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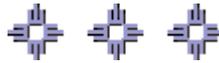
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Chapter 1: Abuse and Neglect Procedures



In this Chapter:

In this chapter, you will find the clerical procedures for Abuse and Neglect cases.

Definitions

[NMSA 1978§32A-4-2](#)

As used in the Abuse and Neglect Act:

abandonment

includes instances when the parent, without justifiable cause:

- Left the child without provision for the child's identification for a period of fourteen days; or
- Left the child with others, including the other parent or an agency, without provision for support and without communication for a period of:
 - Three months if the child was under six years of age at the commencement of the three-month period; or
 - Six months if the child was over six years of age at the commencement of the six-month period;

abused child

means a child:

- Who has suffered or who is at risk of suffering serious harm because of the action or inaction of the child's parent, guardian or custodian;
- Who has suffered physical abuse, emotional abuse or psychological abuse inflicted or caused by the child's parent, guardian or custodian;
- Who has suffered sexual abuse or sexual exploitation inflicted by the child's parent, guardian or custodian;
- Whose parent, guardian or custodian has knowingly, intentionally or negligently placed the child in a situation that may endanger the child's life or health; or
- Whose parent, guardian or custodian has knowingly or intentionally tortured, cruelly confined or cruelly punished the child;

aggravated circumstances

include those circumstances in which the parent, guardian or custodian has:

- Attempted, conspired to cause or caused great bodily harm to the child or great bodily harm or death to the child's sibling;
- Attempted, conspired to cause or caused great bodily harm or death to another parent, guardian or custodian of the child;
- Attempted, conspired to subject or has subjected the child to torture, chronic abuse or sexual abuse; or
- Had his parental rights over a sibling of the child terminated involuntarily;

great bodily harm

Means an injury to a person that creates a high probability of death, that causes serious disfigurement or that results in permanent or protracted loss or impairment of the function of any member or organ of the body;

neglected child means a child:

- Who has been abandoned by the child's parent, guardian or custodian;
- Who is without proper parental care and control or subsistence, education, medical or other care or control necessary for the child's well-being because of the faults or habits of the child's parent, guardian or custodian or the failure or refusal of the parent, guardian or custodian, when able to do so, to provide them;
- Who has been physically or sexually abused, when the child's parent, guardian or custodian knew or should have known of the abuse and failed to take reasonable steps to protect the child from further harm;
- Whose parent, guardian or custodian is unable to discharge his responsibilities to and for the child because of incarceration, hospitalization or physical or mental disorder or incapacity; or
- Who has been placed for care or adoption in violation of the law; provided that nothing in the Children's Code shall be construed to imply that a child who is being provided with treatment by spiritual means alone through prayer, in accordance with the tenets and practices of a recognized church or religious denomination, by a duly accredited practitioner thereof is for that reason alone a neglected child within the meaning of the Children's Code; and further provided that no child shall be denied the protection afforded to all children under the Children's Code;

physical abuse

Includes but is not limited to any case in which the child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling or death and:

- There is not a justifiable explanation for the condition or death;
- The explanation given for the condition is at variance with the degree or nature of the condition;
- The explanation given for the death is at variance with the nature of the death; or
- Circumstances indicate that the condition or death may not be the product of an accidental occurrence;

sexual abuse

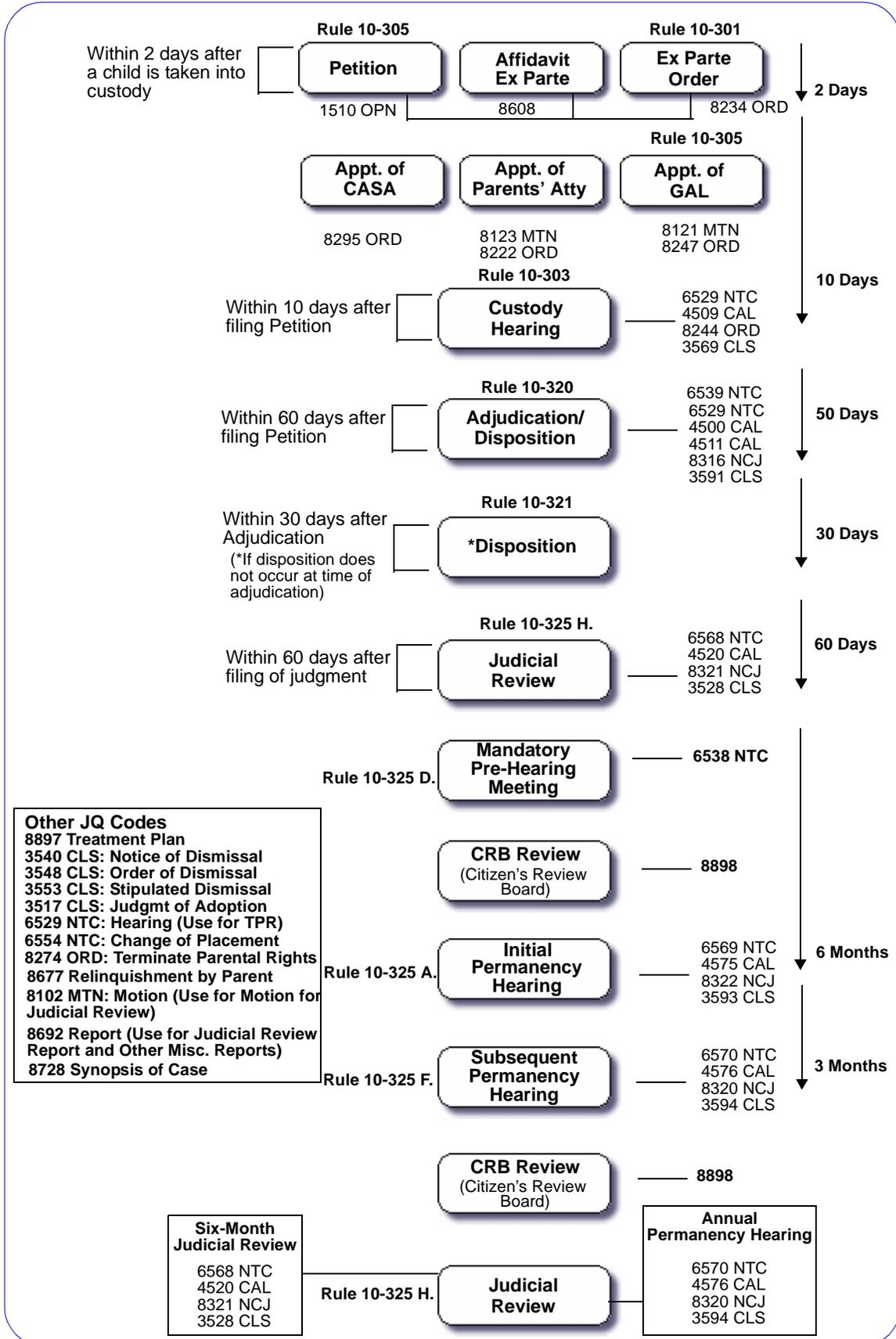
Includes but is not limited to criminal sexual contact, incest or criminal sexual penetration, as those acts are defined by state law; and

sexual exploitation

Includes but is not limited to:

- Allowing, permitting or encouraging a child to engage in prostitution;
- Allowing, permitting, encouraging or engaging a child in obscene or pornographic photographing; or
- Filming or depicting a child for obscene or pornographic commercial purposes, as those acts are defined by state law.

Section 1-1: Abuse and Neglect Flowchart





CLERICAL DUTIES | ABUSE AND NEGLECT OVERVIEW

1. Receive Pleadings (can be filed by fax, [RULE 10-105.1 NMRA](#) or electronically, [RULE 10-105.2, NMRA](#) in some districts). Follow your in-house procedure.
2. Review pleadings.
 - Check [CASE CAPTION](#) and [HEADING](#). Is these cases an abuse or neglect (JAN), family/child in need of services (FINS/CHINS), or a termination of parental rights case (JTP).
 - Check [SUBSCRIPTION](#)-original signature, printed address and telephone.
 - Check court documents, (for example, Affidavit for Ex Parte, Ex Parte Order, Petition, Summons, Appointment of Parents' Attorneys, Appointment of Guardian Ad Litem (GAL), and Appointment of Court Appointed Special Advocate (CASA)). Please note that not all districts have a CASA program and therefore, you might not receive this pleading.
3. Open case in **FACTS™** Case Master Screen to generate a case number and judge assignment.
 - Initiate a case using the Case Master screen.
 - See [CASE INITIATION](#).
 - Attach Parties.
 - See [ATTACH PARTIES TO CASE](#).
 - Enter case using the Civil Complaint/Petition screen.
 - See [ENTERING A CIVIL COMPLAINT/PETITION](#).
4. Issue Summons.
5. Docket Events using the Case Docket screen.
 - See [DOCKETING](#).
6. Close case using the Civil Complaint/Petition screen and add closing descriptive text.
 - See [CLOSING A CASE](#).
 - Add closing descriptive text, See [DOCKETING](#).

Section 1-2: Filing of Petition

NMSA 1978, §32A-4-15

EVENT	DESCRIPTION
1510	OPN: Neglect/Abuse Petition
8121	MTN: Appt. of Guardian Ad Litem
8247	ORD: Guardian Ad Litem
8123	MTN: To Appoint Attorney (Parents)
8222	ORD: Appoint Attorney

Children's Court Attorney	<ul style="list-style-type: none"> • A petition alleging neglect or abuse shall not be filed unless the children's court attorney has determined and endorsed upon the petition that the filing of the petition is in the best interests of the child. • The children's court attorney shall, upon request of a person authorizing the filing of a petition, furnish legal services in connection with the authorization and preparation of the petition and the representation of the petitioner if the petitioner so requests.
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RULE 10-305 NMRA

Form and Contents	Petitions or amended petitions alleging abuse or neglect shall be in a form approved by the Supreme Court.
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**TIME LIMIT | PETITION**

- If a child is taken into custody, a petition alleging abuse or neglect shall be filed by the department within **two (2) days** from the date that the child is taken into emergency custody by the department.
- If a petition is not filed within the time set forth in this paragraph, the child shall be released to the child's parents, guardian or custodian.

**TIME LIMIT | AMENDED PETITIONS**

The department may file an amended petition alleging abuse or neglect:

- Once, at any time within **twenty (20) days** after the petition is served; or
- Upon leave of court.

Service	<ul style="list-style-type: none"> • A petition alleging abuse or neglect shall be served as provided by Rule 10-104 of these rules. • A copy of the petition shall also be served on a parent who has not been made a party with a notice that the parent may intervene and request custody of the child.
Appointment of a Guardian Ad Litem	Upon the filing of a petition in an abuse or neglect proceeding, a guardian ad litem shall be appointed by the court to represent the child.
Notice to Indian Tribes	<ul style="list-style-type: none"> • If the alleged abused or neglected child is enrolled or eligible for enrollment in an Indian tribe, the Children, Youth and Families Department shall give notice of the filing of the petition to the child's Indian tribe. • The form and manner of the notice shall comply with the provisions of the federal Indian Child Welfare Act of 1978.

PETITION

NMSA 1978, §32A-4-15, CHILDREN'S COURT FORM 10-454 NMRA, PETITION

Caption

_____ JUDICIAL DISTRICT COURT
 CHILDREN'S COURT DIVISION
 COUNTY OF _____
 STATE OF NEW MEXICO

NO. _____.

STATE OF NEW MEXICO EX REL.
 CHILDREN, YOUTH AND FAMILIES DEPARTMENT,
 IN THE MATTER OF

_____, A CHILD AND CONCERNING
 _____, RESPONDENT(S)

Heading

ABUSE OR NEGLECT PETITION

Comes now the Children, Youth and Families Department, by its attorney and alleges that:

1. _____ (name of respondent or respondents) (has) (have) abused or neglected _____, a child.

2. The child's birthdate is: _____ (month, day and year of birth).

3. The resident address of the child is: _____

4. The facts giving rise to this petition are:

5. As a result of the foregoing, [as well as the additional information contained in the Affidavit for Ex Parte Custody Order,] the child is alleged to be neglected or abused as defined in the Children's Code.

6. The name and address of each respondent and relationship to the child is:

_____	_____	_____
Name	Address	Relationship
_____	_____	_____
Name	Address	Relationship

7. The Children, Youth and Families Department has completed an investigation of the allegations and has determined that it is in the best interest of the child that this petition be filed.

8. The child (is) (is not) in the custody of the Children, Youth and Families Department. The child has been in custody

since _____ (date).

9. The place of custody of the child is: _____.

10. The child (is) (is not) Native American.

WHEREFORE, the Children, Youth and Families Department requests that:

1. The child be adjudicated abused or neglected.

2. The court order that the child (be placed) (remain) in the custody of the Children, Youth and Families Department;

3. The court hold a custody hearing within ten (10) days of the filing of this petition; and

4. The court order such other relief as the court deems just and proper.

Subscription



Jane Doe

Children's Court Attorney

Section 1-3: Computing Time

RULE 10-106 NMRA



TIME LIMIT | COMPUTING TIME

- Do not include the **day** of the act, event or default when computing the time limit, unless otherwise provided by the Children's Court rules.
- Include the last day of the period when computing the time limit, unless it is a Saturday, Sunday or legal holiday.
- If weather or other conditions close the court clerks office, the period runs to the next day which is not one of the above named days.



