

**PROPOSED REVISIONS TO THE CHILDREN’S COURT RULES AND FORMS
PROPOSAL 2022-004**

March 7, 2022

On September 28, 2021, the Supreme Court provisionally approved the Children’s Court Rules Committee’s proposal to adopt amendments to Rules 10-101, 10-103, 10-121, and 10-345 NMRA, new Rules 10-360, 10-801, and 10-802 NMRA and new Forms 10-901, 10-902, 10-903, 10-904, 10-905, 10-906, 10-907, and 10-908 NMRA. The rule amendments and new rules and forms took effect on November 12, 2021.

If you would like to comment on the provisionally approved amended rules, new rules, and new forms as set forth below before the Court takes final action, you may do so by either submitting a comment electronically through the Supreme Court’s web site at <http://supremecourt.nmcourts.gov/open-for-comment.aspx> or sending your written comments by mail, email, or fax to:

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Your comments must be received by the Clerk on or before April 6, 2022, to be considered by the Court. Please note that any submitted comments may be posted on the Supreme Court’s web site for public viewing.

10-101. Scope; definitions; title.

A. **Scope.** Except as specifically provided by these rules, the following rules of procedure shall govern proceedings under the Children’s Code:

(1) the Children’s Court Rules govern procedure in the children’s courts of New Mexico in ~~[all matters involving children alleged by the state:]~~

~~(a)~~ all matters involving children alleged by the state

~~[(a)]~~ (i) to have committed a delinquent act as defined in the Delinquency Act;

~~[(b)]~~ (ii) to be a “youthful offender” as that term is defined in the Children’s Code~~[-]~~;

~~[(c)]~~ (iii) to be members of families in need of court-ordered services as defined in the Families in Need of Court-Ordered Services Act;

~~[(d)]~~ (iv) to be abused or neglected as defined in the Abuse and Neglect Act including proceedings to terminate parental rights which are filed ~~[pursuant to]~~ under the Abuse and Neglect Act; and

(b) all matters involving an eligible adult as defined in the Fostering Connections Act.

(2) The Rules of Criminal Procedure for the District Courts govern all proceedings in the district court in which a child is alleged to be a “serious youthful offender” as that term is defined in the Children’s Code.

(3) the Rules of Criminal Procedure for the Magistrate Courts govern all proceedings in the magistrate court in which a child is alleged to be a “serious youthful offender” as that term is defined in the Children’s Code;

(4) the Rules of Criminal Procedure for the Metropolitan Courts govern all proceedings in the metropolitan court in which a child is alleged to be a “serious youthful offender” as that term is defined in the Children’s Code;

(5) the Children’s Code and the Rules of Civil Procedure for the District Courts govern the procedure in all other proceedings under the Children’s Code. In case of a conflict between the Children’s Code and the Rules of Civil Procedure for the District Court, the Children’s Code shall control; and

(6) unless otherwise provided, the rules and forms governing abuse and neglect proceedings shall apply to proceedings ~~[pursuant to]~~ under the Families in Need of Court-Ordered Services Act.

B. **Construction.** These rules are intended to provide for the just determination of children’s court proceedings. These rules shall be construed to secure simplicity in procedure, fairness in administration, elimination of unjustifiable expense and delay, and to assure the recognition and enforcement of constitutional and other rights.

C. **Definitions.** As used in these rules and the forms approved for use with these rules[=]

(1) “respondent” includes a defendant;

(2) “petitioner” includes a plaintiff;

(3) “process” is the means by which jurisdiction is obtained over a person to compel the person to appear in a judicial proceeding and includes the following:

(a) a summons and complaint;

(b) a summons and petition;

(c) a writ or warrant; and

(d) a mandate; and

(4) “service of process” means delivery of a summons or other process in the manner provided by Rule 10-103 NMRA~~[-of these rules]~~.

(5) “eligible adult” means an individual who meets the eligibility criteria for participation in the fostering connections program.

D. **Title.** These rules and forms shall be known as “Children’s Court Rules.”

E. **Citation Form.** These rules and forms may be cited as Rule 10-__ NMRA. [Children’s Court Rule 1 NMSA 1953; Children’s Court Rule 1 NMSA 1978; Rule 1-001 SCRA 1986; Rule 1-101 NMRA; as amended effective February 1, 1982; January 1, 1987; March 1, 1994; April 1, 1997; as amended by Supreme Court Order No. 08-8300-042, effective January 15, 2009; as amended by Supreme Court Order No. 14-8300-015, effective for all cases filed on or after December 31, 2014; as provisionally amended by Supreme Court Order No. 21-8300-007, effective November 12, 2021.]

Committee commentary. — Prior to the 2014 amendments, a child alleged by the state to be a youthful offender was subject to the Rules of Criminal Procedure for the District Courts upon the state’s filing of a “notice of intent to invoke an adult sentence.” *See* NMSA 1978, § 32A-2-20(A). The amendments provide that alleged youthful offenders are subject to the Children’s Court Rules for the duration of their proceedings. *See State v. Jones*, 2010-NMSC-012, ¶ 32 n.2, 148 N.M. 1, 229 P.3d 474 (directing the Children’s Court Rules Committee to revisit the question of which rules best protect the rights and interests of children who are alleged to be youthful offenders). [Adopted by Supreme Court Order No. 14-8300-015, effective December 31, 2014.]

10-103. Service of process.

A. **Summons; issuance.** Upon the filing of the petition, the clerk shall issue a summons and deliver it to the petitioner for service. Upon the request of the petitioner, the clerk shall issue separate or additional summons. Any respondent may waive the issuance or service of summons.

B. **Summons; execution; form.** The summons shall be signed by the clerk, issued under the seal of the court, and be directed to the respondent. The summons shall be substantially in the form approved by the Supreme Court and must contain

(1) the name of the court in which the action is brought, the name of the county in which the petition is filed, the docket number of the case, the name of the first party on each side, with an appropriate indication of the other parties, and the name of each party to whom the summons is directed;

(2) in an abuse and neglect proceeding, a notice that the respondent has a right to an attorney and that a child must have an attorney or guardian ad litem;

(3) in an abuse and neglect proceeding, a notice that the proceeding could ultimately result in the termination of parental rights; and

(4) in a fostering connections proceeding, a notice that the eligible adult has a right to an attorney and that the eligible adult may request to be represented by a prior attorney from the eligible adult’s abuse or neglect case, if any; and

~~[(4)]~~ (5) the name, address, and telephone number of the petitioner’s attorney.

