

# State of New Mexico

## OFFICE OF FAMILY REPRESENTATION AND ADVOCACY

MICHELLE LUJAN GRISHAM  
GOVERNOR



BETH GILLIA  
EXECUTIVE DIRECTOR

### Meeting Notes

June 24, 2024 Meeting on Zoom  
Notes Prepared June 27, 2024  
Approved August 26, 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  
Monica R. Corica, JD, Civil Legal Services Attorney  
Hector Diaz, Ph. D, NMSU School of Social Work  
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  
Beth Gillia, JD, Executive Director, OFRA  
Pamela Pierce, JD, CEO Silver Bullet Productions

#### Members Absent

Elena Giacci, Trainer and Advocate  
Representative Gail Chasey, JD, NM House of Representatives, District 18

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

Judge Monica Zamora, Commission Chair, called the meeting to order at 3:33 pm.

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

Director Gillia introduced two new OFRA staff members, Lovey Howell, Chief Financial Officer, and Farra Fong, Deputy Director.

#### **III. Adoption of Agenda**

Alison Pauk moved, and Judge John Davis seconded the motion to adopt the agenda. The agenda was adopted.

#### **IV. Public Input**

There was no public input.

## V. Approval of the April 22, 2024, Meeting Minutes

Judge John Davis moved, and Pamela Pierce seconded the motion to approve the April 22, 2024, Meeting Minutes. There were no objections. The Minutes were approved.

## VI. OFRA Spotlight on Lisa Fitting

Director Gillia spotlighted OFRA's Administrative Services Director, Lisa Fitting, who was the Director's first hire at OFRA. Director Gillia highlighted how Ms. Fitting's talents and personality make her an asset to any organization, emphasizing her capacity to find workable solutions to all problems, her tenacity, her self-deprecating humor, and her ability to navigate the things that don't always line up nicely, like legal requirements, practical demands, unwritten practices, people's egos, and the labyrinths of state government. Ms. Fitting never forgets the purpose of our work: to help children and families and to help balance the scales of the Child Welfare System.

Director Gillia also highlighted Ms. Fitting's career-long dedication to improving state government and doing so with integrity. As a lawyer, she's worked at the Court of Appeals, and after a brief stint at a private firm, she's spent the rest of her career in state government (in various roles at CYFD and the Department of Health, including as assistant general counsel, HR Director, Director of Operations and eventually as Deputy Cabinet Secretary at CYFD). Because of all this expertise and experience she's a regular faculty member in NMSU's EDGE program (Education Design to Generate Excellence in the public sector), where she regularly teaches courses on operations and human resources management.

One of her strengths is building and sustaining great teams. She recognizes and supports talent, and its growth. As a result, her staff love her and are loyal to her.

As a leader, it's not enough to be good at the technical aspects of the job, you must be a team builder and a team player, you have to see past immediate problems, to find solutions, and you have to jump in where needed regardless of whether its strictly in your job description. Ms. Fitting does all of this and so much more. She's our Administrative Services Director, but she processes contracts and pays invoices; she's our Chief Procurement Officer and our records custodian, among many other things.

## VII. Educational Component: Reunification, especially for LGBTQ+ youth and young people

Director Gillia, Farra Fong, Leslie Jones and Stacie Ortiz provided information on reunification of LGBTQ+ children, youth, and young adults in the foster care system because June is National Reunification month and National Pride month. The key takeaways from the presentation include:

- **Most children in the child welfare system want to be with their parents.** When reunification does not occur legally, young people reunify in their own ways (by running away from foster homes to be with their families while they are still in state custody or rejoining their families when they turn 18 and age out of the system). As Judge John Romero always says, "young people vote with their feet."

