

1 **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

2 **October 23, 2020**

3 **No. 20-8100**

4 **IN THE MATTER OF**
5 **THE ESTABLISHMENT OF THE**
6 **AD HOC FAMILY REPRESENTATION COMMISSION**

7 WHEREAS this matter came on for consideration by the Court upon
8 recommendation of the New Mexico Children’s Court Improvement
9 Commission, Administrative Office of the Courts, and the Family Representation
10 Task Force to create the New Mexico Family Representation Commission as an ad
11 hoc advisory commission of this Court;

12 WHEREAS, New Mexico courts are statutorily required to provide legal
13 representation to all children, parents, guardians, and custodians involved in abuse
14 and neglect cases;

15 WHEREAS, high quality legal representation for children and parents in
16 abuse and neglect cases is needed to ensure due process and procedural fairness; to
17 improve judicial decision-making by providing the court with accurate, timely, and
18 complete information about children and parents; and to create better long-term
19 outcomes for children and their families, including higher rates of reunification and
20 reduced time to permanency;

21 WHEREAS, this Court is committed to increasing the quality of legal

1 representation of children and parents in New Mexico's children's courts and
2 achieving better outcomes for children and their families in child welfare matters;

3 WHEREAS, the Administrative Office of the Courts has managed the
4 representation of children and parents since 1993 through its Court Appointed
5 Attorney Program with funds allocated by the New Mexico Legislature;

6 WHEREAS, the New Mexico Children's Court Improvement Commission,
7 in conjunction with the Administrative Office of the Courts, has been working since
8 its inception for decades to improve legal representation for all parties in abuse and
9 neglect cases by (1) centralizing administration of the Court Appointed Fee Fund
10 and has developed a model contract to which the Administrative Office of the Courts
11 is a party; (2) developing performance standards for court-appointed attorneys
12 that have been adopted by this Court; (3) securing some increased funding for
13 court-appointed attorney contracts; (4) developing a model for a youth attorney
14 for children fourteen years of age and older, which has included drafting and
15 supporting changes to the New Mexico Children's Code to implement that model
16 and hosting a summit for youth attorneys to clarify the model and answer on-
17 going questions; (5) establishing the Corinne Wolfe Children's Law Center
18 (now the Corinne Wolfe Center for Child and Family Justice) that provides
19 attorney training and the Child Welfare Handbook; (6) providing the annual

1 Children’s Law Institute; (7) creating appellate-respondent attorney positions
2 and secured funding for those positions; and more;

3 WHEREAS, in 2013, the Children’s Court Improvement Commission
4 conducted a study of the quality of representation in abuse and neglect cases to
5 identify issues of concern, possible solutions, and recommendations for the Court
6 Appointed Attorney Fund. The study found that many children’s court judges and
7 clients had concerns about the attorneys not meeting with their clients, lack of
8 preparation for hearings, not monitoring progress on case plans, and an overall lack
9 of trial skills. Additional barriers identified were high caseloads, inadequate and
10 inequitable compensation, and lack of support services and resources;

11 WHEREAS in 2018 the Children’s Court Improvement Commission, in
12 conjunction with the Administrative Office of the Courts and the American Bar
13 Association Center on Children and the Law, conducted an assessment of the
14 quality of representation for children and parents and found that major
15 challenges include inadequate funding, inadequate oversight, poor attorney
16 retention, and lack of diversity and cultural humility. The assessment concluded that
17 the current system of representation was inadequate and failed to provide the type
18 of representation parents, youth, and children in New Mexico deserve. The
19 assessment recommended that a task force be formed focused on improving the
20 quality of representation with three main roles: analyzing the current system in New

1 Mexico, reviewing research and local and national best practice, and drafting
2 recommendations for improved representation in New Mexico;

3 WHEREAS in 2019 the Children’s Court Improvement Commission
4 successfully advocated for a Family Representation Task Force to be created by
5 Senate Joint Memorial 10 during the 2019 regular legislative session to recommend
6 models of legal representation of children and parents in children’s court
7 proceedings on abuse and neglect and to improve outcomes for children and parents
8 served my New Mexico’s children’s legal system;

9 WHEREAS, the Family Representation Task Force concluded its work with
10 recommendations including a multi-phase process to (1) create an independent
11 agency to centralize and oversee the representation of children and respondents in
12 children’s court proceedings on abuse and neglect, (2) develop interdisciplinary
13 legal team services and a practice model for high quality representation, and (3)
14 create agency infrastructure to support high quality legal representation;

15 WHEREAS, the implementation of the recommendations of the Family
16 Representation Task Force requires continued work by experts on children’s law,
17 such as those persons that made up the Family Representation Task Force; and

18 WHEREAS the Court having considered said recommendation and being
19 sufficiently advised, Chief Justice Michael E. Vigil, Justice Barbara J. Vigil,
20 Justice Judith K. Nakamura, Justice C. Shannon Bacon, and Justice David K.