C. **Service of process; return.**

(1) If a summons is to be served, it shall be served together with any other pleading or paper required to be served by this rule. The petitioner shall furnish the person making service with ~~[such]~~ all copies as are necessary.

(2) Service of process shall be made with reasonable diligence, and the original summons with proof of service shall be filed with the court in accordance with the provisions of Paragraph J of this rule.

D. **Process; by whom served.** Process shall be served as follows:

(1) if the process to be served is a summons and petition, petition, or other paper, service may be made by any person who is over the age of eighteen (18) years and not a party to the action;

(2) if the process to be served is a writ of habeas corpus, service may be made by any person not a party to the action over the age of eighteen (18) years designated by the court to perform ~~[such]~~ the service or by the sheriff of the county where the person may be found;

(3) if the process to be served is a writ other than a writ specified in Subparagraph (2) of this paragraph, service shall be made as provided by law or order of the court.

E. Process; how served; generally.

(1) Process shall be served in a manner reasonably calculated, under all the circumstances, to apprise the respondent of the existence and pendency of the action and to afford a reasonable opportunity to appear and defend.

(2) Service may be made, subject to the restrictions and requirements of this rule, by the methods authorized by this rule or in the manner provided for by any applicable statute, to the extent that the statute does not conflict with this rule.

(3) Service may be made by mail or commercial courier service provided that the envelope is addressed to the named respondent and further provided that the respondent or a person authorized by appointment, by law, or by this rule to accept service of process upon the respondent signs a receipt for the envelope or package containing the summons and petition, writ, or other process. Service by mail or commercial courier service shall be complete on the date the receipt is signed as provided by this subparagraph. For purposes of this rule “signs” includes the electronic representation of a signature.

F. Process; personal service upon an individual.

(1) Personal service of process shall be made upon an individual by delivering a copy of a summons and petition or other process as follows:

(a) to the individual personally; or if the individual refuses to accept service, by leaving the process at the location where the individual has been found; and if the individual refuses to receive ~~[such]~~ the copies or permit them to be left, ~~[such]~~ that action shall constitute valid service; or

(b) by mail or commercial courier service as provided in Subparagraph (E)(3) of this rule.

(2) If, after the petitioner attempts service of process by either of the methods of service provided by Subparagraph (1) of this paragraph, and the respondent has not signed for or accepted service, service may be made by delivering a copy of the process to some person residing at the usual place of abode of the respondent who is over the age of fifteen (15) years and mailing by first class mail to the respondent at the respondent’s last known mailing address a copy of the process; or

(3) If service is not accomplished in accordance with Subparagraphs (1) and (2) of this paragraph, then service of process may be made by delivering a copy of the process at the actual place of business or employment of the respondent to the person apparently in charge thereof and by mailing a copy of the summons and petition by first class mail to the respondent at the respondent’s last known mailing address and at the respondent’s actual place of business or employment.

G. Service upon minor, incompetent person, custodian, guardian, or fiduciary.

(1) A child who is a respondent in delinquency, youthful offender, or abuse and neglect proceedings shall be served by delivering a copy of the summons and petition to the respondent child and to a custodial parent, custodian, guardian, or conservator of the minor in the manner and priority provided in Paragraph F or H of this rule as may be appropriate. If no conservator or guardian has been appointed for the minor, service shall be made on the minor by serving a copy of the process on each person who has legal authority over the minor. If no person has legal authority over the minor, process may be served on a person designated by the court. If the respondent child has a known guardian ad litem or attorney, notice of the proceedings shall be served on the guardian ad litem or attorney as provided in Rule 10-105 NMRA~~[of these rules]~~.

(2) A child who is alleged to be an abused or neglected child, or a child whose family is alleged to be in need of court-ordered services, shall be served by service on the child's guardian ad litem if the child is less than fourteen (14) years old or the child's attorney if the child is fourteen (14) years old or over.

(3) An incompetent person shall be served by serving a copy of the process to the conservator or guardian, if there is a conservator of the estate or guardian of the incompetent person, in the manner and priority provided by Paragraph F or H of this rule. If the incompetent person does not have a conservator or guardian, process may be served on a person designated by the court.

(4) Service upon a personal representative, guardian, conservator, trustee, or other fiduciary in the same manner and priority for service as provided in Paragraphs F or H of this rule as may be appropriate.

H. Service in manner approved by court.

(1) Except in delinquency and youthful offender proceedings, upon motion, without notice, and showing by affidavit that service cannot reasonably be made as provided by this rule, the court may order service by any method or combination of methods, including publication, that is reasonably calculated under all of the circumstances to apprise the respondent of the existence and pendency of the action and afford a reasonable opportunity to appear and defend.

(2) In delinquency or youthful offender proceedings, a child shall not be served at the child's school except that upon written motion, without notice, and a showing by affidavit that service cannot reasonably be made by any other method or combination of methods provided by this rule, the court may order service at the child's school.

I. Service by publication. Service by publication may be made only ~~[pursuant to]~~ under Paragraph H of this rule. A motion for service by publication shall be substantially in the form approved by the Supreme Court. A copy of the proposed notice to be published shall be attached to the motion. Service by publication shall be made once each week for three consecutive weeks unless the court for good cause shown orders otherwise. Service by publication is complete on the date of the last publication.

(1) Service by publication ~~[pursuant to]~~ under this rule shall be made by giving a notice of the pendency of the action in a newspaper of general circulation in the county where the action is pending. Unless a newspaper of general circulation in the county where the action is pending is the newspaper most likely to give the respondent notice of the pendency of the action, the court may also order that a notice of pendency of the action be published in a newspaper of general circulation in the county which reasonably appears most likely to give the respondent notice of the action.

