



**Office of Family Representation and Advocacy Commission December 18, 2023**  
**FINAL Minutes – Prepared December 30, 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  
Hectar Diaz, Ph.D, NMSU School of Social Work  
Tim Flynn-O'brien, JD, Retired Civil Rights and Tort Attorney  
Shaniah Gallegos, Youth Leader  
Elena Giacci, Trainer and Advocate  
Alison Pauk, JD, CCIC Director, NM Administrative Office of the Courts  
Bernie Lopez, Parent Advocate  
Senator Linda Lopez, NM State Senate, District 11  
Beth Gillia, JD, Executive Director

**Members Absent**

Cathyanna Sedillo, Youth Leader  
Pamela Pierce, JD, CEO Silver Bullet Productions

**OFRA**

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

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

Judge Monica Zamora, Commission Chair, called the meeting to order at 3:35pm.

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

Chair Zamora reported that there were no announcements.

## **III. Public Input**

Chair Zamora reported that there was no public input.

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

John Davis moved and Elena Giacci seconded the motion to adopt the agenda. The agenda was approved unanimously.

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

Hector Diaz noted that he was in attendance and the minutes will be amended to reflect that. John Davis moved and Alison Pauk seconded the motion to approve the amended October 23, 2023 Meeting Minutes. There were no other corrections or additions. The amended Minutes were approved unanimously.

## **VI. NMCAN Presentation: Authentic Youth Engagement (Informational)**

Beth introduced the presentation noting that the two current youth members will be leaving the Commission. She expressed gratitude for their participation. Beth explained that in seeking out new members, many questions are being asked about why youth are on the Commission, what is expected of them, and how they are supported. In an effort to provide for respectful participation on the Commission, members need to listen to young people. To that end, she introduced Joanna and Wafaa, presenters, as well as Lorilynn Violanta who is co-Director of NMCAN. The PowerPoint for this presentation has been requested from NMCAN and will be provided to the Commission when it is available.

Joanna began the presentation on what authentic youth engagement includes, explained that young people are experts about their lives and experiences and need to be viewed as capable partners. She said that this should be strength based with youth met “where they are.” She asked that the Commission be clear about expectations and how collaboration will take place. Wafaa then showed the groups Youth Engagement Spectrum and explained the steps.

Wafaa spoke about how organizations, adults, and young people benefit from authentic partnership as well as the challenges to such partnership, including implicit biases. They then moved on to “tips for getting started:”

- Commit to learning about and embracing authentic youth engagement
- Treat young people the same way you treat adult colleagues
- Involve young people from the beginning (program development through evaluation and refinement)
- Provide meaningful ways to participate
- Check attitudes constantly, including office culture, body language, tone of voice
- Listen
- Be aware of individual's culture and language needs
- Build relationships with young people
- Allow young people to bring a supportive person to the table
- Commit to utilizing youth-adult partnerships for the long term

Wafaa and Joanna also pointed out “things to avoid:”

Do not:

- Dismiss comments made by a young person, even if you disagree
- Use acronyms or jargon; use commonly understood language
- Assume young people have nothing to say
- Underestimate young people
- Speak over young people
- Share a young person's story without permission
- Joke about sensitive topics
- Take just what you need
- Pity and patronize young people
- Offer support that you are not able to follow through

Wafaa then talked about next steps/possible options, reiterating the need to be treated as young adults.

- Identify and center people in our community
- Have authentic relationships with young people; give and take
- Make spaces safe for young people
- Encourage other adults to create spaces for young people
- Build relationships with young people, develop mentoring relationships, etc.
- Create a youth group that can provide feedback to improve your work. Hear and use that feedback

In closing, they asked if there were any questions. Chair Zamora noted how critical it is to honor youth voice and the importance of *active listening*. She thanked them for their presentation, as did Director Gillia. Beth asked about moving forward, i.e., moving up the spectrum. Specifically, she asked what would be most helpful, perhaps meeting before and after meetings. Wafaa noted that the Commission could schedule meeting times to respect youth commitments; provide payment, food, and childcare; distribute materials in advance, and meet before and after. Representative Chasey spoke about respectful seating of people at meetings, how youth can be encouraged to speak up during meetings, and how a larger network of youth could be trained and encouraged to participate in public meetings. Bernie Lopez commented that the Commission is here to help and congratulated them on their brave presentation. John Davis also commented about how favorably the presentation was received. He likened it to the Judges’ luncheons with young people at the Children’s Law Institute (CLI). He suggested that perhaps the Commission could have breakfast or lunch with youth from NMCAN. (Joanna noted that the CLI luncheon is happening again this year.) Beth suggested a youth council/board in the chat and several members endorsed that idea. Sen. Lopez noted that it was extremely important that youth come to the legislature; youth need to be heard.

