

1 **10-901. Fostering connections petition.**

2 [For use with Rule 10-801 NMRA]

3

4 STATE OF NEW MEXICO

5 COUNTY OF _____

6 _____ JUDICIAL DISTRICT

7 IN THE CHILDREN’S COURT

8

9 STATE OF NEW MEXICO ex rel.

10 CHILDREN, YOUTH AND FAMILIES DEPARTMENT

11

12 In the Matter of _____, an Eligible Adult

13

14 **FOSTERING CONNECTIONS PETITION**

15

16 The New Mexico Children, Youth and Families Department, by its children’s court
17 attorney, states:

18

19 1. [Name] was born on _____.

20

21 2. [Name’s] residence is _____ County.

22

23 3. [Name] has entered into a voluntary services and support agreement with CYFD on
24 [date]. The voluntary services and support agreement, filed separately, is incorporated herein by
25 reference.

26

27 4. The voluntary services and support agreement is in the best interests of [name].

28

29 5. The transition plan developed between [name] and CYFD meets the requirements
30 of the Fostering Connections Act, Section 32A-26-1 NMSA 1978. The transition plan, filed
31 separately, is incorporated herein by reference.

32

33 CYFD therefore requests:

34

35 1. A hearing be held within 90 days of the filing of the petition to determine if the
36 voluntary services and support agreement is in the best interest of [name] and if the transition plan
37 meets the requirements of the Fostering Connections Act.

38

39 2. The court order such other relief as the court deems just and proper.

40

41

42 _____
Children’s Court Attorney

43

44 _____
Address

Telephone number

USE NOTES

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6 1. The fostering connections program is available to eligible adults who have attained
7 eighteen (18) years of age on a staggered basis as follows: starting July 1, 2020, the program is
8 available to eligible adults who are younger than nineteen (19) years of age; starting July 1, 2021,
9 the program is available to eligible adults who are younger than twenty (20) years of age; and,
10 after July 2, 2022, the program is available to eligible adults who are younger than twenty-one (21)
11 years of age. *See* NMSA 1978, § 32A-26-3(A).
12

13 2. Venue lies where the eligible adult resides. Venue may be transferred if the
14 residence of the eligible adult changes or for other good cause. *See* NMSA 1978, § 32A-1-9(A).
15

16 3. The best interest finding for the fostering connections program is distinct from the
17 best interest finding in cases arising under the Abuse and Neglect Act. Unlike abuse and neglect
18 cases, in which the court acts as *parens patriae*, the court in fostering connections cases must
19 determine whether a young person who has voluntarily enrolled in the program would benefit from
20 continued placement and services as he or she transitions to adulthood. Given that transition to
21 adulthood lasts into a young person’s mid-twenties and that young people emerging from the foster
22 care system often do not have existing family and other support systems to rely upon, continued
23 placement and supports will provide a benefit to almost all young people if not all young
24 people. Finally, the best interest finding does not ask the court to predict the success of the young
25 person in the program; it only asks the court to determine whether the young person may benefit
26 from the program’s services and supports.
27

28 [Provisionally adopted by Supreme Court Order No. 21-8300-007, effective November 12, 2021.]