



Senate Memorial 50 Task Force to Review the Family Violence Protection Act

In the 2020 regular legislative session, the New Mexico Senate, passed Senate Memorial (SM) 50, *Requesting the Crime Victims Reparation Commission to Create a Task Force to Review and Update the Family Violence Protection Act*. The purpose of SM 50 is to convene a task force to review the Family Violence Protection Act (FVPA)¹ and prepare a report for the interim legislative committee that deals with courts, corrections, and justice issues. SM 50 identifies stakeholders for the taskforce, including:

- the Children, Youth and Families Department domestic violence programs coordinator;
- family court judges
- the family law section of the state bar of New Mexico
- the New Mexico Coalition Against Domestic Violence
- the Administrative Office of the Courts
- representatives of law enforcement; and
- representatives of other agencies working on domestic violence issues, drawing on the expertise of governmental organizations and nonprofit service providers.

The SM 50 Task Force has Established five (5) Specific Aims:

Specific Aim 1: Stakeholder Identification

The first specific aim was to identify stakeholders for participation on the task force. The principal investigator met with CVRC to create an initial list of stakeholders for the task force. See Appendix 1 for list of stakeholders.

Specific Aim 2: Strategy Development

The second aim was to build a remote infrastructure to facilitate task force meetings. During the period of member identification, the principal investigator also worked with early acceptance task force members to identify strategies for reviewing and updating the act.

We developed three elements of the infrastructure:

- Remote Meeting Interface
- Meeting Feedback and Ad hoc Participation Module
- Prior Documentation and Research

Specific Aim 3: Member Orientation Meeting

The third aim was to hold one meeting with task force members to orient them to the approach and infrastructure and to seek input from members on the strategy before initiating the task force meeting schedule.

- We held two orientation meetings to allow for as much participation as possible. Member input included request for some changes to the proposed strategy, including:

¹ § NMSA 40-13- 1 through 40-13-13

Specific Aim 4: Summarize Member Input on Strategy

The fourth aim was to compile and analyze feedback provided by task force members for presentation at remote taskforce meetings. In the initial meetings, the information being summarized was largely related to strategy, but also involved some content areas of concern.

The following strategy elements were identified during the orientation meetings, in no particular order or frequency of mention, members made the following suggestions:

- Task Force members discussed the need to **review and revise across the entirety of the statute** and potentially reorganize the statute to improve clarity,
- It was noted that there are a number of known implementation issues and a need for additional training to improve the use of the provisions in the Act and this process will need to **be mindful of separating what can be improved by revising the statute and what may yield recommendations for those tasked with implementation,**
- **Review of the legislative history** of the act and prior bills aimed at editing, revising, or adding to the content of the Act,
- Documentation of **statutes that cross reference the Act** so that the recommended changes can be evaluated for unintended consequences,
- Members noted that they would like the time to do a comprehensive review and that the original **December 1 deadline may not be sufficient time,**
- The **frequency and length of meetings** was also discussed, with a potential limit of no more than 2 meetings per month, with each approximately 2 hours in length,
- A **working group structure** was recommended to do detailed work and to perform writing/editing duties for recommended revisions,
- Many wanted to access **technical assistance from national organizations** working in the area of domestic violence law and policy,
- A number of people noted that they would like to **set up an agreed upon decision-making process in the beginning,** that seeks consensus but is not fully dependent on unanimous voting. It was recommended that a professionally facilitated session may be necessary to set up the decision-making strategy.

The following substantive content areas were identified as being of concern for possible updating or revision²:

- **Definitions** need to be updated (including expanding the definition of abuse to cover acts of coercive control and those involving new technologies),
- Clarification is needed on **order length and child custody provision** length for orders of protection,
- There was some support for providing for **minors to petition for orders of protection,**
- Clarifications on **emergency orders of protection,**
- Clarifications on **service of orders of protection,**
- Clarification of **limits on internet publication of orders,**
- Assessing **effectiveness of the medical documentation** requirements,
- Improvements to the **relinquishment of firearms provision.**

² It is important to note that this list was made from the first meeting. Task force members are continuing the systematic process of issue spotting and discussing both the issues listed here and others that have come up in subsequent meetings. Findings from these discussions are pending.

