Administrative Office of the Courts

FOR IMMEDIATE RELEASE

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Task force looks to improve legal help for children and parents in abuse and neglect cases

SANTA FE – Improving legal services for children and parents in abuse and neglect proceedings is the focus of a newly created task force that will hold its first meeting Thursday in the state Capitol.

The Family Representation Task Force, which must submit a report to the Legislature, is chaired by Sixth Judicial District Court Chief Judge Jennifer DeLaney of Deming. Members include legislators, Children's Court judges, national experts in children's law, a former foster youth, a parent and attorneys involved in the child welfare system, and representatives of the Children, Youth and Families Department.

There were 1,445 abuse and neglect cases pending at the end of July that involved about 2,400 children and youth, and 2,100 parents and legal guardians.

"Providing high-quality legal representation to children and parents in the child welfare system is critical for the well-being of New Mexico families," said Judge DeLaney. "Decisions in abuse and neglect proceedings have long-term consequences because judges must determine whether children can safely remain in their homes or should be placed in foster care and parents potentially lose their custody rights. The task force will look for best practices from across the country to help New Mexico better achieve its public policy of reunifying families when possible."

Currently, the law requires New Mexico courts to appoint attorneys for children and parents in cases involving allegations of neglect and abuse. The Administrative Office of the Courts contracts with private attorneys to represent children and parents on a per-case fee. However, inadequate compensation and high caseloads makes it difficult to recruit and retain qualified attorneys.

The Legislature this year approved a measure, Senate Joint Memorial 10, creating the task force and directing the group to consider possible changes in law and whether the state should establish a separate agency or office with a primary mission of providing legal representation to children and parents in child protection cases. The task force also will consider an inter-disciplinary approach to child protection cases in which a team – such as an attorney, social worker and parent mentor – work to strengthen the parents' ability to care for their children, including addressing substance abuse disorders and other issues that may have led to the children coming into foster care. New Mexico received a federal grant last year to expand such a program for abuse and neglect cases in Sandoval, Valencia, Bernalillo, San Juan and McKinley counties.

In addition to Judge DeLaney, members of the task force are Sen. Linda Lopez and Rep. Gail Chasey, of Albuquerque; Children's Court Judges Marie Ward and John J. Romero, Second Judicial District Court; Leslie Jones, a Corrales attorney; Georgia Berrenberg, an Albuquerque attorney and guardian ad litem; Nancy Simmons, an Albuquerque attorney; Beth Gillia, director of the Corinne Wolfe Center on Child and Family Justice at the University of New Mexico Law School, representing the Children's Court Improvement Commission; Deborah J. Varol, representing the Chief Public Defender; Sarah Jacobs, a lawyer with the Administrative Office of the Courts; Lewis Creekmore, New Mexico Legal Aid executive director; Kelly Klundt of the Legislative Finance Committee; Mimi Laver of the ABA Center on Children and the Law, Washington, D.C.; Shamonica Ly, a parent previously involved in the child welfare system; Alyssa Davis, a former foster youth; and Jessica Erwin, Annamarie Luna and Rebecca Liggett of the Children, Youth and Families Department.

The task force is to submit a report and recommendations to lawmakers by July 15, 2020.

The task force meets:

TIME: 1 p.m.
DATE: Thursday, Oct. 3.
PLACE: Room 307, Capitol
490 Old Santa Fe Trail
Santa Fe, NM

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