Joanna asked what one-to-three things that stood out. Chair Zamora said the recommendation to treat the young people like other adults; Bernie said it was their asking that the Commission consider their time and to listen to young people; Tim Flynn-O’Brien suggested we have in-person/hybrid meetings to better engage with young people; Hector noted the recommendation to not underestimate young people, to act with respect; and Monica Corica noted that timing of meetings is important – young people are generally not salaried or in school. Joanna concluded that authentic youth engagement should be continuous – with her generation and those that follow.

## **VII. Director’s Report – Provided in writing - Beth Gillia, Executive Director**

The report is attached to these meeting notes.

## **VIII. Strategic Plan Presentation & Discussion – Beth Gillia, Executive Director (Informational)**

Beth reminded the Commission that beginning in January all email correspondence will be to @OFRA addresses. Beth explained that the initial strategic plan is really like an action plan that includes all the things necessary to stand up a new agency. It is very practical. It is not the long-term strategic plan we need over the next few years. We need to think and talk about the next three years or so – where we want to be, what we want to accomplish; what barriers might emerge; and how we should overcome those barriers. Beth will also take this conversation to the larger community in the next few months.

Mary Ann posed the question: where do you see OFRA in three years? What impact do you want to see?

- Fully functioning as intended by the statute (of necessity, we've been focused on budget, misconceptions, and difficult attorneys)
- Fully funded and fully staffed
- Full implementation of interdisciplinary approach throughout the system
- Attorneys and offices statewide
- Evaluation data showing outcomes and impact (the benefits)
- Increased professionalism
- Ongoing relationship with the law school – maybe a class, a way to funnel attorneys to OFRA
- Establishment of a Youth Board

Mary Ann asked about goals specifically for children, parents, and families:

- Reduced recidivism/re-entry
- Shorter time in care
- Increased reunification
- Youth voice heard and ideas acted upon
- More communication with parents and foster parents and promoting their working together

Starting with “fully funded, staffed and functional” goals, what are the barriers and how might they be overcome:

- The Legislature and Legislative Finance Committee
  - We need to identify the power brokers and educate them about OFRA.
- Naysayers and misconceptions about OFRA
  - We need to educate and influence legislators, and state and tribal leaders, and the general public,
- Stakeholders are not educated
  - We need to address this; we need to acknowledge the effects of child welfare systems on tribes, people of colors, and other underserved communities – we need listening sessions across the state
- People do not necessarily want to work in child welfare because of the media focus on problems, disasters, and CYFD
  - We need a counter narrative, and we need to promote the rewarding nature of working in this space and specifically in working with OFRA. We need outreach to the ABQ Journal and others and use social media. We need to show successful cases. We should use youth voices to carry these messages.
- Difficult relationships and lack of communication to and between parents and foster parents
  - We need to support efforts to have them work together, to help each other (e.g., the QPI initiative at CYFD to promote co-parenting and collaboration); develop the roles of interdisciplinary teams to address this
- Lack of youth voice in court – children and young people need to be able to speak in court;

- We need to train and support OFRA’s attorneys to push for youth to be present and speak in court, and possibly engage the Youth Board when formed.
- Media that showcases horrible cases and missteps of CYFD
  - We need to figure out when and how OFRA speaks out (we should not sit in silence); Beth noted case level advocacy and system advocacy that speaks to working for clients and families through outlets such as a letter to the editor, rather than attacking CYFD.
- Cross system collaboration and advocacy is currently pretty broken, no longer existent
  - We need to resurrect that work, with a problem solving focus.

In summary, members want to see OFRA fully functional, funded, and staffed with interdisciplinary practices at the core and evaluation data to demonstrate outcomes and benefits. Barriers call for education and awareness campaigns with the legislature and in the media (with information about IV-E and its purposes and limits); interdisciplinary teams that promote youth voice and participation, and that supports the collaboration of parents and foster parents; and cross system advocacy for system change at the state and federal level.

[Hector observed that there the objectives in the initial strategic plan read like process objectives or activities. There are also outputs and outcomes/impact. We need to articulate all of these. Beth explained that these things are in the logic model based on our theory of change. This will be presented to the Commission soon.]