Specific Aim 5: Methodology Report

The final aim of the initial contract was to submit a report on the methodology and strategy plan following the initial organizing activities. This report documents these activities. Additional methodological documentation may be made available by request.

Status Updates

Since the orientation meetings, the task force has met 4 times to begin systematic issue spotting by both looking at sections of the FVPA and through discussion of experiential challenges in the implementation of these statutes. The following is a list of strategy asks identified by task force members with brief comments on the status of related activities:

- Following a survey of members, **task force meetings were scheduled** for two staggered two-hour meetings on the 2nd Wednesday afternoon of the month and fourth Friday morning of each month,
- **Review the legislative history of the FVPA in New Mexico**—we identified an intern from the UNM School of Law to assist the task force with research on the legislative history of the family violence projection act. All associated legislative documents have been collected and made available to task force members in a document repository,
- **National technical assistance by the National Center for State Courts (NCSC)** was facilitated through the Administrative Office of the Courts. The NCSC procured funds from the U.S. Office for Violence Against Women to provide limited technical assistance to our task force including the following:
 - Attendance at meetings,
 - Facilitate contact with other experts,
 - Issue spotting, legislative review support,
 - Consultant to present information from model examples from other states re: purpose, structure, substantive challenge areas,
 - Provide consultation on challenge areas identified during the task force’s work e.g. custody provisions in protection orders, intent of the act, etc.
- A hybrid consensus/super majority voting **decision-making process** was introduced,
- **Request for deadline extension** was made to the Crime Victim Reparations Commission and the timeline has been extend,
- The principal investigator has summarized and represented substantive content themes from the FVPA review after each meeting. We are currently developing a **survey for** members to clarify **the boundaries between issues that can be improved by statutory revision and those that are more appropriate for recommended changes at the implementation stage.**

Upcoming Meetings and Completion Timeline

The task force has 3 meetings remaining in 2021, including:

- October 13, 1 pm – 3 pm
- October 22, 10 am – 12 pm
- November 10, 1 pm – 3 pm

The agenda for these meetings will include ongoing presentation of the summary of findings from our issue spotting activities and begin moving toward generating recommendations for updates and revisions to the FVPA. The task force will resume meeting in January 2022, with a planned completion date of June 30, 2022.

Appendix 1: Task Force Members

Last Name	First Name	Organization
Alipat	Chearie	New Mexico Asian Family Center
Baca	Gerald	Court of Appeals
Bassein	Laura	UNM School of Law, Institute of Public Law
Carey	Camille	UNM Law
Charley	Angel	Coalition to Stop Violence Against Native Women
Coffey	Sarah	New Mexico Legal Aid
Cosgrove-Aguilar	Rosemary	Bernalillo County Metropolitan Court
Crandall	Cameron	UNM Emergency Medicine
Escobar	Bonnie	Enlace Comunitario
Fibelkorn	Tammy	The Link New Mexico
Galindo	Patricia	Administrative Office of the Courts
Garcia	MaryEllen	Crime Victims Reparation Commission
Goodshore	Aaron	UNM Law
Kaitis	Gwyn	New Mexico Coalition Against Domestic Violence
Luce	Dianna	5th Judicial District Attorney's Office
Luhan	Raylyne	Peacekeepers
Nims	Geoff	13th Judicial District Court
Olsen	Ron	Taos Communities Against Violence
Powers	Emily	Family Law Practitioner
Ramirez	Debra	2nd Judicial Family Court
River	David	Children, Youth, and Families Department
Rubinfield	Elena	New Mexico Coalition of Sexual Assault Programs
Sprague	Edna	New Mexico Legal Aid
Starr	Gail	Albuquerque S.A.N.E.
Threlkheld	Eric	Eddy County Sheriff's Office