

New state law aims at strengthening child neglect, abuse proceedings

Written by gallupsun
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Office of Family Representation, Advocacy to take charge

SANTA FE – A new state law will create an independent office to provide legal representation to children, parents, custodians and guardians in cases involving allegations of abuse and neglect of youth.

"Critical decisions are made in abuse and neglect proceedings that determine whether children can safely remain at home, should be placed in foster care and when families can be reunited or parents lose their custody rights. The Office of Family Representation and Advocacy will strengthen the legal representation children and families need in child protection cases to ensure the best possible outcomes," Justice Briana Zamora said today.

Under newly signed legislation, House Bill 46, the office will operate independently as an "adjunct" agency in the executive branch of government and an appointive commission will oversee it.

The governor, Supreme Court, and legislative leaders will appoint members of the Family Representation and Advocacy Commission, which must hire a director for the new agency by the end of this year.

"The new commission-overseen agency will have independence from the judiciary and the executive to create policy and budgets to adequately compensate and train attorneys to improve legal representation for children and their families statewide," Sixth Judicial District Chief Judge Jennifer DeLaney said.

DeLaney chairs the New Mexico Supreme Court's Family Representation Commission that advocated for the legislation.

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

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contracts with about 110 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. About 1,900 children were involved in abuse and neglect cases last year.

The Office of Family Representation and Advocacy will take over management of court-appointed attorneys from the AOC in the fiscal year that starts in July 2023. The new office will ultimately hire staff attorneys and contract with private attorneys to represent children and indigent parents, and will operate with five regional offices.

Inter-disciplinary services will be developed in which a team – such as an attorney, social worker and parent mentor – works 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 being placed in foster care.

New Mexico received a federal grant several years ago to expand such a program for abuse and neglect cases in Sandoval, Valencia, Bernalillo, San Juan and McKinley counties.

Funding for the new office in fiscal year 2024 will come from more than \$6 million allocated by the Legislature for court-appointed attorneys. The Legislature provided about \$130,000 in start-up money for the office in the 2023 fiscal year, which begins July 1, 2022.

A task force in 2020 recommended creating an independent office for legal services to children and parents in abuse and neglect cases. Legislation was introduced in 2021. Rep. Gail Chasey, who has served as a court-appointed attorney in child welfare cases, and Sen. Linda Lopez sponsored this year's legislation that Gov. Michelle Lujan Grisham signed into law.

"This much-needed improvement in our child welfare system has become law because of the tireless efforts of many advocates for children and families and the bill sponsors," DeLaney said.

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Justice Zamora said, "We thank the governor for signing this important legislation to help advance New Mexico's public policy of protecting children and preserving the unity of families when possible."