

State of New Mexico

OFFICE OF FAMILY REPRESENTATION AND ADVOCACY

MICHELLE LUJAN GRISHAM
GOVERNOR



BETH GILLIA
EXECUTIVE DIRECTOR

FARRA FONG
DEPUTY DIRECTOR FOR PROGRAMS

LISA FITTING
DEPUTY DIRECTOR FOR OPERATIONS

OCTOBER 28, 2024 MEETING **Minutes Approved December 18, 2024**

Members in Attendance

Vice Chair Judge John Davis, Retired Judge, 13th Judicial District
Representative Gail Chasey, JD, NM House of Representatives, District 18
Tim Flynn-O'Brien, JD, Retired Civil Rights and Tort Attorney
Alison Pauk, JD, CCIC Director, NM Administrative Office of the Courts
Bernie Lopez, Parent Advocate
Senator Linda Lopez, NM State Senate, District 11
Joanna DeLaney – Youth member
Beth Gillia, JD, Executive Director
Elena Giacci, Trainer and Advocate

Members Absent

Chair Monica Zamora, Retired Judge, Court of Appeals
Monica R. Corica, JD, Civil Legal Services Attorney
Pamela Pierce, JD, CEO Silver Bullet Productions
Mary Nienow, Director and Associate Professor School of Social Work, NMSUU

I. Call to Order/Welcome

Vice Chair Davis called the meeting to order at 3:33pm.

II. Announcements (Informational)

Director Gillia announced four new OFRA staff members, including two Social Workers (Angie King and Cindy Padilla), a Finance Specialist (Jason Nelson), and a Family Peer Support Navigator (Alyssa Davis).

Director Gillia was asked about the status of the Albuquerque office procurement. She responded that there were no protests, so the procurement process was closed. She announced that the office will be at 500 Marquette NW and that preparations for renovation were underway. A grand opening will be held once the office is occupied.

She also announced OFRA's intent to begin an RFP for the Las Cruces office, which is planned to open in FY26.

III. OFRA Spotlight

Director Gillia highlights Catherine Pavelski, one of OFRA's Family Peer Support Navigators, emphasizing her curious nature, her dedication to learning, and her unique capacity to take in and use new information. She asks questions and explores ideas and helps create an environment in which asking questions is a strength in which all people can learn.

Director Gillia emphasized how Ms. Pavelski is generous with knowledge, experience, and time, and how she has dedicated herself to improving our system. She serves on the Children's Court Improvement Commission, she co-chairs multiple work groups of the Children's Code Reform Task Force; she regularly and powerfully testifies in the legislature, she regularly trains the child and family community on a variety of topics. She belongs to the Birth Parent National Network and the Thriving Families Safer Children's Initiative, both are national efforts to strengthen families, and to prevent and train to the foster care system.

Finally, Ms. Pavelski is energetic and gregarious—great characteristics for our clients, who she draws out, making them feel valuable and valued. She's an incredible asset to OFRA and to our legal teams. She helps lawyers better understand their client's needs, and she helps the clients understand what is happening, and to find their voices and find the sources that they need.

IV. Director's Report

FY24 Audit update. Director Gillia reported that the audit is underway and nearly completed. The auditor expects to be done by November 15th.

FY24 Budget update. OFRA ended the fiscal year with a carry forward in IV-E funds of \$374,789. We collected in excess of \$500,000 more than the \$1.5 million budgeted for us, even after paying the cost of the contractor that helped with our IV-E claims.

We also ended the year with a reversion of \$1,760,999,000. Director Gillia discussed the facts and context that led to the reversion. For example, our budget included \$1.5 million in a federal funding stream that was not available, so we knew we had a gap at the outset of our opening year of \$1.5 million. We also knew that ever-increasing case filings meant the demand for contract attorneys was increasing. In light of these two conditions, we did everything we could to ensure that we had sufficient funding to provide the attorneys that we are statutorily required to provide: we moved money away from hiring, reduced purchasing, and delayed getting office space, etc. We also went to the State Board of Finance to request emergency funds, and they granted us \$1.5 M to cover the cost of attorneys.

As the year progressed, we recognized that we were going to revert funds, so we stopped collecting State Board of Finance grant money close to the end of the fiscal year. Though we were awarded \$1.5 million in emergency funding, we used only \$1,209,890,000.

