

Children's Code Task Force

Thursday, January 16, 2023

4:00–5.30 p.m.

I. Welcome from Judge Catherine Begaye, Task Force Chair

Judge Catherine Begaye, Presiding Children's Court Judge, Second Judicial District, called the meeting to order and welcomed the task force members to the initial meeting. During her remarks, Judge Begaye made the following points:

-Several years ago, the New Mexico Supreme Court created the Children's Code Improvement Commission (CCIC) and the CCIC is the entity that created this task force. The task force is charged with studying the provisions of the Children's Code (Chapter 32A NMSA 1978) and making recommendations for reforms to the Code to the CCIC.

-The Children's Code includes twenty-six separate articles and the task force will focus its initial efforts on a review of child welfare provisions, including Article 4 (Child Abuse and Neglect), Article 1 (General Provisions), and Article 26 (Fostering Connections Act).

-During its review, the task force will seek to ensure consistency within the Children's Code, reconcile potential conflicts, address gaps in the Code, recognize changing societal and cultural values, and incorporate best practices.

-Task Force members include representatives from New Mexico's Native American communities, child advocacy organizations, the Children, Youth and Families Department (CYFD), the Public Defender Department, and the judiciary. Members have been appointed because of their willingness to work in a collaborative manner.

-As we move forward, the task force will report to the CCIC on a quarterly basis.

-Judge Begaye closed her welcoming remarks by turning to Kathleen Sabo and Tony Ortiz, who will provide staff support for the task force. Ms. Sabo and Mr. Ortiz introduced themselves and briefly described their respective professional experiences.

II. Task force participant introductions

The task force members introduced themselves and identified their affiliations:

Bette Fleishman, Executive Director, Pegasus Legal Services for Children.

Shira Greenberg, Artistic Director for Keshet Dance and Center for the Arts.

Brandi White, Court Appointed Special Advocate (CASA).

Catherine Pavelski, New Mexico Family Advocacy Program.

Beth Gillia, former Deputy Secretary of CYFD and the new Director for the Office of Family Representation and Advocacy.

Leslie Jones, Contract attorney in the 13th Judicial District.

Mary McQueeney, CYFD attorney for Protective Services.

Judge Alma Roberson, Children's Court Judge, 2nd Judicial District.

Rosenda Chavez-Lara, Youth attorney and guardian ad litem in the 3rd Judicial District.

Alison Endicott-Quinones, Youth attorney and guardian ad litem for Advocacy Inc.

Emily Martin, Director of Protective Services, CYFD.

Shelly Bucher, Director for the Substitute Care Advisory Council.

John Romero, Children's Court Judge, 2nd Judicial District (retired).

Senator Linda Lopez, New Mexico State Senator.

Dennica Torres. Managing attorney for the Public Defender Department, 2nd Judicial District.

Jesse Clifton. Attorney for Disability Rights New Mexico.

Jacqueline Yalch, Social Services Director, Pueblo of Isleta.

Next, task force members offered their initial suggestions regarding needed reforms for the Children's Code:

- Create of new pathways for children in need of services and the provision of additional resources;
- Balance the rights of children with parental rights;
- Create pathways to separate poverty from allegations of neglect by families;
- Emphasize support for and provision of resources for families, rather than removing children from families. Societal values have changed and should be reflected in the Children's Code. Give judges discretion in setting timelines for cases;
- Streamline case timelines;
- Add some teeth to the legislative purposes set forth in Section 32A-1-3 NMSA 1978;
- Enhance accountability and transparency regarding decisions made by the courts for children and their families;
- Increase transparency in our system and balance family privacy with the totality of circumstances in cases;
- Balance preventative measures and aftercare;
- Think differently about how to deal with substance abuse issues in families. Be less prescriptive and more flexible;
- Try to avoid criminalizing families and children because of substance abuse and poverty. Humanize our system;
- Address competency procedures for children. Need clearer guidelines regarding crossover youth;
- Address mental health issues regarding youth in the child welfare and juvenile justice systems; and
- Keep in mind the importance of cultural sensitivity. Do not criminalize poverty. Seek out best practices for tribes in New Mexico.

III. History of the Children's Code

David Schmidt, Executive Director for the New Mexico Council on Crime and Delinquency (retired). Mr. Schmidt led the effort to implement the Children's Code in the New Mexico statutes in 1993 and also collaborated on reforms through the ensuing years. He shared the following lessons learned:

-in 1993, work on developing the Children's Code coincided with enactment of the federal Indian Child Welfare Act. It was vitally important to have Native American representation on the sub-committees that supported development of the Children's Code.

-Inclusiveness is vital. He noted that the task force does not have representatives from the district attorneys or the law enforcement community.

-The task force will need to determine the process for developing its recommendations. Consensus-building is the key to success.

Tony Ortiz, Attorney/bill drafter for the Legislative Council Service and Director for the New Mexico Sentencing Commission (retired). Mr. Ortiz helped to draft the original Children's Code and assisted with later reform efforts. He shared the following lessons learned:

-As societal and cultural values evolve, those changes should be reflected in the Children's Code.

-Inclusiveness and civil discourse are vitally important.

-Emerging research on substance abuse and brain development in youth will inform our work

IV. Legislative path forward for reforms

Senator Linda Lopez noted that she was able to secure funding for the work of this task force in the 2022 Junior appropriations bill (Senate Bill 1, 2022 3rd Special Session) (Senator George Munoz and Representative Patricia Lundstrom). She noted that this will be a long-term effort and expressed hope that the task force will generate fresh ideas for reforming the Children's Code. She asked the task force members to consider sharing their progress with

legislative interim committees as the work moves forward. Those check-ins with legislators will bolster support for additional funding requests for the task force beyond July 1, 2023.

V. Sub-committees

In the near future, Kathleen Sabo will send an email to the members, to begin a discussion on the creation of sub-committees and the number of sub-committees needed to support the work of the task force.

VI. Setting meeting times and the manner of meeting

Initially, the task force will convene on a monthly basis, with meetings consistently scheduled for the 4.00-5.30 p.m. time period. We will re-visit this schedule after six months. Task force members expressed their hope that some future meetings can be held in-person and at various locations throughout the state.