CAUTION | TIME LIMITS LESS THAN ELEVEN (11) DAYS

- When the time limit is less than **eleven (11) days**, exclude intermediate Saturdays, Sundays and legal holidays in the computation.
- "**Legal Holiday**" includes New Year's day, Martin Luther King, Jr.'s birthday, Presidents day, Memorial day, Independence day, Labor day, Columbus day, Veterans' day, Thanksgiving day, Christmas day and any other day designated as a state or judicial holiday.

EVENT	TIME COMPUTATION
Enlargement of filing time	<p>The court may enlarge the time limitation as set forth in Rule 10-106 NMRA:</p> <ul style="list-style-type: none"> • With or without motion or notice, order the period enlarged if request is made before the expiration of the period originally prescribed or as extended by a previous order; or • Upon motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect; but it may not extend the time for taking any action under Rules 10-212, 10-226 or 10-308, except to the extent and under the conditions stated in those rules.

EVENT	TIME COMPUTATION
Service by Mail	Under specified circumstances three (3) days shall be added to the prescribed period for service.
Motions	<ul style="list-style-type: none">• A written motion, other than one which may be heard ex parte, and notice of the hearing thereof shall be served not later than five (5) days before the time specified for the hearing, unless a different period is fixed.• Such an order may for cause shown be made on ex parte application.

Section 1-4: Court Appointed Special Advocate (CASA)

RULE 10-121 NMRA

EVENT	DESCRIPTION
8295	ORD: Appointment CASA

	CASA VOLUNTEER
Appointment	A court appointed special advocate ("CASA") may be appointed by a children's court judge pursuant to RULE 10-121 NMRA to assist in any children's court proceeding.
Qualifications	<ul style="list-style-type: none"> • Be the age of majority, • Successfully been screened by a written application, • Personal interview, • Reference check and criminal records check, • Successfully completed at least fifteen (15) hours of initial training, • Receive regular in-service training, and • Remain under the direction of the local CASA director.
Powers	Assists the court in investigating and reporting facts and monitoring compliance with treatment plan and report on compliance.
Duties	<p>The principle which guides CASA duties is "the best interest of the child."</p> <p>The duties includes but are not limited to:</p> <ul style="list-style-type: none"> • Review records other than those records to which access is limited by the court, • Interview appropriate parties, • Monitor case progress, • Prepare reports and recommendations to the court based on the investigation by the CASA, and • Maintain confidentiality of information obtained.

**CAUTION | CASA**

- Prior to the conclusion of the adjudicatory proceeding, the CASA will not file and the judge should not consider any reports prepared by the CASA.
- A CASA volunteer shall not engage in any ex parte communications with the judge assigned on any case on which the CASA volunteer is working.
- No time limit set forth in these rules shall be tolled or enlarged because of the appointment of a CASA.

**TIME LIMIT | CASA REPORTS**

The report shall be served on the parties, but not the court, at least **five (5) days** prior to the hearing at which it will be considered.

Section 1-5: Ex Parte Custody Orders

NMSA 1978, §32A-4-16

EVENT	DESCRIPTION
8608	Affidavit / Ex Parte
8234	ORD: Ex Parte Custody

Ex Parte Order	At the time a petition is filed or any time thereafter, the children's court or the district court may issue an ex parte custody order upon a sworn written statement of facts showing probable cause exists to believe that the child is abused or neglected and that custody under the criteria set forth in Section 32-4-16 [32A-4-18] NMSA 1978 is necessary.
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Service

The ex parte custody order shall be served on the respondent by a person authorized to serve arrest warrants and shall direct the officer to take custody of the child and deliver him to a place designated by the court.

Rules of Evidence

The Rules of Evidence do not apply to the issuance of an ex parte custody order.

RULE 10-301 NMRA**TIME LIMIT | EX PARTE CUSTODY ORDER**

- Within **two (2) days** after a child is taken into custody, the department shall file a motion for an ex parte custody order with a sworn written statement of facts showing probable cause to believe the child has been abused or neglected.
- The motion and affidavit for ex parte custody order shall be substantially in the form approved by the Supreme Court.

EX PARTE CUSTODY ORDER (PLEADING)

NMSA 1978, §32A-4-16, CHILDREN'S COURT FORM 10-453 NMRA/CHILDREN'S COURT FORM 10-452 NMRA

_____ JUDICIAL DISTRICT COURT
 CHILDREN'S COURT DIVISION
 COUNTY OF _____
 STATE OF NEW MEXICO

No. _____.

State of New Mexico ex rel.
 Children, Youth and Families Department,
 In the Matter of

_____, a child and concerning
 _____, respondent(s).

EX PARTE CUSTODY ORDER

The court has found there is probable cause to believe that the above named child(ren) (is) (are) abused or neglected as defined in Section 32A-4-2 NMSA 1978.

Reasonable efforts have been made to avoid removal of the child(ren) from home, or, given the circumstances, the court finds it was reasonable to forego those efforts to keep the child(ren) in the home. Therefore, it is necessary for the child(ren)'s protection that the child(ren) remain in the custody of the Children, Youth and Families Department.

It is ordered that the New Mexico Children, Youth and Families Department continue custody of the child(ren) until further order of the court.

DATED THIS _____ DAY OF _____,
 _____.

 JUDGE

Section 1-6: Summons

NMSA 1978, §32A-4-17

Summons	In addition to the requirements set forth in Section 32-1-11 [32A-1-12] NMSA 1978, in abuse and neglect proceedings, the summons shall clearly state that the proceeding could ultimately result in termination of the respondents' parental rights.
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Section 1-7: Conduct of Hearings

NMSA 1978, §32A-4-20

Court Record	The proceedings shall be recorded by stenographic notes or by electronic, mechanical or other appropriate means.
Closed Hearing	All abuse and neglect hearings shall be closed to the general public.
Parties	<ul style="list-style-type: none"> • Only the parties, their counsel, witnesses and other persons approved by the court may be present at a closed hearing. • The foster parent, preadoptive parent or relative providing care for the child shall be given notice and an opportunity to be heard at the dispositional phase. • Those other persons the court finds to have a proper interest in the case or in the work of the court may be admitted by the court to closed hearings on the condition that they refrain from divulging any information that would identify the child or family involved in the proceedings.
News Media	Accredited representatives of the news media shall be allowed to be present at closed hearings, subject to the condition that they refrain from divulging information that would identify any child involved in the proceedings or the parent, guardian or custodian of that child and subject to enabling regulations as the court finds necessary for the maintenance of order and decorum and for the furtherance of the purposes of the Children's Code.
Excluding Child(ren) from Hearing	If the court finds that it is in the best interest of the child, the child may be excluded from a neglect or an abuse hearing. Under the same conditions, a child may be excluded by the court during a hearing on dispositional issues.
Penalty	Those persons or parties granted admission to a closed hearing who intentionally divulge information in violation of this section are guilty of a petty misdemeanor.

Determination and Findings	<ul style="list-style-type: none"> • The court shall determine if the allegations of the petition are admitted or denied. If the allegations are denied, the court shall proceed to hear evidence on the petition. • The court after hearing all of the evidence bearing on the allegations of neglect or abuse shall make and record its findings on whether the child is a neglected child, an abused child or both. If the petition alleges that the parent, guardian or custodian has subjected the child to aggravated circumstances, then the court shall also make and record its findings on whether the aggravated circumstances have been proven.
Findings: Disposition and Dismissal	<ul style="list-style-type: none"> • If the court finds on the basis of a valid admission of the allegations of the petition or on the basis of clear and convincing evidence, competent, material and relevant in nature, that the child is neglected or abused, the court may proceed immediately or at a postponed hearing to make disposition of the case. • If the court does not find that the child is neglected or abused, the court shall dismiss the petition and may refer the family to the department for appropriate services.
Evidence	<p>In that part of the hearings held under the Children's Code on dispositional issues, all relevant and material evidence helpful in determining the questions presented, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value even though not competent had it been offered during the part of the hearings on adjudicatory issues.</p>

**TIME LIMIT | CONTINUANCE**

- On the court's motion or that of a party, the court may continue the hearing on the petition for a period not to exceed **thirty (30) days** to receive reports and other evidence in connection with disposition.
- The court shall continue the hearing pending the receipt of the predisposition study and report if that document has not been prepared and received.
- During any continuances under this subsection, the court shall make an appropriate order for legal custody.

Section 1-8: Custody Hearing

NMSA 1978, §32A-4-18

EVENT	DESCRIPTION
6529	NTC: Hearing (Sequestered)
4509	CAL: Custody Hearing
8244	ORD: Custody Hearing
3569	CLS: Custody Hearing Order

**TIME LIMIT | CUSTODY HEARING**

- When a child alleged to be neglected or abused has been taken into custody by the department or the department has petitioned the court for temporary custody, a custody hearing shall be held within **ten (10) days** from the date the petition is filed to determine if the child should remain in or be placed in the department's custody pending adjudication.
- Upon written request of the respondent, the hearing may be held earlier, but in no event shall the hearing be held sooner than **two (2) days** after the date the petition was filed.
- The parent, guardian or custodian of the child alleged to be abused or neglected shall be given reasonable notice of the time and place of the custody hearing.

<p>Criteria for not Releasing Child(ren) to Parents</p>	<p>At the custody hearing, the court shall release the child to his parent, guardian or custodian unless probable cause exists to believe that:</p> <ul style="list-style-type: none"> • The child is suffering from an illness or injury and the parent, guardian or custodian is not providing adequate care for the child; • The child is in immediate danger from his surroundings and removal from those surroundings is necessary for the child's safety or well-being; • The child will be subject to injury by others if not placed in the custody of the department; • There has been an abandonment of the child by his parent, guardian or custodian; or • The parent, guardian or custodian is not able or willing to provide adequate supervision and care for the child.
<p>Custody</p>	<p>At the conclusion of the custody hearing, if the court determines that custody pending adjudication is appropriate, the court may:</p> <ul style="list-style-type: none"> • Return the child to his parent, guardian or custodian upon such conditions as will reasonably assure the safety and well-being of the child; or • Award custody of the child to the department with or without provision for visitation rights for the parent, guardian or custodian of the child. <p>Reasonable efforts shall be made to preserve and reunify the family, with the paramount concern being the child's health and safety.</p>
<p>Diagnostic Evaluations</p>	<ul style="list-style-type: none"> • At the conclusion of the custody hearing, the court may order the respondent or the child alleged to be neglected or abused, or both, to undergo appropriate diagnostic examinations or evaluations. • Copies of any diagnostic or evaluation reports ordered by the court shall be provided to the parties at least five (5) days before the adjudicatory hearing is scheduled. The reports shall not be sent to the court.

Section 1-9: Admissions and Consent Decrees

RULE 10-307 NMRA

<p>Admission</p>	<p>The respondent may make an admission by:</p> <ul style="list-style-type: none"> • Admitting sufficient facts to permit a finding that the allegations of the petition are true; or • Declaring his intention not to contest the allegations in the petition.
<p>Consent Decree</p>	<p>A consent decree in an abuse or neglect proceeding is an order of the court, after an admission has been made, that suspends the proceedings on the petition and in which, under terms and conditions negotiated and agreed to by the respondent and the children's court attorney:</p> <ul style="list-style-type: none"> • The legal custody of the child is transferred to the department for a period not to exceed six (6) months from the date of the consent decree; and • The child is allowed to remain with the respondent or other person and the respondent will be under supervision of the department for a period not to exceed six (6) months.
<p>Inquiry of Respondent</p>	<p>The court shall not accept an admission or approve a consent decree without first, by addressing the respondent personally in open court, determining that:</p> <ul style="list-style-type: none"> • He understands the allegations of the petition; • He understands the dispositions that the court may make if the allegations of the petition are found to be true; • He understands that he has a right to deny the allegations in the petition and to have a trial on the allegations; • He understands that if he makes an admission or agrees to the entry of the consent decree, he is waiving the right to a trial; and • The admission or provisions of the consent decree are voluntary and not the result of force or of threats or of promises other than any consent decree agreement reached.

Basis for Admission or Consent Decree	The court shall not enter judgment upon an admission or approve a consent decree without making such inquiry as shall satisfy the court that there is a factual basis for the admission or consent decree.
Disposition	After acceptance of an admission, unless made for the purpose of a consent decree, the court shall proceed to make any disposition permitted by law as it deems appropriate under the circumstances.
Acceptance of Consent Decree	<ul style="list-style-type: none"> • If the court accepts a consent decree, the court shall approve the disposition provided for in the consent decree or another disposition more favorable to the respondent than that provided for in the consent decree. • If the court rejects the consent decree, the decree shall be null and void.
Inadmissibility of Discussions	Evidence of an admission or agreement to a consent decree, later withdrawn, or of statements made in connection therewith, is not admissible in any proceeding against the respondent.



