



OFFICE OF FAMILY  
REPRESENTATION AND ADVOCACY  
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**Oversight Commission**  
**August 28, 2023**  
**Minutes Approved October 23, 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  
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  
Beth Gillia, JD, Executive Director

**Members Absent**

Representative Gail Chasey, JD, NM House of Representatives, District 18  
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  
Stacie Ortiz, Interdisciplinary Services Director  
Theresa Benavidez, Chief Financial Officer

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

Judge Monica Zamora, Commission Chair, called the meeting to order at 3:45pm.

## **II. Announcements (Informational)**

John Davis said that he was happy to present the next day with Executive Director Gillia at the Legislative Health and Human Services Interim Committee.

## **III. Public Input**

There was no public input.

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

John Davis moved and Senator Lopez seconded the motion to adopt the agenda. There were no amendments. The agenda was approved unanimously.

## **V. Approval of the Minutes – Commission Chair Monica Zamora (Approval/Action)**

**June 26, 2023 Meeting Minutes** - Elena Giacci moved and Twila Hoon seconded the motion to approve the June 26, 2023 Meeting Minutes. There were no corrections or additions. The Minutes were approved unanimously.

**August 14, 2023 Special Meeting Minutes** - John Davis moved and Monica Corica seconded the motion to approve the August 14, 2023 Meeting Minutes. There were no corrections or additions. The Minutes were approved unanimously.

## **V. Director's Report – Beth Gillia, Executive Director**

Executive Director Gillia reported that for the past two months, OFRA has been focused on the fundamentals (budget, contracting, and case coverage) of standing up the agency. Attorney contracts have been approved retroactive to July 1, 2023. Everyone is getting paid and every client is being represented. There are two new hires – Chief Information Officer Eric Candelaria and Chief Financial Officer Theresa Benavides. The Executive Secretary position will be posted soon, and Executive Director Gillia asked members in attendance to think about applicants they might know. OFRA will also be posting Attorney I positions to fill in around the state, and at least one Family Peer Support Navigator. OFRA will also retain a law student for a time limited period to assist the Legal Services Division Director with conflict checks and related work.

The request for the emergency funding to the State Board of Finance was submitted and OFRA is on the agenda for September 19, 2023. OFRA requested \$1.5M; most of that (almost \$1.3M) is for attorney contacts to cover increased caseloads. The remaining approximately \$200K is for mileage for contractors, translators, and experts. Executive Director Gillia noted that there is only \$4M to be granted by the Board so members should not expect that OFRA will get the entire request. Executive Director Gillia asked that either the Chair or Vice-Chair attend the September 19, 2023 meeting. She further explained that the budget situation is not a matter of mismanagement, as has been said in public discourse, but rather the opposite. OFRA is exercising fiscally responsible management. OFRA has recognized early on in the fiscal year that there will be a budget shortfall. OFRA is taking the necessary steps to determine how to meet OFRA's mission and going to the State Board of Finance is the first step to make sure that OFRA is successful. There is a need for public discussion about who OFRA is and how OFRA operates. Chair Zamora said she would attend the meeting with the Board. She further added that people need to understand that this is a new state agency created in a very short time. It does not operate as AOC did. There is an ongoing need for public education.

Executive Director Gillia further reported on preliminary conversations seeking possible other sources of funding. She has spoken with Alison Pauk about Court Improvement Funds to underwrite attorney attendance at CLI. She has also spoken with CYFD about 2 federal funding possibilities – Children’s Justice Act funds and Community Based Child Abuse Prevention funds (for family support navigators, pre-filing legal services—all required by OFRA’s model). There was also an exchange with the Children’s Trust Fund and there is some possibility of funding there for interdisciplinary services and for a process to create an endorsement or certification towards and endorsement for Family Peer Support Navigators (persons with lived experience in the child welfare system). There was also a conversation with the Deputy Secretary of the Aging and Long Term Services Department regarding funds for representing persons with disabilities and for persons seeking guardianship. Next, Executive Director Gillia will reach out to the Early Childhood Education and Care Department. She also spoke about getting pro bono attorney services with persons who have retired from this work; there is an issue about legal malpractice insurance that needs to be resolved. Executive Director Gillia is exploring the options with various entities to resolve this issue.

Executive Director Gillia spoke about what’s coming next – meetings around the state starting in October with contract attorneys; community meetings with judges, CYFD and community partners, and eventually a conversation with contractors about the contracts itself. There will also be a strategic planning process in the next few months. Next month, training will begin with one-hour webinars over the lunch hour on representing new parties and on the requisite Cornerstone Advocacy. OFRA is also bringing the case management system online and training is underway.

Executive Director Gillia reported that Mary Ann Shaening and Stacie Ortiz are working on the practice model and practice manual. In addition, Executive Director Gillia is having on-going conversations with Oklahoma staff (similar but younger pilot project) and Colorado staff (5-6 year old project) who are also engaged in similar work.

## **VI. Presentation of FY 2025 Budget - Beth Gillia, Executive Director (Approval/Action)**

Executive Director Gillia presented the budget which was projected on screen. Members cannot vote on the final number because there are a few pieces of information yet to be provided by other agencies. These are mandatory and formulaic so there is no discretion. Thus, the Commission can approve the budget noting this.

