

Administrative Office of the Courts

Supreme Court of New Mexico

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Judicial Information Division (JID)

Fostering Connections Act Standard Operating Procedure Version 1.2

Updated: (August/2020)

Approved by OJUG August 20, 2020

Fostering Connections Act

COURT / DEPARTMENT / DIVISION

This procedure is to be used by District Court staff.

USER

This procedure is to be used by District Court staff.

PURPOSE

This procedure is to be used by District Court staff in creating and processing of cases under the Fostering Connections Act, Section 32A-26-2 NMSA 1978.

NAVIGATION

This procedure begins in Odyssey Case Manager

INTRODUCTION

New amendments have been made to the Fostering Connections Act, Chapter 32A, Article 26 NMSA 1978. These changes are effective July 1, 2020.

The Fostering Connections Act is a voluntary program and was created to assist eligible adults ages 18 to 21 transition into adulthood with services and support like medical and behavioral health care coverage, housing, and foster care maintenance payments. The eligible adults must meet an eligibility criteria including having been subject to a court order in which placement and care is/was the responsibility of Children's Youth and Families Department (CYFD) or an Indian tribe that entered into an agreement with CYFD. The program will slowly roll out to all eligible age groups on a yearly basis. Currently, an eligible adult at least 18 years of age as of July 1, 2020 can participate. See Section 32A-26-3 NMSA 1978 for the scheduled age rollouts for July 2, 2021 and July 1, 2022.

Definitions:

- Eligible Adult: an individual who meets the eligibility criteria for participation on the Fostering Connections Program. See Section 32A-26-2(B) NMSA 1978.
- Eligible Adult Attorney: an attorney appointed by the court to represent the eligible adult. If the eligible adult consents, the attorney who previously served as the eligible adult's attorney may be appointed. See Section 32A-26-7(E) NMSA 1978.
- Youth Transition Specialist: a case manager assigned by CYFD to assist eligible adults in achieving permanency and creating permanent connections. See Section 32A-26-5(E)(F) NMSA 1978.
- Voluntary Services and Support Agreement (VSSA): A written agreement between the department and an eligible adult, which agreement is consistent with the requirements of a voluntary placement agreement pursuant to federal law and which specifies, at a minimum, the legal status of the eligible adult and the rights and obligations of the eligible adult and the department while the eligible adult is participating in the fostering connections program" See Section 32A-26-3 NMSA 1978.

- **Transition Plan:** A written, individualized plan developed collaboratively between the department and the eligible adult that assesses the eligible adult's strengths and needs, establishes goals and identifies the services and activities that will be provided to the eligible adult to achieve the established goals. See Section 32A-26-3 NMSA 1978.

Court processes:

The Act requires CYFD to file a petition, VSSA and transition plan to initiate a case with the District Court. See Section 32A-26-7 NMSA 1978. There is no filing fee due for these cases.

