

LR1-404. Family ~~[court services]~~ Court Services and other services for child-related disputes.

[Related to Statewide Rule 1-125 NMRA and ~~[related Statute NMSA 1978, § 40-12-4]~~ Section 40-12-4 NMSA 1978]

A. **Mediation program established.** Under Sections 40-12-1 to -6 NMSA 1978, the First Judicial District Court elected to establish, and will continue to maintain, a domestic relations mediation program in accordance with the Domestic Relations Mediation Act to assist the court, parents, and other interested parties to determine the best interests of children involved in domestic relations cases. The program shall be administered and services provided by ~~[family court services]~~ Family Court Services in First Judicial District Court.

B. **Mandatory referral.** Unless otherwise ordered by the court on stipulation of the parties or for good cause shown, in every case involving a dispute over any child-related issue except child support, the court shall enter an order referring the parties to ~~[family court services]~~ Family Court Services for confidential mediation. In the alternative, or in addition to an order for mediation, the court may order that the parties submit to other services conducted by ~~[family court services]~~ Family Court Services including but not limited to advisory consultation, priority consultation, or mediation in adjudicated abuse and neglect cases. The court will not order advisory consultations simply on stipulation of the parties, but rather, shall require a showing of good cause.

C. **Fees.** The parties shall be assessed a fee based on the sliding fee scale approved by the Supreme Court and posted on the court's website and inside the courthouse. Unless payment arrangements are approved by ~~[family court services]~~ Family Court Services or the court prior to scheduled appointments, fees are payable on the day of the appointment for all mediations and priority consultations and ten (10) days in advance of any scheduled advisory consultation. If fees for advisory consultations are not paid a minimum of ten (10) days in advance of the scheduled

1 appointment, [~~family court services~~] Family Court Services will present an order to vacate the
2 advisory consultation to the assigned judge due to non-compliance with this rule. Fees for all
3 procedures in [~~family court services~~] Family Court Services are payable to the First Judicial
4 District Court and payment must be by attorney firm check, cash, money order, or certified check.
5 No personal checks are accepted. The First Judicial District Court will maintain a domestic
6 relations mediation fund. Fees collected from [~~family court services~~] Family Court Services will
7 be deposited into the domestic relations mediation fund and used to offset the cost of operating the
8 mediation program [~~as well as~~] and the supervised visitation program.

9 D. **Scheduling services.** After the referral order is filed, [~~family court services~~] Family
10 Court Services will contact the parties to schedule all services.

11 E. **Clinic services and requested hearings.**

12 (1) ***Request for hearing.*** In any case in which a [~~court clinic referral~~] Family
13 Court Services order has been filed, the clinic may request a hearing or status conference by filing
14 a request for hearing in the manner set forth in LR1-201 NMRA. The clinic shall mail or deliver a
15 copy of the request to all parties entitled to notice.

16 (2) ***Noncompliance.*** The court clinic shall notify the court when a party fails to
17 show for a scheduled appointment.

18 (3) ***Priority consultations.*** The court may order assessment results in the form
19 of oral testimony rather than a written report. Priority consultations with recommendations
20 provided in oral testimony are called “scheduled consultations” and assessments with
21 recommendations provided in written reports are called “priority consultations.” Both assessments
22 are conducted the same.

F. **Referral to other providers.** On agreement of the parties or for good cause shown, the court may order that the parties be referred for mediation and other services to a qualified service provider other than ~~[family court services]~~ Family Court Services.

G. **Out-of-district referrals.** Parties in out-of-district cases may receive services from ~~[family court services]~~ Family Court Services provided the referral order is signed by both the assigned out-of-district judge and a First Judicial District domestic relations district court judge. As a condition of services provided to out-of-district cases, the parties shall pay a thirty dollar (\$30.00) fee, in addition to the regular fee for each service. All fees are payable to the First Judicial District Court, as set forth above, in advance of the procedure or the procedure will not be conducted.

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

I. **Subpoenas.** Subpoenas directed to Family Court Services clinicians must be served no later than five (5) days before the applicable hearing.

[Adopted by Supreme Court Order No. 18-8300-006, effective for all cases pending or filed on or after September 1, 2018; as amended by Supreme Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31, 2022.]