

Office of Family Representation and Advocacy
Oversight Commission
Meeting Minutes
October 24, 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; 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

Absent

Shaniah Gallegos, Youth with lived experience; Cathyanna Sedillo, Youth with lived experience

Welcome

Chair Zamora called the meeting to order at 3:33pm. She welcomed the newest Member, Elena Giacci, and asked her to introduce herself. Elena explained that she has been in the field of sexual violence, intimate, partner violence, and child sexual abuse for 33 years. Elena works in the community as an advocate and serves families, young men, and young women. She reported that it has been an honor and privilege to serve this community. Chair Zamora then asked the other Members of the Oversight Commission to introduce themselves.

Modification of the Agenda

Approval of the agenda and approval of the minutes were not on the agenda as posted. Chair Zamora asked for a motion to add both to the agenda. Co-Chair John Davis so moved and Representative Chasey seconded. There was no further discussion and the motion passed unanimously.

Approval of the Minutes

Co-Chair John Davis moved to approve the minutes from the September 26, 2022 meeting and Twila Hoon seconded. There was no further discussion and the motion passed unanimously.

Approval of the Agenda as Modified

Chair Zamora asked for a motion to approve the agenda as modified. Co-Chair John Davis so moved and Representative Chasey seconded. There was no further discussion and the motion passed unanimously.

Selection of the OFRA Director

Chair Zamora related that there had been a meeting with Celina Jones at the Administrative Office of the Courts (AOC) about the selection process. The Chair noted relevant timelines: the position closes November 4th; the target to hire is December 31st as required in the legislation that created OFRA; applications would be reviewed the week of November 7th to make sure they meet the minimum qualifications and determine who will be interviewed; interviews would be held the week of November 14th; and a decision made around December 2nd. The number of applicants could affect these timelines.

AOC's Human Resources staff will then check out the references of the individual selected; an offer would be made by either December 12th or 19th (checking references can take some time); and the person would be hired by December 31st.

A Selection Committee needs to be formed; Judges Zamora and Davis would serve as would Judge DeLaney from the Family Representation Commission. Three other members are needed and Chair Zamora asked for volunteers. She also noted that this will be time intensive – reviewing applications, coming up with an interview protocol; conducting interviews; and final decision making.

The interview protocol will follow AOC process whereby an introduction is made, an explanation is given as to what the job entails, and six to nine questions are asked. The Selection Committee will prepare the protocol as a group.

Chair Zamora went on to review the minimum qualifications as posted and as outlined in the legislation. She explained that persons on the Selection Committee need to feel comfortable in assessing these qualifications including experience in the representation of children and parents as well as management experience, supervision, and policymaking. Selection Committee members will be asked to come up with one or two questions; each applicant must be asked the same questions.

Chair Zamora then asked who might be interested in serving. Monica Corica replied yes as did Elena Giacci and Twila Hoon (who will also serve as the AOC representative on the Committee). The full Oversight Commission will be briefed on how the process is working at the next meeting on November 28th. The Selection Committee will be polled for possible questions and a meeting will be set with this group. There is also a sample interview protocol from AOC for a senior attorney position that can be used as a guideline.

Proposed List of Tasks for Commission

A proposed list was included in the meeting materials and is referenced below. There are a number of policy and practice recommendations that the Family Representation Commission will be submitting to the Oversight Commission. These include Conflict of Interest as well as Interdisciplinarity Legal Teams and at least four more. These will be formally approved at the November Family Representation Commission and then brought to the Oversight Commission. There was a question about whether the Family Representation Commission will present these to the Oversight Commission; this will be planned for the November meeting. Judge DeLaney and Mary Ann Shaening will present. It is anticipated that the Supreme Court will approve the Family Representation Commission continuing to meet through March 2023 and that will allow for one or two joint meetings of the Commissions.

Chair Zamora also reviewed the draft list.

Chair Zamora suggested that the proposed policies be catalogued for review and decisions made as to whether the entire Commission would review each one, or smaller groups assigned to various policies. It was noted that

the recommendations include both policy and practice and that the Director would need to be involved in whatever process is decided and whatever decisions are made.

The list will be a standing item that can be regularly reviewed. Monica Corica suggested policies be reviewed in advance, that someone be present to answer questions, and that the whole process be staggered. Chair Zamora said that she, Judges Davis and DeLaney and Mary Ann Shaening will organize this approach.

Mary Ann Shaening pointed out that although some Members have drafts of some policies (because they are distributed to interested parties to the Family Representation Commission), nothing has been formally sent from the FRC to the Oversight Commission. If the Oversight Commission wants to see them once approved and thus finalized, they can be sent on. Chair Zamora asked if they will all be done by December 31st. They will not and that is why the FRC is looking to extend its tenure

Mary Ann reported that the Family Representation Commission is not writing policies for the Oversight Commission. The FRC is giving a lot of background information and recommending policy directions and practice models. As they are approved, they will be sent. Elena Giacchi also asked that they be numbered. Mary Ann further explained that the Oversight Commission and Director will develop more policies as OFRA evolves. This is a starting list.

