



## Office of Family Representation and Advocacy Commission

April 22, 2024

### Meeting Notes – Approved June 24, 2024

#### Roll Call

##### Members in Attendance

Chair Monica Zamora, Retired Judge, Court of Appeals  
Vice Chair Judge John Davis, Retired Judge, 13<sup>th</sup> Judicial District  
Representative Gail Chasey, NM House of Representatives, District 18  
Monica R. Corica, Attorney, New Mexico Legal Aid  
Hector Diaz, NMSU School of Social Work  
Tim Flynn-O'Brien, Retired Civil Rights and Tort Attorney

Beth Gillia, Executive Director, OFRA  
Elena Giacci, Trainer and Advocate  
Bernie Lopez, Parent Advocate  
Senator Linda Lopez, NM State Senate, District 11  
Alison Pauk, JCCIC Director, NM Administrative Office of the Courts  
Pamela Pierce, CEO Silver Bullet Productions

##### OFRA Staff in Attendance

Lara Al Bahri, Human Resources Generalist  
Theresa Benavidez, Chief Financial Officer  
Kenneth Detro, Attorney  
Lisa Fitting, Administrative Services Director  
Kate Grusauskas, Attorney  
Leslie Jones, Legal Services Director

Jared Medley, IT Support Specialist  
Stacie Ortiz, Interdisciplinary Services Director  
Catherine Pavelski, Family Peer Support Navigator

**I. Call to Order/Welcome:** Chair Zamora called the meeting to order at 3:33pm.

**II. Announcements (Informational):** Director Gillia introduced OFRA's newest staff members:

Attorneys: Claire Cooley, Kenneth Detro, Kate Grusauskas, Jazzai Jimerson, and Sherrie Trescott;  
HR Generalist: Lara Al Bahri; and  
IT Support Specialist: Jared Medley.

**III. Adoption of Agenda:** Vice-Chair Davis moved and Monica Corica seconded the motion to adopt the agenda. The agenda was adopted.

**IV. Public Input:** There was no public input.

**V. Approval of the Minutes from the Meeting held on February 26, 2024**

Commissioner Flynn-O'Brien suggested that the notes be corrected to reflect that Commissioner Giacci offered to join the Governance Committee. Commissioner Diaz moved and Commissioner Flynn-O'Brien seconded the motion to approve the February 26, 2024, Meeting Minutes with the proposed revision. The Minutes were adopted with this revision.

**VI. OFRA Spotlight**

At each Commission meeting, Director Gillia will highlight either a staff member, contractor, service provider or somebody doing something special for OFRA and/or our clients. Director Gillia spotlighted Legal Services Director, Leslie Jones. Ms. Jones started working as a GAL in 1994 and has continued that work for the last 30 years, expanding her work to include representing respondents and eligible adults in Fostering Connections cases. She has done stellar work for our community and has been one of New Mexico's finest advocates.

Ms. Jones has tremendous knowledge and experience with the model we've adopted as a state. Ms. Jones was part of the original group who started the Interdisciplinary Model of legal services in New Mexico over ten years ago. After being trained by the Center for Family Representation and Advocacy in NYC, she was part of the pilot team in Sandoval County under Judge John Davis. Later, she was a Lead Attorney for the Family Advocacy Program in Sandoval, Bernalillo and San Juan counties for five years, where she was also responsible for monthly training. She also served on the Family Representation Task Force and the Commission that followed. She provided powerful testimony in the legislature, encouraging the creation of OFRA.

Leslie is a lawyer's lawyer, meaning that she is incredibly careful about the law, she's detailed and focused intensely on her client's rights and on assertive advocacy in and out of the court. Though it's cliché to say that lawyers are zealous and fierce, it is 100 percent true of Ms. Jones, who is unafraid and completely willing to say what her clients need, to advocate to CYFD, to the courts, to Legislature, to service providers, and to other parties. She's articulate and able to explain the law and its purposes and limitations equally well to the judge, as to her clients, and that's a remarkable skill.