(2) The notice of pendency of action shall contain the following:

(a) the caption of the case, as provided in Rule 10-112 NMRA, except that any party other than the respondent against whom service by publication is sought shall be identified in the caption using the initials of the party's first and last name;

(b) a statement which describes the action or relief requested;

(c) the name of the respondent or, if there is more than one respondent, the name of each of the respondents against whom service by publication is sought; and

(d) the name, address, and telephone number of the petitioner's attorney.

J. **Proof of service.** The party obtaining service of process or that party's agent shall promptly file proof of service. When service is made by the sheriff or a deputy sheriff of the county in New Mexico, proof of service shall be by certificate; and when made by a person other than a sheriff or a deputy sheriff of a New Mexico county, proof of service shall be made by affidavit. Proof of service by mail or commercial courier service shall be established by filing with the court a certificate of service which shall include the date of delivery by the post office or commercial courier service and a copy of the respondent's signature receipt. Proof of service by publication shall be by affidavit of publication signed by an officer or agent of the newspaper in which the notice of the pendency of the action was published. Failure to make proof of service shall not affect the validity of service.

K. **Service of process in the United States, but outside of state.** Whenever the jurisdiction of the court over the respondent is not dependent upon service of the process within the State of New Mexico, service may be made outside the State as provided by this rule.

L. **Service of process in a foreign country.** Service upon an individual may be effected in a place not within the United States as follows:

(1) by any internationally agreed means reasonably calculated to give notice, such as those means authorized by The Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents; or

(2) if there is no internationally agreed means of service or the applicable international agreement allows other means of service, provided that service is reasonably calculated to give notice

(a) in the manner prescribed by the law of the foreign country for service in that country in an action in any of its courts of general jurisdiction;

(b) as directed by the foreign authority in response to a letter rogatory or letter of request; or

(c) unless prohibited by the laws of the United States or the law of the foreign country, in the same manner and priority as provided for in Paragraph F or H of this rule as may be appropriate.

M. **Service by mail on child in delinquency or youthful offender proceedings; time to appear.** If service is made by mail under Subparagraph (E)(3) of this rule upon a child who is a respondent in a delinquency or youthful offender proceeding, service shall be made at least ten (10) days before the child is required to appear, unless a shorter time is ordered by the court.

N. **Failure to appear.** If the respondent in a delinquency or youthful offender proceeding fails to appear at the time and place specified in the summons, the court may take the following action:

(1) issue a warrant for the respondent's arrest; or

(2) direct that service of ~~[such]~~ the summons and petition may be made in the manner prescribed by the court.

[As amended, effective September 1, 1995; Rule 10-104 NMRA recompiled and amended as Rule 10-103 NMRA by Supreme Court Order No. 08-8300-042, effective January 15, 2009; as amended by Supreme Court Order No. 18-8300-011, effective for all cases pending or filed on or after December 31, 2018; as provisionally amended by Supreme Court Order No. 21-8300-007, effective November 12, 2021.]

Committee commentary. — This rule has been rewritten to be consistent with Rule 1-004 NMRA, with special provisions on service for minors to take into consideration the unique circumstances of children.

Subparagraph (H)(2), which was added to the rule in 2016, prohibits serving a child in a delinquency proceeding at the child's school, "except that upon written motion, without notice, and a showing by affidavit that service cannot reasonably be made by any other method or combination of methods provided by this rule." The committee views the practice of serving a child at school with disfavor because of the negative social and educational consequences that may result for the child. The committee acknowledges, however, that serving a child at school may be appropriate in rare circumstances. Subparagraph (H)(2), therefore, permits service upon a child at the child's school only with court approval and only when the court is satisfied that service cannot be reasonably achieved by any other method or combination of methods under the rule.

[As amended by Supreme Court Order No. 08-8300-042, effective January 15, 2009; as amended by Supreme Court Order No. 16-8300-017, effective for all cases pending or filed on or after December 31, 2016.]

10-121. Parties.

A. **Delinquency proceedings.** In proceedings on petitions alleging delinquency, the parties to the action are the child alleged to be delinquent, the state, and any person made a party by the court.

B. **Neglect or abuse and family in need of court-ordered services proceedings; parties.** In proceedings on petitions alleging neglect or abuse or a family in need of court-ordered services, the parties to the action are[:]

- (1) the [state] department;
- (2) a parent, guardian, or custodian who has allegedly neglected or abused a child or is in need of court-ordered services;
- (3) the child alleged to be neglected or abused or in need of court-ordered services; and
- (4) any other person made a party by the court.

C. **Neglect or abuse and family in need of court-ordered services proceedings; permissive joinder.** In proceedings on petitions alleging neglect or abuse or a family in need of court-ordered services, the [state] department may join as parties the non-custodial parent or parents, the guardian or custodian of the child, or any other person permitted by law to intervene in the proceedings.

D. **Termination of parental rights; necessary parties.** If a motion to terminate parental rights is filed in an abuse or neglect proceeding and a parent who has a constitutionally protected liberty interest in the child has not been joined as a party in the abuse or neglect proceeding, the department shall name the parent as a party in the motion to terminate parental rights, and [such] the parent shall be served with a summons and a copy of the motion in the manner provided by Rule 10-103 NMRA.

E. **Fostering Connections Act; necessary parties.** In proceedings under the Fostering Connections Act, the parties to the action are the eligible adult and the department.

[As amended, effective July 1, 1995; February 15, 1999; Rule 10-108 NMRA, recompiled and amended as Rule 10-121 NMRA by Supreme Court Order No. 08-8300-042, effective January 15,

2009; as provisionally amended by Supreme Court Order No. 21-8300-006, effective November 12, 2021.]

