

Children's Code Reform Task Force
May 23, 2024
4.00 - 5.30 p.m.

Members present

Cristen Conley, Chair
Catherine Pavelski
Brandie White
Matthew Cockman
Hilari Lipton
Bette Fleishman
John Romero (retired Judge)
Rosenda Chavez-Lara
Carolyn Casillas
Leslie Jones
Shelly Bucher
Jesse Clifton
Alison Endicott-Quinones

Others present

Alison Pauk
Kathleen Sabo
Tony Ortiz

Welcome

Cristen Conley introduced herself. She is serving as the Task Force Chair. Ms. Conley is also the Director of the Corinne Wolfe Center for Child and Family Justice, University of New Mexico School of Law. She then asked Kathleen Sabo and Tony Ortiz to introduce themselves. Ms. Sabo is serving as the Task Force Coordinator and Mr. Ortiz is serving as Task Force Staff.

Administrative matters

The notes for the previous task force meeting were approved. Cristen Conley then reminded the task force members that their final report is due on June 30, 2024. With respect to draft legislative proposals, work on the "Crossover Youth Act" and proposed amendments to Section 32A-4-2 NMSA 1978 must be completed and turned into staff for processing by May 31st. Smaller proposed amendments must be completed and turned into staff for processing no later than June 7th.

Brief self-introduction of task force members

The task force members introduced themselves and briefly described the work they perform in the child welfare system.

Reminder of Resolution

Cristen Conley reminded the Task Force members of the contents of a resolution that will guide how the CCRTF conducts its business. Ms. Conley reminded members that the Task Force is not subject to the provisions of the Open Meetings Act, but that it is vitally important to operate in a transparent manner.

All task force meetings will be conducted via Zoom. Information on how members of the public can attend the Zoom meetings will be posted online on the website for the Corinne Wolfe Center for Child and Family Justice. <https://childlaw.unm.edu> .

The schedule of meetings, agendas, meeting notes and a copy of the above-mentioned resolution are also posted online on the website for the Corinne Wolfe Center for Child and Family Justice.

Finally, the Task Force will provide an opportunity for public comment. When possible, each registered member of the public wishing to comment will be given two minutes to speak. The Task Force will also accept written comments from members of the public, by way of the chat during an allocated time during meetings or by an email to kathleensabocctf@gmail.com in advance of meetings.

Subcommittee Reports

Crossover Youth Subcommittee. The subcommittee is now working on version 7 of a discussion draft for a “Crossover Youth Act”. Carolyn Casillas has joined the subcommittee and she has provided valuable information regarding the operations of the juvenile justice system. Recent work on the discussion draft has focused upon which parties should receive notice for a preliminary inquiry hearing, and training requirements for entities that will be involved in crossover youth cases. The subcommittee is also working on a Crossover Youth fact sheet, which can be used to educate the public and policymakers.

Following the subcommittee report, the following topics were addressed by task force members:

- the Children’s Court Rules Committee is working on methods to improve notice to parties;
- there is a desire to address situations when a crossover youth is housed in a residential facility in another state;
- in some cases, courts may require translation services to effectively conduct hearings;
- the Crossover Youth subcommittee will hold one more meeting on May 29th and will finalize the discussion draft at that meeting.

Improving Responses to Poverty and Substance Misuse Subcommittee.

Neglected child and abused child work group: The work group has crafted proposed amendments to Sections 32A-4-2 1978, 32A-4-7 1978 and 32A-4-22 NMSA 1978. The proposed amendments and possible alternatives are memorialized in a document prepared by Beth Gillia. The work group will hold one more meeting on May 29th to finalize proposed amendments.

The work group also addressed topics that will be included in the task force's final report as recommendations:

- a strong recommendation that a definition be developed and that the Children's Code be reviewed carefully to determine where "dependent child" should be added; and

- a recommendation that creates a no-fault method for a parent to safely surrender a "safe haven" baby.

At this time, the work group will not address revisions to the Children's Code regarding the definition of "abused child" or "emotional abuse".

Economic stabilization work group: The work group has finalized proposed amendments to Sections 32A-4-21 NMSA 1978 and 32A-4-22 NMSA 1978 that aims to prevent child removal and longer stays in custody when poverty is the only issue.

Presumptive abandonment work group: The work group has crafted a proposal that removes existing statutory language set forth in Subsection B (3) (a through f) and Subsection C of Section 32A-4-28 NMSA 1978 (regarding termination of parental rights). During the work group's report, the following points were made:

- the suggested change tracks the approach taken in the Indian Family Protection Act;

- private adoptions differ from state-driven adoptions;

- the work group is not pursuing changes to the Adoption Act (Article 5 of the Children's Code);

- the remaining elements of Section 32A-4-28 NMSA 1978 sufficiently address instances when parental rights should be terminated: abandonment by the parents; a clear showing that efforts to reunite the child with their family would be futile; or instances when the parent has subjected the child to aggravated circumstances.

Judicial timelines work group: The work group proposes changes to Sections 32A-4-19 NMSA 1978 (regarding time limitations for adjudicatory hearings), Section 32A-4-22 NMSA 1978 (regarding disposition of an adjudicated abused or neglected child, Section 32A-4-25 NMSA 1978 (regarding periodic judicial review of dispositional judgments) and Section 32A-4-25.1 NMSA 1978 (regarding permanency hearings and review hearings). The proposed amendments are

intended to provide for more frequent judicial check-ins and to better align permanency hearings with judicial reviews. Following a lengthy discussion, the work group will take additional time to review the proposed amendments and finalize their work.

The work group also discussed the following related topics:

- what is the meaning of the statutory phrase “absent circumstances which are beyond the control of the parties or the court”;
- whether a court rule is needed to address scheduling conflicts for attorneys;
- concerns about inadequate resources for Children’s Courts and Children’s Court attorneys; and
- in some instances, the need for better docket management by Children’s Court judges.

Families in need of court-ordered services (FINCOS) work group: At this time, the work group will not propose amendments to the FINCOS Act. However, recommendations will be included in the final task force report.

Reinstatement of Parental Rights Draft Legislation (from the CCIC)

Cristen Conley called the member’s attention to the “Reinstatement of Parental Rights Act”, authored by the Children’s Court Improvement Commission. Staff will review the act and make non-substantive changes to it.

Public Comment

Samatha Lapin submitted a draft memorial that will be included in the “Public Comment” section of the final task force report. The memorial was also posted to the chat for this meeting.

Next meeting

The next task force meeting will be held on June 27, 2024, 4.00 - 5.30 p.m.

Wrap up of task force work

Cristen Conley echoed her earlier remarks regarding the timeline for completing the work of the task force. Prior to the next task force meeting, Ms. Conley encouraged members to consider if they are available to testify during interim legislative committee meetings and during the 2025 legislative session.