

Administrative Office of the Courts

Supreme Court of New Mexico

Arthur W. Pepin, Director



237 Don Gaspar, Room 25
Santa Fe, NM 87501
(505) 827-4800
(505) 827-4824 (fax)

Judicial Information Division (JID)

Abuse and Neglect Cases – Calendaring Hearings

Standard Operating Procedure

Version 1.0

Updated: (02/04/2017)

Abuse and Neglect Cases – Calendaring Hearings

COURT / DEPARTMENT / DIVISION

District Courts

USER

Trial Court Administrative Assistants (TCAA) and anyone else who sets hearings in Abuse and Neglect cases

PURPOSE

To set a hearing in Abuse and Neglect cases

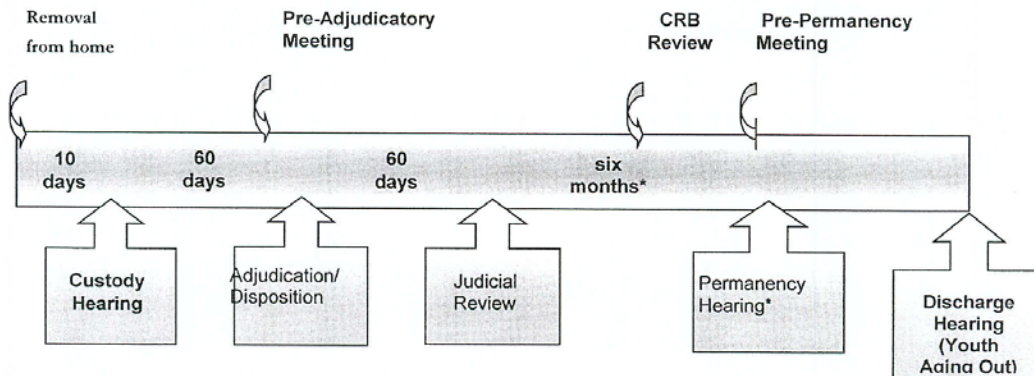
INTRODUCTION

Child Abuse and Neglect cases are not like other cases handled in New Mexico's District Courts:

1. They are sequestered, or closed to the public (Section 32A-4-20 NMSA 1978), and all records are confidential (Section 32A-4-33 NMSA 1978).
2. The time requirements in child abuse and neglect cases are rigorous and spelled out both in state law and in federal law.

State Law: The New Mexico Children's Code requirements for key events in abuse/neglect cases are spelled out on the chart below. These include court hearings and reviews as well as other requirements such as mandatory pre-hearing meetings and Citizen Review Board reviews.

Federal Law: The Federal Adoption and Safe Families Act (ASFA) was enacted to ensure that abused or neglected children do not remain in foster care for very long. The New Mexico Children, Youth and Families Department must make every reasonable effort to avoid removing children from their homes and, if removal is necessary for the safety of the child, the Department must make every reasonable effort to return the children to their homes as soon as possible. If it is not possible for a child to return home safely, the Department must make every reasonable effort to find another permanent home for the child as soon as possible.



There are several statutorily defined hearings that might occur during an Abuse and Neglect case. The judge may hold any number of hearings, but the hearings listed in the table below are the most common.

How a particular judge's chambers schedules hearings varies from court to court. In Abuse and Neglect cases, it is essential that the correct hearing types are used. This can be challenging if the Notices are filed with confusing or unclear titles. For example, a Notice of Motion for a Termination of Parental Rights Hearing is actually a Termination of Parental Rights hearing. It is not a Motion Hearing. However, in the course of a case, there may likely be hearings about a particular Motion. These would be Motion Hearings.