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

### Governance Committee – Judge Monica Zamora

Chair Zamora reported that the next item for the group is a process to address complaints to the Oversight Commission.

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

Committee Co-Chair Giacci reported that the final materials are close to finalized. She asked that members send comments and suggestions. She explained that they finessed the language and that there is still work to be done on readability. Bernie elaborated on this need to make this useful to parents who may have limited education and literacy. Elena also said that the frequency with which they review information is still a question. Chair Zamora noted that these matters are no doubt a work in process.

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

Committee Co-Chairs Chasey and Lopez reported that we do not yet have the recommendations from the executive or LFC.

## **X. Special Meeting January 8, 2024 – Judge Monica Zamora, Commission Chair (Approval/Action)**

Chair Zamora called for a special meeting on January 8, 2024 to review the budget recommendations and to strategize on legislative advocacy.

## **XI. Other Business**

Chair Zamora suggested that at least three meetings per year be held in person/hybrid.

Chair Zamora encouraged members to attend CLI; there is no fee.

Chair Zamora and other members thanked the youth members for their service to the commission. Shaniah thanked everyone for having her participate and for the learnings she has achieved.

Mary Ann thanked everyone for the opportunity to work with the Commission and for the beautiful flowers. Members also thanked Mary Ann for her work.

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

Representative Chasey moved and Bernie seconded the motion to adjourn; the motion was approved unanimously. The meeting was adjourned at 5:50pm.

The next meeting will be the special meeting on January 8, 2024 with the regular meeting on February 26, 2024.



# Executive Director's Report to the Family Representation and Advocacy Commission

December 14, 2023

This document reports on budget and activities of the Office of Family Representation and Advocacy (OFRA) since the Commission meeting on October 23, 2023.

## 1. Staffing

Since the last Commission meeting, we have filled three staff positions: Executive Secretary, Attorney I, and Chief Information Officer.

- Katherine Garcia will begin on December 26th as our Executive Secretary. Ms. Garcia will provide support to the Commission, be OFRA's primary point of contact for the public, and will assist the Legal Services Division Director with case assignments and conflict checks.
- Alexis Shannez Dudelczyk will join OFRA in January as our first staff attorney. Ms. Dudelczyk comes to OFRA with experience as a family lawyer and as one of our contract attorneys who represents children and adults.
- Christopher Sparno will join us on December 26th as our Chief Information Officer. Mr. Sparno has a long history of private and public sector IT experience and is a Certified Data Privacy Solutions Engineer, with extensive project management experience and skills.

Once all three employees start, we will have a staff of eight full time employees.

We have additional positions at the State Personnel Office awaiting posting, including up to three additional attorneys and six Family Peer Support Navigators (FPSN). We hope to fill these positions during the winter/early spring.

## 2. Contracting

### A. Family Peer Support Navigators

In November, two experienced peer mentors (formerly with the NM Family Advocacy Program), Queva Hubbard and Catherine Pavelski, began contracting with OFRA to provide Family Peer Support Navigator (FPSN) services. The FPSNs have been oriented to OFRA and its practice model (especially regarding its similarities and differences from the NM Family Advocacy Program), and have recently begun taking case assignments. They are also working with the Director of our Interdisciplinary Services Division to create resources and training materials for attorneys and others on the role of the FPSN and best practices for attorneys working with FPSNs.

### B. Attorneys

- **RFP for Contract Attorneys.** We have issued another RFP for contract attorney services. Proposals were due on December 8<sup>th</sup> and the review process is underway.
- **Contract Amendments.** In order to ensure adequate and equitable compensation, OFRA is in the process of amending contracts to pay attorneys for each case they carry over 60 in any county.

C. **Timely Payments.** OFRA's Administrative Services Division has streamlined the invoicing and payment process for all contractors. Contractors are now typically paid within days of submitting a complete and accurate invoice.

## 3. Legal Team Services

OFRA continues to assign contract counsel to provide legal representation to children, youth, and respondents in abuse/neglect cases, to represent young adults in Fostering Connections cases, and to provide or assign counsel to consult with parents considering whether to voluntarily place their children in CYFD's custody.

Beginning in late November and early December, we began providing social work and peer mentoring services to a small number of respondent clients in Bernalillo County. We have created a process for attorneys to request these services on behalf of their clients and provided training to attorneys on (1) which clients will be prioritized for services, and (2) how to request the services.

## 4. Budget

### A. Expenditures and Balances (State General Fund, IV-E, and State Board of Finance) – see attached Balance Sheet (accurate as of 12/13/2023)

The Balance Sheet shows our budget and expenditures across our three budget categories (200s = personnel (salary and fringe benefits); 300s = contracts; and 400s = all other expenses).

