



OFFICE OF FAMILY  
REPRESENTATION AND ADVOCACY  
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**Oversight Commission  
Special Meeting Minutes  
August 14, 2023**

**Roll Call**

**Members in Attendance:**

Chair Monica Zamora, Retired Judge, Court of Appeals  
Vice Chair Judge John F. Davis, Retired Judge, 13<sup>th</sup> Judicial District  
Representative Gail Chasey, JD, NM House of Representatives, District 18  
Ms. Monica R. Corica, JD, Civil Legal Services Attorney  
Tim Flynn-O'Brien, JD, Retired Civil Rights and Tort Attorney  
Elena Giacci, Trainer and Advocate  
Twila Hoon, JD, CAAP Director, NM Administrative Office of the Courts  
Bernie Lopez, Parent Advocate  
Senator Linda Lopez, NM State Senate, District 11  
Pamela Pierce, JD, CEO Silver Bullet Productions

**Members Absent**

Cathyanna Sedillo, Youth Leader  
Shaniah Gallegos, Youth Leader

**OFRA**

Beth Gillia, JD, Executive Director  
Lisa Fitting, JD, Administrative Services Director  
Leslie Jones, JD, Legal Services Director

## **I. Call to Order/Welcome**

Judge Monica Zamora, Commission Chair, called the meeting to order at 3:33pm.

## **II. Adoption of Agenda – Commission Chair Monica Zamora (Approval/Action)**

Chair Zamora asked for motion to amend the agenda to include a resolution in conjunction with Item III, Budget Issues. Judge Davis moved to amend the agenda. Ms. Corica seconded the motion. The motion passed with no objection. Chair Zamora requested a motion to adopt the amended Agenda. Judge Davis moved for the adoption of the amended Agenda. Ms. Corica seconded the motion to adopt the agenda as amended. The motion passed with no objection.

## **III. Budget Issues – Beth Gillia, Executive Director (Approval/Action)**

Ms. Gillia talked about the budget shortfall that is coming; the Office is seeking support to apply for emergency funds from the State Board of Finance, as well as to seek a supplemental appropriation in the upcoming legislative session. A proposed budget will be presented at the August 28, 2023 Oversight Commission meeting for approval by the Commissioners. Ms. Gillia will also present to the LHHS Interim Committee (Legislative Health and Human Services) and will meet with OFRA's new LFC Analyst (Legislative Finance Committee).

Ms. Gillia presented the budget and discussed the reasons for the shortfall like case number increases as well as the "fictitious" \$1.5M in the budget that was created by the LFC. She started with the spreadsheet, Budget Information, budget overview. The categories of interest are primarily Personnel, Contracts, and the 400 category which is a catch-all. OFRA requested a total of \$13.5M; \$10.53M was appropriated; the appropriation included the \$1.5M inter-agency transfer from AOC that does not exist but was mistakenly allocated to OFRA. This \$1.5M in federal funds is not forecasted to be available this fiscal year. The real budget is closer to \$9M, a 33% shortfall.

Initially, OFRA thought that it could manage but there has been a 29.2 percent increase in case filings statewide, as evidenced by CYFD data and an ongoing upward trend as evidenced by AOC data (Administrative Office of the Courts). An example is Second Judicial District, the case filings for the first six months of the year are equivalent to the total case filings for the entire previous year. It is assumed that the increase in case filings will continue, resulting in about a 30 percent increase. It is also assumed that the number of parties per case will necessitate several attorneys per case.

The combination of a reduced budget, the non-existent \$1.5M, and the increased caseload have led to this budgetary shortfall. In order to provide attorneys for all cases and parties, funding was moved from Personnel to Contracts. Personnel is now at \$1.5M and Contracts is now \$7.09M. The \$7.09M does not cover all the contractual costs. Attorney costs are expected to reach \$8.3M so additional funds are needed just to cover existing contracts with attorneys and other contractual obligations (including the case management system, increased attorney's costs, mileage, experts, translators and interpreters.). OFRA entered into a contract with State Personnel for human resources management, because it was less expensive to do so, rather than having a human resources division in house. For these reasons, an emergency request will be made to the Board of Finance to cover the costs of attorneys, given the increase in case filings. A supplemental appropriation will be sought in January. Rep. Chasey noted that the Legislature appropriates funds; the term "appropriation" is required. The Legislature significantly under-appropriated OFRA, an agency the Legislature created in 2022. With the Board of Finance, "emergency" should be addressed (30% increase in cases and 30% underfunded).

