



OFFICE OF FAMILY
REPRESENTATION AND ADVOCACY
Improving lives through outstanding advocacy

INITIAL STRATEGIC PLAN

SFY 2024



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CREATION OF THE OFFICE OF FAMILY REPRESENTATION AND ADVOCACY (OFRA)

Child and family welfare cases¹ impact one of the most basic and fundamental rights - the right to the companionship and care of one's family. Because of the importance of this right, high quality legal representation is critical in child and family welfare cases. It is likewise critical because of the impact of the child and family welfare system on parents and children, including the trauma of removal and the potential of permanently severing the parent-child relationship. **High quality legal representation:**

- **Ensures due process and procedural fairness;**
- **Improves judicial decision making** by providing the court with accurate, timely, and complete information about the children and parents--including the views and voices of the parties' themselves; and
- **Leads to better long-term outcomes for children and their families, including higher rates of reunification and swifter resolution of cases.** (Of note, this in turn reduces costs to the state for foster care support payments, case worker and court time, and resources and services for children and families).

In a state like New Mexico, where there are high rates of poverty and Adverse Childhood Experiences (commonly known as "ACES") and limited access to meaningful services and supports, **high quality legal representation can help prevent parents and children from falling through the cracks, get the services that they need, and reduce the impact of removal.**²

The need to improve the quality of legal representation for children and parents³ involved in the child abuse and neglect system in New Mexico has been well-established in several studies and system assessments over the last two decades. These studies underscore the critical need for high quality representation, and the high stakes that families face in the child and family welfare system.

¹ Child and family welfare cases are certain cases under the NM Children's Code, including abuse and neglect, voluntary placements, families in need of court ordered services, Indian Family Protection Act, and extended foster care cases.

² See Memo from the Children's Court Improvement Commission to the NM Supreme Court (Aug. 27, 2018) (emphasis added), reprinted in full in *Report on Representation in New Mexico Child Abuse and Neglect Cases* by M. Laver and A. Smith: <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.nmcourts.gov/wp-content/uploads/2021/09/CCIC-Representation-Report-Draft-1.pdf>.

³ For ease of communication, this Strategic Plan will refer to all respondents in cases under the Children's Code as parents, although OFRA recognizes that respondents may be caregivers of other kinds, including guardians and custodians.



In 2018, the Children's Court Improvement Commission (CCIC) engaged the American Bar Association (ABA) Center on Children and the Law to study the court-appointed contract attorney system that existed before OFRA.^{4, 5} In this system, attorneys contracted with the Administrative Office of the Courts (the AOC) to represent children, youth, and parents. The AOC received funding for these contracts as part of the Court Appointed Attorney Fee Fund.

Despite decades of interventions and attempts to improve outcomes by improving representation,⁶ the ABA identified ongoing issues in quality of representation as well as a number of structural, systemic weaknesses in the NM system. The ABA's findings identified a number of barriers to high quality representation that resulted in delays in achieving permanency for children, including:

- Inadequate funding and compensation,
- Inadequate monitoring and oversight of attorneys,
- Unmanageable caseloads,
- Poor attorney retention,
- Lack of diversity and cultural humility, and
- Lack of staff and resources in the AOC to address these continued issues.

After the ABA's report, the NM Senate passed Joint Memorial 10 in 2019, creating the Family Representation Task Force (which later became a Commission). The Task Force was charged with studying and making recommendations about structural changes and practice models that would improve representation in New Mexico. That Task Force recommended the creation of an independent legal office with an oversight commission and interdisciplinary legal teams as the evidence-based practice model. The Family Representation Commission (FRC) developed the legislation and during the 2022 Session, the Legislature passed the Family Representation and Advocacy Act (HB46). The Act creates the Office of Family Representation and Advocacy (OFRA) as an independent adjunct agency in the Executive Branch. The Act passed unanimously on the House Floor and by a vote of 35-2 on the Senate Floor. On March 8, 2022, Governor Michelle Lujan Grisham signed the bill into law.

⁴ Legal representation in New Mexico has historically been provided by about 125 attorneys under contract with the Administrative Office of the Courts (AOC). The AOC, despite its best efforts, has never had the budget or other resources to provide adequate supports for attorneys, monitor quality, and overall improve representation.