- **LGBTQ+ youth may face extra challenges in achieving reunification**, but their desire to be with, and loved by, their own family doesn't go away because of these challenges. OFRA's approach to these challenging circumstances supports youth who want to reunify and those who can't be or don't want to be reunified with their families.
- **Words Matter.** Words can inform and support people or diminish them, so it's important to know and use the language that LGBTQ+ people use themselves. (See Glossary of Terms that were provided.)
- **Concepts and definitions** of sexual orientation, gender identity and expression **vary greatly across communities and cultures.** When we don't understand something, we often fear it, and our best defense to that fear is knowledge. When we inclusive and supportive language, we can better advocate, build rapport and trust, and be allies.
- **The current foster care system is not designed to be identity affirming**, to be loving and re-solidify meaningful relationships; it is meant to be a short-term temporary solution to moving children to permanence, hopefully through reunification with their parents. OFRA's practice model, including cultural humility, can help balance this and support LGBTQ+.
- **LGBTQ+ youth experience higher rates of child maltreatment, interpersonal violence, and trauma experiences.** Once they are in the foster care system they face additional harms like discrimination, institutionalization, being placed in congregate care, and higher rates of abuse when in state custody. They also experience higher rates of homelessness, mental health issues compounded by the trauma experiences of foster care, and are more likely to age out of care. Young people who identify as LGBTQ+ are less likely than their peers to find permanence.
- **Laws and policies protecting LGBTQ+ youth in foster care** from discrimination are a patchwork from state to state. Only 13 states and the District of Columbia have explicit laws or policies in place to protect foster youth from discrimination based on both sexual orientation and gender identity. Other states explicitly protect foster youth from discrimination on the basis of sexual orientation, but not necessarily on gender identity. In many states, there is no legal protection at all. **Since 2009, NM has had regulatory protection against discrimination on the basis of sexual orientation and gender identity. NM regulation requires CYFD to provide LGBTQ+ inclusive training for current or prospective foster parents.**
- **A new Federal Rule, 45 CFR Part 155, requires a "designated placement" for all children who identify as LGBTQ+.** Designated placements for LGBTQ+ children must commit to an environment that supports the child's LGBTQ+ identity, and must be trained with the appropriate knowledge and skills to provide for the needs of the child related to the child's self-identified sexual orientation, gender identity, and gender expression. The training must reflect evidence, studies and research about the impacts of rejection, discrimination and the stigma on the safety and wellbeing of the LGBTQ+ children and provide information to providers about professional standards and recommended practices that promote the safety and wellbeing of LGBTQ+ children and facilitate the child's access to age or developmentally appropriate resources, services and activities that support their health and wellbeing. The Rule has additional

requirements not detailed here. Note that foster parents are not required to be a designated placement; instead, the state is required to have those placements available.

- **Resource parents in designated placements can support the birth or adoptive parents** and share what they've learned about meeting the child's needs.
- **It's important to show up for our families and youth consistently, not just during Pride month.** There are many ways to be allies and show up:
  - Encourage policy makers to codify the NM Foster Youth and Children's Bill of Rights update to explicitly prohibit discrimination based on sexual orientation, gender identity or expression, and engage foster youth in this process.
  - Include young people at the policy table.
  - Encourage ongoing review of CYFD's resource foster parent training to ensure accurate and adequate training is provided with ongoing support.
  - Encourage CYFD to include sexual orientation and gender identity in its data collection system and reporting on outcomes. Also encourage them to follow best practice guidelines for collecting and managing information related to SOGIE (sexual orientation, gender identity and expression) and child welfare settings.
  - Implement explicit non-discrimination policies that include sexual orientation, gender identity and expression.
  - Conduct comprehensive LGBTQ+ cultural humility training for all staff and contract attorneys.
  - Use pronouns when introducing yourself, in meetings, and in signature blocks.
  - Use proper pronouns. Misgendering someone who has asked to be identified in a certain way is harmful.
  - Continuously educate ourselves. Remain open and genuinely curious.
- "I think it's important for professionals to not give up right away on family members who are even quite overtly rejecting of an LGBTQ child or family member. **When given the choice between losing a child versus just pushing through your own discomfort and finding a way to stay open and keep your heart open, many parents do make their way to opening their heart.**" -- Ellen Kahn, Director of the Human Rights Campaign

### VIII. Director's Report

**Budget update.** Director Gillia asked for a Special Meeting in July to talk about FY24 budget closeout, the FY25 budget (including the GRO fund for a pilot in Dona Ana and Bernalillo Counties), and our FY26 budget request.

