



New Mexico Supreme Court **FAMILY REPRESENTATION COMMISSION**

Talking Points

The Office of Family Representation and Advocacy (SB 127 & SJR 11)

When you call, email, mail, or (virtually) meet with Senators and Representatives, you will want to communicate the following.

Start with why you are making contact – for example

I am calling [writing] to ask you to vote for (SB 127, The Family Representation Act) OR (SJR 11 the bill to allow a Constitutional Amendment to go to the voters in 2022 to make the Office of Family Representation and Advocacy an independent agency.)

Describe your relationship to this effort – for example,

- *I am an attorney who has represented children and families for years*
- *I was once a foster child in the custody of the state*
- *I have been a foster parent to many children*
- *I serve as a Court Appointed Special Advocate (CASA)*
- *I am part of the Children's Court Improvement Commission [or Family Representation Commission]*
- *I am an advocate for children and families, working with ...*

Tell them what you want:

I am asking that you support (SB 127 that creates the Office of Family Representation and Advocacy in statute) OR (SJR 11 that creates the approval to take a Constitutional Amendment to the voters to make the Office an independent agency.)

Explain why this is Important – pick a few points that resonate with you - for example,

- 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.
- 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.
- 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.



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- The idea is to get the best legal representation and advocacy possible to keep families together when we can, and to find other means to permanency if we cannot.
- 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. Assessments have demonstrated that the need for better representation results from inadequate compensation, poor caseload management, and lack of monitoring and oversight.
- The current location of the Court Appointed Attorney (CAA) 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.
- 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.
- There is inadequate funding and inadequate compensation and very little opportunity to address that within the current budget structure.
- There is too much attorney turnover and no good process for case transfers. There are issues of conflict because all attorney contracts are administered by the court system.
- 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.
- 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.
- We need a new and independent agency with an evidence-based practice model – we need the Office of Family Representation and Advocacy leading the way.
- The Office of Family Representation and Advocacy will have an Oversight Commission and budgetary independence.
- The proposed structural model is similar to the Law Offices of the Public Defender created through the Public Defender Act.
- SB 127 creates the Office of Family Representation and Advocacy in statute and SJR 11 creates the approval to take a Constitutional Amendment to the voters to make the Office an independent agency.