The bulk of the reversion, \$1,163,826, was in personnel. Though we were initially cautious about hiring, we monitored our expenditures carefully and believed that we could hire additional staff in the second half of the year. Unfortunately, those hires were not approved by the Department of Finance and Administration because of delays in collecting Title IV-E reimbursement funds.

We had a relatively small reversion of \$582,789 in our Contracts budget. This small percentage of our overall expenditures on contracts demonstrates that we did a good job estimating contract costs.

Finally, we had a minimal reversion of \$14,385 in all other expenses, showing careful management of overhead costs.

The most important observation is that we were right to adjust the budget to include more funding in contracts. With State Board of Financing funding and successful IV-E collections, we overshot on the contracts budget, but just by a little bit. We spent over \$8 million on contracts last year, so our contracts reversion was not significant. and reverted \$582,000 out of that amount isn't a significant reversion, especially when we had no history to rely on for projections and increasing caseloads.

To avoid future reversions, OFRA has instituted weekly finance meetings with Director Gillia, the CFO, Administrative Services Director and Deputy Director. We use these meetings to monitor and evaluate a wide variety of financial matters, including the burn rate and contract expenditures. This is especially important because we contract with all our attorney contractors for an entire year, so we commit a significant amount of money to them at the outset. Now, a year in, we know how many cases they carry and build contracts around caseloads, so the encumbrances should be more accurate. We're also closely monitoring attorney invoices so that we can respond appropriately if spending is over or under pace with what we expected.

We are also monitoring hiring plans in weekly leadership team meetings, adjusting hiring priorities as needed for both budgetary and programmatic reasons. We know that our need for enhanced personnel is significant, and our goal is to fill all 49 of authorized positions by the end of FY26.

Finally, we are working with CYFD to change our IV-E claiming process to reduce cash flow delays. For example, we are aiming to go to monthly instead of quarterly billing.

The Commission asked how the future budget requests will be impacted due to the reversion. Director Gillia, Representative Chasey and Representative Herndon shared that the big impact is that the Legislature will look at the requests for increases more skeptically, so it may impair our ability to grow.

Annual Report

Commissioners received a draft copy of the Annual Report to review. Once the Commission reviews and provides feedback, the Annual Report will be posted on the OFRA website and circulated to Commission.

Director Gillia talked about the structure and content of the Annual report:

- A history section sets the stage for our Mission, Vision, Guiding Principles and ultimately for our Strategic goals and objectives. This conceptual framework supports the large-scale institutional change that OFRA is creating. It is important to reiterate so that people understand the nature and scope of this innovation, as well as our stage of implementation.
- Progress on Strategic Plan goals – color coded and descriptive
 - Green goals are accomplished.
 - Yellow goals are partially implemented, but not complete. These are at early stages of implementation.
 - Red goals are pre-implementation phase. We have no red goals.
- The report ends with a peek at FY25 and FY26 strategic initiatives that are derived from our assessment of FY24.

Director Gillia's oral report focused on where OFRA is now: we are a "start-up," which is both an exciting and unsettling place to be because the policies, standard operating procedures, and practice norms that you might expect are not yet fully developed. Our staff are entrepreneurial and must accept some flux and change as we grow. Our work is new, exciting, and game changing, but this level of change requires extra support, transparency, focus, adaptation, and leadership, all of which we embrace with intentionality.

The biggest success of our first year is not in the numbers or the data. Rather, it's that we're building a rock-solid innovative organization. Our next challenge is to spread our excitement and the trust we've built with our staff to our contractors and other external partners. People want to know if we are trustworthy, if we do what we say we're going to do, if we fix our mistakes promptly and if we are respectful when we disagree. We have built rapport and trust with contract counsel by showing respect, responding to their concerns, and advocating on their behalf about systemic issues. We have made meaningful progress building trust in our capacity at the same time as we are building that capacity; that's the entrepreneurial part that can be uncomfortable.

Senator Linda Lopez said she thinks that Director Gillia has given the Commission to review is exactly what the legislation intended and that OFRA is doing exactly what it should be doing.

V. Amended Agenda Approved

After discussion, the agenda was amended to ensure that action items were discussed once a quorum was present. Commissioner Flynn-O'Brien moved the adoption of the

amended agenda; Commissioner Bernie Lopez seconded the motion; and the amended agenda was approved with no objections.

VI. Public Input – There was no public input.

VII. Approval of August 26, 2024, Meeting Minutes

Minutes from the August 26, 2024 meeting were approved with no objections and no amendments.