TIME LIMIT | CONSENT DECREE

- If the child is in the custody of the department, the court shall accept or reject the admission or consent decree within **five (5) days** after the admission is made or
- within **five (5) days** after a consent decree has been submitted to the court for its approval.

Rules of Evidence	The Rules of Evidence do not apply to inquiries made to determine whether there is a factual basis for an admission or a consent decree.
Extension and Termination	Consent decrees in abuse and neglect proceedings may be extended by the department and terminated in accordance with Rule 10-225.

Revocation

If, prior to the expiration of the consent decree, the respondent allegedly fails to fulfill the terms of the decree, the children's court attorney may file a petition to revoke the consent decree. If the respondent is found to have violated the terms of the consent decree, the court may:

- Extend the period of the consent decree; or
- Make any other disposition which would have been appropriate in the original proceedings.

Section 1-10: Adjudicatory Hearing

NMSA 1978, §32A-4-19, RULE 10-320 NMRA

EVENT	DESCRIPTION
6539	NTC: Pre-Adjudication Meeting
6529	NTC: Hearing (Sequestered)
4500	CAL: Adjudicatory Meeting
4511	CAL: Dispositional Hearing
8316	NCJ: Adjudicatory/Dispositional Order
3591	CLS: Adjudicatory/Dispositional Order



CAUTION | EVENT CODE 8316

The event code 8316, NCJ: Adjudicatory/Dispositional Order changes the case status to PV, which means Pending Review.

Pre-Adjudicatory Meeting

Prior to the adjudicatory hearing, all parties to the hearing shall attend a mandatory meeting and attempt to settle issues attendant to the adjudicatory hearing and develop a proposed treatment plan that serves the child's best interest.



TIME LIMIT | ADJUDICATORY HEARING

The adjudicatory hearing in a neglect or abuse proceeding shall be commenced within **sixty (60) days** after the latest of the following dates:

- The date that the petition is served on the respondent (in practice, the file stamp date);
- If the trial court orders a mistrial or a new trial, the date that the order is filed; or
- In the event of an appeal, the date that the mandate or order is filed in the district court disposing of the appeal.

CYFD Attorney

The children's court attorney shall represent the state at the adjudicatory hearing.



TIME LIMIT | FAILURE TO COMPLY WITH TIME LIMITS

When the adjudicatory hearing on any petition is not begun within the time period specified above or within the period of any extension granted, the petition shall be dismissed with prejudice.

Section 1-11: Extensions

RULE 10-320 NMRA



TIME LIMIT | EXTENSION

The time for commencement of an adjudicatory hearing may be extended by the:

- Children's court judge for good cause shown, provided that the aggregate of all extensions granted by the children's court judge may not exceed **thirty (30) days**.
- The party seeking an extension of time shall file with the court a verified petition for extension concisely stating the facts that petitioner deems to constitute good cause for an extension of time to commence the adjudicatory hearing.
- The petition shall be filed within the applicable time limits prescribed by this rule, except that it may be filed within **ten (10) days** after the expiration of the applicable time limits if it is based on exceptional circumstances beyond the control of the state or children's court which justify the failure to file the petition within the applicable time limit.



CAUTION | NONCOMPLIANCE WITH TIME LIMITS

If the adjudicatory hearing on any petition is not begun within the time specified in Adjudicatory Hearing-Time Limit box above or within the period of any extension granted as provided in this rule, the petition shall be **dismissed with prejudice**.

Section 1-12: Dispositional Hearings and Extensions

RULE 10-321 NMRA

EVENT	DESCRIPTION
6529	NTC: Hearing (Sequestered)
4511	CAL: Dispositional Hearing
8316	NCJ: Adjudicatory/Dispositional Order
3591	CLS: Adjudicatory/Dispositional Order

**CAUTION | EVENT CODE 8316**

The event code 8316, NCJ: Adjudicatory/Dispositional Order changes the case status to PV, which means Pending Review.

Predisposition Report	<ul style="list-style-type: none"> • If the court finds that the respondent has abused or neglected the child, the court shall hold a dispositional hearing. • If the dispositional hearing is not held at the same time as the adjudicatory hearing, the department shall prepare a predisposition report. • Unless the dispositional hearing is held in conjunction with the adjudicatory hearing, at least five (5) days prior to the dispositional hearing the department shall file with the court and serve on each party and the guardian ad litem a predisposition report.
Access to Reports	<p>At the time of serving the department's dispositional plan on the parties and guardian ad litem, the department shall serve each party and the guardian ad litem with:</p> <ul style="list-style-type: none"> • Copies of any social, diagnostic or other predisposition reports ordered by or submitted to the court; and • A proposed disposition order.

NMSA 1978, §32A-4-22

**TIME LIMIT | DISPOSITIONAL HEARING**

If not held in conjunction with the adjudicatory hearing, the dispositional hearing shall be commenced within **thirty (30) days** after the conclusion of the adjudicatory hearing.

Findings	<p>At the conclusion of the dispositional hearing, the court shall make and include in the dispositional judgment its findings on the following:</p> <ul style="list-style-type: none">• The interaction and interrelationship of the child with his parent, siblings and any other person who may significantly affect the child's best interest;• The child's adjustment to his home, school and community;• The mental and physical health of all individuals involved;• The wishes of the child as to his custodian;• The wishes of the child's parent, guardian or custodian as to the child's custody.• Whether there exists a relative of the child or other individual who, after study by the department, is found to be qualified to receive and care for the child;• The availability of services recommended in the treatment plan prepared as a part of the predisposition study in accordance with the provisions of Section 32A-4-21 NMSA 1978;
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<p>Findings (continued)</p>	<ul style="list-style-type: none"> • Whether reasonable efforts were used by the department to prevent removal of the child from the home prior to placement in substitute care and whether reasonable efforts were used to attempt reunification of the child with the natural parent; and • If the child is an Indian child, whether the placement preferences set forth in the federal Indian Child Welfare Act of 1978 or the placement preferences of the child's Indian tribe have been followed and whether the Indian child's treatment plan provides for maintaining the Indian child's cultural ties. • When placement preferences have not been followed, good cause for noncompliance shall be clearly stated and supported.
<p>Findings to Protect Welfare of Child(ren)</p>	<p>If a child is found to be neglected or abused, the court may enter its judgment making any of the following dispositions to protect the welfare of the child:</p> <ul style="list-style-type: none"> • Permit the child to remain with his parent, guardian or custodian, subject to those conditions and limitations the court may prescribe; • Place the child under protective supervision of the department; or • Transfer legal custody of the child to any of the following: <ul style="list-style-type: none"> - The noncustodial parent, if it is found to be in the child's best interest; - An agency responsible for the care of neglected or abused children; or - A child-placement agency willing and able to assume responsibility for the education, care and maintenance of the child and licensed or otherwise authorized by law to receive and provide care for the child.

<p>Treatment, Reunification and Criteria for not Reunifying Family</p>	<p>If a child is found to be neglected or abused, in its dispositional judgment the court shall also order the department to implement and the child's parent, guardian or custodian to cooperate with any treatment plan approved by the court. Reasonable efforts shall be made to preserve and reunify the family, with the paramount concern being the child's health and safety. The court may determine that reasonable efforts are not required to be made when the court finds that:</p> <ul style="list-style-type: none"> • The efforts would be futile; • The parent, guardian or custodian has subjected the child to aggravated circumstances; or • The parental rights of the parent to a sibling of the child have been terminated involuntarily.
<p>Visitation Rights</p>	<p>Any parent, guardian or custodian of a child who is placed in the legal custody of the department or other person pursuant to Subsection B of this section shall have reasonable rights of visitation with the child as determined by the court, unless the court finds that the best interests of the child preclude any visitation.</p>
<p>Visitation</p>	<p>The court may order reasonable visitation between a child placed in the custody of the department and the child's siblings or any other person who may significantly affect the child's best interest, if the court finds the visitation to be in the child's best interest.</p>
<p>Confinement in Institution for Juvenile Delinquents</p>	<p>Unless a child found to be neglected or abused is also found to be delinquent, the child shall not be confined in an institution established for the long-term care and rehabilitation of delinquent children.</p>
<p>Legal Custody</p>	<p>When the court vests legal custody in an agency, institution or department, the court shall transmit with the dispositional judgment copies of the clinical reports, the predisposition study and report and any other information it has pertinent to the care and treatment of the child.</p>

Notice to CYFD	<ul style="list-style-type: none"> • Prior to any child being placed in the custody or protective supervision of the department, the department shall be provided with reasonable oral or written notification and an opportunity to be heard. • At any hearing held pursuant to this subsection, the department may appear as a party.
Enrollment in Native American Tribe	When a child is placed in the custody of the department, the department shall investigate whether the child is eligible for enrollment as a member of an Indian tribe and, if so, the department shall pursue the enrollment on the child's behalf.



TIME LIMIT | PERMANENCY HEARING

- When the court determines that no reasonable efforts at reunification are required, the court shall conduct, within **thirty (30) days**, a permanency hearing as described in Section 32A-4-25.1 NMSA 1978.
- Reasonable efforts shall be made to implement and finalize the permanency plan in a timely manner.

Section 1-13: Judgment and Appeals

RULE 10-320 NMRA

Entry of Judgment	<ul style="list-style-type: none"> • The judge shall sign a written judgment and disposition in abuse and neglect proceedings. • The judgment and disposition shall be filed. • The clerk shall give notice of entry of the judgment and disposition.
Appeals	Appeals from judgments on petitions alleging abuse or neglect shall be governed by the Rules of Appellate Procedure.

Section 1-14: Permanency Hearings and Judicial Reviews

RULE 10-325 NMRA

JUDICIAL REVIEW EVENT CODES

EVENT	DESCRIPTION
6568	NTC: Judicial Review
4520	CAL: Judicial Review Hearing
8321	NCJ: Judicial Review Order
3528	CLS: Judicial Review Order

INITIAL PERMANENCY HEARING EVENT CODES

EVENT	DESCRIPTION
6538	NTC: Pre-Permanency Hearing
6569	NTC: Initial Permanency Hearing
4575	CAL: Initial Permanency Hearing
8322	NCJ: Initial Permanency Hearing Order
3593	CLS: Initial Permanency Hearing Order

SUBSEQUENT PERMANENCY HEARING EVENT CODES

EVENT	DESCRIPTION
6570	NTC: Subsequent Permanency Hearing
4576	CAL: Subsequent Permanency Hearing
8320	NCJ: Subsequent Permanency Hearing Order
3594	CLS: Subsequent Permanency Hearing Order


TIME LIMIT | FIRST PERMANENCY HEARING

Within **six (6) months** after the conclusion of the initial judicial review, the court shall conduct a permanency hearing to determine what permanency plan is in the child's best interest.

Notice	The department shall be responsible for obtaining a setting for the first and any subsequent permanency hearing and shall give notice of the hearing to all other parties and such other persons as required by law.
Pre-permanency	<ul style="list-style-type: none"> • Not less than five (5) days prior to a permanency hearing, the department shall prepare and serve on each party a pre-permanency hearing report. • The report shall include the department's proposed permanency plan. • The pre-permanency hearing report shall also set forth any changes to the disposition plan.


TIME LIMIT | FIRST PERMANENCY HEARING

- Not less than **five (5) days** prior to each permanency hearing, the parties shall participate in a pre-hearing settlement conference.
- The department shall give notice of the time and place of the hearing to each party and to the child's guardian ad litem.

Initial Permanency Order

At the conclusion of the permanency hearing, the court shall enter an order:

- Returning custody of the child to the parents and dismissing the case;
- Returning the child to the child's parent, guardian or custodian, subject to those conditions and limitations as the court may prescribe, including protective supervision of the child by the department and continuation of the treatment plan for not more than **six (6) months**; or
- Continuing the child in the legal custody of the department with such other disposition as may be in the child's best interest.


TIME LIMIT | SUBSEQUENT PERMANENCY HEARING (WHEN REQUIRED)

Within **three (3) months** after the initial permanency hearing order, the court shall hold a subsequent permanency hearing if:

- A motion to terminate parental rights has not been filed;
- A petition to appoint a permanent guardian has not been filed; or
- The child's permanency plan has not been formally changed to provide for emancipation of the child.

Subsequent Permanency Hearing Disposition

At the conclusion of the subsequent permanency hearing, the court shall enter an order:

- Requiring the department to change the child's permanency plan to provide for adoption, emancipation, permanent guardianship or long-term foster care for the child and that additional efforts to reunite the child and parent will not be attempted;
- Dismissing the case and returning the child to the parent, guardian or custodian; or
- Returning the child to the parent, guardian or custodian, subject to those conditions the court may prescribe, including protective supervision of the child by the department and continuation of the treatment plan for not more than **six (6) months**.