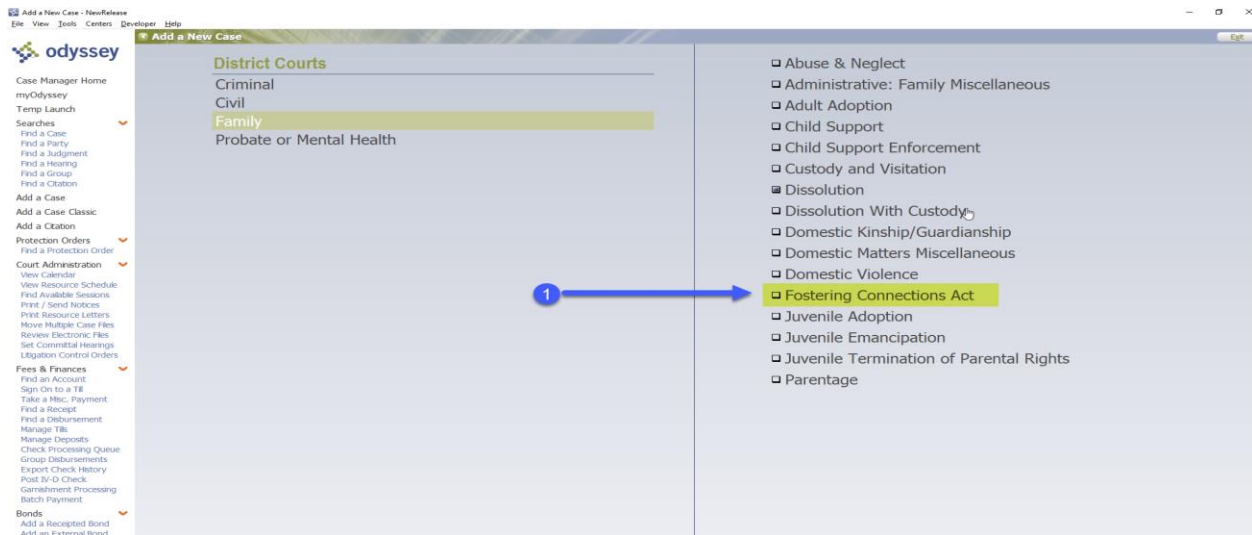
The court shall conduct an Initial Hearing within ninety (90) days from the filing of the petition. See Section 32A-26-7(G) NMSA 1978.

The court shall conduct a Judicial Review Hearing hearings at least once every six months. See Section 32A-26-8 NMSA 1978.

To terminate a program, a Discharge Hearing shall be held. See Section 32-A-26-5 NMSA 1978.

STEPS

1. To initiate a case go to case manager family cases and click on Fostering Connections



2. In the Add a New Case Parties tab, the New Mexico Children Youth and Families Department will populate as the Petitioner. Enter the names and attorneys for all remaining default parties by using the add attorney link or by right clicking in the party field. Use the attorney type of Department Attorney for CYFD. Use the attorney type of Eligible Adult Attorney for the Eligible Adult.
3. Enter the name and address of the Youth Transition Specialist (case worker) so any hearing notices created by the court will include them.

Add a New Case

Detail Parties Causes

In the Matter of Jon Dough, an eligible adult
Type Fostering Connections Act
Group By Connection Type
 Related Parties View

Party & Attorney Information

Petitioner New Mexico Children Youth and Families Department
Eligible Adult Dough, Jon
DOB: 01/01/2002 Age: 18Y 5M

Participant & Attorney Information

Youth Transition Specialist SMITH, JANE

Add an Attorney

Party Dough, Jon
 Mark Pro Se
Attorney Brown, Cassandra Joyce
Type Eligible Adult Attorney
 Appointed Public Defender
Added 06/12/2020
Removed
Reason
Comment

Make Lead Continue Exit

4. In the Add a New Case Parties tab, enter the Cause of Action: Fostering Connections Act.
5. Save. There is no filing fee for this case type.

Add a New Case

Detail Parties Causes

In the Matter of Jon Dough, an eligible adult
Type Fostering Connections Act

Cause of Action Detail

Action Type Action
Cause Code Fostering Connections Act
File Date 06/12/2020
Description Filed by Petitioner Filed Against Eligible Adult

Remedies Sought

Add Cause

Save Exit

6. When you enter the new case, the 1st three documents are populated for you. Follow local procedures to scan documents to the events. Notify the judge's office of the new case filing per your local procedures. Remember, a hearing must be scheduled within 90 days.