Chair Zamora asked Co-Chair Davis if he would contact New York's Center for Family Representation (CFR) to get their policies. Mary Ann pointed out that this would only include Interdisciplinary Team services; this is not a standalone office like OFRA. She also said the CFR was reviewed extensively in FRC's recommendation regarding the Interdisciplinary Legal Team Services practice model.

Chair Zamora also asked if other states had independent offices and Mary Ann reported that they did. She will give the Chair that information. Twila also asked if the FRC recommendations could be put on a drive for Members to access. Mary Ann assured Members that we will figure that out. Monica Corica also asked if there could be a drive with Director selection materials. AOC will check. Representative Chasey asked about the link to the job opening. It is https://jobselection.nmcourts.gov/JobEditor/jobInfo?update&new_id=12285. Cristen Conley asked if we were paying for any postings. We are not. It is posted in several places including the ABA, the UNM Law School, CIP, CCIC, NCSC, and more. Monica asked about posting on the national listserv for Legal Aid attorneys. She also asked if we could get a list of entities who posted the job opening. We cannot; it was distributed "shotgun" (i.e., send it on to others)

As to finalizing the MOU with CYFD for IVE funding (July 1, 2023), Mary Ann explained that a couple of years ago, the Children's Bureau revised their policies so that IVE funding could be used as a match against costs of child and parent representation. Currently the MOU is between CYFD and AOC. AOC bundles and submits its claims: 50% of the costs of attorneys for 50% of the children (the approximate number of children in care who are IVE eligible). CYFD understands that we will redo the MOU with OFRA before July 1, 2023. From that point forward, all eligible expenses (attorneys, interdisciplinary teams, training, and more) will be eligible for match. The final estimated budget of \$17.3 Million will thus include about \$4 Million derived from IVE. Chair Zamora asked what the "penetration rate" is. Twila and Mary Ann explained that it is the percentage of children in care who are IVE eligible.

Chair Zamora noted that the next two months will largely be spent on Director selection and initial review of the recommendations prepared by FRC to date. Elena Giacchi asked if she were interested in, for example, in the Diversity, Equity, and Inclusion Policy, could she attend the meeting when it is discussed. Mary Ann noted that all Oversight Committee members are invited to every FRC meeting where every recommendation is discussed. Mary Ann said she will make sure Elena is being invited. Mary Ann also noted that having two Commissions is confusing. The FRC meets next on November 18, 2022 from 11:30am – 1:30pm.

As to "Updated Performance Standards as Policies," Mary Ann noted that years ago performance standards were written for GALs, Youth Attorneys, and Parent Attorneys as part of the Court Improvement Project. Later on, performance standards were written for attorneys representing eligible youth in Fostering Connections cases. These are all Supreme Court approved standards. They need to be reviewed and possibly updated for OFRA representation practice models and expectations. These standards will be the foundation of performance evaluation for employed attorneys and the foundation of contract management and monitoring for contract attorneys. Once revised, they will be incorporated into performance evaluations and contract management.

Mary Ann also noted that last week there was a Summit on Direct Representation and if FRC decides to introduce legislation, that will also mean changes in the standards.

In terms of "Organization Chart – for each phase," Mary Ann pointed out that the starting organizational chart is included with FRCs recommendation on Conflict of Interest.

In terms of "Spreadsheet for Members," this has been started and Mary Ann will make sure that it is updated.

In terms of "Adopt Rules, By-Laws, or Governance Manual," there is a draft (attached) for starting point.

Representative Chasey asked if there would be a report and/or recommendation from the Summit. Mary Ann reported that there would be "Summit Proceedings" and that FRC Members would meet regarding a recommendation on next steps. She also explained that two persons from the National Association of Counsel for Children presented on Direct Representation for children who "have the cognitive and communicative ability to direct their own representation;" and for those children who "do not have the cognitive and communicative ability to direct their own representation," there was a presentation from Massachusetts on the Substituted Judgment Model and a presentation from Washington state on the Legal Interests/Legal Rights Model. Mary Ann explained that this is the national trend – to move to Direct Representation.

When asked what will happen with current contractors, all will be eligible to contract with OFRA. We do not yet know if OFRA will have to issue a new RFP or if there is some way to contract otherwise. This is being worked out with AOC.

Chair Zamora asked about public input and Representative Chasey shared how this is handled with interim committees. People sign up and are given three minutes for input.

Other Business

There was no other business.

Public Input

There was no public input.

Next Meeting

The next meeting will be November 28, 2022, 3:30-5:00.

Adjourn

Co-Chair Davis moved and Twila Hoon seconded that the meeting be adjourned. There was no discussion and the motion passed unanimously. The meeting was adjourned at 4:55 pm.