Chairperson Zamora asked Katherine to send out a Doodle poll for Special Meeting and limit it to just budgetary matters.

Director Gillia provided a glimpse of OFRA's current FY24 budget situation. OFRA expects to be remarkably close to spending our full budget this year. We don't expect to have a deficit, and expect a very small reversion, but we don't have final numbers for the full fiscal year yet.

**Staffing update.** OFRA now has 17 full-time staff and will have 3 additional navigators starting on July 8th. The Navigators come with lived expertise and direct relative experience, they are racially and gender diverse, as well as language diverse. We are very excited about the navigators joining us.

We are currently interviewing for 3 social worker positions that will start as soon as possible, hopefully before the end of July, or in early August.

At the last meeting, we discussed the plan to get up to 41 staff positions in FY25, but that may not be possible without some more careful thinking. We are working on that now by looking at how we can use the GRO funding to hire as many staff as possible, even if we have to hire in term positions. We now have 5 staff attorneys and are looking to bring on additional staff attorneys.

**Office update.** There was a flaw in the state's RFP for our Albuquerque office space that could not be corrected. We have had to start a new RFP process, which is open now. Proposals are due from offerors on July 8th, we will do site visits on July 11th, and we expect lease negotiations to begin by July 25th. We hope to be in an office by early next calendar year.

**Case management system update.** We are having some challenges with the case management system that was procured more than a year ago. We are very close to giving up that system because we have not been successful in getting them to do the basic things promised. Other states are having the same problems. OFRA's Leadership team has been looking for other solutions, but we might have to go to RFP.

**Annual Report** will be delivered in writing at the July Special Meeting. Chairperson Zamora stated that it was never discussed if the annual report would be based on the fiscal or calendar year. Director Gillia said that should be talked about for the future and that it made sense to her to align the report with the fiscal year, since that's when all the other reports are due.

**Training options.** Commissioner Flynn O'Brien asked if it be possible for commission members to attend trainings offered by OFRA. Director Gillia is open to the idea, but some trainings might be more relevant than others.

OFRA is starting a small contract with an experienced social worker who will provide training and reflective supervision sessions for our navigators as well as consultation for attorneys who have questions about how to interact with their clients or how to process their experiences with this challenging work. This contractor will be available for one-on-one meetings with staff, will provide monthly reflective groups for social workers, navigators and attorneys.

## **IX. Committee Reports**

- **DEI Committee: DEI Policy Approved**

A new draft DEI policy was sent to all Commissioners before the meeting. This draft includes language specifically requested by Senator Lopez and Commissioner Giacci at the last meeting.

Commissioners also requested that the policy be written so that OFRA's clients can understand the policy. The Commission discussed the need to target the writing at the correct reading level and the reality that the Commission may not have the skill to do this itself. Commissioner Corica

shared that NM Legal Aid has done this with many of its documents and will provide information about resources they used to help with this.

Dr. Hector Diaz moved to approve DEI policy, and Monica Corica seconded the motion. The DEI policy passed with no negative votes or abstentions.

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

Chairperson Zamora reported that they are still waiting for the Supreme Court to appoint our nominee for a youth Commissioner, Joanna Delaney. Chairperson Zamora has communicated with the clerk of the court and Justice Briana Zamora about the appointment. Chairperson Zamora thanked Joanna for continuing to attend our meetings and keeping up to date with the Commission.

**XII. Next Scheduled Meeting** – August 26, 2024. Director Gillia requested a Special Meeting in July to discuss budget. The Commission agreed. A date will be announced.

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

Although she does so with a heavy heart, Chairperson Zamora needs to step down as the Chair. In August, the Commission will need to vote on a new Chair. Anyone interested in becoming Chair should call Chairperson Zamora to discuss the role.

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

Dr. Hector Diaz moved, and Monica Corica seconded the motion to adjourn. The motion was approved. The meeting adjourned at 5:10 pm.