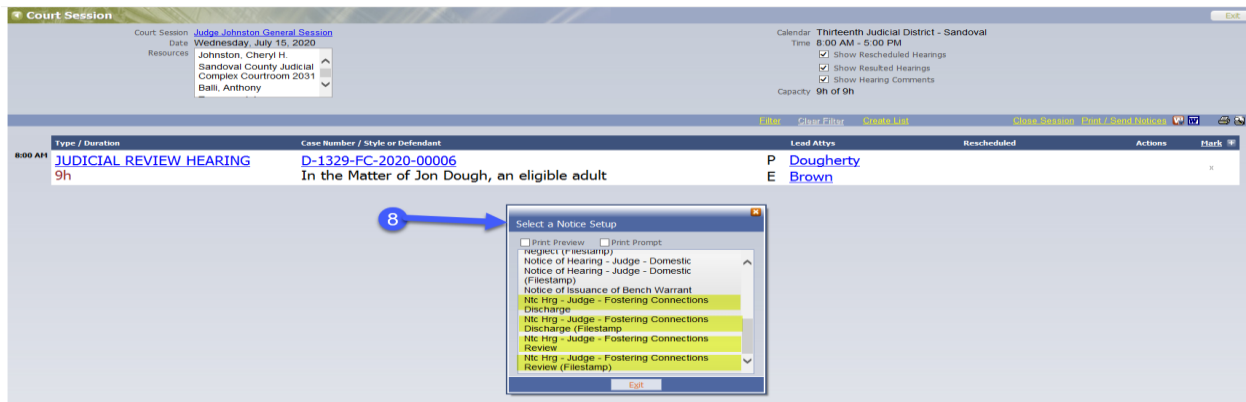
**** These documents shall be temporarily scanned as a sealed document until such time the Supreme Court determines if this case type should be sealed. As a sealed document, these documents shall not be made available to the public. This is subject to revision. (This paragraph was added after ODUG approval on June 17, 2020).**



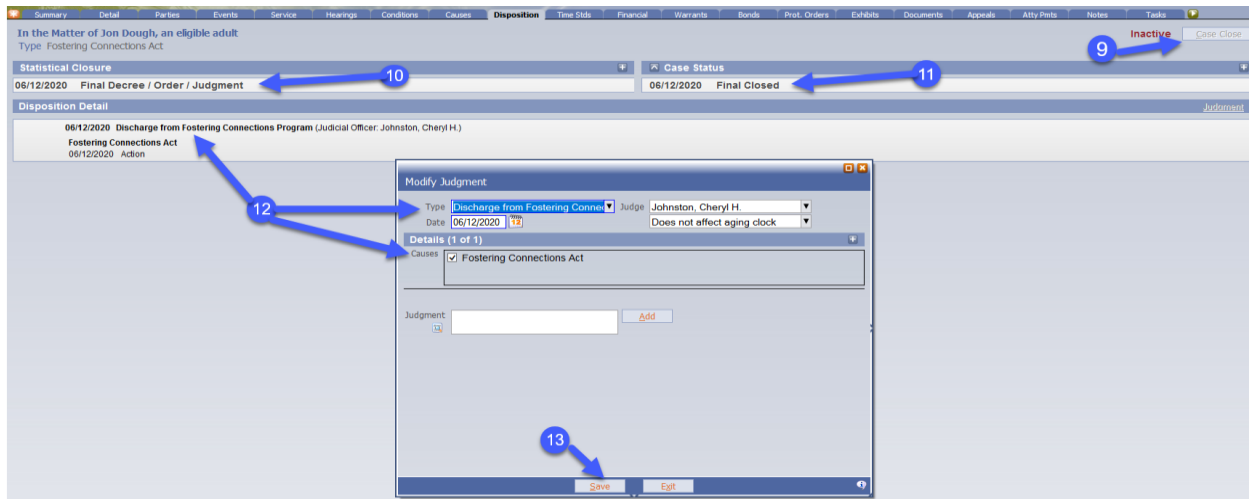
7. Docket events accordingly during the duration of the case.
 Codes Specific to Fostering Connections cases:

Code	Code Description	Usage Notes
1513	OPN: Petition	Use upon the filing of a new case
7152	FC: Voluntary Services Support Agreement	Submitted by CYFD along with the Petition upon the initiation of a new case
7153	FC: Transition Plan	Submitted by CYFD along with the Petition upon the initiation of a new case
7150	ORD: Initial Hearing Order	Used upon the completion of the Initial Hearing.
7158	NTC: Hearing (Initial Fostering Connections)	Use for any scheduled Initial Hearing
7999	CYFD Report	Use for any CYFD Report submitted prior to the Judicial Review Hearing
7154	NTC: Hearing (Judicial Review Fostering Connections)	Use for any scheduled Judicial Review Hearing
7157	NTC: Hearing (Discharge from Fostering Connections)	Use for any scheduled Discharge Hearing
7155	CLS: Fostering Connections Discharge without Prejudice	Use upon the filing of an Order Discharging the Eligible Adult from the Fostering Connections Program that allows the reopening of the case at a later time if requested.
7159	CLS: Fostering Connections Discharge with Prejudice	Use upon the filing of an Order Discharging the Eligible Adult from the Fostering Connections Program that does NOT allow the reopening of a case.
7156	RPN: Reopen under Fostering Connections Act	Use upon the Reopening of a case under the Fostering Connections Act. There is no limit on the number of times a case can be Re-opened as long as the Eligible Adult meets the eligibility criteria as determined by CYFD. There is no filing fee due. A Petition to Reopen should be accompanied by a new VSSA and Treatment Plan.

8. When scheduling a hearing, select the Notice of Hearing (per your local procedures) from the notices specifically for this case type. These notices ensure that the Youth Transition Specialist also receives notice. There are 2 versions for each notice:
 - Notice of Hearing Fostering Connections Discharge (no filestamp)
 - Notice of Hearing Fostering Connections Discharge (filestamp)
 - Notice of Hearing Fostering Connections Initial (no filestamp)
 - Notice of Hearing Fostering Connections Initial (filestamp)
 - Notice of Hearing Fostering Connections Review (no filestamp)
 - Notice of Hearing Fostering Connections Review (filestamp)



9. When closing your case, upon the filing of the Discharge Order, select the appropriate docket code (7155 CLS: Fostering Connections Discharge without Prejudice or 7159 CLS: Fostering Connections Discharge with Prejudice) and make sure to go through the case close button according to your local docketing procedures.
10. Verify Statistical Closure shows Final Decree/Order/Judgment.
11. Verify Case Status shows Final Close.
12. For Disposition Detail, use the type Discharge from Fostering Connections Program and check the cause box.
13. Save.



14. If Reopening the case, docket the reopening document using Docket Code 7156 RPN: Reopen under Fostering Connections Act. You should also receive a new VSSA and Transition Plan when a reopening is submitted. Docket accordingly. Notify the judge's office of the Reopened case filing per your local procedures. Remember, a hearing must be scheduled within 90 days.

**** These documents shall be temporarily scanned as a sealed document until such time the Supreme Court determines if this case type should be sealed. As a sealed document, these documents shall not be made available to the public. This is subject to revision. (This paragraph was added after ODUG approval on June 17, 2020).**

15. Using the icon next to the Cause of Action field, select Fostering Connections Act. This will automatically add the Cause of Action to the Causes tab for you.

16. Save. Scan documents to the event per your local procedures.

The screenshot shows the 'Add Event' form with the following details:

- 14** points to the **Type** dropdown menu, which is set to **RPN: Fostering Connections Program**.
- Date** is set to **06/12/2020**.
- Due** field is empty.
- Comment** field is empty.
- 15** points to the **Cause of Action** dropdown menu, which is set to **Fostering Connections Act**.
- Docketable** checkbox is checked.
- Include on Appeal** checkbox is unchecked.
- Does not affect case aging clock** is selected in the dropdown below.
- 16** points to the **Save** button at the bottom.
- quick links** sidebar on the right includes: Add Next, Add Related, Add Hearing, Add Service, Relationships.
- Buttons at the bottom: **Save/Print**, **Save**, **Exit**.

17. Follow the same procedures as the case proceeds like scheduling hearings and closing the case as listed in steps 7 through 13.