**TIME LIMIT | JUDICIAL REVIEWS**

- If a judgment has been filed finding the child to be neglected or abused, within **sixty (60) days** after the date the judgment was filed the court shall review the treatment plan approved by the court.
- At least once every **six (6) months** thereafter, the court shall review the department's progress in implementing the court's orders.
- The department shall request a date for each judicial review and give notice as required by law.

Section 1-15: Termination of Parental Rights

TERMINATION EVENT CODES

EVENT	DESCRIPTION
6529	NTC: Hearing (Termination of Parental Rights)
8274	ORD: Terminate Parental Rights

COMMENCEMENT OF PROCEEDINGS

RULE 10-330 NMRA

Commencement	<p>A termination of parental rights proceeding may be commenced by filing a motion to terminate parental rights:</p> <ul style="list-style-type: none"> • At any stage of the abuse or neglect proceeding by the department; or • At any time after the disposition hearing, by any party authorized by law to file a motion to terminate parental rights.
Joinder	<ul style="list-style-type: none"> • A termination of parental rights proceeding may be commenced by filing a motion to terminate parental rights. • If a parent has not previously been made a party to the proceeding, that parent shall be joined as a party to the proceeding. • The parent shall be served with a summons and a copy of the motion in the manner provided by Rule 10-104 NMRA.
Contents of Motion or Petition	The motion or petition shall be substantially in the form approved by the Supreme Court.

EXPLANATION OF RIGHTS

RULE 10-331 NMRA

Explanation of Rights	<p>If the first appearance of a respondent is at a termination of parental rights proceeding, if the respondent is not represented by an attorney, the respondent shall be informed by the court of:</p> <ul style="list-style-type: none"> • The allegations of the motion to terminate parental rights; • The right to a trial on the allegations in the motion; • The right to an attorney and that if the respondent cannot afford an attorney, one will be appointed to represent the respondent free of charge; and • The consequences if the allegations of the motion are found to be true.
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Appointment of Counsel	<p>In any proceeding or case that may result in the termination of parental rights, an attorney may not represent more than one parent.</p>
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TERMINATION PROCEDURE

NMSA 1978, §32A-4-29

MOTION TO TERMINATE PARENTAL RIGHTS

Motion to Terminate Parental Rights	<p>A motion to terminate parental rights may be filed at any stage of the abuse or neglect proceeding. The proceeding may be initiated by any of the following:</p> <ul style="list-style-type: none"> • the department; • a licensed child placement agency; or • any other person having a legitimate interest in the matter, including the child's guardian ad litem, a petitioner for adoption, a foster parent or a relative of the child.
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FORM OF MOTION

<p>Form of Motion</p>	<p>The motion for termination of parental rights shall be signed, verified by the moving party and filed with the court. The motion shall set forth:</p> <ul style="list-style-type: none"> • the date, place of birth and marital status of the child, if known; • the grounds for termination and the facts and circumstances supporting the grounds for termination; • the names and addresses of the persons or authorized agency or agency officer to whom custody might be transferred; • whether the child resides or has resided with a foster parent who desires to adopt this child; • whether the motion is in contemplation of adoption; • the relationship or legitimate interest of the moving party to the child; and • whether the child is subject to the federal Indian Child Welfare Act of 1978 and, if so: <ul style="list-style-type: none"> - the tribal affiliations of the child's parents; - the specific actions taken by the moving party to notify the parents' tribes and the results of the contacts, including the names, addresses, titles and telephone numbers of the persons contacted. Copies of any correspondence with the tribes shall be attached as exhibits to the petition; and - what specific efforts were made to comply with the placement preferences set forth in the federal Indian Child Welfare Act of 1978 or the placement preferences of the appropriate Indian tribes.
	<p>A parent who has not previously been a party to the proceeding shall be named in the motion and shall become a party to the proceeding unless the court determines that the parent has not established a protected liberty interest in his relationship with the child.</p>

MOTION FOR TPR PLEADING

CHILDREN'S COURT FORM 10-470 NMRA

1
Caption

STATE OF NEW MEXICO
 _____ COUNTY
 _____ JUDICIAL DISTRICT
 IN THE CHILDREN'S COURT

No. _____

 Petitioner
 v.

 Respondent.

2
Relationship of
Movant to Child(ren)
32A4-29 B. (6)

MOTION FOR TERMINATION OF PARENTAL RIGHTS

I, _____ (name of petitioner) state that:

1. The petitioner is the [department] _____ (set forth the relationship of the moving party to the child); and

2. The [respondent is] [respondents are] the [father] [and] [mother] of the following children who reside in this state:

Name	Date of birth
_____	_____
_____	_____
_____	_____

3. If anyone other than the parties to this proceeding has either physical custody or claims to have custody or visitation rights of a child listed above, complete the following for each child:

Child's name	Person claiming rights
_____	_____
_____	_____
_____	_____

(use applicable alternative)

3
DOB of Child(ren)
32A4-29 B. (1)

4
ICWA
32A4-29 B. (7)

4. [The child is not subject to the Indian Child Welfare Act;]
[The child is subject to the federal Indian Child Welfare Act of 1978.
(a) The child's father is a member of _____
(tribal affiliation)
The child's mother is a member of _____
(tribal affiliation)
(b) The [department] [moving party] has taken the following actions to
notify the parents' tribes:

(set forth the actions taken, the names, address, titles and
telephone numbers of the persons contacted)

The results of the contacts are as follows:

The following correspondence with the tribes is attached as exhibits:
_____ (Attach copies
of any correspondence with the tribes as exhibits to the petition);

(c) The following specific efforts were made to comply with the
placement preferences set forth in the federal Indian Child Welfare Act
of 1978 or the placement preferences of the appropriate Indian tribes:

5. A New Mexico court, a tribal court or a court in another state has
previously set conditions of child custody or child support for any or all
of the children listed above in _____
(style of case and docket number).

6. As grounds for termination of the parental rights of respondent, the
[petitioner] [moving party] states:

_____;

5
Grounds for TPR
32A4-29 B. (2)

7. The facts and circumstances supporting the grounds for termination are as follows:

 _____;
 _____;

8. The following persons or agencies should be considered by the court to take custody of the respondent's children:

 _____;
 _____;

9. _____ (name of child) resides or has resided with _____, a foster parent, who [desires] [does not desire] to adopt this child;

10. This motion has been filed by the [petitioner] [moving party] in contemplation of adoption proceedings.

Adoption of _____ (name of child) is not contemplated at this time;

11. It is in the best interest of _____ (name of child) that the parental rights of _____ be terminated.

WHEREFORE, [petitioner] [the moving party] requests the court:

1. For termination of respondent's parental rights and continuing the child in the legal custody of the department until the child is adopted or until further order of the court;

2. For such other relief as appropriate.

VERIFICATION

STATE OF NEW MEXICO)
 COUNTY OF _____) ss
 TRIBE OR PUEBLO _____)

I have read and understand the contents of this petition and the statements made are true and correct to the best of my information and belief.

I understand that I can be punished both civilly and criminally if statements I have made in this petition are false.

_____ Date Signature of petitioner or moving party

 Petitioner's or moving party's street address

 Petitioner's or moving party's (city, state and zip code)

Signed and sworn before me on this ____ day of _____,
 _____.

_____ My commission expires: _____
 Notary Public

SERVICE OF NOTICE OF FILING OF MOTION

PARTIES ENTITLED TO SERVICE OF NOTICE OF MOTION AND MOTION	
all other parties	the foster parent
preadoptive parent or relative providing care for the child with whom the child is residing	foster parents with whom the child has resided for six months within the previous twelve months
the custodian of the child	any person appointed to represent any party
any other person the court orders	

Foster Parents and Attorneys of Record	Service shall be in accordance with the Rules of Civil Procedure for the District Courts for the service of motions in a civil action in this state, except that foster parents and attorneys of record in this proceeding shall be served by certified mail.
ICWA	In any case involving a child subject to the federal Indian Child Welfare Act of 1978, notice shall also be sent by certified mail to the tribes of the child's parents and upon any "Indian custodian" as that term is defined in 25 U.S.C. Section 1903(6).
Service not Required	Further notice shall not be required on a parent who has been provided notice previously pursuant to Section 32A-4-17 NMSA 1978 and who failed to make an appearance.



TIME LIMIT | RESPONSE

The notice shall state specifically that the person served shall file a written response to the motion within **twenty (20) days** if the person intends to contest the termination.

SERVICE BY PUBLICATION

Motion	If the identity or whereabouts of a person entitled to service are unknown, the moving party shall file a motion for an order granting service by publication supported by the affidavit of the moving party or his agent or attorney detailing the efforts made to locate the person entitled to service.
Order	Upon being satisfied that reasonable efforts to locate the person entitled to service have been made and that information as to the identity or whereabouts of the person is still insufficient to effect service in accordance with the Rules of Civil Procedure for the District Courts, the court shall order service by publication pursuant to the Rules of Civil Procedure for the District Courts.

Right to Counsel	After a motion for the termination of parental rights is filed, the parent shall be advised of the right to counsel unless the parent is already represented by counsel. Counsel shall be appointed, upon request, for any parent who is unable to obtain counsel due to financial reasons or, if in the court's discretion, the interests of justice require appointment of counsel.
Guardian Ad Litem	The court shall assure that a guardian ad litem represents the child in all proceedings for the termination of parental rights.


TIME LIMIT | HEARING FOR MOTION ON TPR

When a motion to terminate parental rights is filed, the moving party shall request a hearing on the motion. The hearing date shall be at least **thirty (30) days**, but no more than **sixty (60) days**, after service is effected upon the parties entitled to service under this section.

Department's Rights	In any action for the termination of parental rights brought by a party other than the department and involving a child in the custody of the department, the department may: <ul style="list-style-type: none"> • litigate a motion for the termination of parental rights that was initially filed by another party; or • move that the motion for the termination of parental rights be found premature and denied.
Concurrent Planning	When a motion to terminate parental rights is filed, the department shall perform concurrent planning.

Level of Proof Required	<ul style="list-style-type: none"> The grounds for any attempted termination shall be proved by clear and convincing evidence. In any proceeding involving a child subject to the federal Indian Child Welfare Act of 1978, the grounds for any attempted termination shall be proved beyond a reasonable doubt and shall meet the requirements set forth in 25 U.S.C. Section 1912(f).
Custodian and Child Support	When the court terminates parental rights, it shall appoint a custodian for the child and fix responsibility for the child's support.
Meeting ICWA Requirements	In any termination proceeding involving a child subject to the federal Indian Child Welfare Act of 1978, the court shall in any termination order make specific findings that the requirements of that Act have been met.
	<ul style="list-style-type: none"> A judgment of the court terminating parental rights divests the parent of all legal rights and privileges and dispenses with both the necessity for the consent to or receipt of notice of any subsequent adoption proceeding concerning the child. A judgment of the court terminating parental rights shall not affect the child's rights of inheritance from and through the child's biological parents.

**TIME LIMIT | CRITERIA FOR NOT TERMINATING PARENTAL RIGHTS**

When a child has been in the custody of the department for not less than **fifteen (15)** of the previous **twenty-two (22) months**, the department shall file a motion to terminate parental rights, unless:

- a parent has made substantial progress toward eliminating the problem that caused the child's placement in foster care; it is likely that the child will be able to safely return to the parent's home within three months; and the child's return to the parent's home will be in the child's best interests;
- the child has a close and positive relationship with a parent and a permanent plan that does not include termination of parental rights will provide the most secure and appropriate placement for the child;
- the child is thirteen years of age or older, is firmly opposed to termination of parental rights and is likely to disrupt an attempt to place him with an adoptive family;
- a parent is terminally ill, but in remission, and does not want his parental rights to be terminated, provided that the parent has designated a guardian for his child;
- the child is not capable of functioning if placed in a family setting. In such a case, the court shall reevaluate the status of the child every **ninety (90) days** unless there is a final court determination that the child cannot be placed in a family setting;
- grounds do not exist for termination of parental rights;
- the child is an unaccompanied, refugee minor and the situation regarding the child involves international legal issues or compelling foreign policy issues; or
- adoption is not an appropriate plan for the child.

