

**PROPOSED REVISIONS TO THE CHILDREN'S COURT RULES AND FORMS
PROPOSAL 2023-002**

March 24, 2023

The Children's Court Rules Committee has recommended amendments to Forms 10-565 and 10-566 NMRA for the Supreme Court's consideration.

If you would like to comment on the proposed amendments 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:

Elizabeth A. Garcia, Chief Clerk of Court
New Mexico Supreme Court
P.O. Box 848
Santa Fe, New Mexico 87504-0848
nmsupremecourtclerk@nmcourts.gov
505-827-4837 (fax)

Your comments must be received by the Clerk on or before April 24, 2023, 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.

10-565. Advance notice of change of placement.

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

_____, (a) Child(ren), and Concerning,
_____, Respondent(s).

ADVANCE NOTICE OF CHANGE OF PLACEMENT¹

TO: Hon. Judge full name
GAL,
Attorneys
Planning Worker/Supervisor

CASA
Foster Parent(s)
(Indian child(ren)'s tribe)²

Pursuant to NMSA 1978, Section 32A-4-14(A), you are notified that the placement of _____ (*name of child(ren)*) will be changed from _____ (*type of current placement*)^[2]³ to _____ (*type of future placement*)^[2]³ on or after _____ (*date*) for the following reasons:

_____.
You are further notified that the educational setting of _____ (*name of child(ren)*) will be changed from _____ (*current educational setting*) to _____ (*future educational setting*) on or after _____ (*date*) for the following reasons: _____.

Children's Court Attorney

CERTIFICATE OF MAILING

I certify that a true copy of the foregoing was mailed/faxed/delivered to all persons listed above (except the Indian child(ren)'s tribe) this ____ day of _____, 20____.

CYFD Legal Staff

(I certify that a true copy of the foregoing was mailed by certified mail with return receipt requested to the Indian child(ren)'s tribe this ____ day of _____, 20____.

CYFD Legal Staff⁴

USE NOTES

1. In cases with more than one child, modify this form as necessary if the type and location of placement is not uniform for all children.

2. In cases involving Indian children, the name(s) of the tribal ICWA worker(s) shall be included here.

[2-]3. Placement types include relative foster care, non-relative foster care, treatment foster care, adoptive home/waiting finalization, group home, shelter, residential treatment center, mental health facility/non-residential treatment center, juvenile justice facility, trial home placement, or return home.

4. In cases involving Indian children, the Department is required to send this Notice to the child's tribal ICWA worker(s) by certified mail, return receipt requested.

[Adopted by Supreme Court Order No. 14-8300-002, effective for all cases filed or pending on or after August 31, 2014; as amended by the Supreme Court Order No. _____, effective _____.]

10-566. Emergency notice of change of placement.

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

_____, (a) Child(ren), and Concerning,
_____, Respondent(s).

EMERGENCY NOTICE OF CHANGE OF PLACEMENT¹

TO: [~~Hon.~~]Judge[~~full name~~]
GAL,
Attorneys
Planning Worker/Supervisor
CASA
Foster Parent(s)
(Indian child(ren)'s tribe)²

Pursuant to NMSA 1978, Section 32A-4-14, you are notified that the placement of _____ (*name of child(ren)*), was changed on _____ (*date*) from _____ (*type of former placement*)^[2]³ to _____ (*type of current placement*).^[2]³ This change of placement was made without prior notice for the following reasons:

_____.
You are further notified that the educational setting of _____ (*name of child(ren)*) was changed on _____ (*date*) from _____ (*former educational setting*) to _____ (*current educational setting*) for the following reasons:

_____.

Children's Court Attorney

CERTIFICATE OF MAILING

I certify that a true copy of the foregoing was mailed/faxed/delivered to all persons listed above(, except the Indian child(ren)'s tribe) this ____ day of _____, 20____.

CYFD Legal Staff

(I certify that a true copy of the foregoing was mailed by certified mail with return receipt requested to the Indian child(ren)'s tribe this ____ day of _____, 20____.

CYFD Legal Staff⁴

USE NOTES

1. In cases with more than one child, modify this form as necessary if the type and location of placement is not uniform for all children.