Committee commentary. — Under ~~[Paragraph A of Rule 10-121]~~ Rule 10-212(A) NMRA, the parties in delinquency proceedings are the respondent child, the state, a parent of a child alleged to be delinquent if named ~~[pursuant to]~~ under ~~[Section 32A-2-28 NMSA 1978]~~ NMSA 1978, Section 32A-2-28 (1993) and, of course, anyone allowed to intervene under Rule 10-122 NMRA. The children’s court attorney is a district attorney who represents the state in these proceedings. ~~[namely the district attorney or an attorney so designated from his or her office] (see [Section 32A-1-6(A) NMSA 1978] NMSA 1978, § 32A-1-6(A) (1995)). [represents the state in these proceedings.]~~ An attorney will be appointed for a child not otherwise represented by counsel, as set forth in ~~[Section 32A-2-14 NMSA 1978]~~ NMSA 1978, Section 32A-2-14 (2003) and Rule 10-223 NMRA.

~~[Paragraph B of Rule 10-121]~~ Rule 10-212(B) NMRA defines the parties in abuse and neglect cases. These parties are the ~~[state]~~ department, the ~~[accused]~~ respondent parent, guardian, or custodian, and the child, as well as any other person or entity made a party by the court. ~~[As in delinquency cases, the state is represented by the “children’s court attorney,” but the children’s court attorney in an abuse or neglect case is an attorney selected by and representing the Children, Youth and Families (see Section 32A-1-6(C) NMSA 1978 (1995)), not the district attorney.]~~ The children’s court attorney is selected by and represents the department.

As noted, the child in the abuse or neglect case is a party to the case. If under the age of fourteen (14), the child is represented by a guardian ad litem, who is an attorney appointed by the court to represent the child’s best interest. If the child is fourteen (14) or over, the court appoints an attorney to represent the child in the same way an attorney represents an adult under the traditional client-directed model of representation. The youth’s attorney, although he or she may advise differently, follows the instructions of the client. See [Section 32A-4-10 NMSA 1978] NMSA 1978, § 32A-4-10 (2005) and Rules 10-312 and 10-313 NMRA.

[As amended by Supreme Court Order No. 08-8300-042, effective January 15, 2009; as provisionally amended by Supreme Court Order No. 21-8300-007, effective November 12, 2021.]

10-345. Permanency and permanency review hearings.

A. **Initial permanency hearing.** Within six (6) months after the conclusion of the initial judicial review of a child’s dispositional order or within twelve (12) months of a child entering foster care, as defined in Section 32A-4-25.1(E) NMSA 1978 (1997, as amended~~[-2005]~~ 2016), whichever occurs first, the court shall conduct a permanency hearing to determine what permanency plan is in the child’s best interest.

B. **Notice.** The department shall be responsible for obtaining a setting for the initial and any subsequent permanency or permanency review hearings and shall give notice of the hearing to all other parties and ~~[such]~~ any other persons as required by law.

C. **Pre-permanency hearing report; conference.** Not less than five (5) days prior to a permanency hearing, the department shall prepare and serve on each party a pre-permanency hearing report. The report shall include the department’s proposed permanency plan. The pre-permanency hearing report shall also set forth any changes to the disposition plan.

D. **Pre-hearing mandatory meeting.** Not less than five (5) days prior to the initial permanency hearing, the parties shall participate in a pre-hearing mandatory meeting. The department shall give notice of the time and place of the meeting to each party.

E. **Initial permanency order.** At the conclusion of the permanency hearing the court shall enter an order establishing one (1) of the permanency plans set forth in Section 32A-4-25.1(B) NMSA 1978 (1997, as amended[, 2005] 2016) for the child.

F. **Permanency review hearing; when required.**

(1) If the court adopts a permanency plan of reunification under Paragraph E of this rule at the conclusion of the initial permanency hearing, the court shall schedule a permanency review hearing within three (3) months, which may be vacated if the child is reunified.

(2) At the conclusion of any permanency review hearing, the court shall enter an order changing the plan, dismissing the case, or returning the child to [~~his~~] the child's parent, guardian, or custodian as set forth in Section 32A-4-25.1(D) NMSA 1978 (1997, as amended[, 2005] 2016).

G. **Subsequent permanency hearings.** The court shall hold permanency hearings at least every twelve (12) months when a child is in the legal custody of the department. At each hearing, the court shall review the permanency plan in effect, determine that the department has made reasonable efforts to finalize the plan in effect, and determine whether changes to the plan are appropriate.

H. **Permanency and review hearings for older children; fostering connections program notification; transition plans.**

(1) At every permanency and judicial review hearing after the child attains sixteen (16) years and six (6) months of age, the court shall make a finding about whether the child has been notified about the fostering connections program and the benefits of the program.

(2) At the first hearing after the child's seventeenth birthday, the department shall present the child's transition plan to the court and the court shall order a transition plan for the child, which shall be reviewed at every subsequent judicial review and permanency hearing.

(3) At the review hearing that occurs as close as possible, but not after the child turns seventeen (17) years and nine (9) months, the court shall make a finding of whether the child has decided to participate in the fostering connections program and whether the child has been provided an opportunity to develop a voluntary services and support agreement.

[Approved, effective February 15, 1999; Rule 10-325 NMRA, recompiled and amended as Rule 10-345 NMRA by Supreme Court Order No. 08-8300-042, effective January 15, 2009; as provisionally amended by Supreme Court Order No. 21-8300-007, effective November 12, 2021.]

Committee commentary. — This rule uses “child” throughout to mirror statutory language, but the Committee recognizes that this rule also impacts youth, those older children who are closer to the age of eighteen (18).

This rule implements hearing requirements for youth imposed by the Abuse and Neglect Act and by the Fostering Connections Act, Articles 4 and 26 of the Children's Code, respectively.

For details about the requirements of the discharge hearing (the last review or permanency hearing held before the child's eighteenth birthday), see Rule 10-360 NMRA.