VIII. Educational Component: Children’s Code Task Force Recommendations for the 2025 Legislative Session

Leslie Jones and Catherine Pavelski shared Task Force reports prepared by Cristen Conley of the Corinne Wolfe Center for Child and Family Justice. The key points of their presentation include the following:

- The Children’s Code Task Force (CCTF) was funded by appropriation in 2022 and 2023, and then by the Annie E. Casey in 2024. The CCTF:
 - Assessed the Children’s Code to see what changes are needed.
 - Includes interdisciplinary membership with subject matter experts and statewide representation.
 - Holds open meetings, takes public feedback, and meets frequently.
- The CCTF has drafted Amendments that:
 - distinguish poverty from neglect, heightening CYFD’s duties to assess and report on conditions other than poverty that led to removal, stabilize children’s finances when in custody by establish bank accounts and STABLE accounts when appropriate.
 - set time limitations for adjudications, reducing continuances, and the frequency of review hearings, and aligning state and federal timelines
 - define neglect to include unsupervised access to deadly weapons
 - create a new Act focused on Crossover Youth, with cross training, improved tracking of children, inter-agency collaboration, reasonable efforts’ requirements by CYFD’s Juvenile Justice division to assist youth complete probation, notice to everyone in the JQ case of the case, and requiring the JQ attorney to coordinate the JQ and JJ case plans.
 - create a new Act to allow reinstatement of parental rights
- The CCTF had offered additional detailed recommendations directed at:
 - the Executive Branch (find ways to collaborate with other groups and provide funds to the family in lieu of foster care);
 - the Legislature (annual training about child and family welfare for legislators, consider changes to FINCOS (Families in Need of Court Ordered Services);

- the Judiciary (adopt rules that align with suggested changes to the law, require consultation between judges when there are time conflicts, better clarify processes for notice by publication as well as service, improve notice of change of placement); and
- For more than one branch of government (study confidentiality in protective services cases, explore Kinship Guardianship Act funding for guardians without involvement in the abuse/neglect system, consider changes to the Safe Haven for Infants Act, begin a Universal Basic Income pilot, reform child/family welfare using a collaborative, three-branch approach, develop policies to use state/federal funds for concrete supports for families, collect and analyze data, continue funding for the SM 5 and Children's Code Reform Task Forces, and involve individuals with lived experience and national experts in the work of the Task Forces).
- Latest work
 - Add new definition of "dependent child" for orphans with new processes to speed permanency.
 - Change name of Abuse and Neglect Act to Child and Family Welfare Act.
 - Allow MAT (Medically Assisted Treatment) for substance abuse in youths.
 - Review the FINCOS Act
 - Review confidentiality restrictions.

IX. Committee Reports – No Committee Reports were made.

X. Update on Commission Vacancies

Director Gillia announced that Representative Gail Chasey would be giving up her seat on the Commission upon retiring from the Legislature. Representative Pamela Herndon has agreed to take over her Commission seat. Senator Lopez has been reappointed to the Commission for another term.

The Chairperson's position will be vacant after Chair Zamora steps down after the December meeting. Director Gillia and Chair Zamora have approached numerous judges, but none have yet agreed to serve.

Commissioners asked about the process for appointing a new Commissioner, and specifically about the process for designation of the new Chair. Commissioners discussed the desire to get to know any new Commissioners before determining whether the new Commissioner should become the Chair, but ultimately recognized that membership on the Commission would require a Supreme Court appointment for the judge slot. The Commissioners also discussed the opportunity for an existing Commissioner to take on the role of the Chair. A motion to designate an existing commissioner to serve as Chair can be made and voted on during a future meeting.

There is also a vacancy for a Youth Advocate. Deputy Director Fong and Director Gillia have been working on recruitment materials for the last youth slot, but there is an issue

with compensation for young people who serve on the Commission that must be resolved. OFRA believes it is essential for young people to be compensated for their service and that their expertise is needed. A mechanism to provide this compensation must be identified.

XI. Next Scheduled Meeting – Judge Davis requested that we survey the Commission to decide on the December meeting date.

XII. Other Business – No other business was discussed.

XIII. Adjournment of Meeting

Commissioner Pauk moved, and Commissioner Flynn-O'Brien seconded the motion to adjourn; the motion was approved. The meeting adjourned at 5:15 pm.