

Administrative Office of the Courts

Supreme Court of New Mexico

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Judicial Information Division (JID)

Abuse and Neglect Cases – Recording Service

Standard Operating Procedure

Version 1.0

Updated: (2/2017)

Abuse and Neglect Cases – Recording Service

COURT / DEPARTMENT / DIVISION

District Courts

USER

District Court Clerks and anyone else who enters Service in Abuse and Neglect cases

PURPOSE

To enter Service in an Abuse and Neglect case

INTRODUCTION

Persons who have a constitutionally protected liberty interest in their children or who are at risk of being deprived life, liberty, or property by a government action cannot be deprived of their rights without due process of law. At a minimum, due process requires notice and the opportunity to be heard. This may mean something as mundane as establishing the correctness of addresses and telephone numbers; or it may entail a sophisticated search to identify and locate absent parents.

Accurate use of the Service Tab is vital to successful processing of abuse and neglect cases. Even if the court has only uses event codes to track service, in abuse and neglect cases, the Service Tab **must** be used. Although numerous parties are entitled to notice, it is only mandatory to track the **respondents** on the Service Tab.

The petitioner (CYFD) is responsible for effecting service of the summons, petition and related orders and notices by personal service upon the respondent. The summons must clearly state that the proceeding could result in termination of parental rights. §32A-1-12, 32A-1-13, 32A-4-17; Rule 10-103.

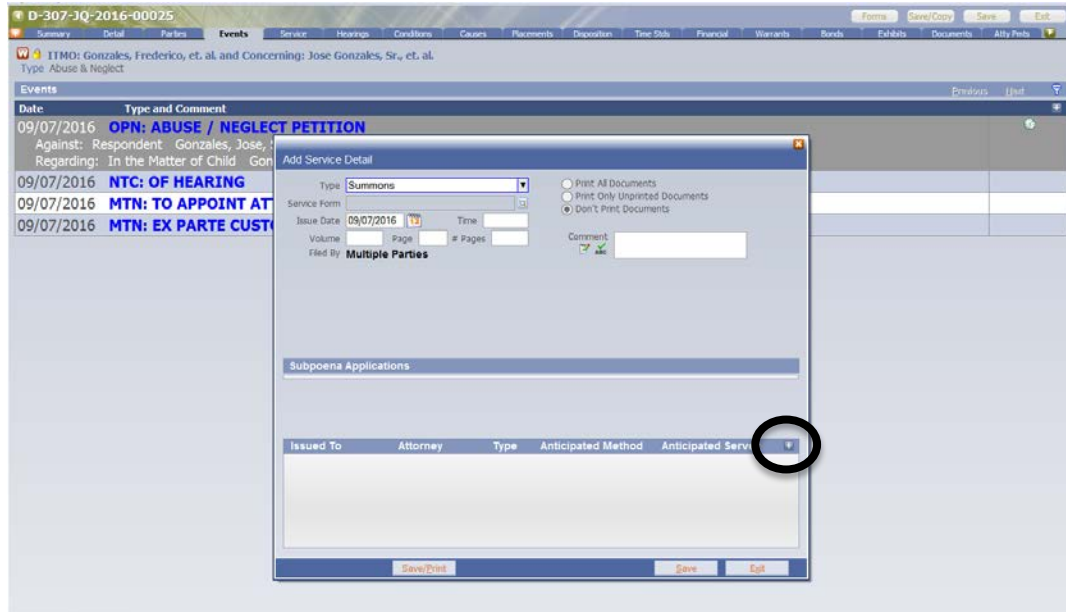
STEPS

1. Navigate to the Events tab of the case.
2. Right click on the opening event in this example OPN: Abuse / Neglect Petition.
3. Select Add Related Service

