



SUPPORT THE OFFICE OF FAMILY REPRESENTATION AND ADVOCACY HOUSE BILL 46 (Rep. Gail Chasey) and SENATE BILL 31 (Sen. Linda Lopez)

Ensure Families in New Mexico Get the Best Legal Representation and Advocacy

THE ISSUE

State laws require that every parent, youth, and child in an abuse and neglect case be appointed an attorney before the first hearing and for the duration of the case. Yet, a study conducted by the New Mexico Supreme Court Children's Court Improvement Commission (CCIC), found a number of issues around representation including overall poor quality of representation, lack of uniformity in representation, caseload mismanagement, inadequate compensation, and lack of monitoring and oversight. This frequently results in delays in permanency and hindrances to other positive outcomes for families. Currently, representation of children and families in abuse and neglect cases is provided by approximately 110 attorneys under contract with the Administrative Office of the Courts (AOC). Many attorneys provide diligent representation and advocacy, but others do not. At any point in time, these attorneys will be engaged in about 1,500 cases that involve approximately 2,400 children and 2,100 parents, guardians, or custodians. The AOC has neither the staff nor other resources to monitor these contracts, and **inconsistencies and deficiencies in representation and advocacy lead to children remaining in foster care for longer periods of time than necessary, often creating lasting damage for children and their families.**

THE OPPORTUNITY

The creation of the Office of Family Representation and Advocacy is an opportunity to carefully manage, standardize, and monitor performance and outcomes to ensure due process and procedural fairness for families across the state. The Office will be modeled on best practices to provide high-quality legal representation for participants in child abuse and neglect proceedings and include social workers, case managers, and peer advocates. **By providing extensive training, instituting quality control, and developing collaborative teams that include all of the participants in the case, the Office will help children and families successfully access the resources they need to keep their family together whenever possible, and to find other means of permanency if necessary.**

SEE REVERSE FOR FAQ'S

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FREQUENTLY ASKED QUESTIONS

Why is this legislation important?

Having an Office of Family Representation and Advocacy will help ensure that young people involved in abuse and neglect cases have well-trained attorneys who work with them to advocate for their needs. The more young people understand the process, the more they can advocate for what they need to feel safe, resulting in better outcomes. It also means that their families get better legal representation and resources, which leads to shorter periods of time in foster care and higher rates of families successfully completing their reunification plans to be together safely.

What do young people who have experienced systems have to say about the Office of Family Representation and Advocacy?

“I had a really good attorney who had time for me, explained my case to me, and advocated for me. I was lucky, but many of my peers didn't have the same experience. This bill will ensure everyone in foster care is well-represented.”
- Young Person

“As a parent, I wish my lawyer had told me what was happening in my case and what to expect for meetings and hearings. It's an overwhelming process and I think if I had understood it, I could have been a better advocate for myself and my lawyer could have been a better advocate for me.” - Young Person

"There is a lot of inconsistency when it comes to prioritizing families and properly representing them. Parents are often painted in a negative light and this impacts the whole case. If my mom and I had lawyers who better represented our interests, we could have repaired our relationships way sooner. That's what I want for kids and youth who are now in foster care." - Young Person

What do these bills do?

These bills would create the Office of Family Representation and Advocacy in statute, an autonomous entity that would train, manage, and evaluate all of the attorneys assigned to represent families in abuse and neglect proceedings.

Who will oversee the Office of Family Representation and Advocacy?

The Office of Family Representation and Advocacy will have an Executive Director that reports to an oversight commission. The Office will not be related to, affiliated with, or overseen by New Mexico's Children, Youth & Families Department.

How is it different from what already exists?

Right now, there is no formalized entity to oversee attorneys who represent families. These families are assigned attorneys who are contracted by the Administrative Office of the Courts (AOC). The creation of the Office of Family Representation and Advocacy would ensure that the attorneys representing families are all trained, managed, and evaluated to ensure that all families across the state are consistently receiving high-quality legal representation.

Additional Questions

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