⁵ See footnote 2.

⁶ Responding to the findings of those studies and assessments, the NM Children's Court Improvement Commission (the CCIC) spearheaded numerous initiatives to ensure that children and parents have effective assistance of counsel, including efforts to eliminate pay and caseload inequities across Judicial Districts; standardize attorney contracts; establish clear performance standards for attorneys for children, youth and parent; and provide high quality pre-service and in-service training, mentoring, and resources for attorneys by creating the Corinne Wolfe Center for Child and Family Justice at UNM School of Law.



After extensive recommendations by the FRC and preparation by the Oversight Commission,⁷ and OFRA's leadership team, OFRA began serving clients on its opening day, July 1, 2023.

INDEPENDENCE AND INTERDISCIPLINARY LEGAL SERVICES: TRANSFORMING REPRESENTATION, ENHANCING CHILD SAFETY, AND ACHIEVING PERMANENCY

The FRC's recommendations and the OFRA's enabling statute mirror the attributes of high quality legal representation developed by the national Family Justice Initiative, namely a centralized child and family welfare office of lawyers who have manageable caseloads, adequate compensation, and access to interdisciplinary legal teams (including social workers, peer mentors, and experts).⁸ Research and evaluation have demonstrated that high quality legal representation, defined as including interdisciplinary supports, leads to improved outcomes for children and families,⁹ including fewer placement moves when a child is placed outside their home, achieving permanency more quickly, and reduced maltreatment when children are returned to their families.

The OFRA is thrilled to establish this model in New Mexico and to lead the transformation in representation that our children and families need and deserve. OFRA's Mission, Vision, Commitment, and Guiding Principles embrace these attributes of high quality representation and honor the children and families we serve. They also express our full commitment to the well-being not only of our clients, but of the dedicated lawyers, social workers, and family peer support navigators who will do this important work with children and their families.

⁷ NMSA 1978, §§32A-27-6 through -9.

⁸ https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/january---december-2020/the-case-for-a-centralized-office-for-legal-representation-in-ch/; see also <https://familyjusticeinitiative.org/model/high-quality-representation/>

⁹ <https://familyjusticeinitiative.org/data/>



OFRA's MISSION, VISION, & GUIDING PRINCIPLES

OUR MISSION is to hear families, respect their cultures and their choices, and provide the interdisciplinary advocacy needed to create the best possible outcomes for children and their families. With humility, respect, and compassion, OFRA promotes diversity, equity, inclusion, and belonging for all whose lives we touch.

WE ENVISION an equitable society of strong families where culture is honored and dignity is respected.

WE ARE COMMITTED to strengths-based advocacy and representation of our clients, understanding that children and families do best when we recognize their unique strengths, they define their own needs, and their self-defined interests drive the representation and services they receive.

To provide the zealous and tenacious representation children and families deserve, we embrace and uphold the following **GUIDING PRINCIPLES**:

- **We respect families.** Parents have a right to parent their child, and children have a right to be raised by their parent; children, whenever possible, belong with their families.
- **We respect children** and their right to be safe. We also recognize and promote the importance of a child's emotional, psychological, educational, and overall well-being.
- **We know that children and parents are more than just their child and family welfare case.** Children and parents are whole people with talents, interests, feelings, histories, and communities.
- **We see the obstacles for children and families of color.** We are committed to equity in our work with children and families of color.
- **We affirm and respect the diversity of families and cultures** by encouraging, fostering, and maintaining cultural connections.



- **We respect and protect the rights of children and parents** regardless of race, gender, religion, sexual orientation, national, ethnic, or social origin, socioeconomic status, language, political or other opinion, disability, or other status.
- **We continuously and systematically improve the quality of our services.** We employ rigorous evaluation and quality monitoring.
- **We follow family-centered best practices** that promote child safety, well-being, dignity, equity, and permanence.
- **We provide a platform for the voices of children and parents** in our policy and system reform efforts.
- **We create and support highly qualified interdisciplinary legal teams.** We build skills, commitment, hope, and well-being through professional development and hold all staff and contractors to the highest standards.
- **We engage the community at large** to help shape our policy, advocacy, and system improvement efforts.
- **We serve as a participative and transformational leader** promoting the importance of parent and child representation, the unique and essential role our advocates play, and the need to respect and value their work.