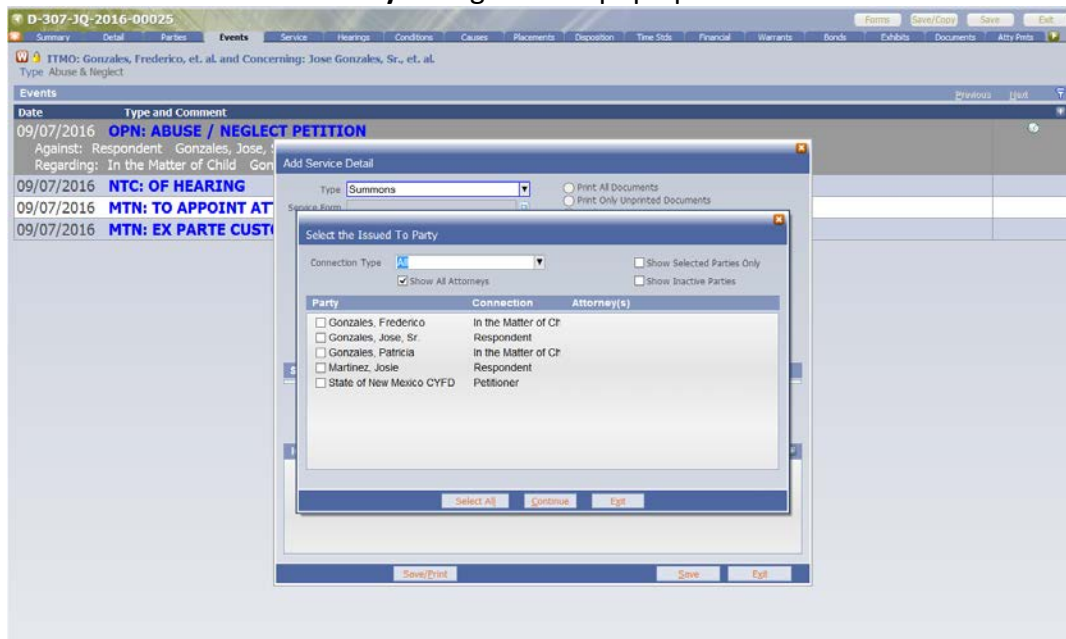


4. The **Add Service Detail** dialog box will pop up.

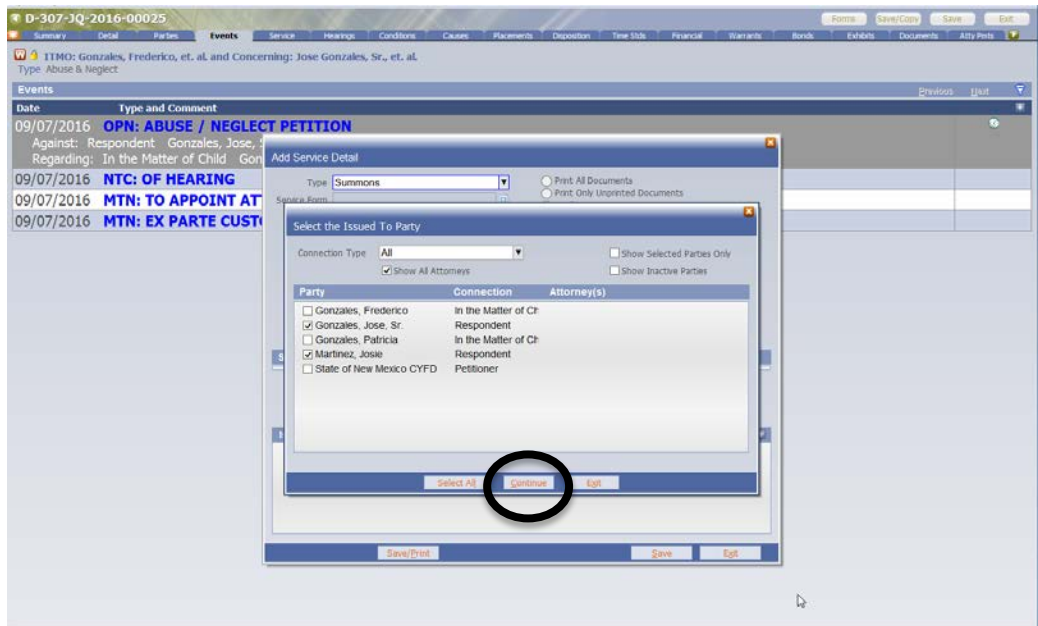
5. Select the type of service document as indicated by the pleadings provided by CYFD. The type will almost always be either a **Summons** or an **Alias Summons**.
6. Click on the + sign at the right of the Anticipated Server label.



