

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. No. _____

DISCHARGE HEARING ORDER (BASED ON ELIGIBILITY)

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] court and having heard from the parties in this matter, the [Court] court finds:

1. The [Court] 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) (2020).

[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.]