

OFFICE OF
**FAMILY
REPRESENTATION
ACT**



(OFRA)

SENATE BILL 31 (L. LOPEZ) & HOUSE BILL 46 (G. CHASEY)



QUALITY

Studies over the last two decades conclude that the quality of representation for children and families in the child abuse and neglect system must be improved.



REPRESENTATION

OFRA creates an evidence-based system that gives families the support they need to provide a safe and nurturing environment for the long-term interests of their children.

When a family faces the fear of losing their children, they need to be treated fairly and be provided support for a better home environment.

**WHAT DOES
SB31/HB46 DO?**

Creates an office that provides the following for families involved in the CYFD system:

- Guardians ad litem for children under 14 years old
- Youth attorneys for children 14 and older
- Attorneys for youth in extended foster care from 18 to 21 years
- Attorneys for parents, guardians and custodians
- Social workers for families in need of support

When a family is involved in the state's child protective system (CYFD), it is stressful and frightening. Parents fear the worst – losing their child. The children are often confused and mistakenly think they did something wrong. SB31 and HB46, the Office of Family Representation Act (OFRA), address the State's duty to protect children AND provide parents high quality representation.

**OFRA CAME ONE STEP
SHORT OF PASSING IN 2021**

... "several parents and former foster children testified Monday that they met their appointed attorneys only a few minutes before court hearings."
Albuq. Journal Feb 8, 21

"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

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1. Does this bill impact foster parents?

A. No

2. Does this bill change the best interests of the child standard?

A. No. OFRA creates an office that provides the following attorneys for families involved in the CYFD system:

- Guardians ad litem for children under 14 years old
- Youth Attorneys for children 14 and older
- Attorneys for youth in extended foster care from 18 to 21 years
- Attorneys for parents, guardians and custodians


Of these four attorney types, only the attorney GALs representing children under 14 years old must follow best interest of the child standards. Attorneys representing older youth and parents must take direction from their clients to comply with legal rules and professional ethics.

3. Does this bill create an ombudsman office?

A. No. That is a separate effort from this legislation. However, this legislation provides protections to all parties involved in the CYFD system, which would complement any other efforts to form an Ombudsman office.

4. Does this legislation require that contract attorneys will no longer be able to do this work?

A. No. Current contractors and organizations will be encouraged to apply. The office will have both employed and contract attorneys providing representation in all areas of the state.



“Legal representation positively impacts outcomes for parents and children and improves the overall operation of child welfare courts...it is essential that all children and all parents have high-quality legal representation in these cases.”

American Bar Association,
December 1, 2020, By Mimi
Laver and Cathy Krebs

WHO SUPPORTS OFRA?

- CYFD Secretary Barbara Vigil
- NM Supreme Court Family Representation Commission
- The Administrative Office of the Courts
- NMCAN
- Children's Court Improvement Commission
- Behavioral Health Collaborative
- ABA Center on Children & the Law

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CITATIONS: NMSA 32A-1-7.1 and NMSA 32A-4-10
NMSA Section 32A-1-4. Definitions. (k) "guardian ad litem" means an attorney appointed by the children's court to represent and protect the best interests of the child in a case; provided that no party or employee or representative of a party to the case shall be appointed to serve as a guardian ad litem;