

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. 21-8300-007, effective for all cases pending or filed on or after November 12, 2021; provisionally adopted rule approved by Supreme Court Order No. 22-8300-017, effective for all cases pending or filed on or after December 31, 2022.]