Each of these budget categories shows a balance for two separate funds (21320 on the left, which is the state general fund, and 21330, in the middle column, which is Title IV-E funds). Category 300 also shows the budget, encumbrance, and balance for funds from the State Board of Finance.



Each box shows the amount currently budgeted for the category (reflecting any Budget Adjustments that have been made), the amount already encumbered (committed) for that category, and the amount expended to date. Please note that personnel never shows an encumbrance.

The Report does not show the one-time funding of \$300,000 for furniture and equipment. We have begun to use this funding to buy computer equipment, cell phones, and furniture for existing staff. We are in the process of selecting office furniture that will be used when we open our Albuquerque office in the coming fiscal year.

#### B. IV-E Invoicing

In October, OFRA submitted its first-quarter invoice to CYFD for \$415,373.29 in federal IV-E reimbursement for training and administrative costs. We will submit an invoice for the second quarter in early January 2024.

#### C. State Board of Finance Emergency Funding

The box in the right-hand column shows the \$1.5 million award from the State Board of Finance for attorney contracts. Of this amount, we have encumbered \$498,768; since November 27th, we have expended \$52,297 of this amount. An additional \$948,935 remains available to be encumbered. Of this amount, nearly \$400,000 is dedicated to a single (multi-attorney) contractor for February 1st through June 30th. The balance will be used to cover new contractors from the current RFP and increased caseloads for existing contractors.

#### Update on Case Filings

OFRA's request for emergency funding to the State Board of Finance was based on the estimated cost of providing attorneys to cover the high numbers of cases being filed by CYFD this year. The attached document (JQ file by month 11\_2023) provided by the Administrative Office of the Courts provides monthly case filing data for 2017 through the end of November 2023. Key takeaways from this report include:

- In the first 11 months of calendar year 2023, CYFD filed 545 cases (or an average of 49.5 cases per month), surpassing *total-year* filings for years 2019 through 2022.
- If filings continue in December at this same rate, 594.5 cases will be filed this calendar year, which is higher than all recent years (2018-2022), demonstrating an increase that is not attributable solely to lower numbers during the pandemic years (2020-2022).

To provide some context for this increase in filings, it is important to note that New Mexico's increased filings and removals are out of step with national trends. According to a December 4, 2023, story in The Imprint, nationally:

“the number of youth who were in foster care declined last year [2022], and continued to drop in 2023.

There were 355,032 youth in traditional foster care settings as of the spring of 2023, a 7% decrease from the 2022 data collected through our project, and it is 9% lower than the federal count for 2021, which is included in the annual public report from the Adoption and Foster Care Analysis and Reporting System (AFCARS).

\*\*\*\*\*

**Analysis:** In 2020, as the COVID-19 pandemic shut society down and kept kids out of school and at home, the number of youth in foster care plummeted (it was already on the decline, but the drop from 2019 was steep). Professionals from across the philosophical child welfare spectrum assumed a rebound was inevitable.

So far, not the case. **We are now three years out from the 2020 numbers and the use of foster care continues to decrease.**” (Emphasis added.)

<https://imprintnews.org/youth-services-insider/fewer-foster-youth-homes-2023-imprint-survey-finds/246470>

## 5. Development of Guidance Documents, Policies, and Other Public-Facing Information

- A. **Strategic Plan.** Before the October meeting, we completed our Initial Strategic Plan for FY 2024. We are now beginning a strategic planning process for FYs 2025-2027. The first portion of that process will begin at the December Commission meeting and will subsequently include meetings with stakeholders across the state.
- B. **Theory of Change and Logic Model.** We have completed our Theory of Change and Logic Model. It is currently at the designer for formatting and will be available to Commissioners soon.
- C. **Evaluation Plan.** Our Evaluation Plan is the next significant plan in development. It builds on the strategic plan, theory of change, and Logic Model. It is being designed to include tools that will evaluate implementation of the practice and performance standards in our Practice Manual (specifically its Standards for attorneys, social workers, and family peer support navigators), and our Mission, Vision, and Guiding Principles.

