to make decisions if GALs are not in place. Allison Endicott Quinones clarified that the issue is not about trusting the Judge. The issue is that there is a lot of information that CYFD does not provide; they are not always forthcoming in their reports to the Court. GALs can provide information that the child's attorney cannot because of attorney-client privilege and/or providing information contrary to what the child wants. Mary Ann noted that others would point out that this type of information is often available from ancillary sources. Leslie Jones noted that reports to the Court from any provider are not privileged and are available to all parties. If CYFD does not provide these reports, the attorney can advocate that they be brought forth.

VII. Public Input (Informational)

None

VIII. Other Business Next Meeting: January 23, 2023

The Legislature convenes on January 17, 2023.

IX. Adjournment of Meeting – Judge Monica Zamora, Commission Co-Chair, Judge John Davis, Commission Co-Chair (Approval/Action)

Co-Chair Davis moved and Bernie Lopez seconded and the meeting was adjourned at 4:53pm. Co-Chair Zamora thanked everyone and wished them a happy holiday.

ATTACHMENT
Office of Family Representation and Advocacy
Oversight Commission Tasks & Responsibilities
DRAFT

1. Prepare a general annual calendar
 - Four Meetings per year (monthly for now)
 - Special Meetings
 - Director’s Term
 - Director’s Annual Report
 - Director’s Proposed Annual Budget Request
 - Director’s Annual Strategic Plan
 - Chair – two year term
 - Vice Chair – two year term
2. Keep track of Members: Names, who appointed them, term dates
3. Select Director 12/31/22
4. Participate in 2023 Legislature to secure appropriation request
5. Adopt Rules, By-Laws, or Governance Manual – see draft (attached) for starting point.
6. With the OFRA Director, Review and Draft Policies and Practices from FRC Recommendations:
 - Oversight Commission Policies (attached)
 - Complaints and Grievances
 - Conflict of Interest
 - Human Resources
 - Interdisciplinary Legal Teams
 - Quality Improvement and Program Evaluation
 - Contract Template (Contract Attorneys)
 - Attorney Caseloads, Compensation, etc. (“Attorney FAQ”)
 - Diversity, Equity, and Belonging
 - “Mandatory” practice model (direct representation and interdisciplinary)
 - Contracting with organizations that offer legal services
 - Representing both children and parents
 - The use of experts
 - The use of investigators
 - Caseloads – attorneys as well as Interdisciplinary staff
 - Other
7. Finalize MOU with CYFD for IVE funding by July 1, 2023
8. Update Performance Standards as Policies
9. Develop Director Performance Evaluation

10. Create Work Groups
11. Work with Director on Logo, Tagline, and Website
12. Develop Organization Chart
13. Develop Professional Development Fund