Chapter 2: Abuse and Neglect Statutes

Section 2-1: Native American Child Placement Preferences

NMSA 1978, §32A-4-9

<p>Placement Preferences</p>	<p>An Indian child accepted for foster care or pre-adoptive placement shall be placed in the least restrictive setting that most closely approximates a family in which his special needs, if any, may be met. The Indian child shall also be placed within reasonable proximity to the Indian child's home, taking into account any special needs of the Indian child. In any foster care or pre-adoptive placement, a preference shall be given, in the absence of good cause to the contrary, to a placement with:</p> <ul style="list-style-type: none"> • a member of the Indian child's extended family; • a foster care home licensed, approved and specified by the Indian child's tribe; • an Indian foster care home licensed or approved by an authorized non-Indian licensing authority; or • an institution for children approved by the Indian child's tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs.
<p>Protection of Cultural Ties</p>	<p>When the placement preferences set forth above are not followed or if the Indian child is placed in an institution, a plan shall be developed to ensure that the Indian child's cultural ties are protected and fostered.</p>

Section 2-2: Mentally Disordered or Developmentally Disabled Child

NMSA 1978, §32A-4-23

<p>Petition for Involuntary Placement</p>	<p>When a child in department custody needs involuntary placement for residential mental health or developmental disability services as a result of a mental disorder or developmental disability, the department shall petition for that child's placement pursuant to the provisions of the Children's Mental Health and Developmental Disabilities Act [32A-6-1 to 32A-6-22 NMSA 1978].</p>
<p>Custody</p>	<p>Any child in department custody who is placed for residential treatment or habilitation pursuant to the provisions of the Children's Mental Health and Developmental Disabilities Act shall remain in the legal custody of the department while in residential treatment or habilitation or until further order of the court.</p>
<p>Involuntary Placement</p>	<ul style="list-style-type: none"> • A court hearing for consideration of an involuntary placement of a child for residential treatment or habilitation, when the child is subject to the provisions of the Abuse and Neglect Act, shall be heard by the court as part of the abuse or neglect proceedings. • All parties to the abuse or neglect proceedings shall be provided with notice of the involuntary placement hearing.

Guardian Ad Litem	A guardian ad litem appointed pursuant to the Abuse and Neglect Act shall serve as a guardian ad litem for a child for the purposes of the Children's Mental Health and Developmental Disabilities Act. When a child is fourteen years of age or older and his guardian ad litem determines that the child's wishes conflict with the child's best interests, the guardian ad litem shall petition the court for the appointment of an attorney to represent the child pursuant to the Children's Mental Health and Developmental Disabilities Act. Upon receiving the petition, the court shall appoint counsel for the child.
Documentation and Treatment Review	<ul style="list-style-type: none"> • When a child is subject to the provisions of the Abuse and Neglect Act and is receiving residential treatment or habilitation services, any documentation required pursuant to the Children's Mental Health and Developmental Disabilities Act shall be filed with the court as part of the abuse or neglect proceeding. • A review of the child's placement in a residential treatment or habilitation program shall occur in the same manner and within the same time requirements as provided in the Children's Mental Health and Developmental Disabilities Act.
Filing	The clerk of the court shall maintain a separate section within an abuse or neglect file for documents pertaining to actions taken under the Children's Mental Health and Developmental Disabilities Act.
Substantive and Procedural Rights	A child subject to the provisions of the Abuse and Neglect Act who receives treatment in a residential treatment or habilitation program shall enjoy all the substantive and procedural rights set forth in the Children's Mental Health and Developmental Disabilities Act.

Section 2-3: Confidentiality of Records

NMSA 1978, §32A-4-33



CAUTION | RECORDS NOT PUBLIC

All records concerning a party to a neglect or abuse proceeding, including:

- social records,
- diagnostic evaluation,
- psychiatric or psychological reports,
- videotapes, transcripts and audio recordings of a child's statement of abuse,
- or medical reports,

that are in the possession of the court or the department as the result of a neglect or abuse proceeding or that were produced or obtained during an investigation in anticipation of or incident to a neglect or abuse proceeding shall be **confidential and closed to the public**.

**CAUTION | PERSONNEL ALLOWED TO INSPECT RECORDS**

The records described above shall be open to inspection only by:

- Court personnel;
- Court appointed special advocates;
- The child's guardian ad litem;
- Department personnel;
- Any local substitute care review board or any agency contracted to implement local substitute care review boards;
- Law enforcement officials, except when use immunity is granted pursuant to Section 32-4-11 [32A-4-11] NMSA 1978;
- District attorneys, except when use immunity is granted pursuant to Section 32-4-11 [32A-4-11] NMSA 1978;
- Any state government social services agency in any state;
- Those persons or entities of an Indian tribe specifically authorized to inspect the records pursuant to the federal Indian Child Welfare Act of 1978 or any regulations promulgated thereunder;
- A foster parent, if the records are those of a child currently placed with that foster parent or of a child being considered for placement with that foster parent and the records concern the social, medical, psychological or educational needs of the child;
- School personnel involved with the child if the records concern the child's social or educational needs;
- Health care or mental health professionals involved in the evaluation or treatment of the child, the child's parents, guardian, custodian or other family members;
- Protection and advocacy representatives pursuant to the federal Developmental Disabilities Assistance and Bill of Rights Act and the federal Protection and Advocacy for Mentally Ill Individuals Act of 1991;
- Children's safehouse organizations conducting investigatory interviews of children on behalf of a law enforcement agency or the department; and
- Any other person or entity, **by order of the court**, having a legitimate interest in the case or the work of the court.

**CAUTION | LEGITIMATE INTEREST**

Please note that the judge's discretion determines if a person or entity has a legitimate interest.

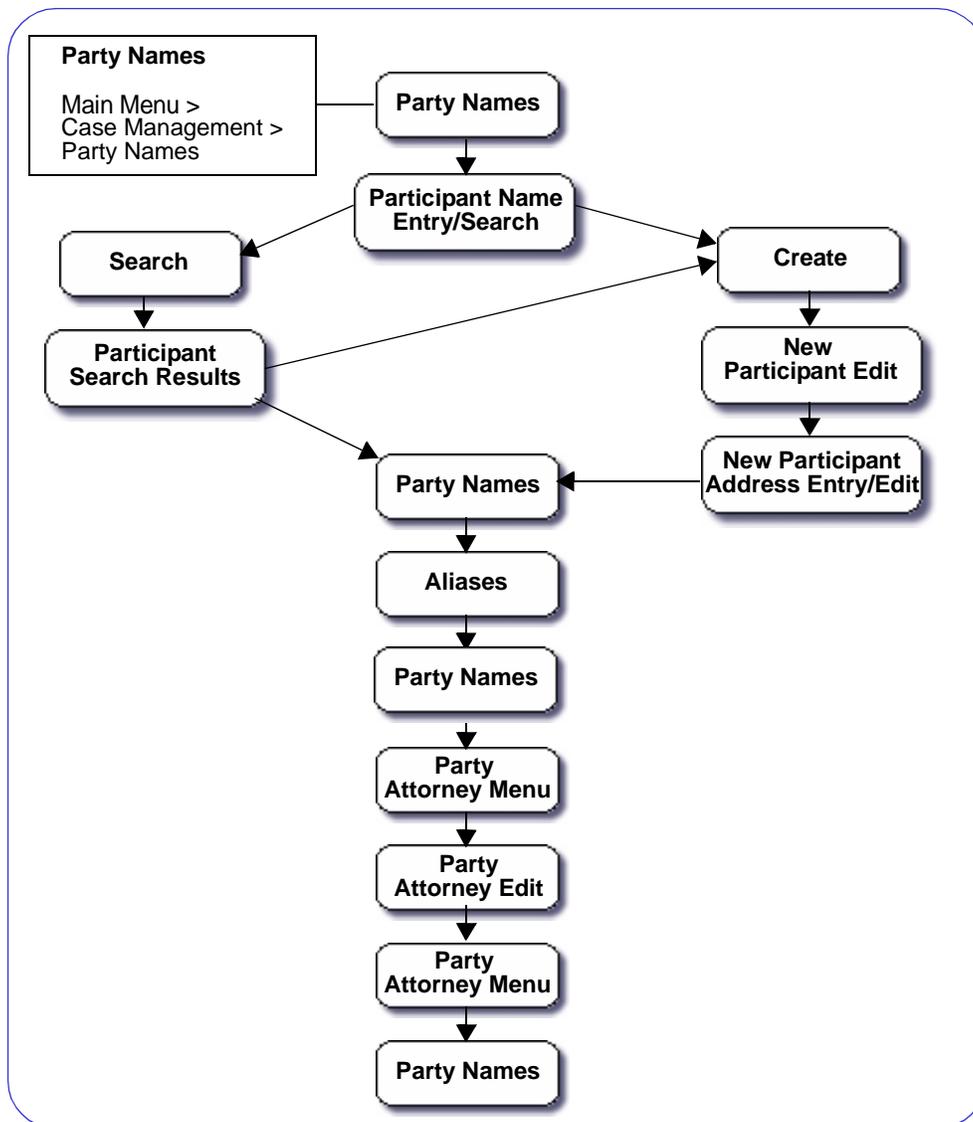
Inspection Rights	<ul style="list-style-type: none"> • A parent, guardian or legal custodian whose child has been the subject of an investigation of abuse or neglect where no petition has been filed shall have the right to inspect any medical report, psychological evaluation, law enforcement reports or other investigative or diagnostic evaluation, provided that any identifying information related to the reporting party or any other party providing information shall be deleted. • The parent, guardian or legal custodian shall also have the right to the results of the investigation and the right to petition the court for full access to all department records and information except those records and information the department finds would be likely to endanger the life or safety of any person providing information to the department.
Penalty	<p>Whoever intentionally and unlawfully releases any information or records closed to the public pursuant to the Abuse and Neglect Act or releases or makes other unlawful use of records in violation of that act is guilty of a petty misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.</p>
Releasing Information Regarding Child's Death	<p>When a child's death is allegedly caused by abuse or neglect, the department may release information about the case after consultation with and the consent of the district attorney.</p>

Chapter 3: Abuse and Neglect Flowcharts

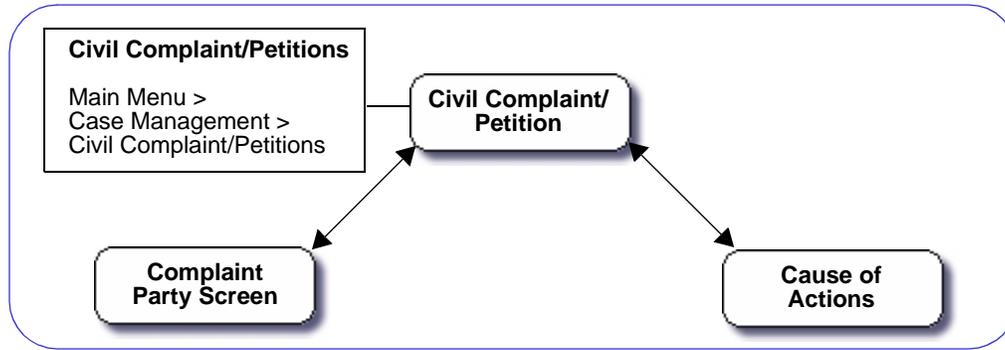
Section 3-1: Case Initiation



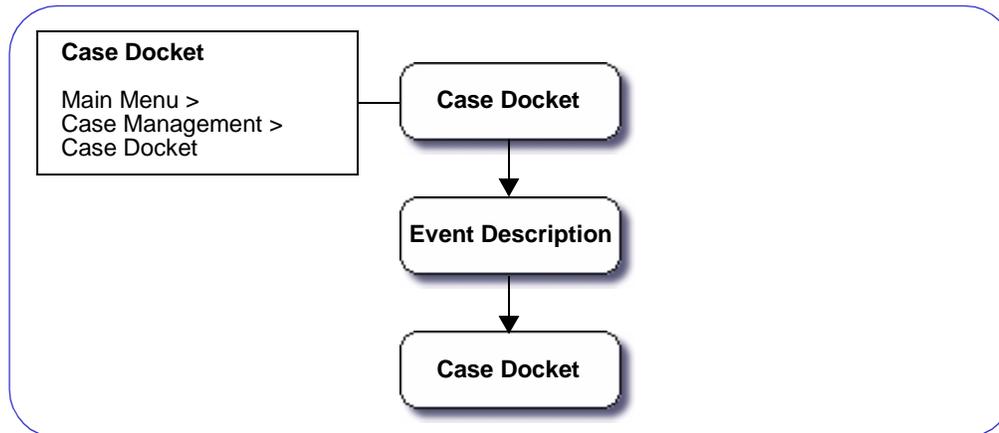
Section 3-2: Attach Parties to Case



Section 3-3: Entering a Civil Complaint/Petition



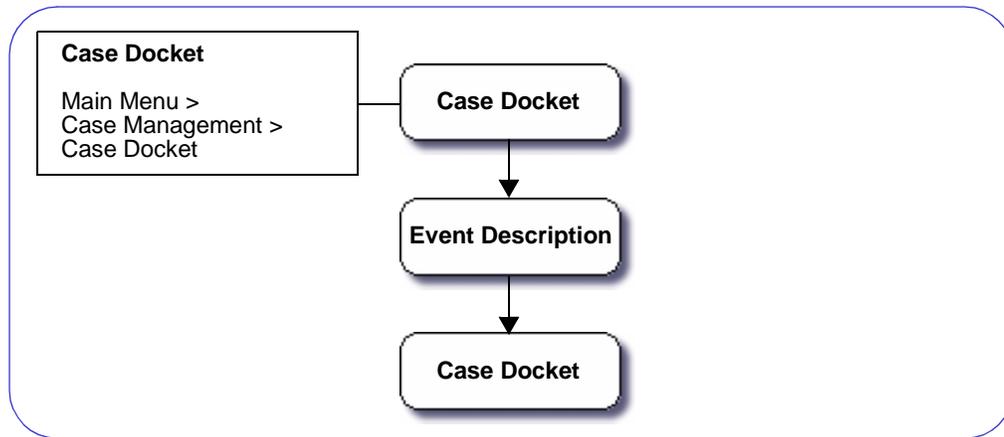
Section 3-4: Docketing



Section 3-5: Closing a Case



Section 3-6: Docketing Closing Event



Chapter 4: Abuse and Neglect FACTS™ Procedures

Section 4-1: Case Initiation

- **MAIN MENU** >
- **CASE MANAGEMENT** >
- **CASE MASTER.** The Case Master screen will appear. (FIGURE: 4-1.1)



CAUTION | SCREEN PRINTS

- Please note the screen prints may not reflect the in-house procedure of your court.
- They are meant to serve as an example.

