

Office of Family Representation and Advocacy
Oversight Commission
Meeting Minutes
November 28, 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; Ms. Monica R. Corica, NM Legal Aid; Hector Diaz, Ph.D., Director and Professor, School of Social Work, NMSU; Elena Giacci, Trainer and Advocate; Alison Pauk, Proxy for 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; Shaniah Gallegos, Youth with lived experience; Cathyanna Sedillo, Youth with lived experience

Absent:

None

Guest Presenter:

Chief Judge Jennifer DeLaney, Chair, Family Representation Commission

Interested Parties:

Jenn Viera, Brandon Cline, Sherrie Trescott, Susan Weiss, Mary Anne D’Arcangelis, Shannez Dudylczyk, Diane Llewellyn, Shasta Inman, Allison Endicott Quinones, Camille Hancock, Marron Lee, Louise Archibeque, Queva Hubbard, Arika Sanchez, Corrie Griffin, Catherine Pavelski

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

Co-Chair Davis called the meeting to order at 3:33pm and welcomed Interested Parties and asked them to introduce themselves. They are listed above.

II. Announcements (Informational)

Co-Chair Davis announced that applications have been received and reviewed and interviews have been held. The Selection Committee will recommend a candidate in the closed session.

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

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) - October 24, 2022 Meeting Minutes

There were no changes. The minutes were approved unanimously

V. Overview of Family Representation Commission Recommendations to the OFRA Oversight Commission and the OFRA Director – Judge Jennifer Delaney, FRC Chair & Mary Ann Shaening, FRC Facilitator (Informational)

Judge DeLaney reported that the FRC has been working for three years to create OFRA and make it a reality through legislation. The FRC has drafted a number of recommendations on policy and practices. Mary Ann Shaening, FRC Facilitator, noted that today would be just a brief overview. A more in-depth study of these recommendations will happen when the OFRA Director is on board. Mary Ann proceeded to briefly summarize recommendations in the following areas:

- Human Resources
- Evaluation and Quality Assurance
- FAQs for Contract Attorneys: Contracts, Caseloads, and Compensation
- Attorney Contract Format
- Conflict of Interest
- Interdisciplinary Legal Teams
- Complaints and Grievances

VI. Discussion/Q&A of Recommendations - Oversight Commission Members (Informational/Approval/Action)

Bernie Lopez, Commission Member, asked how attorneys are appointed. Judge DeLaney responded that attorneys are currently under contract. Ms. Lopez also asked if there is a list. And Judge DeLaney responded affirmatively. Judge DeLaney said that OFRA will work closely with AOC to set up processes to contract with attorneys. If there is a problem with performance, it will be dealt with according to the Complaint and Grievance policy and practice. Ms. Lopez asked if staff can complain and grieve. Judge DeLaney responded that would have to a different policy and practice. Chair Zamora noted that with OFRA, there will be more oversight and accountability than we have now. Ms. Lopez asked about where to get information from the State Personnel Office. Mary Ann Sheening responded that the information is in the Human Resources recommendation.

Chair Zamora noted that we will determine how we will review these recommendations moving forward. Senator Lopez noted the extent of the work that went into these recommendations, suggesting that there be a process to more extensively review and dialog about each recommendation. This could be working/study sessions. Ms. D’Arcangelis commented about concerns regarding attorney performance and suggested that oversight be balanced by support. Mary Ann Shaening noted that an Employee Support Plan was the first step in resolving complaints and grievances – training, coaching, and other supports. Judge DeLaney responded that with Interdisciplinary Legal Tams, there will be more opportunity to enhance communication between attorneys and clients. Mr. Cline noted that his agency contracts with a resiliency contractor to support staff through monthly meetings of various groupings of staff. Ms. Lopez asked where attorneys think the child welfare system is going. She observes that CYFD has not gotten better. Who is leading the system? Is it a combined effort to fail? Mary Ann Shaening noted that earlier work by FRC studying the system found challenges and deficiencies from multiple entities. Judge DeLaney responded that the system fails at several

points. OFRA has the opportunity to change the system, starting with legal representation. Dr. Diaz noted the challenges with CYFD social worker staff shortages and thus large caseloads. This results in less than effective service. Ms. Trescott noted that CYFD has incredibly hard jobs and they need to be fully funded to achieve more manageable caseloads. There are differences between counties and getting consistency is challenging. We need to understand and support CYFD.

VII. Public Input (Informational)

Public input on the recommendations can be found immediately above.

VIII. Other Business

None.

IX. CLOSED SESSION:

Roll Call Vote to close the meeting and to proceed in Closed Session - Judge Monica Zamora, Commission Co-Chair; Judge John Davis, Commission Co-Chair (Approval/Action – Roll Call Vote)

a. Discussion of limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2), pertaining to the selection and hiring of the Director of OFRA.

b. After discussion and determination where appropriate, of limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2), the Commission certified that no other items were discussed, nor were any other actions taken.

Co-Chair Davis made a motion and Chair Zamora seconded the motion to go into closed session. The roll was called and all 13 Members voted to go into closed session. Members were moved to a Breakout Room. Interested Parties stayed in the main Zoom room.

X. Certification that only those matters described in Agenda Item IX were discussed in Closed Session; consideration of, and final action on the specific limited personnel matters discussed in Closed Session - Judge Monica Zamora, Commission Co-Chair; Judge John Davis, Commission Co-Chair (Approval/Action)

After discussion and determination, where appropriate, of limited personnel matters per NMSA 1978, Section 10-15-1 (H) (2), the Commission certified that no other items were discussed, nor were actions taken. Approvals of the actions made in Closed Session to move forward with the hiring of the Director of OFRA. Judge Zamora made the motion to approve the certification. Dr. Diaz seconded the motion. The motion unanimously passed.

XI. Director of OFRA selection status (Informational)

Chair Zamora reported that interviews have occurred for OFRA Director and a candidate has been selected. Pending results of the reference check, the offer will be made and announced.

The next meeting will be Monday December 19, 2022 from 3:30-5:00pm

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

Monica Corica moved to adjourn, and Pam Pierce seconded, and the meeting was adjourned at 5:13pm.