In recognition of the developing autonomy and maturity of youth, and with the goal of enhancing their decision making abilities, the Abuse and Neglect Act and the Fostering Connections Act, as well as department rules, require collaboration in the development and

implementation of the transition plan. See NMSA 1978, § 32A-4-25.2(A) (“[T]he department shall meet with the child, the child’s attorney and others of the child’s choosing, including biological family members, to develop a transition plan.”); NMSA 1978, § 32A-26-2(G) (transition plan means “a written, individualized plan developed collaboratively between the department and the eligible adult that assesses the eligible adult’s strengths and needs, establishes goals and identifies the services and activities that will be provided to the eligible adult to achieve the established goals, the time frames for achieving the goals and the individuals or entities responsible for providing the identified services as provided by rule”); NMSA 1978, § 32A-26-4(A)(4) (the department shall provide services including “the development of a transition plan, developed jointly by the department and the eligible adult”); NMSA 1978, § 32A-26-5(G) (“The department and at least one person who is not responsible for case management, in collaboration with the eligible adult and additional persons identified by the eligible adult, shall conduct periodic reviews of the transition plan not less than once every one hundred eighty days to evaluate progress made toward meeting the goals set forth in the transition plan. The department shall use a team approach in conducting periodic reviews of the transition plan and shall facilitate the participation of the eligible adult.”); Section 8.10.9.7(R) NMAC (“Transition plan” refers to the plan developed with the youth prior to the youth’s 17th birthday.”) (emphasis added throughout).
[Provisionally adopted by Supreme Court Order No. 21-8300-007, effective November 12, 2021.]

[NEW MATERIAL]

10-360. Discharge hearing.

A. **Discharge hearing.** The last review or permanency hearing held before the child’s eighteenth birthday shall be a discharge hearing.

B. **Notice.** The department shall be responsible for obtaining a setting for the discharge hearing and shall give notice of the discharge hearing to all other parties and any other persons as required by law.

C. **Conduct of hearing and required findings.** At the discharge hearing, the court shall

- (1) review the transition plan;
- (2) determine whether the department has made reasonable efforts to
 - (a) provide written information concerning the child’s family history and the whereabouts of any sibling, if appropriate;
 - (b) provide education and health records to the child;
 - (c) provide the child’s social security card, certified birth certificate, state-issued identification card, death certificate of a parent, proof of citizenship or residence, and official documentation that the child was in foster care to the child;
 - (d) assist the child in obtaining Medicaid if the child is eligible; and
 - (e) refer the child for a guardianship or limited guardianship if the child is incapacitated; and
- (3) make a finding of whether the child has decided to participate in the fostering connections program and whether the child has been provided an opportunity to develop a voluntary services and support agreement.

D. **Continued jurisdiction past the child’s eighteenth birthday.** If the court finds that the department has not made reasonable efforts to meet all the requirements of Paragraph (C)(2) of this rule and that termination of jurisdiction would be harmful to the child, the court may

continue to exercise its jurisdiction in the abuse or neglect case for a period not to exceed one (1) year from the child's eighteenth birthday, as long as the child consents to the court's continued jurisdiction. The court may dismiss the case at any time after the child's eighteenth birthday for good cause.

[Provisionally adopted by Supreme Court Order No. 21-8300-006, effective November 12, 2021.]

Committee commentary. — This rule uses “child” throughout to mirror statutory language, but the Committee recognizes that this rule impacts youth, those older children who are closer to the age of eighteen (18).

This rule implements hearing requirements for youth imposed by the Abuse and Neglect Act and by the Fostering Connections Act, Articles 4 and 26 of the Children's Code, respectively. Paragraph D addresses the continued jurisdiction of the children's court over an abuse and neglect case involving a youth who has reached the age of eighteen (18) only when the department has failed to make reasonable efforts to provide the information, documents, and assistance required by NMSA 1978, Section 32A-4-25.3 and 8.10.9.17 NMAC.

Paragraph D of this rule does not address the jurisdiction or procedures of the Fostering Connections Act for eligible adults beyond the age of eighteen (18). *See* Article 8 of the Children's Court Rules and Forms and *see generally* NMSA 1978, §§ 32A-26-1 to -12.

For Indian children, in addition to the information listed in Paragraph (C)(2), it is best practice to provide the Indian child's tribal membership documents, contact information for the tribe and the ICWA worker, the child's clan relationships, and the child's genogram or ancestry chart.

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

[NEW MATERIAL]

10-801. Filing of petition; time limit; appointment of attorney.

A. **Prior to filing petition.** Prior to the filing of a petition under the Fostering Connections Act, the department and the eligible adult shall have entered into a voluntary services and support agreement in accordance with Sections 32A-26-1 to -12 NMSA 1978.

B. **Petition; form.** The petition shall be substantially in the form approved by the Supreme Court. The petition shall be signed by the children's court attorney and shall be accompanied by a copy of both the eligible adult's voluntary services and support agreement and transition plan as defined in Sections 32A-26-1 to -12 NMSA 1978.

C. **Time limit.** The petition shall be filed within fifteen (15) days after the voluntary services and support agreement is executed between the department and the eligible adult.

D. **Service.** A petition shall be served as provided by Rule 10-103 NMRA.

E. **Appointment of attorney.** On the filing of a petition, an attorney shall be appointed by the court to represent the eligible adult. If the eligible adult consents, the attorney who previously served as the eligible adult's attorney in an abuse and neglect case may be appointed.

F. **Request for hearing and notice.** The department shall request a date for each judicial review and give reasonable notice of the time and place of the hearings to the eligible adult.

[Provisionally adopted by Supreme Court Order No. 21-830-007, effective November 12, 2021.]

[NEW MATERIAL]

10-802. Initial hearing; review hearings; discharge hearing.

A. **Initial hearing.** An initial hearing on the petition shall be held within ninety (90) days from the date a petition is filed. At the initial hearing the court shall

(1) review the voluntary services and support agreement and determine whether the agreement is in the best interest of the eligible adult; and

(2) review the transition plan to determine whether it meets the requirements of the Fostering Connections Act.

B. **Required report.** Five (5) days before each review and discharge hearing, the department shall prepare and present to the court and the eligible adult a report addressing progress made in meeting the goals in the transition plan, including a proposal for transitioning to independent living, and shall propose modifications as necessary to further those goals.

C. **Review hearings.** Review hearings shall be held at least every six (6) months and shall be conducted in a manner that encourages the eligible adult's meaningful participation by considering procedural modifications and flexible scheduling that meets the eligible adult's needs.