Mr. Baur added that "truth in funding" should be sought from the legislature for OFRA (and for the Law Offices of the Public Defender). If this agency is given this task, it should be properly funded. Ms. Hoon asked about

the Title IV-E funding and whether that is in place and included in the budget. Ms. Gillia said the agreement is in place and they are working on making sure all legitimate expenses are claimed, including training.

Mr. Flynn-O'Brien noted we have a definite emergency of just over \$1M to present to the Board of Finance well before OFRA seeks a supplemental appropriation. Chair Zamora also suggested that the non-existent \$1.5M should also be addressed. Ms. Gillia noted that the Legislature endorsed the work of OFRA in creating the agency so that their support also needs to be sought in the supplement request. She is preparing for all of the contingencies. Ms. Gillia reported that no physical offices will be created this year, again due to budget shortfall. OFRA is statutorily required to provide legal representation and that is the priority.

Ms. Gillia then showed Personnel costs, discussing those positions that have been filled and those that will be filled and why. These include the Executive Secretary, two Attorney I's and two Attorney III's. These will help provide coverage gaps and help with large caseloads statewide. There are also six Family Peer Support Navigators to be hired on a staggered schedule. The adjustments OFRA has had to make to address the budget shortfall include, the budget adjustment request, OFRA is not opening two offices, significantly reducing the number of in-house staff and increasing the number of attorney contractors. Overall, we requested 82 positions, reduced to 48 with the actual appropriation; and now down to 19 positions with the shortfall and need to cover more contract attorneys. OFRA is looking for pro bono attorneys, collecting as much Title IV-E money as possible, seeking out other funding sources, in addition to the emergency and supplemental funding requests and an increase in the FY 25 budget.

The impact is that we cannot hire up and provide interdisciplinary team services to the extent intended. Yet it is the interdisciplinary services on the legal team that have been demonstrated to improve outcomes for children and families and reduce time in care. With current funding, approximately 164 respondents in the metro region will be served (less than 1/2 of the respondents in the region); none in other regions, and none for children. This is a significant shortfall.

Ms. Maralyn Beck asked about pro bono attorneys and Ms. Gillia affirmed that she is intending to engage attorneys who have practiced in this area who are willing to take one or two cases. She also noted confusion in why the budget amount was sufficient when AOC managed this work but is not now. Chair Zamora explained the difference in practice model and the need to build infrastructure of an entirely new state agency

Ms. Giacci asked what is being asked of the Commission. Ms. Gillia responded that she hoped the resolution to seek emergency funding would be approved. Ms. Giacci also asked if only services will be available in the Metro region. Ms. Gillia responded that all parties will be represented statewide but that interdisciplinary services would start in the metro area. (The original plan was to have interdisciplinary services in both the Metro region and Las Cruces region, but sufficient funding was not appropriated to open that second region.)

Chair Zamora asked for a motion to approve the resolution that OFRA should request emergency funding from the State Board of Finance and that Ms. Gillia has the authority to do so. The motion that was circulated could be amended to only include the emergency funding for now. Ms. Pierce moved and Ms. Hoon seconded the motion giving the executive director authority to move forward with a request for emergency and supplemental funding.. Chair Zamora did a roll call vote:

YES: Vice-Chair Davis, Mr. Flynn-O'Brien, Ms. Hoon, Ms. Corica, Ms. Pierce, Ms. Lopez, Sen Lopez, Rep Chasey, Ms. Giacci, Chair Zamora.

NO: None

Chair Zamora read the motion and affirmed that the resolution would be attached to these minutes. Ms. Hoon moved and Ms. Corica seconded the resolution as written. The motion passed unanimously. The motion is attached.

**XI. Adjournment of Meeting – Judge Monica Zamora, Commission Chair  
(Approval/Action)**

Vice-Chair Davis moved and Ms. Pierce seconded the motion to adjourn; the motion was approved unanimously. The meeting was adjourned at 4:36pm.

The next meeting will be August 28, 2023.