Ms. Jones is not just a "lawyer's lawyer," she's compassionate and thoughtful about how to engage with her clients, she's open to learning from other people, especially those with lived expertise. She regularly recounts things for us that she's learned from our Family Peer Support Navigators and from her clients, including how she's changed her practice to incorporate the things that they've taught her. For example, she has completely internalized the need to build rapport with her clients, get to know them and have them see her as a person before she starts being their lawyer and jumping into the details of the laws and their case.

In addition to her practice, Ms. Jones has served on a wide range of state and national work groups, commissions, committees, and tasked forces with the goals of improving the quality of representation and outcomes for the families impacted by the child welfare system. She's part of the Family Justice Initiative on a national level, which is the premier group working on interdisciplinary representation nationally.

Not only does Leslie care about the system and our clients, but she's also an advocate for our staff and contract attorneys. She regularly recognizes when they've done good work especially in the face of barriers. She supports their fair treatment in compensation and in helping others understand why an attorney may have followed a particular course of action, all while setting her expectations of their practice very high.

Director Gillia summarized that Ms. Jones is smart, dedicated, super motivated, tough and fun to work with. She thanked Ms. Jones, saying there's not a better person to run the Legal Division.

Vice-Chair John Davis echoed Director Gillia's remarks and emphasized how fortunate OFRA is to have Leslie, remarking that she made him a better judge in every way. Chair Zamora and Senator Lopez acknowledged Ms. Jones' talents, hard work and commitment.

## **VII. Educational Component: Important Lessons from the ABA Parent Representation Conference**

Director Gillia, Ms. Jones, and Ms. Ortiz provided highlights from their attendance at the Parent Representation Conference held by the American Bar Association (ABA) Center on Children in April, including:

- **Connections made and renewed with other entities similar to ours nationally.**
  - In particular, we identified at least two other jurisdictions that are being challenged by the same case management system as OFRA's (Legal Server). Like us, these jurisdictions are also struggling with the customization that was promised and that is not being delivered. We have met with one jurisdiction and are going to work together to clarify the common issues, approach to LegalServer together, to see if there are any joint solutions to the challenges.
  - We reconnected Amelia Watson, who runs the Parent Representation Program in Washington State. Her program is one of the oldest and most effective interdisciplinary models in the country. You may have noticed that we cite their research regularly for their program's effectiveness. Ms. Watson has offered to do an onsite visit to New Mexico to provide training and technical assistance on things like evaluations, supervision, and dealing with contractors, issues related to managing interdisciplinary teams, and more. They will also discuss their recent innovations, like having peer mentors inside their local jails to provide support services for incarcerated parents who have their children in foster care.
  - Met staff from Ohio and Maryland who shared ideas and practices about their Interdisciplinary teams. They are available for us to consult with as we move forward with more hiring.
- **Overarching idea from the entire conference: The importance of making racial justice a key focus of our work.**
  - First, we have to change ourselves before we look at changing the system. We need to start by acknowledging what we bring to the table and how we have perpetuated racism and oppression in the system.

- Racial Justice Advocacy is critical in both trial and appellate advocacy. Legal advocacy should address racial disproportionality and disparate treatment and outcomes in the child welfare system. Lawyers can raise race-based issues at each phase of the case, using experts, motions practice, the support of outside organizations, and the media to help frame the issues. The speakers emphasized the importance of creating a record for appeal and having a strategy for developing useful appellate case law.
- The **Family Policing** workshop emphasized how families and children in the system feel they are being policed primarily by the Department, because it imposes so many requirements, tells families not to get into trouble, requires drug testing, and is always monitoring them. This session emphasized that we need to start looking at the harm we do to the parents in the system. The conversation is always about the trauma that the children experience, but we need to recognize the trauma parents face when their kids are taken (as well as the trauma children face when being taken from their parents). Speakers emphasized the risk to families when they try to speak up for themselves. People of color in the system often feel they don't have the right to say that a treatment plan is too hard, or that they feel overwhelmed or uncomfortable. Yet, when they speak up (or later, when they haven't spoken up), it comes back negatively on them. We need to help them find their voice and support them when they do.

