

**The Office of Family Representation and Advocacy**  
**The Family Representation Act (SB 127) and**  
**Constitutional Amendment (SJR 11)**

**KEY POINTS**

**I. The Two Serious Failings of Current System**

**A. Inadequate representation and advocacy leads to children remaining in foster care for longer periods of time than necessary, creating lasting damage for children and their families.**

1. Child abuse and neglect is a critical problem in New Mexico and nationally, with serious long-term consequences for everyone involved. Families find themselves in Children's Court, and children end up in foster care, often with strangers, and sometimes for long periods of time.
2. Even though there are State laws requiring that every parent, youth and child in an abuse and neglect case be appointed an attorney, there are too many inconsistencies and deficiencies in practice.
3. We have a duty to provide the highest quality representation with attorneys who are specialized and dedicated to this work. We need to carefully manage, standardize, and monitor performance and outcomes
4. New Mexico needs to do more to secure positive outcomes for families. We need to affirm, respect, and support the diversity of New Mexico's families. We need to promote due process and procedural fairness.

**B. There is too much attorney turnover and no good process for monitoring and quality management. There are issues of conflict because all attorney contracts are administered by the court system.**

1. The current location of the Court Appointed Attorney program with the Administrative Office of the Courts (AOC) is also a problem. Being housed in AOC hinders independent decision-making and oversight and strains resources
2. Currently AOC is managing over 100 contract attorneys and almost 200 non-contract attorneys. They have neither the staff nor other resources to manage and monitor performance. There is little oversight and no quality monitoring.
3. There is inadequate funding and inadequate compensation and very little opportunity to address that within the current budget structure.
4. The Children's Court Improvement Commission has been working on improving the quality of representation for children and parents in child abuse and neglect legal proceedings for over twenty years. Studies have repeatedly demonstrated that the need for better representation results from inadequate compensation, poor caseload management, and lack of monitoring and oversight.



## **II. The Resolution: Create the Office of Family Representation and Advocacy**

### **A. SB 127 creates the Office of Family Representation and Advocacy; the Constitutional Amendment (SJR 11) ensures the Office is an independent agency**

1. The Office of Family Representation and Advocacy will have an Oversight Commission and budgetary independence.
2. The proposed structural model is similar to the Law Offices of the Public Defender created through the Public Defender Act.

### **B. The Office of Family Representation and Advocacy will provide high quality legal representation with an evidence-based practice model.**

1. The Office will have a highly qualified attorney workforce with reasonable caseloads and equitable compensation. Performance monitoring, quality assurance, and outcome evaluation will be instituted.
2. Attorneys and other staff will be provided with extensive training and other supports to include mentors, paralegals, and administrative staff.
3. Interdisciplinary Legal Team Services will be the practice model for the Office of Family Representation and Advocacy. Interdisciplinary Legal Team Services are widely recognized as best practice, providing for collaborative teams that include the attorney, a social worker/case manager, and a peer or community advocate.
4. The Office will provide the best legal representation and advocacy possible to keep families together when we can, and to find other means to permanency if we cannot.