1 Thompson concurring;

2 NOW, THEREFORE, IT IS ORDERED that the Ad Hoc New Mexico Family
3 Representation Commission IS HEREBY ESTABLISHED as an advisory
4 commission to the Court dedicated to improving the quality of legal representation
5 to children and parents in abuse and neglect cases by advancing the
6 recommendations of the Family Representation Task Force;

7 IT IS FURTHER ORDERED that the New Mexico Family Representation
8 Commission shall convene to organize and meet, thereafter, as necessary at the call
9 of the chair or at the request of a majority of the commission members;

10 IT IS FURTHER ORDERED that the Commission shall be composed of a
11 chair and nineteen (19) members representative of experts on children’s law
12 throughout the bar, judiciary, and justice community;

13 IT IS FURTHER ORDERED that the following persons are appointed as
14 voting members of the Ad Hoc Family Representation Commission:

15 **Georgia Berrenberg, Esq.**
16 Respondent Attorney, Youth Attorney, Guardian ad Litem
17

18 **Representative Gail Chasey, Esq.**
19 Respondent Attorney, Youth Attorney, Guardian ad Litem
20 NM House of Representatives, District 18
21

22 **Lewis Creekmore, Esq.**
23 Executive Director, NM Legal Aid
24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

Alyssa Davis
NMCAN Youth Advocate
Lived experience

Hon. Jennifer DeLaney
Chief Judge, Sixth Judicial District
Co-Chair, Children’s Court Improvement Commission

Beth Gillia, Esq.
Director, Institute of Public Law
University of New Mexico School of Law

Queva Hubbard
NM Family Advocacy Program
Lead Parent Mentor
Lived experience

Hon. Petra Jimenez Maes
Justice (ret.), Supreme Court of New Mexico

Leslie Jones, Esq.
Respondent Attorney, Youth Attorney, Guardian ad Litem
NM Family Advocacy Program, Lead Attorney

Mimi Laver, Esq.
ABA Center on Children and the Law
Director Legal Representation

Rebecca Liggett, Esq.
NM Children, Youth, and Families Department
Chief Children’s Court Attorney

Senator Linda Lopez
NM State Senate, District 11

Annamarie Luna
NM Children, Youth, and Families Department
Interim Director, Protective Services Division

1 **Bryce Pittenger**
2 NM Children, Youth, and Families Department
3 Director of Behavioral Health
4 Interim CEO, Behavioral Health Collaborative
5

6 **Nancy Simmons, Esq.**
7 Respondent Attorney, Youth Attorney, Guardian ad Litem
8 Abuse and Neglect Appellate Attorney
9

10 **Nicoleta Spilca, Esq.**
11 Respondent Attorney, Youth Attorney, Guardian ad Litem
12 NM Family Advocacy Program, Attorney
13 Second Judicial District ICWA Court, Attorney
14

15 **Deborah J. Varol, Esq.**
16 Law Office of the Public Defender
17

18 **Hon. Marie Ward**
19 Presiding Children’s Court Judge, Second Judicial District
20 Incoming Chair, Children’s Court Improvement Commission;
21

22 IT IS FURTHER ORDERED that the Commission shall recommend one
23 of its members for this Court to consider appointing to serve as chair of the
24 Commission;

25 IT IS FURTHER ORDERED that the Administrative Office of the Courts
26 shall provide staff support to the Commission, and Lindsey Fooks, Esq. (AOC
27 Attorney – Children’s Court Programs) is appointed as a non-voting member of
28 the Commission; and

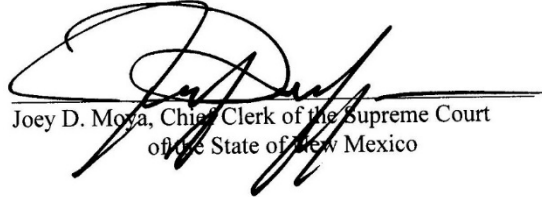
29 IT IS FURTHER ORDERED that the Commission shall conclude its work
30 by December 31, 2022, and all terms of appointment shall expire at that time

1 unless otherwise ordered by the Court.

2 IT IS SO ORDERED.



WITNESS, the Honorable Michael E. Vigil, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 23rd day of October, 2020.


Joey D. Moya, Chief Clerk of the Supreme Court
of the State of New Mexico

3