Often parents feel respondent attorneys aren't on their side because they are assigned by the system and it takes time to build trust. We need to ask them to trust us and also say "I'm going to show you what I'm going to do so you can trust me."

- **Advocacy regarding Psychological Testing and Evaluation.** This session raised a number of issues about the use, overuse, and misuse of psychological testing and evaluation in our cases, including the racial biases inherent in the tests and evaluations themselves, as well as the biases in those who are interpreting results. The speakers emphasized the need to:
  - advocate for or against particular evaluations and testing in individual cases (why are they being ordered? Are they relevant? Will they help the family by targeting better services and supports?)
  - prepare the client for the test or evaluation so they understand their purpose, the importance of being candid, and the downsides to painting an unrealistic "rosy" picture.
  - Ensure that these tests and evaluations are conducted in the client's primary language.
- **Skills training for lawyers and focusing on Constitutional Rights.** Training for lawyers often has a lot of information, but doesn't focus on how to use the information in the courtroom. This series went through initial hearings, evidence, hearsay rules, making objections, preserving the record for appeal, what happens with the families socially, interventions. Skills training must demonstrate how to use information we have and how to invoke constitutional rights (liberty interests), due process protections, opportunity to be heard, and ADA rights. Invoking everyone's constitutional rights and keeping mind

that they each have a protected liberty interest, ensures the court receives important information about service plans and family time,

### **VIII. Director's Report**

See attached documents for details of Director Gillia's report to the Commission. Director Gillia discussed:

- Staffing
  - Currently, OFRA has 15 on staff and is still hiring, including a Deputy Director who will start in early June. We are currently interviewing for 5 Family Peer Support Navigators
  - Future hiring in FY25: The hiring plan is to have 41 fulltime staff and 4 students (3 law and one Masters level social work) by the end of June 2025, including additional Navigators, attorneys (including supervisors and an appellate attorney), and IT staff; MSWs; clerical support; an access coordinator; and a data analyst.
  - New staff were introduced.
- Employee Orientation and Ongoing Educational Opportunities
  - We hold an orientation process for new staff and weekly division meetings to build a healthy, supportive, informed culture at OFRA. We have also started a monthly all-staff meeting, which will have a Diversity, Equity and Inclusion (DEI) component. Our first all-staff meeting included a discussion of how we understand and operationalize the DEI components of our Mission, Vision and Guiding Principles. We discussed why DEI matters, the historical backdrop, current racial inequities in our systems, disproportionality, and bias. We also began discussion what we can start doing to address these issue.
  - We have developed and are about to release our Practice Manual, which covers our Mission, Vision, and Guiding Principles; sets performance expectations by role (attorney, social worker, family peer support navigator); discusses best practices for working together as a team and dividing functions; and outlines the purposes and approaches of Cornerstone Advocacy. The manual provides a clear articulation of how everyone on a Legal Team should do the work. The Manual will be up on the website for the public to have.
  - We are continuing our monthly training for attorneys. The trainings cover fundamentals of our practice model, as well as issues we see in the practice statewide.
  - We are in the process of planning a full-day, statewide hybrid training for the fall. We will convene in person in each region and then be joined to trainers and each other by Zoom. OFRA will provide a facilitator at each site. We are collaborating with Disability Rights NM to produce a program tentatively focused on disability rights, the American with Disabilities Act, and Medicaid.
- Albuquerque Office Update

OFRA in the final stages of an open procurement for offices in Albuquerque, which is a confidential process. We're now in the negotiation phase with a selected offeror. The next steps include working with architects to finalize the space, getting building permits

and other approvals and other approvals. We expect to be in the space before the end of calendar year. We look forward to telling you more details, but we're excited about the space, which is in a great location for our clients and our staff.