2. In cases involving Indian children, the name(s) of the tribal ICWA worker(s) shall be included here.

[2.]3. Placement types include relative foster care, non-relative foster care, treatment foster care, adoptive home/waiting finalization, group home, shelter, residential treatment center, mental health facility/non-residential treatment center, juvenile justice facility, trial home placement, or return home.

4. In cases involving Indian children, the Department is required to send this Notice to the child's tribal ICWA worker(s) by certified mail, return receipt requested.

[Adopted by Supreme Court Order No. 14-8300-002, effective for all cases filed or pending on or after August 31, 2014; as amended by the Supreme Court Order No. _____, effective _____.]



New Mexico
Courts

Amy Feagans <supajf@nmcourts.gov>

[nmsupremecourtclerk-grp] Correspondence from Chief Judge Marie Ward re: Proposed Rule Changes

4 messages

Matthew MacEachen <albdmum@nmcourts.gov>

Mon, Apr 24, 2023 at 9:28 AM

Reply-To: albdmum@nmcourts.gov

To: nmsupremecourtclerk@nmcourts.gov

Good morning Ms. Garcia,

Please see the attached letter from Chief Judge Ward from the 2nd Judicial District Court.

If you have questions or need anything further regarding this, please let me know.

Thank you.

Matthew MacEachen
Trial Court Administrative Assistant to
Chief Judge Marie Ward
Division XIV
505-841-7392
albdmum@nmcourts.gov



Correspondence from Chief Ward.pdf
246K

Elizabeth Garcia <supeag@nmcourts.gov>

Mon, Apr 24, 2023 at 9:34 AM

To: Amy Feagans <supajf@nmcourts.gov>

Good morning Amy, and Happy Monday. Thank you Amy for acknowledging receipt at your convenience.

Liz

[Quoted text hidden]

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Elizabeth A. Garcia
Chief Clerk of Court
New Mexico Supreme Court
[237 Don Gaspar Avenue](https://www.nm.gov/237-Don-Gaspar-Avenue)
[Santa Fe, NM 87501](https://www.nm.gov/santa-fe)
505-827-4862
supeag@nmcourts.gov



Correspondence from Chief Ward.pdf
246K

Amy Feagans <supajf@nmcourts.gov>

Mon, Apr 24, 2023 at 9:43 AM

To: Elizabeth Garcia <supeag@nmcourts.gov>

Will do. Thanks Liz!

[Quoted text hidden]

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Amy Feagans

Appellate Paralegal

Supreme Court of New Mexico

505.827.4704

237 Don Gaspar Ave | Santa Fe, NM 87504

nmsupremecourtclerk <nmsupremecourtclerk-grp@nmcourts.gov>

Mon, Apr 24, 2023 at 9:45 AM

Reply-To: nmsupremecourtclerk-grp@nmcourts.gov

To: nmsupremecourtclerk <nmsupremecourtclerk-grp@nmcourts.gov>

Cc: Matthew MacEachen <albdmum@nmcourts.gov>

Mr. MacEachlen,

We are in receipt of your email and the attached comments from Judge Ward.

The Supreme Court Clerk's Office

[Quoted text hidden]



STATE OF NEW MEXICO
SECOND JUDICIAL DISTRICT

MARIE C. WARD
CHIEF JUDGE

April 24, 2023

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

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 2023-001 – Detention Hearings and Conditions of Release [Rule 10-225 NMRA]**
- **Proposal 2023-002 – Notification to Tribes of Change of Placement [Forms 10-565 and 10-566 NMRA]**
- **Proposal 2023-003 – Consent Decree Order [Form 10-714 NMRA]**
- **Proposal 2023-004 – Educational Decision Maker Form [Form 10-564 NMRA]**

Dear Ms. Garcia:

Thank you for the opportunity to provide commentary on the proposed changes to the above-referenced rules. I am writing as the Chief Judge of the Second Judicial District Court (“SJDC”) and as a Judge in 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 daily work of our judicial officers is almost exclusively in delinquency and abuse/neglect, and we are well-positioned to understand the practical effect of the proposed changes.

On behalf of the SJDC, we support the Children’s Court Rules Committee’s recommendations to modify the above-referenced rules and forms. We believe they provide clarity to practitioners and properly capture the legal requirements.

Thank you for your time and consideration in this matter.

Respectfully,

Marie Ward, Chief Judge
Second Judicial District Court