D. **Active efforts required.** At each review hearing, the department shall show that it has made active efforts to comply with the voluntary services and support agreement and effectuate the transition plan. If the court finds that the department has not made active efforts to comply with the voluntary services and support agreement and effectuate the transition plan, the court may order additional services and support to achieve the goals of the transition plan and the goals of state and federal law.

E. **Discharge hearing.**

(1) **Discharge hearing based on age.** This discharge hearing is also the final review hearing and shall be held within ten (10) days prior to the eligible adult's twenty-first birthday. The department must request a discharge hearing where the court shall determine whether the department has made active efforts to help the eligible adult effectuate each element in the transition plan. If the court finds that the department has not made active efforts and that termination of jurisdiction would be harmful to the eligible adult, the court may continue to exercise its jurisdiction for a period not to exceed one (1) year from the eligible adult's twenty-first birthday or the eligible adult's discharge from the fostering connections program, provided that the eligible adult consents to the continued jurisdiction of the court. The court may dismiss for good cause at any time after the eligible adult's twenty-first birthday or the eligible adult's discharge from the fostering connections program.

(2) **Discharge hearing based on ineligibility.** When the department seeks to discharge a participant from the fostering connections program, the department shall file a motion to discharge based on ineligibility. The court shall hold a hearing and discharge the participant if

(a) the department provided a clear, developmentally appropriate, and written notice informing the participant of the department's intent to terminate the voluntary services and support agreement and explaining the basis for the proposed termination;

(b) the department made active efforts to meet in person with the participant to explain the information in the written termination notice and to assist the participant to reestablish eligibility if the participant so wishes; and

(c) the participant no longer meets the eligibility criteria in Section 32A-26-3 NMSA 1978.

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

Committee Commentary. — The Fostering Connections Act defines “active efforts” as “a heightened standard that is greater than reasonable efforts that include affirmative, active, thorough, and timely efforts.” NMSA 1978, § 32A-26-2(A) (2020). “‘Transition plan’ means a written, individualized plan developed collaboratively between the department and the eligible adult that assesses the eligible adult’s strengths and needs, establishes goals, and identifies the services and activities that will be provided to the eligible adult to achieve the established goals, the time frames for achieving the goals, and the individuals or entities responsible for providing the identified services and activities as provided by rule.” NMSA 1978, § 32A-26-2(G) (2020).

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

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

[NEW MATERIAL]

10-901. Fostering connections petition.

[For use with Rule 10-801 NMRA]

STATE OF NEW MEXICO

COUNTY OF _____
_____ JUDICIAL DISTRICT
IN THE CHILDREN’S COURT

STATE OF NEW MEXICO ex rel.

CHILDREN, YOUTH AND FAMILIES DEPARTMENT

In the Matter of _____, an Eligible Adult

FOSTERING CONNECTIONS PETITION

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

1. [Name] was born on _____.
2. [Name’s] residence is _____ County.

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

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

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

CYFD therefore requests:

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

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

Children's Court Attorney

Address

Telephone number

USE NOTES

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

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

3. The best interest finding for the fostering connections program is distinct from the best interest finding in cases arising under the Abuse and Neglect Act. Unlike abuse and neglect cases, in which the court acts as *parens patriae*, the court in fostering connections cases must determine whether a young person who has voluntarily enrolled in the program would benefit from continued placement and services as he or she transitions to adulthood. Given that transition to adulthood lasts into a young person's mid-twenties and that young people emerging from the foster care system often do not have existing family and other support systems to rely upon, continued placement and supports will provide a benefit to almost all young people if not all young

people. Finally, the best interest finding does not ask the court to predict the success of the young person in the program; it only asks the court to determine whether the young person may benefit from the program's services and supports.

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

[NEW MATERIAL]

10-902. Motion to appoint counsel for eligible adult.

[For use with Rule 10-801 NMRA]

STATE OF NEW MEXICO

COUNTY OF _____
_____ JUDICIAL DISTRICT
IN THE CHILDREN'S COURT

STATE OF NEW MEXICO ex rel.

CHILDREN, YOUTH AND FAMILIES DEPARTMENT

In the Matter of _____, an Eligible Adult

MOTION TO APPOINT COUNSEL FOR ELIGIBLE ADULT

The Children, Youth and Families Department, under Section 32A-26-7(E) NMSA 1978, requests that the court appoint an attorney for the eligible adult herein. The eligible adult [requests] [does not consent to] the appointment of _____, who previously served as the eligible adult's attorney.

Respectfully submitted,

Children's Court Attorney

Address

Telephone number

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

[NEW MATERIAL]

10-903. Order to appoint counsel for eligible adult.

[For use with Rule 10-801 NMRA]

STATE OF NEW MEXICO

COUNTY OF _____
_____ JUDICIAL DISTRICT

IN THE CHILDREN'S COURT

STATE OF NEW MEXICO ex rel.
CHILDREN, YOUTH AND FAMILIES DEPARTMENT

In the Matter of _____, an Eligible Adult.

ORDER APPOINTING COUNSEL FOR ELIGIBLE ADULT

THIS MATTER came before the court on the petitioner's motion. Being fully advised in the premises, the court finds the motion is well taken and should be granted.

IT IS THEREFORE ORDERED that _____, a member of the New Mexico Bar, is appointed to represent the eligible adult in this cause.

District Court Judge

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

[NEW MATERIAL]

10-904. Notice of dismissal prior to initial hearing.

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT
IN THE CHILDREN'S COURT

STATE OF NEW MEXICO ex rel.
CHILDREN, YOUTH AND FAMILIES DEPARTMENT

No. _____

In the Matter of _____, An Eligible Adult

NOTICE OF DISMISSAL PRIOR TO INITIAL HEARING

COMES NOW the New Mexico Children, Youth & Families Department (CYFD) by _____, children's court attorney, and gives notice that it dismisses the Fostering Connections Petition in this cause based on the following:

1. CYFD filed its Fostering Connections Petition (Petition) on _____ (*date*).
2. After CYFD filed the Petition, _____ (*name of eligible adult*) has not had contact with CYFD's fostering connections specialist or the eligible adult's attorney or has had insufficient contact to determine whether the eligible adult wishes to continue in the Fostering

Connections Program, and _____ (*name of eligible adult*) did not appear at the initial hearing on _____ (*date of hearing*).