SFY 24 GOALS, OBJECTIVES, & STRATEGIES

As a brand new state agency, just barely two months old, the OFRA has been focused on providing its core legal services to clients and establishing the staffing and infrastructure needed to fulfill its mission. OFRA has accomplished a great deal in this short time and is currently designing a comprehensive strategic planning process, with robust stakeholder engagement, which will begin in the second quarter of SFY 24. The goals, objectives, and strategies that follow are derived from OFRA’s enabling statute and are distilled from the priorities and policies established by the FRC, the Oversight Commission, and the OFRA’s leadership team. This initial strategic plan will evolve with extensive stakeholder input.

Goal 1: Administer core legal services that will ensure due process, enhance client engagement, and promote client dignity			
Objective		SFY2024 Strategies for Accomplishing The Objective	
1.1	Establish efficient case assignment processes	1.1.1	Coordinate with the Administrative Office of the Courts to secure the correct level of access to the Court’s case management system.
		1.1.2	Customize and train staff and contractors to use the LegalServer case management system to facilitate conflicts checks.
		1.1.3	Continue to work with CYFD and the courts on information to be shared with OFRA when cases are filed and methods for sharing that information
1.2	Provide training on mandatory model of representation	1.2.1	Provide training on the OFRA Interdisciplinary Practice Model and the use of the Practice Manual.
		1.2.2	Provide free monthly webinars on relevant topics, including for example, how to communicate with child clients, how to engage parents, Cornerstone Advocacy best practices, how to identify and refer appropriate clients for interdisciplinary services, how to advance equity, and more.
1.3	Develop quality monitoring processes and reporting	1.3.1	Select practice standards for attorneys, social workers, and family peer support navigators for monitoring and reporting including, but not limited to, client contact and engagement; areas of



			required advocacy; and continuity of representation.
1.4	Ensure language access and access to OFRA services for individuals with disabilities	1.4.1	Implement a language access plan (e.g., language services required; notices and signage; rights;) and engage interpreters and translators
		1.4.2	Identify additional reasonable accommodations such as office and parking access; other mobility accommodations; and communication assistance.

Goal 2: Develop and implement policies and practices that provide for maximum efficiency and accountability

Objective		SFY2024 Strategies for Accomplishing The Objective	
2.1	Implement data driven practices	2.1.1	Enter data sharing agreements with CYFD and the AOC; expand record keeping and LegalServer case management system to incorporate shared data
		2.1.2	Develop enhancements to maximize the usefulness of LegalServer case management system for data collection and analysis
2.2	Implement continuous quality improvement, evaluation, and quality monitoring system	2.2.1	Engage a wide range of stakeholders to articulate a logic model
		2.2.2	Identify process measures for monitoring and require as part of regular reporting
		2.2.3	Identify intermediate and long-term outcomes and incorporate into LegalServer case management system
		2.2.4	Implement client and other satisfaction surveys
		2.2.5	Develop standardized reports for all process and outcome measures
2.3	Provide systems for rapid and equitable resolution of internal and external grievances and other issues	2.3.1	Implement complaint and grievance system about allegations of misconduct of any of staff and contractors for clients, judges, and other participants
		2.3.2	Implement procedures to address discrimination, harassment, sexual harassment, and retaliation complaints
		2.3.3	Implement mediation and other alternative dispute resolution practices
2.4	Ensure all staff are informed of employment benefits and obligations	2.4.1	Implement human resource policies consistent with State Personnel Office policies and requirements



		2.4.2	Articulate additional OFRA-specific policies and practices
2.5	Maximize employee productivity and satisfaction	2.5.1	Provide opportunities and supports for employee well-being and self-care
		2.5.2	Work with staff to create a healthy workplace and a culture of trust, transparency, and fairness
2.6	Advance diversity, equity, and inclusion in all aspects of legal representation	2.6.1	Require and provide training in diversity, equity, and inclusion (DEI)
		2.6.2	Provide for equitable access to the court system for the client, including language access and other accessibility measures