The screenshot shows the Case Master software interface. At the top, the Case Number is D 0307 JQ 0009800014. The main form contains the following fields and values:

- Case Status: PN PN PENDING
- Status Date: 01-04-2002
- Type of Filing: N NEW FILING
- Filing Date: 01-04-2002
- Title: ITMO SMITH BROOKE
- Caption: (empty)
- Case Type: JAN JUV ABUSE AND NEGLECT
- Jurisdiction Area: (empty)
- Sealed/Expunged Case?: Y
- Judge: TC0 THOMAS G CORNISH, JR
- Alt. Case Ref.: (empty)
- Refiled?: (empty)
- Original Court: (empty)
- Consolidated with Other Cases?: (empty)
- Transferred case?: (empty)
- Prev. Case #: (empty)
- Criminal/Traffic section:
 - Prosecutor: (empty)
 - Victim? (Y/N): (empty)
 - LEA Case #: (empty)
 - Appear By: - -
 - Arresting Agency: (empty)
 - Citation Issued?: (empty)
 - Citation Signed?: (empty)
 - Vehicle Type: (empty)
 - Owner Responsibility?: (empty)
- Civil section:
 - Will Filing Date: - -
 - Child Support Payments Required?: (empty)

At the bottom of the form are three buttons: View Schedule, Save, and Related Cases.

Figure 4-1.1: Case Master

FIELD NAME	INSTRUCTIONS
Case Number:	FACTS™ will enter default Court and Location Codes.
Court (Default-D for District)	
Location (Default-four digit location code, for example, 0101)	
Category	<ul style="list-style-type: none"> • Enter case category, JQ. • Press ENTER.

FIELD NAME	INSTRUCTIONS (CONTINUED)
Number	<ul style="list-style-type: none"> FACTS™ will ask: “Do you want to enter a new case?” Press ENTER or Click on YES to indicate that you want to add a new case.
Case Status: (Default-PN for Pending)	Press ENTER .
Status Date: (Default-current date)	<ul style="list-style-type: none"> Press ENTER or Delete and enter appropriate date.
Type of Filing: (Default N for New)	Press ENTER .
Filing Date: (Default to current date)	<ul style="list-style-type: none"> Press ENTER or Delete and enter appropriate date.
Title:	<ul style="list-style-type: none"> Enter Case Title from Petition. Follow in-house procedure for the correct way to enter the title and Press ENTER.
Case Type:	Enter a case type code from the following list:

JUVENILE ABUSE AND NEGLECT CODES

JAN	Juvenile Abuse and Neglect
JFN	Juvenile CHINS/FINS
JTP	Juvenile Termination of Parental Rights

Sealed/Expunged Case: (Default-Y for JQ Cases)	Verify that this field is Y .
--	--------------------------------------

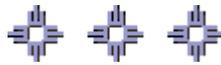


CAUTION | ALTERNATE CASE REFERENCE

To ensure that FACTS™ saves the entered data, tab past the **ALT. CASE REF.** button.

Save Button

- FACTS™ will generate a new case number and assign a judge;
- A screen prompt will show case number and judge assignment; press **ENTER** key to save data.
- A message box will appear that states data has been saved.
- Press **ENTER** or click **OK**. This action will take the user to the Party Names screen.
- Press the **ESC** (escape) key to return to the Case Master screen.



Section 4-2: Attach Parties to Case

After the case has been initiated, the **PARTY NAMES** screen will automatically pop-up or can be accessed by making the following menu choices:

- **MAIN MENU >**
- **CASE MANAGEMENT >**
- **PARTY NAMES.** The Party Names screen will appear. (FIGURE: 4-2.1)

The screenshot shows the 'Party Names' window with the following data:

- Case Number:** D 0307 JQ 0009800014 ITHO SMITH BROOKE
- Party Type/No.:** RS 1
- Party Status/Date:** A 02-06-2002 ACTIVE
- Participant ID:** [Redacted] **Edit** SMITH JENNIFER
- Person?** Y
- Last Name:** SMITH
- First:** JENNIFER **Middle:** [] **Suffix:** []
- Full Name:** SMITH JENNIFER
- Birth Date:** 05-21-1997 **JUVENILE:** JUVENILE **Juvenile?** Y **SSN:** 123456789
- Height:** [] Feet [] Inches **Sex:** F **Weight:** [] Lbs
- Origin:** [] **Eye:** [] **Hair:** []
- Ending Date:** - - **Driver License:** [] **State:** []
- Date of Death:** - - **Filing Address:** PT 1 **Edit**
- Alias Name?** N **Edit** **Attorney?** Y **Edit** **Military?**
- In Custody?** **Security Required?** **Interpreter:** []
- Restricted?** Y
- Save** button and text: **This is a new party**

Figure 4-2.1: Party Names

FIELD NAMES	INSTRUCTIONS
Case Number: (Default-last case number, if coming from the Case Master screen)	If you are beginning a new session or need to enter data from a different case, enter the Category and Number for the case.
Court (Default-D for District)	
Location (Default-four digit location code, for example, 0101)	
Category	Enter category, JQ.
Number	Enter case number.
Party Type:	Enter appropriate party type from the list below.

CT	Client	NP	Natural Parents
CV	CASA Volunteer	PI	Plaintiff in Intervention
GL	Guardian Ad Litem	PT	Petitioner
MC	Matter of the Child	RS	Respondent

Party No.:	FACTS™ will assign party number.
Party Status:	Enter “A” (active) and press ENTER.
Party Date: (Default-current date)	<ul style="list-style-type: none"> ENTER through or delete and type correct date. Press ENTER.
Participant ID:	<ul style="list-style-type: none"> In this field, the user can enter a Participant ID number and press tab. If the user does not have a Participant ID Number for the participant, press ENTER and the Party Name / Entry screen will pop up. (FIGURE: 4-2.2)

Figure 4-2.2: Party Name / Entry Search

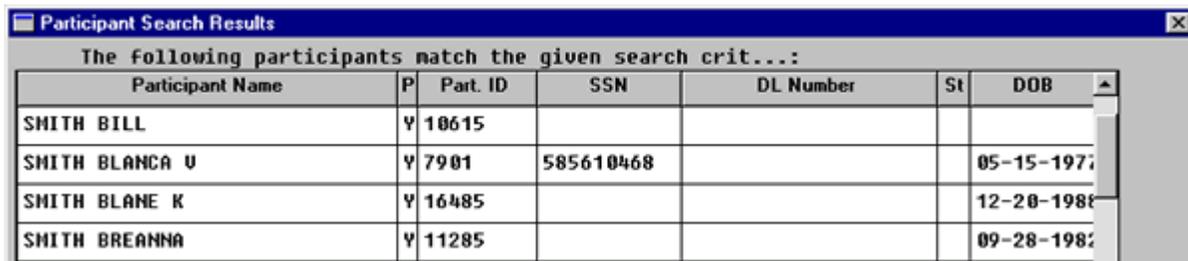


CAUTION | POPULATED DATA

Please note that the data you enter in the Participant Name / Entry Search screen will appear on the New Participant Edit screen.

Person?	Enter Y, if the Participant is a person.
Date of Birth:	Optional.
Search Button	<ul style="list-style-type: none"> Search first, if there is a chance that this participant is already in the database, click on this button to search. A message box may appear that states: "There are participant(s) on the system who match your criteria. Would you like to choose among them?" Click on the YES button. The Participant Search Results screen will pop-up. (FIGURE: 4-2.3)

Track 1



The following participants match the given search crit...:

Participant Name	P	Part. ID	SSN	DL Number	St	DOB
SMITH BILL	Y	10615				
SMITH BLANCA U	Y	7901	585610468			05-15-1977
SMITH BLANE K	Y	16485				12-20-1988
SMITH BREANNA	Y	11285				09-28-1987

Figure 4-2.3: Participant Search Results

Search Results	<ul style="list-style-type: none"> Highlight the appropriate participant with the arrow keys. Press ENTER to select the matching participant. If search result is negative, FACTS™ defaults to the New Participant Edit screen. (FIGURE: 4-2.4)
-----------------------	---

Track 2

Figure 4-2.4: New Participant Edit

**CAUTION | POPULATED DATA**

- Please note that the data you entered on the Participant Name / Entry Search screen will appear on this screen in the appropriate fields and does not need to be reentered.
- You may **ENTER** through the fields already populated (filled-in).

**CAUTION | NO PUNCTUATION**

Do not add punctuation to any fields: “**JR**” not “**JR.**”

Person:	<ul style="list-style-type: none"> • Enter Y, if the Participant is a person • Enter N, if the Participant is a governmental entity.
Last:	Enter the person’s last name .
First:	Enter the person’s first name .
Middle:	Enter the person’s middle name
Suffix:	This field supports the entry of suffixes such as: JR, SR, III, MD, PHD, etc.

DOB:	Enter date of birth, if available.
Sex:	Enter F for female or M for male , if the data is available.
SSN:	Enter the participant's social security number , if the data is available.
Drivers License No.:	OPTIONAL -If you have a driver's license number, enter data.

The screenshot shows a web form titled "Address Information:". It has two sections: "Correspondence Address Type:" with a dropdown menu set to "PT Party Address", and "Delivery Method:" with a dropdown menu set to "P Postal Service". Below these is a "Current Address" text area containing "1244 PRINCETON NE" and "ALBUQUERQUE, NM 87106". To the right of the text area is an "Edit" button. At the bottom right of the form is a "Continue" button.

Figure 4-2.5: New Participant Edit

Correspondence Address Information: (Default-PT for Party Address)	<ul style="list-style-type: none"> • Use the default entry, PT, unless otherwise specified, or • Select from the list below. • This indicates the address where notices are sent.
--	---

CODE	DESCRIPTION	CODE	DESCRIPTION
BU	Business Address	PT	Party Address
EM	Employer Address	RL	Relative's Address
HO	Home Address		

Delivery Method:	
Current Address Edit Button	<ul style="list-style-type: none"> • Click on the EDIT button to type address information. • The New Participant Address Entry / Edit will pop-up. (FIGURE: 4-2.6)

**CAUTION | CURRENT ADDRESS**

Please note the information indicated under Current Address is where notices get mailed.

Figure 4-2.6: New Participant Address Entry / Edit

**CAUTION | RESTRICTED FIELD**

Information on children is always designated as restricted.

Restricted:	Enter Y for yes, or N for no.
Line 1:/Line 2:	Enter the Participant's street address.
City:	Enter the Participant's city.
State:	Enter the Participant's state.
Zip Code:	Enter the Participant's zip code.
Business Phone:	Enter the Participant's Business Phone, if available.
Current From:	
Entry Date:	

Continue Button

- Click on the **CONTINUE** button.
- FACTS™ will return you to the New Participant Edit screen.

Participant ID: [redacted] **Edit** SMITH JENNIFER

Person? Y Last Name: SMITH
 First: JENNIFER Middle: Suffix:
 Full Name: SMITH JENNIFER

Birth Date: 05-21-1997 JUVENILE Juvenile? Y SSN: 123456789
 Height: Feet Inches Sex: F Weight: Lbs
 Origin: Eye: Hair:
 Ending Date: - - Driver License: State:
 Date of Death: - - Filing Address: PT 1 **Edit**
 Alias Name? N **Edit** Attorney? Y **Edit** Military?

In Custody? Security Required? Interpreter:
 Restricted? Y **Save** This is a new party

Figure 4-2.7: Party Names

Participant ID:	<ul style="list-style-type: none"> • Tab twice. • As a result of tabbing, FACTS™ will fill in the name and personal information fields. • Enter through these fields or fill in the information if available.
Filing Address Edit Button	<ul style="list-style-type: none"> • If you have already entered the Participant Address, tab past this button or • If you want to edit the address or enter an address, click this button and the New Participant Address Entry/Edit screen will pop-up. • Follow the directions above to enter data.
Alias Name? Edit Button	<ul style="list-style-type: none"> • If answer is no, then tab past this button, • If answer is yes, then click the button and the Party Aliases screen will pop-up. (FIGURE: 4-2.8)

Party Aliases

Participant ID: SMITH JENNIFER

Alias Name	Alias Type	DBA	DOB
HOLZER JENNY	A.K.A.	N	05-21-1997

Doing Business As? N Last Name:

First: Middle: Suffix:

Full:

Birth Date: SSN:

Driver License No.: State:

Alias Type:

Figure 4-2.8: Party Aliases

	Press F2 key to add a new alias.
Doing Business As?	The field is not used in Abuse and Neglect cases.
Last Name:	Enter the alias last name .
First Name:	Enter the alias first name .
Middle Name:	Enter the alias middle name if there is one.
Suffix:	Enter the alias suffix if there is one.
Full	If the alias is a person, this field will populate automatically.
Birth Date	Enter the alias birth date if one exists.
SSN:	Enter the alias social security number if one exists.
Driver's License No.:	Enter the alias driver's license number if one exists.
State:	Enter the state of the alias driver's license number.
Alias Type	Enter the appropriate code from the following table.