3. _____ (*name of eligible adult*) may come back into the Fostering Connections Program at any time before turning 21 as long as the eligible adult meets the program's eligibility requirements.

Children's Court Attorney

Address

Telephone number

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

[NEW MATERIAL]

10-905. Initial hearing order.

[For use with Rule 10-802 NMRA]

STATE OF NEW MEXICO

COUNTY OF _____
_____ JUDICIAL DISTRICT
IN THE CHILDREN'S COURT

STATE OF NEW MEXICO ex rel.

CHILDREN, YOUTH AND FAMILIES DEPARTMENT

In the Matter of _____, an Eligible Adult.

INITIAL HEARING ORDER

This matter came before the [Honorable _____] [Special Master _____], on _____ (*date*) for the initial hearing. The New Mexico Children, Youth and Families Department (CYFD) was represented by _____, children's court attorney. _____ (*name of eligible adult*) [was] [was not] present [and] was represented by _____, an attorney. Having reviewed the Petition, including the voluntary services and support agreement and the Fostering Connections transition plan, and heard from the parties in this matter, the Court finds:

1. The voluntary services and support agreement [is] [is not] in the best interest of _____ (*name of eligible adult*).

2. The transition plan [meets] [does not meet] the requirements of the Fostering Connections Act.

IT IS ORDERED, ADJUDGED, AND DECREED:

CYFD shall make active efforts to comply with the voluntary services and support agreement and effectuate the transition plan.

District Court Judge

(Add signature lines for all attorneys in the case)

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

[NEW MATERIAL]

10-906. Review hearing order.

[For use with Rule 10-802 NMRA]

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT
IN THE CHILDREN'S COURT

STATE OF NEW MEXICO ex rel.
CHILDREN, YOUTH AND FAMILIES DEPARTMENT

No. _____

In the Matter of _____, An Eligible Adult

REVIEW HEARING ORDER

This matter came before the [Honorable _____] [Special Master _____], on _____ (date) for a review. The New Mexico Children, Youth and Families Department (CYFD) was represented by _____, children's court attorney. _____ (name of eligible adult) was [not] present [and] [but] was represented by attorney _____. A court certified interpreter did [not] provide interpretation services for the review.

The court has heard from the parties, reviewed CYFD's report, is fully advised in the matter, and FINDS:

1. The court has jurisdiction over the subject matter and the parties in this cause.
2. Under Section 32A-26-8(B) NMSA 1978, the eligible adult was [not] given an opportunity to participate in this hearing in a meaningful manner.

3. CYFD submitted its report to the court with the transition plan attached. The report addresses the progress made in meeting the goals of the transition plan, including an independent living transition proposal.

4. CYFD has made active efforts to comply with the voluntary services and support agreement and effectuate the transition plan as set forth in CYFD's report to the Court and the transition plan.

OR

5. CYFD has not made active efforts to comply with the voluntary services and support agreement and effectuate the transition plan and the Court orders the following additional services and support to achieve the goals of the transition plan and the goals of state and federal law: _____.

IT IS THEREFORE ORDERED:

1. CYFD shall make active efforts to comply with the voluntary services and support agreement and effectuate the transition plan.

2. Supplemental orders are necessary to ensure CYFD is making active efforts to achieve the goals of the transition plan and the goals of state and federal law as follows: _____.

District Court Judge

(Add signature lines for all attorneys in the case)

USE NOTES

1. Transition plan means "a written, individualized plan developed collaboratively between the department and the eligible adult that assesses the eligible adult's strengths and needs, establishes goals and identifies the services and activities that will be provided to the eligible adult to achieve the established goals, the time frames for achieving the goals and the individuals or entities responsible for providing the identified services and activities as provided by rule." NMSA 1978, § 32A-26-2(G). The transition plan should cover the following life domains: supportive relationships and community connections, housing, education, finances and employment, daily life skills and transportation, cultural and personal identity, physical and mental health, and parenthood. The independent living transition proposal is integrated in the transition plan.

2. In Fostering Connections Act cases, the court does not approve, disapprove, or adopt the transition plan created collaboratively by the department and the eligible adult. Instead, the court ensures that CYFD has made active efforts to effectuate the transition plan by reviewing the department's efforts regarding each life domain and inquiring of the eligible adult about his or

her input into the plan and agreement with the plan, the plan's implementation, and the department's efforts to assist the eligible adult in achieving his or her goals.

3. During the review hearing the court must determine, among other things, that the department has complied with the Voluntary Services and Support Agreement (VSSA), which is filed with the Fostering Connections Act petition. The VSSA establishes expectations for the department related to eligibility for the Fostering Connections program, transition planning, release of financial, medical, and educational information, providing medical and behavioral health coverage, and for the provision of maintenance payments, for the provision of case management, maintenance of regular contact with and services for the eligible adult, and written notice of any intended termination of the agreement.

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

[NEW MATERIAL]

10-907. Discharge hearing order (based on age).

[For use with Rule 10-802 NMRA]

STATE OF NEW MEXICO

COUNTY OF _____
_____ JUDICIAL DISTRICT

IN THE CHILDREN'S COURT

STATE OF NEW MEXICO ex rel.

CHILDREN, YOUTH AND FAMILIES DEPARTMENT

In the Matter of _____, an Eligible Adult.

DISCHARGE HEARING ORDER (BASED ON AGE)

This matter came before the [Honorable _____] [Special Master _____], on _____ (date) for a discharge hearing. The New Mexico Children, Youth and Families Department (CYFD) was represented by _____, children's court attorney. _____ (name of eligible adult) [was] [was not] present [and] was represented by _____, an attorney. Having reviewed all documents submitted to the Court and having heard from the parties in this matter, the Court finds:

1. The Court has jurisdiction over the parties and subject matter herein.
2. _____ (name of eligible adult) turns twenty-one (21) years old on _____ (date).
3. The Court has reviewed the transition plan that was created on _____ (date), and is attached hereto as Exhibit A.