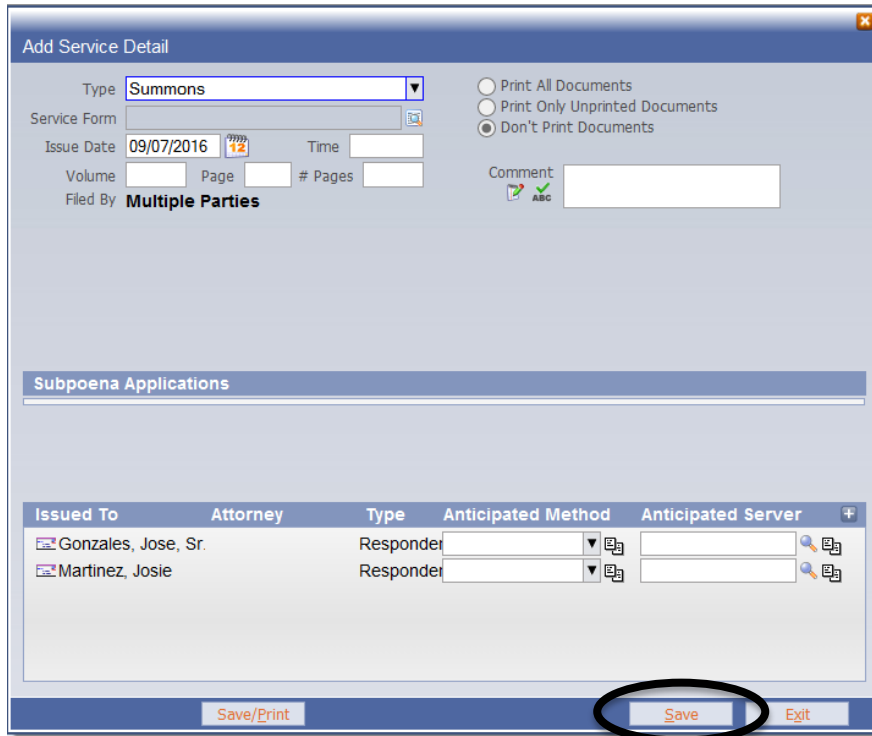
7. The **Select the Issued to Party** dialog box will pop up.



8. Select the parties for which you have been given a Summons/Alias Summons. The parties will usually be respondents and click **Continue**.



9. Click **Save**



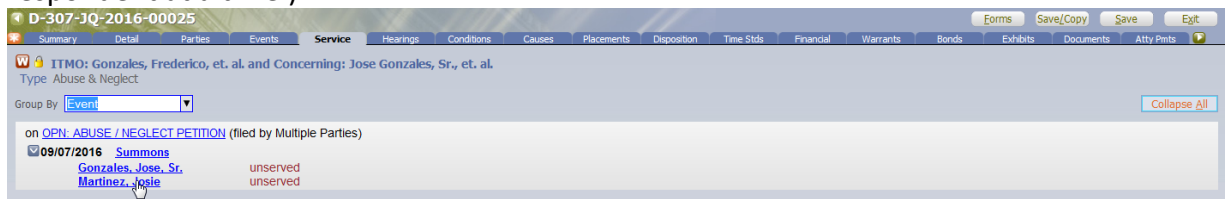
10. Navigate to the **Service** tab and it should look something like the illustration below.