CODE	TYPE	DESCRIPTION
A	AKA	Also known as
F	FKA	Formerly known as
N	NKA	Now known as
O	OBO	On behalf of
X	Ex Rel	Ex relatione

DEFINITION(S) |**ex rel (ex relatione)**

By or on the information of; refers to information or action taken that is not based on first-hand experience but is based on the statement or account of another person. For example, a criminal charge "ex rel" simply means that the attorney general of a state is prosecuting on the basis of a statement of a person other than the attorney general himself (or herself.) For example, State ex rel CYFD.

The screenshot shows the 'Party Aliases' window for participant 'SMITH JENNIFER'. It features a table of aliases and a form for personal information.

Alias Name	Alias Type	DBA	DOB
HOLZER JENNY	A.K.A.	N	05-21-1997

Below the table, there are several input fields and buttons:

- Participant ID: Edit SMITH JENNIFER
- Doing Business As? N
- Last Name:
- First: Middle: Suffix:
- Full:
- Birth Date: SSN:
- Driver License No.: State:
- Alias Type:
- Buttons: Save Aliases, Done Editing

Figure 4-2.9: Party Aliases

Done Editing Button	<ul style="list-style-type: none"> Click on the DONE EDITING button when you have entered ALL the data for that alias. Verify that the data entered on the grid is correct. Press F2 to enter another alias.
Save Alias Button	<ul style="list-style-type: none"> Click the SAVE ALIASES button to save the data. You will return to the Party Names screen. (FIGURE: 4-2.10)

The screenshot shows a software window titled "Party Names". At the top, it displays "Case Number: D 0307 JQ 0009800014 ITHO SMITH BROOKE". Below this, "Party Type/No.: RS 1" and "Party Status/Date: A 02-06-2002 ACTIVE" are shown. The "Participant ID:" field is empty, with an "Edit" button next to it, and the name "SMITH JENNIFER" is displayed. The form includes several input fields and checkboxes: "Person?" (checked), "Last Name: SMITH", "First: JENNIFER", "Middle:", "Suffix:", "Full Name: SMITH JENNIFER", "Birth Date: 05-21-1997", "JUVENILE" (checked), "Juvenile?" (checked), "SSN: 123456789", "Height: Feet Inches", "Sex: F", "Weight: Lbs", "Origin:", "Eye:", "Hair:", "Ending Date: - -", "Driver License:", "State:", "Date of Death: - -", "Filing Address: PT 1", "Alias Name? N", "Attorney? Y", "Military?", "In Custody?", "Security Required?", "Interpreter:", "Restricted? Y", and a "Save" button. A note at the bottom right says "This is a new party".

Figure 4-2.10: Party Names

Alias Name? Edit Button	Tab past this button.
Attorney? Edit Button	<ul style="list-style-type: none"> To add an attorney for this party, click this button. The Party Attorney Menu screen will pop-up. (FIGURE: 4-2.11)

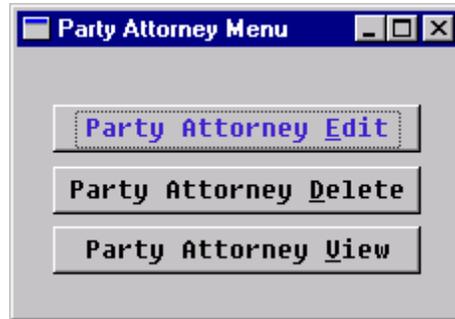


Figure 4-2.11: Party Attorney Menu

Party Attorney Edit	<ul style="list-style-type: none"> Click this button to enter a party attorney. The Party Attorney Edit screen will pop-up. (FIGURE: 4-2.12)
----------------------------	--

Figure 4-2.12: Party Attorney Edit

Case Number	You MUST ENTER through this field.
Party Type	You MUST ENTER through this field.
Party Number	You MUST ENTER through this field.
Attorney Code	<ul style="list-style-type: none"> Enter attorney code. Press F1 for the attorney names and codes. (FIGURE: 4-2.13)

Attorney Code	Name	Bin No.
45004	PAUL E. KEEFE	
77123	CONSTANCE R. KEEGAN	
78134	ARTHUR J. KEENAN	
81097	MICHAEL KEELEY	

Figure 4-2.13: Attorney Select

TIP | FASTER SEARCHING

- Tab through the **ATTORNEY STARTING CODE** field.
- Type the attorney's last name in the **NAME TO SEARCH FOR:** field and press **ENTER**.
- Highlight the appropriate attorney with the arrow keys and press **ENTER**.
- You will return to the Party Attorney Edit screen. (FIGURE: 4-2.14)

Attorney Data

Attorney Code: 77123 CONSTANCE R. KEEGAN

Attorney Type: PD PUBLIC DEFENDER

Attorney Status:

Attorney Inactive (Y/N)? Party/Attorney Status Date: -- --

Contact Attorney (Y/N)?

This is a new case

Figure 4-2.14: Party Attorney Edit

Attorney Type:

- Enter the appropriate code from the following list of choices:
- **PA** is the code for private attorney.
- Press **F1** for a lookup table.

ATTORNEY TYPES			
CA	Contract Attorney	SP	Special Prosecutor

ATTORNEY TYPES	
PA	Private Attorney

Attorney Data

Attorney Code:

Attorney Type:

Attorney Status:

Attorney Inactive (Y/N)? Party/Attorney Status Date:

Contact Attorney (Y/N)?

This is a new case

Figure 4-2.15: Party Attorney Edit

Attorney Inactive (Y/N)?	Enter N .
Party/Attorney Status Date.	
Contact Attorney/ (Y/N)?	<ul style="list-style-type: none"> Enter Y if notices are to be sent to this attorney or N if nothing is to be sent to this attorney.
Press Enter Key	<ul style="list-style-type: none"> Press ENTER, while cursor is in the Contact Attorney to save the data on this screen. A Message box will pop-up that says: "GOOD JOB. DATA SAVED."
Enter Other Attorneys	<ul style="list-style-type: none"> To enter another attorney, press the ESC key once to be taken to the top of the screen.
Go Back to Party Names Screen	<ul style="list-style-type: none"> To exit the Attorney Names screen, press the ESC key twice. You will return to the Party Attorney Menu screen. To close this screen, press the ESC key or click on the "X" in the upper right-hand corner. You will return to the Party Names screen. (FIGURE: 4-2.16)


CAUTION | ESCAPE (ESC) KEY

- Do not press the **ESC** key four times in a row from the Party Attorney Edit screen.
- You will lose the data you entered on the Party Names screen.

Party Names

Case Number: D 0307 JQ 0009800014 ITHO SMITH BROOKE

Party Type/No.: RS 1 Party Status/Date: A 02-06-2002 ACTIVE

Participant ID: ----- Edit SMITH JENNIFER

Person? Y Last Name: SMITH

First: JENNIFER Middle: Suffix:

Full Name: SMITH JENNIFER

Birth Date: 05-21-1997 JUVENILE Juvenile? Y SSN: 123456789

Height: Feet Inches Sex: F Weight: Lbs

Origin: Eye: Hair:

Ending Date: - - Driver License: State:

Date of Death: - - Filing Address: PT 1 Edit

Alias Name? N Edit Attorney? Y Edit Military?

In Custody? Security Required? Interpreter: Restricted? Y

Save This is a new party

Figure 4-2.16: Party Names

Attorney Edit? Button	Tab past this button to continue.
Restricted?	Enter Y for yes, or N for no.
Save Button	Tab to SAVE button and click button.



Section 4-3: Entering a Civil Complaint/Petition

- **MAIN MENU** >
- **CASE MANAGEMENT** >
- **CIVIL COMPLAINT/PETITIONS**. The Civil Complaints/Petition screen will appear. (FIGURE: 4-3.1)

Civil Complaint/Petitions

Case Number: **D 0307 JQ 0009800014** **ITMO SMITH BROOKE**

Complaint Date: **02-07-2002**

Complaint Sequence: **01**

Complaint Event Code: **1510** **OPN: NEGLECT/ABUSE PETITION**

Jury(Y/N): **N**

Identify Party(s) on the event comments? (Y/N): **Y**

Party? (Y/N): **Y**

Cause of Actions? (Y/N): **Y**

Relief Code(s)? (Y/N):

Disposition Code:

Date:

Disposition/Judgment Event:

Judgment Code(s)? (Y/N):

Save **Related Cases**

Updated By At 0 : :

Figure 4-3.1: Civil Complaint/Petitions

FIELDS	INSTRUCTIONS
Case Number: (Default last case number)	If you are beginning a new session or need to enter data from a different case, fill in each of the four subfields as follows:
Court	Enter D for District Court.
Location	Enter the four-digit court location code, for example, 0101, 0202.
Category	Enter category, JQ.
Number	Enter case number.
Complaint Date (Default-current date)	<ul style="list-style-type: none"> • Enter the date the case was initiated. • Press ENTER.
Complaint Sequence	<ul style="list-style-type: none"> • Type in the sequence number. • If you ENTER through, the number will default.
Complaint Event Code	Select an event code from the list below:

CASE CATEGORY	EVENT CODE	DESCRIPTION
JAN	1510	OPN: Neglect/Abuse Petition
JFN, JTP	1513	OPN: Petition
JAN, JFN, JTP	1501	OPN: Change of Venue



CAUTION | CHANGE OF VENUE EVENT CODE

- Use the appropriate event code for the case category to open a case.
- Use the event code, **1501**, only if the venue has been changed.

Jury	Enter N for No.
Identify Parties on the event comments? (Y/N):	Enter Y.
Party:	<ul style="list-style-type: none"> • Enter Y. • The Complaint Party Screen will pop-up. (FIGURE: 4-3.2)

Case: D 0307 JQ 0009800014 ITMO SMITH BROOKE

Case Type: JANJU ABUSE AND NEGLECT

Complaint Event: 1510PN: NEGLECT/ABUSE PETITION

Identify Party(s) on the Event comments (Y/N)? Y

Ty	Nbr	Plaintiff Party Name
MC	1	SMITH BROOKE A
PT	1	STATE OF NEW MEXICO CYFD

Ty	Nbr	Defendant Party Name
RS	1	SMITH JENNIFER

Updated 02/07/2002 By train1 At 841

Figure 4-3.2: Complaint Party Screen

	<ul style="list-style-type: none"> • Check the parties to see if they are correct. If they are, press CTRL T to save. • If not, delete any parties that do not apply to this complaint, e.g., Special Commissioner, or • If parties are missing go up to SCREENS > CASE MANAGEMENT > PARTY NAMES and enter the missing parties.
	<p>You will return to the Civil Complaints/Petition screen. (FIGURE: 4-3.3)</p>

```

Identify Party(s)
on the event comments? (Y/N):  Y
      Party? (Y/N):  Y
Cause of Actions? (Y/N):  Y
Relief Code(s)? (Y/N): 

```

Figure 4-3.3: Civil Complaint/Petitions

Cause of Actions: (Y/N)	<ul style="list-style-type: none"> • Enter Y for yes and press ENTER. The Cause of Actions screen will pop-up. (FIGURE: 4-3.4) • Any information entered in the Party Names screen will appear on the Cause of Actions screen.
--------------------------------	--

Case: D 0307 JQ 0009800014 ITMO SMITH BROOKE

Case Type: JANJUV ABUSE AND NEGLECT

Complaint Event: 15100PN: NEGLECT/ABUSE PETITION

Event Date: 02-07-2002

Sequence: 01

Cause of Actions sequence: 0001 Cause of Actions: JAB ABUSE AND NEGLECT

Contested: Yes No

Jury: Yes No

Disposition Code:

Disposition Date:

Disposition Event Code:

PT	No	Plaintiff Party Name
PT	001	STATE OF NEW MEXICO CYFD

PT	No	Defendant Party Name
RS	001	SMITH JENNIFER

Updated 02/06/2002 By train1 At 1500

Figure 4-3.4: Cause of Actions

**CAUTION | PARTY NAME FIELDS**

Do not enter minor children in either the Plaintiff or Defendant party name fields.

Cause of Actions:	<ul style="list-style-type: none"> Enter JAB for juvenile abuse and neglect, or Press F1 and select a cause of action from the pop-up list.
Contested:	<ul style="list-style-type: none"> Press ENTER twice. ENTER all the way down to the Plaintiff Party Name field. The other fields are not used in New Mexico.
Plaintiff Party Name:	<ul style="list-style-type: none"> The cursor will rest in the PT field and flash. Type in PT and press ENTER. The petitioner's name will default. Press F3 to move cursor to the PT field on the Defendant Party Name side.