4. [] CYFD has made active efforts to assist _____ (*name of eligible adult*) in effectuating each element of the transition plan.

OR

[] CYFD has not made active efforts to assist _____ (*name of eligible adult*) in effectuating the following elements of the transition plan:
_____.

(Complete the next two paragraphs only if the department has not made active efforts)

5. Terminating jurisdiction would [not] be harmful to the eligible adult.

6. The eligible adult does [not] consent to continued jurisdiction.

IT IS ORDERED, ADJUDGED, AND DECREED:

(Select the appropriate option and delete the other.)

_____ (*name of eligible adult*) is hereby discharged from the Fostering Connections program upon turning twenty-one (21) on _____ (*date*).

Jurisdiction is extended for a period of _____ (*length of extension not to exceed one year from the eligible adult's twenty-first birthday*), so the department can make active efforts to execute the elements of the transition plan identified in finding number four (4) above. The department shall continue to make active efforts to effectuate all other elements of the transition plan.

District Court Judge

(Add signature lines for all attorneys in the case.)

USE NOTES

1. The court can extend jurisdiction over a fostering connections case for a period not to exceed one (1) year from the eligible adult's twenty-first birthday only if the court finds that the department has not made active efforts, termination of jurisdiction would be harmful to the eligible adult, and the eligible adult consents to jurisdiction of the court. The court may dismiss the case for good cause any time after the eligible adult's twenty-first birthday.

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

[NEW MATERIAL]

10-908. Discharge hearing order (based on eligibility).

[For use with Rule 10-802 NMRA]

STATE OF NEW MEXICO
COUNTY OF _____

JUDICIAL DISTRICT
IN THE CHILDREN'S COURT

STATE OF NEW MEXICO ex rel.
CHILDREN, YOUTH AND FAMILIES DEPARTMENT

In the Matter of _____, an Eligible Adult.

DISCHARGE HEARING ORDER (BASED ON ELIBILITY)

This matter came before [the Honorable _____] [Special Master _____], on _____ (date) on the motion of the New Mexico Children, Youth and Families Department (CYFD) for a discharge hearing. CYFD was represented by _____, children's court attorney. _____ (name of eligible adult) [was] [was not] present [and] was represented by _____, an attorney. Having reviewed all documents submitted to the Court and having heard from the parties in this matter, the Court finds:

1. The Court has jurisdiction over the parties and subject matter herein.
2. The department has [not] provided clear, developmentally appropriate written notice informing _____ (name of eligible adult) of CYFD's intent to terminate the voluntary services and support agreement and explaining the basis for the proposed termination.
3. The department has [not] made active efforts to meet in person with _____ (name of eligible adult) to explain the information in the written termination notice and to assist _____ (name of eligible adult) to reestablish eligibility.
4. _____ (name of eligible adult) [no longer meets] [continues to meet] the eligibility criteria in Section 32A-26-3 NMSA 1978.

IT IS ORDERED, ADJUDGED, AND DECREED:

[] _____ (name) is hereby discharged from the fostering connections program but may rejoin the program at a later date when eligibility requirements are met.

OR

[] _____ (name) shall not be discharged from the fostering connections program for the following reason[s]: _____.

District Court Judge

(Add signature lines for all attorneys in the case)

USE NOTES

1. An adult who no longer meets eligibility requirements may not be discharged unless CYFD has met the requirements of appropriate notice and active efforts to meet in person with the young adult as required by NMSA 1978, Section 32A-26-6(D).

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



New Mexico
Courts

Amy Feagans <supajf@nmcourts.gov>

[nmsupremecourtclerk-grp] Comments on proposed Rule- Fostering Connections Act

1 message

Chief Judge Marie Ward <albdmcw@nmcourts.gov>

Wed, Apr 6, 2022 at 5:24 PM

Reply-To: albdmcw@nmcourts.gov

To: nmsupremecourtclerk@nmcourts.gov

Attached are correspondence regarding the above referenced proposed Rules on behalf of the Second Judicial District Court.

--

Marie C. Ward
Chief Judge
Second Judicial District Court
[5100 2nd Street NW](#)
[Albuquerque, NM 87107](#)
(505)841-7392

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Letter to Ms. Garcia FC Proposal 2022-004.signed.pdf

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STATE OF NEW MEXICO
SECOND JUDICIAL DISTRICT

MARIE C. WARD
CHIEF JUDGE

505-841-7392
POST OFFICE BOX 488
ALBUQUERQUE, NEW MEXICO 87103

April 6, 2022

Elizabeth Garcia, Chief Clerk
New Mexico Supreme Court
P.O. Box 848
Santa Fe, NM 87504-0848
nmsupremecourtclerk@nmcourts.gov

Re: Request for comment on Proposal 2022-004
Fostering Connections Act proceedings
Rules 10-101, 10-103, 10-121, and 10-345 NMRA; new Rules 10-360, 10-801,
and 10-802 NMRA; and new Forms 10-901, 10-902, 10-903, 10-904, 10-905, 10-
906, 10-907, and 10-908 NMRA

Dear Ms. Garcia:

Thank you for the opportunity to provide commentary on the proposed changes to the above-referenced rules. I am the Chief Judge of the Second Judicial District Court ("SJDC") and the Presiding Judge of the Children's Court Division. The SJDC Children's Court Division consists of four (4) District Court Judges and three (3) hearing officers/special masters. The Judges and hearing officers/special masters conduct work pursuant to Rules 10-101, 10-103, 10-121, and 10-345; New Rules 10-360, 10-801, and 10-802 NMRA.

On behalf of the SJDC, please accept the New Mexico Children's Court Rules Committee (the "Committee") recommendations to modify Rules 10-101, 10-103, 10-121, and 10-345 NMRA, and adopt Rules 10-360, 10-801, and 10-802 NMRA; and new Forms 10-901, 10-902, 10-903, 10-904, 10-905, 10-906, 10-907, and 10-908 NMRA.

Thank you for your time and consideration in this matter.

Respectfully,

Marie C. Ward, Chief Judge
Second Judicial District Court