The overall request is almost \$17M. This is a big increase that comes with an increase in Title IV-E reimbursements. IV-E reimbursement for training, heretofore not collected by the state, will also be reimbursed. Thus, not all of the increase in the budget request will come from state general fund.

The State Board of Finance asked for anticipated FY2025 funds and what was submitted is very close to what will be submitted on September 1, 2023. Personnel is 6.6M (this may go up). The largest category amount is for the contract attorneys (contracted). . The ‘other’ category includes everything else. (Rent, which is significant, was not previously included).

Member Bernie Lopez asked where funding for DEI will be. Member Monica Corica noted that the DEI Committee wanted funds in the budget for DEI training. Executive Director Gillia noted that training shows up in a couple of places; if we want to call out DEI, that can be done. The DEI Committee wants a designated percentage and would like to see this specifically called out in the budget. Monica Corica and Elena Giacci described what the Committee wants (1% of the overall budget and OFRA modeling how to prioritize DEI). The discussion had was that the proposed 1% of the budget would not be enough. Executive Director Gillia noted that the budget portal does not have specific detail. If it was 1%, it would be approximately \$170,000. Executive Director Gillia explained that the level of specificity for the type of training is an internal function. A

general budget request for training is included in the proposed budget. Chair Zamora noted that DEI training needs to be specifically called out in the strategic plan. Member Senator Lopez suggested that this be raised from 1% to 5%. Chair Zamora asked how a range could be established for DEI training. Executive Director Gillia explained the limitations of requiring training of contractors; OFRA does not have money in contracts other than for attorneys to attend the Children's Law Institute. Member Tim Flynn-O'Brien suggested this should be established as a percentage of the training budget rather than the whole budget. Member Elena Giacci noted that the \$850,000 (5% of the overall budget) could be justified given the tragedies of underserved and mis-served communities. She also asked how OFRA intends to ensure that DEI training is systemic. Member Giacci also asked if we could add funds for contract attorneys for additional training. Since they do not have an hourly based contract, this is complex. Executive Director Gillia explained that it is a difficult balance between what attorneys are being paid and what they are losing financially by increasing the amount of training they must attend. OFRA needs to be thoughtful and efficient with the increase in time away from working their cases. There would probably have to be a supplemental payment for training; it is not readily accommodated in the tier-based structure. Member Senator Lopez noted that this needs to be a paradigm shift to cultural sensitivity and family responsiveness. Consequently, the training needs to be specific and perhaps raise it from 1% to 4 or 5%. The detail of how we spend training funds is internal; we can explain the detail to legislators if asked. She also noted that this needs to be embedded in all we do, not just training. Executive Director Gillia agreed and discussed the many ways this could roll out, perhaps even a DEI Coach on staff.

Returning to the budget, she explained that there would be a total of 79 positions in personnel (salaries and benefits is currently \$6.6M). The contracts category (\$9.3M) primarily includes attorneys but also includes others – consultants, trainers, audit services, case-management, etc. As to paying attorneys under contract when OFRA will be hiring, it was noted that contractors are historically underpaid because of large caseloads and inadequate rates. To pay them fairly, the budget for contract attorneys will stay the same. In the 'other' (catch-all) category (just over \$1.M), there are all manner of expenses – mileage, per diem, office expenses, equipment, rent, etc. (rent being the biggest part).

The deadline for submitting the budget is Friday so the Commission needs to approve the budget today. Chair Zamora asked for a motion to approve the budget with stipulations as discussed above (increase in training, addition of the costs of leave time to personnel, and the cost of DoIT/IT services). Member John Davis moved and Monica Corica seconded the motion. There was no further discussion and the motion passed unanimously.

## **VII. Reports from Committees (Informational)**

### Governance Committee – Judge Monica Zamora

Proposed policy statements and Commission Guidelines were sent in advance of this meeting to be voted on in October. There were no questions.

### Diversity, Equity, Inclusion and Belonging– Elena Giacci

Committee Chair Elena Giacci acknowledged the work of the Committee Members and the richness of the conversations. Recommendations on DEI policy are forthcoming.

### Legislative Committee – Rep Gail Chasey and Sen Linda Lopez

Senator Lopez noted that the presentation to the Legislative Health & Human Services Interim Committee is tomorrow, August 29, 2023 via webcast, and invited the Committee members to attend. She also shared what was said at the Interim Committee by the Acting CYFD Secretary Casados who spoke about meetings to hold to support services for families. Sen. Lopez will ask that OFRA be included in these conversations.

## **VIII. Update on Website Subscriptions – Judge Monica Zamora, Commission Chair (Approval/Action)**

Commissioners who have not signed up yet are reminded to do so.

**IX. First Revision of Open Meetings Act Resolution– Judge Monica Zamora, Commission Chair (Approval/Action)**

Chair Zamora noted that the Resolution needs to be changed to reflect bi-monthly meetings and postings now being located on the OFRA website. Member Tim Flynn-O’Brien moved and Member Elena Giacci seconded the motion to approved the revised OMA Resolution. The motion passed unanimously. The resolution as revised is attached.

**X. Other Business**

There was no other business.

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

Member Sen Lopez moved and Member Monica Corica seconded the motion to adjourn; the motion was approved unanimously. The meeting was adjourned at 5:12pm.

The next meeting will be October 23, 2023.