11. Remember, the steps above DO NOT have to be repeated for every respondent individually; Odyssey will create separate records for each party entered in the "Issued To" box automatically.
12. If the court normally docketed the Summons, the steps above may be done in addition to docketing the Summons, but not as a substitute for the steps above. If a Summons is docketed, use event codes: **8727 Summons Issued** or **8610 Alias Summons Issued** as appropriate.
13. The petitioner (CYFD) is responsible for promptly filing proof of service. However, proof of service can be obtained through numerous means based on the facts of the case. Service of process may be accomplished in person, by certified mail, by publication with a court order, through a party's appearance at a hearing, or through a waiver. 5§32A-1-13, 32A-4-17; Rule 10-103.
14. Unlike service initiation, determining local practice will not ensure consistency for all returns of service. If there is no proof of service filed, determining a return of service date will be difficult but is mandatory and essential.
15. If one of the numerous types of proof of service is filed with the clerk's office, at any time during a case, that is simple. Follow the process outlined below, and docket the appropriate Event Code.
16. Always begin the Return of Service process from the **Service** tab. If there are multiple respondents, it may be necessary to click on the Expand All button before anything else is done.



17. Click on the appropriate Respondent's name. (Service must be completed for one respondent at a time.)



18. The **Modify Service Tracking** dialog box will pop up. Within the "Modify Service Tracking" dialog box, enter the **date that the respondent received service of process in the Service Date field**. Enter the date the court received proof of service in the Return Date field. The Return Date field is **NOT** an Odyssey required field, but should be filled out if possible.

D-307-JQ-2016-00025

Summary Detail Parties Events **Service** Hearings Conditions Causes Placements Disposition Time Stds Financial Warrants Bonds Exhibits

ITMO: Gonzales, Federico, et. al. and Concerning: Jose Gonzales, Sr., et. al.
Type Abuse & Neglect

Group By Event

on [OPN: ABUSE / NEGLECT PETITION](#) (filed by Multiple Parties)

09/07/2016 [Summons](#)
[Gonzales, Jose, Sr.](#) unserved
[Martinez, Josie](#) unserved

Modify Service Tracking

Service Details

Service ID #
Name **Martinez, Josie**
Address 5132 Creek TRL
Las Cruces, NM 88012
Person to Serve Martinez, Josie

Tracking Details

Volume Page # of Pages
Anticipated Method
Anticipated Server
Sent to Server Time
Service Date 09/15/2016 Time
Return Date 09/17/2016 Time
Actual Server
Serving Officer
How Served?
Received by Court Time
Response Due 10/17/2016 Calculated Due 10/17/2016
Mileage
Comment

Default Response Save Exit

19. Click **Save**. The Service record should now look like the illustration below.

D-307-JQ-2016-00025

Summary Detail Parties Events **Service** Hearings Conditions Causes Placements Disposition Time Stds Financial Warrants Bonds Exhibits Documents Atty Fees

ITMO: Gonzales, Federico, et. al. and Concerning: Jose Gonzales, Sr., et. al.
Type Abuse & Neglect

Group By Event

on [OPN: ABUSE / NEGLECT PETITION](#) (filed by Multiple Parties)

09/07/2016 [Summons](#)
[Gonzales, Jose, Sr.](#) unserved
[Martinez, Josie](#) served 09/15/2016

response due 10/17/2016

20. Repeat the process described above for as many respondents as you currently have proof of service for. Proof of Service for all respondents may not be filed with the court on the same day. You may repeat this process at a future date when the return of service is filed.

21. Navigate to the **Events** tab and docket the Return of Service.



22. The Return of Service pleading may take several forms and may be docketed using any of the event codes described below:

Method of Return	Event Code
Filings such as:	8678 Return of Service
	8849 Proof of Service
	8850 Summons Return
	8404 Certificate Of Service
	8601 Acceptance Of Service
	8607 Affidavit Of Service
Waiver of Service	8707 Waiver (Check to make sure this is a Waiver of Service)
Service by Publication:	8139 Motion for Publication
	8180 Order for Publication
	6517 NTC: of Pendency of Action by Publication
	8605 Affidavit of Publication