Defendant Party Name:	<ul style="list-style-type: none"> The cursor will rest in the D field and flash. Type in D and press ENTER. The respondent's name will default. Press F2 to move cursor to the PT field on the Plaintiff Party Name side, if needed.
	<ul style="list-style-type: none"> Press the CTRL T keys to save and press ENTER. A message will appear stating that the data has been saved. Close this screen by clicking on the "X" in the upper right hand corner or by pressing the ESC key. You will then be returned to the Civil Complaint/Petitions screen. (FIGURE: 4-3.5)

The screenshot shows a terminal-style interface for entering case information. The fields and their values are:

- Cause of Actions? (Y/N): Y
- Relief Code(s)? (Y/N): [empty]
- Disposition Code: [empty]
- Date: --
- Disposition/Judgment Event: [empty]
- Judgment Code(s)? (Y/N): [empty]

Buttons: Save, Related Cases

Status bar: Updated By At 0 : :

Figure 4-3.5: Civil Complaint/Petitions



CAUTION | SAVE BUTTON

- You **MUST** click on the **SAVE** button when you return to the Civil Complaint / Petition screen.
- Otherwise, data will be corrupted.

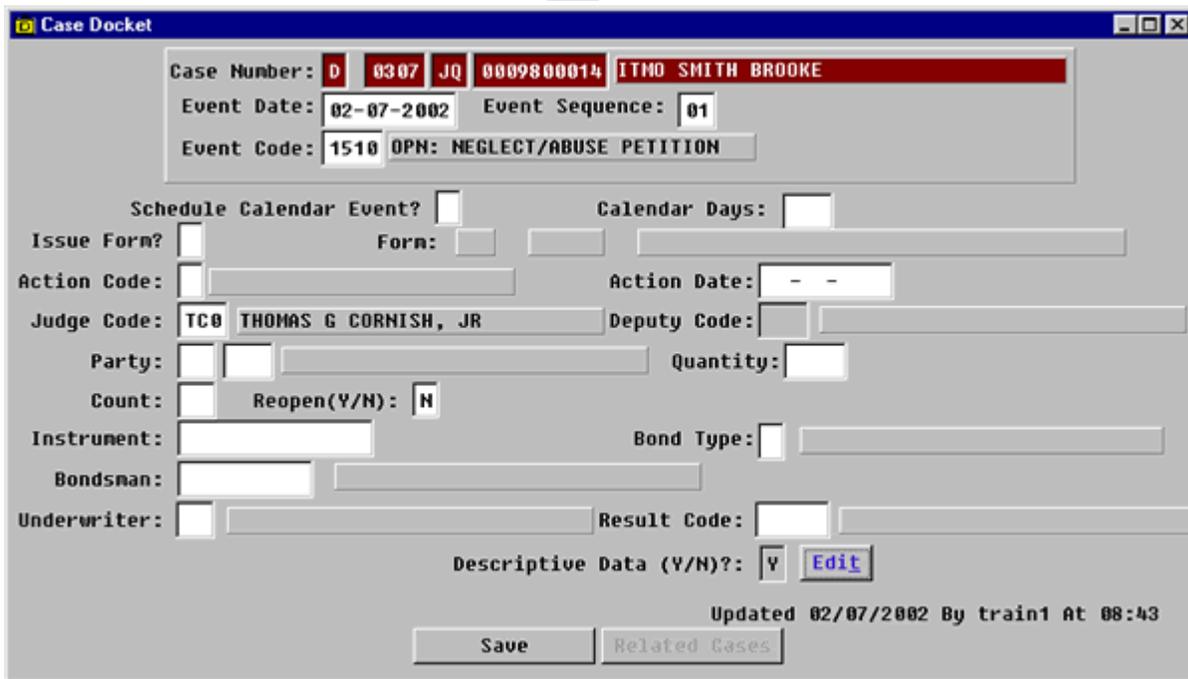
Save Button	As soon as you have completed the appropriate fields, click on the SAVE button.
--------------------	--



Section 4-4: Docketing

Use the Case Docket screen to record events that occur in a case. These events record the progression of a case.

- **MAIN MENU** >
- **CASE MANAGEMENT** >
- **CASE DOCKET.** The Case Docket screen will appear. (FIGURE: 4-4.1) or
- Click on the **CASE DOCKET** button  on the toolbar at the top of the screen.



The screenshot shows the 'Case Docket' window with the following data and fields:

- Case Number:** D 0307 JQ 0009800014 ITMO SMITH BROOKE
- Event Date:** 02-07-2002
- Event Sequence:** 01
- Event Code:** 1510 OPN: NEGLECT/ABUSE PETITION
- Schedule Calendar Event?**
- Calendar Days:**
- Issue Form?**
- Form:**
- Action Code:**
- Action Date:** -- --
- Judge Code:** TC0 THOMAS G CORNISH, JR
- Deputy Code:**
- Party:**
- Quantity:**
- Count:**
- Reopen(Y/N):** N
- Instrument:**
- Bond Type:**
- Bondsman:**
- Underwriter:**
- Result Code:**
- Descriptive Data (Y/N):** Y [Edit](#)
- Updated:** 02/07/2002 By train1 At 08:43
- Buttons:** Save, Related Cases

Figure 4-4.1: Case Docket

FIELD NAMES	INSTRUCTIONS
Case Number: (Default-last case number you worked in)	Enter the data as follows if you start a new session or enter data from a different case.
Court	Enter D for District Court.
Location	Enter the four-digit court location code, for example, 0101, 0202.
Category	Enter category, JQ.
Number	Enter case number.
Event Date (Default-current date)	Enter file stamp date.

FIELD NAMES	INSTRUCTIONS
Event Sequence	<ul style="list-style-type: none"> This field will default to the next sequence number or Press F1 for a list that has already been entered.
Event Code	Enter appropriate event code.
Schedule Calendar Event?	
Calendar Days:	
Issue Form:	
Action Code:	FACTS™ will input a default value based on the event code you entered.
Action Date:	
Judge Code:	<ul style="list-style-type: none"> Judge will default. Delete if another judge presided over event, and Enter correct judge.
Deputy Code: (Default-User login)	
Party	<ul style="list-style-type: none"> Enter Party type and number if appropriate. Press ENTER button.
Enter through other Fields	
Descriptive Data:	<ul style="list-style-type: none"> Click on the EDIT button. The Event Description screen will pop-up. (FIGURE: 4-4.2)

The screenshot shows a window titled "Event Description" with a "Case Details" section. The fields are as follows:

- Case Number: D 0307 JQ 0009800014
- Event Date: 02-07-2002
- Event Seq: 01
- Event Code: 1510
- OPN: NEGLECT/ABUSE PETITION
- Standard Description Code: [Empty field]

Below the case details is a "Comments" section with a text area containing the text: "FILING NEGLECT/ABUSE PETITION".

Figure 4-4.2: Event Description



CAUTION | NO TEXT WRAP

- The text does not wrap to the next line.
- Press **ENTER** to go to the next line.

- **ENTER** until you reach the comments field and type in descriptive text.
- Press **CTRL T** to save.
- Press **ENTER** or click **OK** to exit out.
- You will return to the Case Docket screen. (FIGURE: 4-4.3)



Figure 4-4.3: Case Docket

Save Button	<ul style="list-style-type: none"> • Tab to SAVE button. (FIGURE: 4-4.3) • Click button or press ENTER.
Message Box	<ul style="list-style-type: none"> • Click OK or press ENTER button to get the message box to disappear.



Figure 4-4.4: Case Docket

Event Date:	<ul style="list-style-type: none"> • The cursor will return to the event date field. (FIGURE: 4-4.4) • Shift tab to the case number to docket another event or • Shift tab twice to docket to another case or • Click on the “X” in the upper right-hand corner to exit the screen.
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Section 4-5: Closing a Case

The Civil Complaint/Petitions screen is used to open and close petitions.

- **MAIN MENU** >
- **CASE MANAGEMENT** >
- **CIVIL COMPLAINT/PETITIONS.** The Civil Complaints/Petition screen will appear. (FIGURE: 4-5.1)

The screenshot shows a window titled "Civil Complaint/Petitions". At the top, the Case Number is displayed as "D 0307 JQ 0009800014 ITMO SMITH BROOKE". Below this, the following fields are visible:

- Complaint Date: 02-07-2002
- Complaint Sequence: 1
- Complaint Event Code: 1510 DPN: NEGLECT/ABUSE PETITION
- Jury(Y/N): N
- Identify Party(s) on the event comments? (Y/N): Y
- Party? (Y/N): |
- Cause of Actions? (Y/N):
- Relief Code(s)? (Y/N):
- Disposition Code: DS DISMISSED
- Date: 02-07-2002
- Disposition/Judgment Event: 3548 CLS: ORD OF DISMISSAL
- Judgment Code(s)? (Y/N):

At the bottom, there are buttons for "Save" and "Related Cases".

Figure 4-5.1: Civil Complaint/Petitions

FIELD NAMES	INSTRUCTIONS
Case Number: (Default last case number)	If you are beginning a new session or need to enter data from a different case, fill in each of the four subfields as follows:
Court	Enter D for District Court.
Location	Enter the four-digit court location code, for example, 0101, 0202.
Category	Enter category, JQ.
Number	Enter case number.
Complaint Date (Default-current date)	Press F1 to look up the complaint date.
Complaint Sequence (Default-next complaint sequence)	Delete the number and enter the number 1.

FIELD NAMES	INSTRUCTIONS
Complaint Event Code	
Jury	
Identify Parties on the event comments? (Y/N):	
Party:	
Cause of Actions (Y/N)	
Relief Code(s)? (Y/N)	
Disposition Code	Enter the appropriate disposition code.
Date:	Enter file stamp date of the pleading.
Disposition/Judgment Event:	Enter the appropriate closing event code from the following list.


CAUTION | CLOSING EVENT CODES

- Please avoid using generic closing event codes.
- Use the most specific closing event code.

REASON FOR CASE CLOSURE	CODE	EVENT DESCRIPTION
Finalization of Adoption	3517	CLS: Decree/Judgment of Adoption
Judicial Review Hearing Order closes the case.*	3528	CLS: Judicial Review Order
	3540	CLS: Notice of Dismissal
The case is transferred to another court.	3541	CLS: Order Changing Venue
A judicial order dismisses the case.*	3548	CLS: Order of Dismissal
A judicial order (apart from a hearing or review) dismisses the case AND which states that the custody dismissal is stipulated.	3553	CLS: Stipulated Dismissal
Closing Order from a Temporary Custody Hearing closes the case.*	3569	CLS: Custody Hearing Order
Order from an Adjudicatory or Disposition Hearing closes the case.*	3591	CLS: Adjudicatory/Disposition Order
Initial Permanency Order closes the case.*	3593	CLS: Initial Permanency Hearing Order

REASON FOR CASE CLOSURE	CODE	EVENT DESCRIPTION
Subsequent Permanency Order closes the case.*	3594	CLS: Subsequent Permanency Hearing Order

*The order also dismisses the child(ren) from state custody.

Termination of Parental Rights

CODE	EVENT DESCRIPTION
3508	CLS: Dismissal by Party
3518	CLS: Judgment/Default
3527	CLS: Summary Judgment
3541	CLS: Order Changing Venue
3548	CLS: Order of Dismissal
3571	CLS: Judgment and Order

Disposition/Judgment Event: 3548 CLS: ORD OF DISMISSAL

Judgment Code(s)? (Y/N): []

Save Related Cases

Figure 4-5.2: Civil Complaints/Petitions

Judgment Code(s)? (Y/N)	
Save Button	Click on the SAVE button at the bottom of the screen, and a message announcing that the data has been saved appears.
Descriptive Text	Return to the Case Docket screen and enter descriptive data.



Addendum: Forms

LOCAL RULES

- [LOCAL RULES](#)

ABUSE AND NEGLECT FORMS

10-450	MOTION FOR EX PARTE CUSTODY ORDER
10-451	AFFIDAVIT FOR EX PARTE CUSTODY ORDER
10-452	EX PARTE CUSTODY ORDER (CHILD NOT IN CYFD CUSTODY)
10-453	EX PARTE CUSTODY ORDER (CHILD IN CYFD CUSTODY)
10-454	ABUSE OR NEGLECT PETITION
10-455	NOTICE OF HEARING
10-456	NOTICE OF FILING OF PETITION ALLEGING ABUSE OR NEGLECT OF CHILD
10-457	MOTION TO INTERVENE
10-470	MOTION FOR TERMINATION OF PARENTAL RIGHTS

REFERENCE

- [PLAIN LANGUAGE LEGAL DICTIONARY](#)
- [FINDLAW LEGAL DICTIONARY](#)
- [MERRIAM-WEBSTER DICTIONARY](#)
- [WEBOPEDIA COMPUTER TERMS DICTIONARY](#)