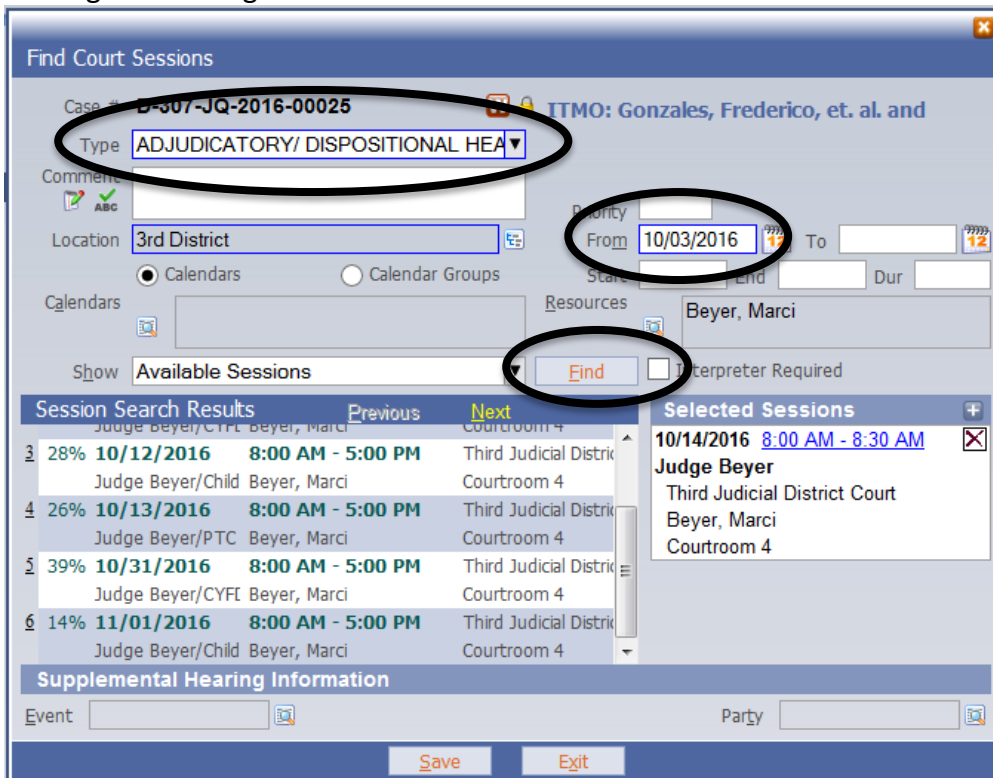
Hearing Code	Description	
4509	Custody Hearing	Within ten working days of when a petition is filed in Children's Court, the Judge will hold a Custody Hearing . At that hearing, the Judge will decide if the child should stay in the temporary custody of CYFD until the trial (adjudicatory hearing) is held.
4500	Adjudicatory Hearing	The Adjudicatory Hearing is a trial before the Judge on the allegations involved in removing the child from home. It must be held within 60 days of the date that the respondent is served the petition. At this trial the Judge decides whether or not there is reason to find that the child has been abused or neglected.
4511	Dispositional Hearing	The Dispositional Hearing is usually held at the same time as the Adjudication. If not, it must be held within 30 days of the Adjudicatory Hearing. At this hearing, the Judge orders the treatment plan that the parents must follow in order to have the child returned home.
4584	Adjudicatory/Dispositional Hearing	Used when the Adjudicatory Hearing and the Dispositional Hearing are held simultaneously. (Refer to definitions above.)
4592	Initial Judicial Review Hearing	Within 60 days of the Disposition, there will be an initial Judicial Review . At that time, the Judge will review the case and make sure the treatment plan is being followed and that the parents and CYFD are all doing what has been ordered. The Judge may order changes in the treatment plan at that time.

4535	Periodic Judicial Review Hearing	If a child remains in custody after the Permanency Hearing, there will be a Periodic Judicial Review in Court six months thereafter. At each review, the Judge will consider the appropriateness of the child's permanency plan and make sure that reasonable efforts are being made to implement the plan.
4575	Initial Permanency Hearing	The Initial Permanency Hearing is an extremely important event. It is held within six months of the initial Judicial Review or within twelve months of a child entering foster care, whichever occurs first.
4572	Permanency Hearing	A Permanency Hearing is held to determine what Permanency Plan is in the child's best interest. Before the case goes to the Permanency Hearing, the local Citizens Review Board (CRB) meets to review the case and make recommendations to the Judge.
4576	Subsequent Permanency Hearing	The court is to hold a Subsequent Permanency Hearing at least every 12 months when a child is in legal custody of the department (CYFD). At each Subsequent Permanency Hearing the court shall review the permanency plan in effect, determine that the department has made reasonable efforts to finalize the plan in effect, and determine whether changes to the plan are appropriate.
4599	Discharge Hearing	The last judicial review or permanency hearing held prior to a youth's eighteenth birthday is the Discharge Hearing . The court reviews the youth's transition plan and determines whether CYFD has made reasonable efforts to implement various requirements, including providing the youth with written information about the family as well as official documents like a birth certificate and social security card, arranging for Medicaid, and setting up a guardianship if the youth is incapacitated. If the court determines

		that reasonable efforts to meet these requirements have not been made, and that termination of jurisdiction would be harmful to the youth, the court may continue jurisdiction for a up to a year from the youths eighteenth birthday if the youth agrees.
4561	Termination of Parental Rights Hearing	A Termination of Parental Rights is a hearing on the merits of terminating parental rights.
4548	Relinquishment Consent Hearing	A Hearing where one or more parents agree to relinquish their parental rights.
4544	Status Conference	A Hearing to confer about the status of a case.

