

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

In the Matter of _____, An Eligible Adult, No. _____

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~~] court and the transition plan.

OR

[4-]5. CYFD has not made active efforts to comply with the voluntary services and support agreement and effectuate the transition plan and the [~~Court~~] 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) (2020). 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 for all cases pending or filed on or after November 12, 2021; provisionally adopted form approved as amended by Supreme Court Order No. 22-8300-017, effective for all cases pending or filed on or after December 31, 2022.]