Goal 3: Develop and implement policies and practices that promote manageable attorney caseloads and fair compensation

Objective		SFY2024 Strategies for Accomplishing The Objective	
3.1	Expand pool of attorneys and other staff committed to child and family welfare work (as either employees or contractors) with pipelining, recruitment, and retention efforts	3.1.1	Create and implement a plan for pipelining law and social work students to OFRA (secure funding for paid internships, provide academic credit, create a positive/learning student experience that focuses on skills and knowledge development with regular constructive feedback).
		3.1.2	Engage in educational and recruitment activities (career fairs, job postings, guest speaking, mock interviews, etc.) at UNM School of Law and law schools with child and family welfare specializations across the country, as well as social work schools across the state and the country.
		3.1.3	Create and implement a plan for retention of staff attorneys that includes, for example, pathways to advancement, continuous professional development opportunities, and wellness supports
3.2	Provide practice supports that streamline attorney workload and effectiveness	3.2.1	Customize and train staff and contractors to use the LegalServer case management system to facilitate case management, case coverage, interdisciplinary services, filing of routine documents, document templates, etc.
3.3	Provide litigation supports	3.3.1	Create policies and procedures for identifying, securing, and funding investigators, experts, paralegals, interpreters, translators, and clerical supports



3.4	Provide fair and equitable compensation	3.4.1	Prepare budget requests and advocate for appropriations that support quality legal representation
		3.4.2	Research and apply for grants and contracts that support quality legal representation
		3.4.3	Engage in an attorney input process regarding contract provisions and the contracting process

Goal 4: Launch Interdisciplinary Legal Services for families in Bernalillo County built on the practices of Cornerstone Advocacy.

Objective		SFY2024 Strategies for Accomplishing The Objective	
4.1	Create policy and practice for enrolling clients	4.1.1	Develop processes for obtaining informed consent and releases of information, ensuring confidentiality and attorney client privilege, and securing non-disclosure agreements
		4.1.2	Develop processes for referral, triage, prioritization, and case assignment
		4.1.3	Implement conflict of interest checks for all members of the Interdisciplinary Legal Services Team.
4.2	Implement Cornerstone Advocacy, i.e., advocacy and representation for the four Cornerstones.	4.2.1	Develop processes for client engagement and planning to advocate for placement, visitation, services and participation in meetings and conferences (the Four Cornerstones)
		4.2.2	Train staff to effectively implement Cornerstone Advocacy
		4.2.3	Incorporate client information and case data on interdisciplinary services into record keeping and the LegalServer case management system
4.3	Implement diversity, equity, and inclusion (DEI) policies and practices	4.3.1	Recruit and hire staff consistent with achieving DEI objectives
		4.3.2	Implement procedures to address language access and access for those with disabilities
		4.3.3	Provide training to staff in advancing equity and practicing cultural humility
4.4	Incorporate trauma-informed practices	4.4.1	Provide training on trauma-informed practice and trauma responsive care
		4.4.2	Ensure physical environments that promote a sense of safety and comfort for meetings with clients



4.5	Create standards for attorneys, social workers, and family peer navigators	4.5.1	Research existing standards and incorporate into standards that explicitly state what is expected of Team members
		4.5.2	Select standards to monitor and measure as part of performance evaluation and contract monitoring
4.6	Create guidelines for Team members	4.6.1	Articulate expectations for Team members for each stage of the case consistent with Cornerstone Advocacy, trauma informed practice, and DEI principles
4.7	Produce a Practice Manual	4.7.1	Incorporate all of the above into the Practice Manual

SFY 25 PERFORMANCE MEASURES

Measure	FY 2025	Target
Number of respondents (parents, guardians, or custodians) in the Second Judicial District (Bernalillo County) who receive services from a Family Peer Support Navigator	New	120
Average reduction in time to reunification for children whose parent, guardian or custodian received interdisciplinary legal services from a family peer support navigator or licensed master social worker compared to those whose parent, guardian or custodian did not receive these services	New	7% reduction in median days to permanency
Percentage of hearings where client and attorney spoke at least once prior to day of hearing	New	75%



OFRA Contact Information

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