STEPS

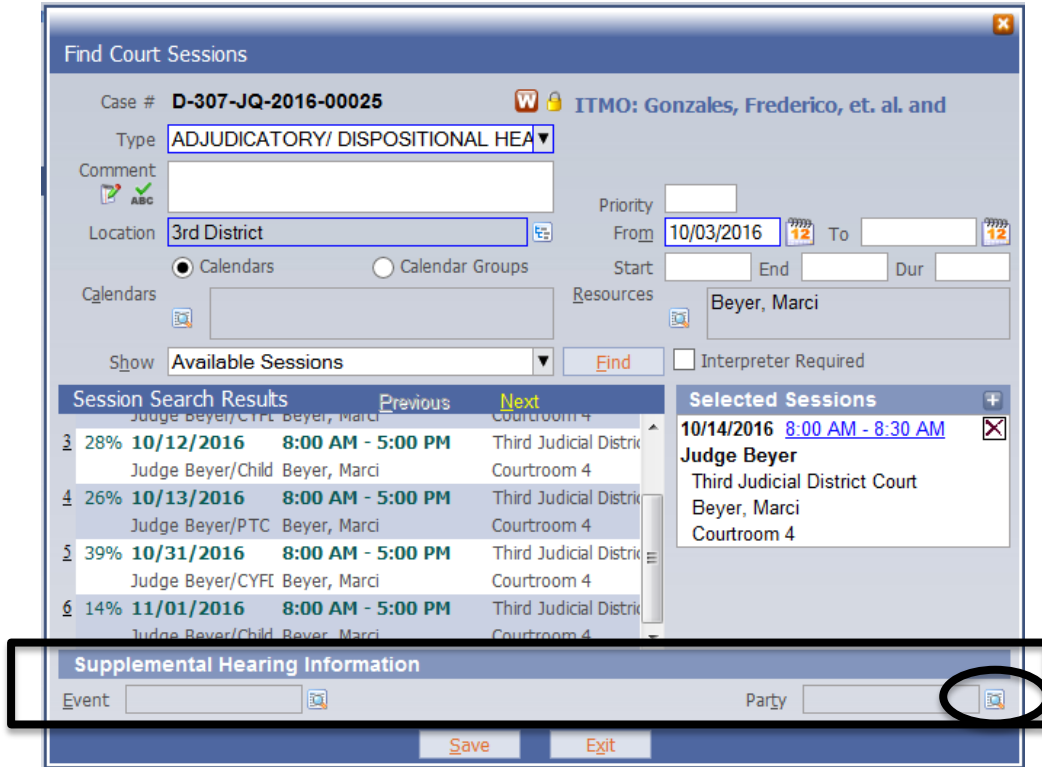
1. A hearing may be scheduled from the **Hearings** tab of the case or from a calendar session.
2. To schedule a hearing from the **Hearings** tab of the case, navigate to the **Hearings** tab.
3. Click on the + sign.
4. The **Find Court Session** dialog box will pop up.
5. Use the **Type** drop down menu to select the type of hearing. For this example, an Adjudicatory/ Dispositional Hearing is selected.
6. The **From** date field will default to today's date but may be changed.
7. Click the orange Find button. This prompts Odyssey to find sessions that are candidates for holding the hearing.



8. The Supplemental Party Field is mandatory for all of the statutory hearings (See the chart below for specific direction.) Enter into this field the parties that the hearing relates to. For example, if there are two respondents and one has been served and the other has not, then the first Adjudicatory hearing will be ONLY for the Respondent who has been served. In For this example, the Supplemental Party field should only have that one Respondent selected.

Respondents Should Be Entered On These Hearings	Children Should Be Entered On These Hearings
4509 Custody Hearing	4575 Initial Permanency Hearing
4500 Adjudicatory Hearing	4576 Subsequent Permanency Hearing
4584 Adjudicatory/ Dispositional Hearing	4572 Permanency Hearing
4511 Dispositional Hearing	4561 Termination Of Parental Rights Hearing
4592 Initial Judicial Review	4548 Relinquishment Consent Hearing
4520 Periodic Judicial Review	4599 Discharge Hearing
4561 Termination Of Parental Rights Hearing	4599 Status Hearing (Can be both respondents or child.)
4548 Relinquishment Consent Hearing	

9. Enter the appropriate parties in the Supplemental Hearing section of the **Find Court Sessions** dialog by clicking on the Party picker box.