In addition to working with consultant Mary Ann Shaening on the evaluation, OFRA is taking steps to build internal evaluation capacity, including: consulting with the UNM Evaluation Lab (the Lab) and joining the Lab’s Learning Community. We plan to attend the Lab’s Summer Institute in June. See <http://evallab.unm.edu/>

- D. [Practice Manual](#). OFRA is in the final stages of editing its Practice Manual for all who contract with or work for OFRA. The manual provides an overview of the Office (including its purpose, mission, vision, and guiding principles) and of Cornerstone Advocacy, establishes Practice Standards for members of Interdisciplinary Legal Teams, and sets Performance Standards and Expectations by role (attorney, social worker, and FPSN). We expect the Manual to be completed in early spring.
- E. [Procedures](#).
- **Invoicing and Activity Logs**. OFRA is in the last stages of finalizing an improved invoice template, attorney log, and set of instructions for attorney billing, as well as an invoice and client contact log for FPSNs. These will be issued shortly and will be accompanied by a live and recorded training.
  - **Referrals for VPA Consultations**. We have developed and shared with CYFD a document outlining steps for referring a parent to OFRA for consultation before signing a Voluntary Placement Agreement.
  - **Interdisciplinary Services Request Form**. This form has been finalized and distributed to attorneys, who have begun requesting interdisciplinary services for their respondent clients in Bernalillo County.
  - **Withdrawal and Substitution of Counsel policy**
  - **Client Complaint Process and complaint tracking method**. OFRA has developed a procedure for processing complaints, a complaint form, and a response form. We have also developed a tool for tracking formal and informal complaints and their resolution. The process will be described and distributed broadly in an OFRA Processes Manual that is in development.
- F. [OFRA One-Pager for Legislature](#). With the help and input of the Legislative Committee and consultants from Casey Family Programs, we have finalized a one-page educational document about OFRA for the Legislature. It will also be useful for other public educational and recruitment purposes.
- G. [Website](#). OFRA is in the process of developing a webpage for OFRA attorneys that includes a calendar of meetings and trainings, training materials, agendas and notes from attorney meetings, OFRA resources (forms, manuals, processes, etc.), and Child and Family Welfare resources generally (news, research, federal guidance, reports).

## 6. Training and Attorney Engagement

- A. [Monthly attorney meetings](#). Beginning in November, OFRA has held a monthly attorney meeting to share information, provide brief training on new processes, and get feedback. The meetings are on a set day and time each month to encourage consistent attendance.
- B. [Monthly attorney webinars](#). Since July 1st, OFRA has partnered with the Corinne Wolfe Center for Child and Family Justice (CWC) at UNM School of Law to provide regular, brief statewide training for our contract attorneys. We have offered webinars on:

Legal Advocacy for Achieving Cornerstone Principles, What Attorneys Who Represent Parents Need to Know About Representing Kids, What GaLs and Youth Attorneys Need to Know Before Representing Parents, and Individualized Planning Meetings (with CYFD).

- C. **2024 Attorney Training Plan.** Together OFRA and CWC have developed an attorney training plan for 2024 that includes the multiday Children’s Law Institute in January, CWC’s 3+ day Core Training in August (for attorneys with fewer than 3 years’ experience in child and family welfare), and CYFD’s Annual ICWA Summit in October. In addition, we will provide a hybrid (virtual/in-person) day of training on skills (tentatively including trial skills and motivational interviewing) and a series of webinars that are tentatively scheduled to cover the following topics (though these are subject to change):
- interdisciplinary practice expectations and best practices,
  - cross-role training,
  - how to get good information from and about your child client,
  - fundamentals for communicating with your child client (what your role is and isn’t),
  - fundamentals for communicating with your adult client (empathy, checking judgment at the door),
  - legal updates (ADA, CARA, Children’s Code changes, etc.),
  - modeling successful tactics for your clients (related to self-regulation), and
  - Diversity, Equity, Inclusion/Anti-racism (to include cultural humility practices, translating societal/system issues to case-specific advocacy, and more).
- D. **Social Worker and FPSN Training.** Training for social workers and FPSNs will include, at a minimum, an onboarding training on the child and family welfare system and CWC’s Essentials training offered in January and February. We are currently coordinating with the Human Services Department’s Office of Peer Recovery and Engagement and NMSU’s Center of Innovation on specialized training and certification of FPSNs that will address issues and topics specific to child and family welfare issues.
- E. **Trainings offered for external partners.** In addition to numerous presentations about OFRA to various stakeholder groups and agency partners, we provided a “microlearning” on OFRA’s services and processes for referring clients to OFRA to CYFD Protective Services staff.
- F. **CLI Planning.** Members of OFRA’s leadership team serve on the planning committee for the annual Children’s Law Institute: <https://centerofinnovationnm.org/nmcli/>