## **IX. Committee Reports**

- **DEI Committee**

Chairperson Zamora reported on the DEI committee meeting held on March 25<sup>th</sup>. The committee fine-tuned the proposed policy with the understanding that the policy's goal is for OFRA to treat everybody with respect and fairness. The Committee's draft was sent out to all Commissioners.

The Commission engaged in a full discussion of the proposed policy. Elena Giacci opposes this draft, saying that she appreciates the difference between a "trust me" approach and a "let me show you" approach. She feels the shortened version of the DEI is a "trust me" policy because it is not specific enough. She prefers the earlier, longer draft policy, which provides more detail and is a better example of "show me".

Chairperson Zamora commented that the policy is a goal and then it is OFRA's responsibility to determine how they are going to implement the policy and do the "show me." OFRA's data analyst will to review the data, that's the "show me." It is OFRA's responsibility to accomplish those goals and then tell us how they are accomplishing the goals and if not, why not, and how are they going to accomplish the goals. The policy is the goal/"trust me;" the procedure is the "show me."

Senator Lopez indicated that a key piece from the original draft is really missing. The policy has to give OFRA direction as well as make the public aware that OFRA is committed to DEI. The original had helpful language that recognized culture and commitment. She suggested that the initial statement in the original draft be included in the current version.

Commissioner Pierce suggested that there should be a bridge between the intention and the policy itself that conveys a clear commitment to implement the DEI policy. Senator Lopez agreed that the Commission's policy needs to make a stronger statement.

Commissioner Pauk suggested that the policy should be broad, like a statute, and that OFRA would create the implementation through rules and practices.

Director Gillia agreed with Commissioner Giacci that it would be fair for the policy to require OFRA to collect data, provide training, and have diversity in mind as a goal for recruitment and retention. Such broad strokes in the policy are appropriate, with "how-to's" being in OFRA's purview. Director Gillia didn't think that broad directives would be an intrusion into OFRA's role.

Vice-Chair Davis mentioned that he sees policy as providing a broad view, aspirational but something that clearly states expectations that the Oversight Commission would hold OFRA to. He understands there is a certain urgency to be conveyed in this policy, but minutia is not necessary to create a strong policy that clearly expresses to OFRA the Commission's expectation of commitment to DEI and something they can use to hold OFRA accountable. He supports a strongly worded, broadly worded policy.

Chairperson Zamora states that the Committee could go back to writing a stronger expectation with more broad strokes to allow OFRA the ability to accomplish the goals. The Committee will go back and include a final paragraph of what is expected of OFRA. The Commission held off on approving this policy as written and will review another draft at the next meeting.

Commissioner Lopez suggested that the document be reviewed to be sure it uses common words and avoids words like stakeholder, which she believes would not be familiar to her community. She also likes the policy because it is short and to the point.

- **Governance Committee**

Vice-Chair Davis thanked Commissioner Giacci for jumping onto the Committee since the Committee had only two members. The Committee needs input from Director Gillia to know what they need to proceed and will be meeting with her on Friday to learn what OFRA has in place and better define a cogent policy.

Commissioner Giacci suggested adding a place for individuals to express gratitude, not just grievances.

#### **XI. Update on Youth Representation**

Chairperson Zamora reported that they are still awaiting on Joanna Delaney's approval from the Supreme Court. The Court has a new Chief Justice, so she will send another friendly reminder to him. OFRA is in the process of identifying a second youth representative.

#### **XII. Next Scheduled Meeting – June 24, 2024.**

#### **XIII. Other Business**

There was no other business.

#### **XIV. Adjournment of Meeting**

John Davis moved and Senator Linda Lopez seconded the motion to adjourn; the motion was approved. The meeting adjourned at 5:28 pm.