10. Then select the appropriate parties. Remember this is not indicating who was at the hearing (after all the hearing has not taken place yet) this is selecting the parties related to the hearing.

11. Then click **Continue** and **Save**



Modify Hearing

Case # **D-307-JQ-2016-00025** ITMO: Gonzales, Frederico, et. al. and Concerning: Jose

Add
Event
Notes
Comments

Type: **ADJUDICATORY/ DISPOSITIONAL**
Priority:

Scheduled Settings 1 - 1 of 1

Date	Time	Session	Judicial Officer	Calendar	Location
10/14/2016	8:00 AM - 8:30 AM	Judge Beyer	Beyer, Marci	Third Judicial District Co	Courtroom 4

Interpreter Information Interpreter Required

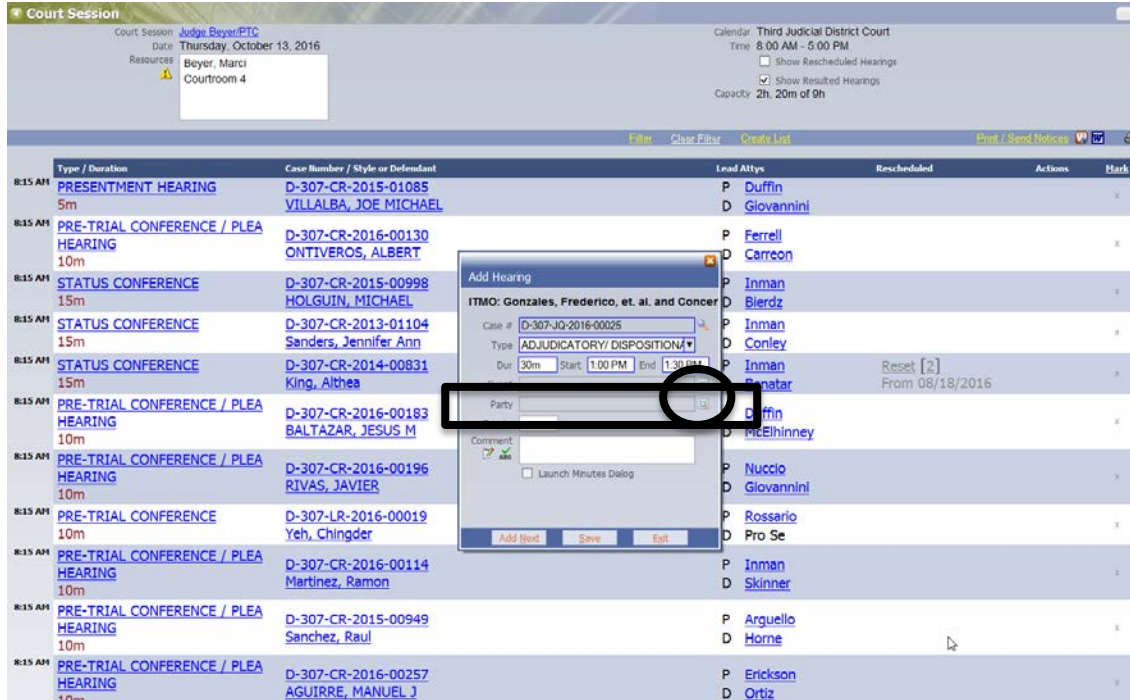
No interpreters exist on this hearing.
Check the Interpreter Required checkbox to add interpreters.

