

1 **LR12-402. Safe exchange and supervised visitation program.**

2 [Related Statute Section 40-12-5.1 NMSA 1978 and Statewide Rule 1-125 NMRA]

3       A.     **Establishment of program.** The Twelfth Judicial District Court has established a  
4 safe exchange and supervised visitation program by local court rule approved by the Supreme  
5 Court. The safe exchange and supervised visitation program shall be used when, in the opinion of  
6 the court, the best interests of the child are served if confrontation or contact between the parents  
7 is to be avoided during exchanges of custody or if contact between a parent and a child should be  
8 supervised. In the safe exchange and supervised visitation program, the district court may employ  
9 or contract with a person or agency

10               (1)     with whom a child may be left by one parent for a short period while  
11 waiting to be picked up by the other parent; or

12               (2)     to supervise visits among one or both parents and the child.

13       B.     **Determination of services.** The safe exchange and supervised visitation program  
14 may be utilized by determination of the court when services provided through the program are  
15 deemed by the court to be in the child's best interests.

16       C.     **Responsibility of parties regarding fees of the program.** Parents shall pay the  
17 cost of the safe exchange and supervised visitation program based on each parent's gross income,  
18 reported for purposes of the child support worksheet if available, under a sliding fee scale approved  
19 by the Supreme Court. The sliding fee scale shall be based on ability to pay for services. Any fees  
20 collected shall be paid to the district court to be credited to the domestic relations mediation fund,  
21 which is used to offset the costs of the program. If applicable, any funds in excess of the program  
22 budget at the end of the fiscal year shall be remitted by the contractor to the district court clerk to  
23 be credited to the domestic relations mediation fund.

1           D.     **Immunity.** Attorneys and other persons appointed by the court to serve as  
2 mediators, or in other such roles under the rules governing this district's programs under the  
3 Domestic Relations Mediation Act, are arms of the court and are immune from liability for conduct  
4 within the scope of their duties as provided by law.

5 [As adopted by Supreme Court Order No. 21-8300-006, effective September 21, 2021.]