Supplemental Hearing Information

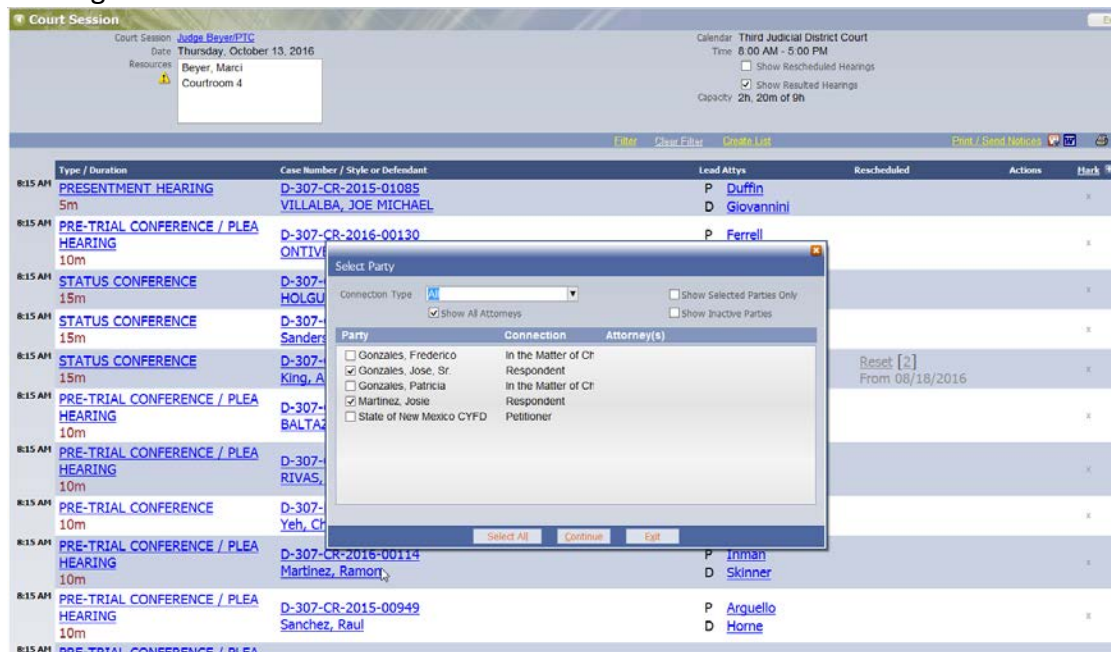
Event: Party: **Multiple Parties**

Save **Exit**

12. The same thing can be accomplished when scheduling from the calendar. Navigate to the calendar session the hearing will be calendared into. Click the + sign to add a hearing. The **Add Hearing** dialog box will pop up. Enter the **Case Number, Type of Hearing, Duration of the Hearing** and **Start time** of the hearing as shown below. Next click on the **Party Picker** Box.



13. Select the appropriate parties. Remember this is not indicating who was at the hearing (after all the hearing has not taken place yet) this is selecting the parties related to the hearing. Then click **Continue**.



14. Then click **Save**

Court Session Exit

Court Session: [Judge Beyer/PTC](#)
 Date: **Thursday, October 13, 2016**
 Resources: [Beyer, Marci](#)
Courtroom 4

Calendar: **Third Judicial District Court**
 Time: **8:00 AM - 5:00 PM**
 Show Rescheduled Hearings
 Show Resulted Hearings
 Capacity: **2h, 20m of 9h**

Filter Clear Filter Create List Print / Send Notices

Type / Duration	Case Number / Style or Defendant	Lead Attys	Rescheduled	Actions	Mark
8:15 AM PRESENTMENT HEARING 5m	D-307-CR-2015-01085 VILLALBA, JOE MICHAEL	P Duffin D Giovannini			X
8:15 AM PRE-TRIAL CONFERENCE / PLEA HEARING 10m	D-307-CR-2016-00130 ONTIVEROS, ALBERT	P Ferrell D Carreon			X
8:15 AM STATUS CONFERENCE 15m	D-307-CR-2015-00998 HOLGUIN, MICHAEL	P Inman D Bierdz			X
8:15 AM STATUS CONFERENCE 15m	D-307-CR-2013-01104 Sanders, Jennifer Ann	P Inman D Conley			X
8:15 AM STATUS CONFERENCE 15m	D-307-CR-2014-00831 King, Althea	P Inman D Benatar	Reset [2] From 08/18/2016		X
8:15 AM PRE-TRIAL CONFERENCE / PLEA HEARING 10m	D-307-CR-2016-00183 BALTAZAR, JESUS M	P Duffin D McElhinney			X
8:15 AM PRE-TRIAL CONFERENCE / PLEA HEARING 10m	D-307-CR-2016-00196 RIVAS, JAVIER	P Nuccio D Giovannini			X
8:15 AM PRE-TRIAL CONFERENCE 10m	D-307-LR-2016-00019 Yeh, Chingder	P Rossario D Pro Se			X
8:15 AM PRE-TRIAL CONFERENCE / PLEA HEARING 10m	D-307-CR-2016-00114 Martinez, Ramon	P Inman D Skinner			X
8:15 AM PRE-TRIAL CONFERENCE / PLEA HEARING 10m	D-307-CR-2015-00949 Sanchez, Raul	P Arguello D Horne			X
8:15 AM PRE-TRIAL CONFERENCE / PLEA HEARING 10m	D-307-CR-2016-00257	P Erickson			X

Add Hearing

ITMO: [Gonzales, Federico, et. al. and Concer](#)

Case #

Type

Dur Start End

Event

Party

Priority

Comment

Launch Minutes Dialog

[Add Next](#) [Save](#) [Exit](#)