

4-932. Order for appointment of a treatment guardian.

[For use with Rule 1-130 NMRA]

STATE OF NEW MEXICO
COUNTY OF _____
_____ DISTRICT COURT

In the Matter of _____, No. _____

ORDER FOR APPOINTMENT OF A TREATMENT GUARDIAN

THIS MATTER came before the Court upon the Petition of _____ for Appointment of a Treatment Guardian for an Adult. The parties were represented by counsel; Respondent [was] [was not] present; and the Court being fully advised in the premises FINDS BY CLEAR AND CONVINCING EVIDENCE the following:

1. _____, Respondent, is not capable of making [his] [her] own mental health treatment decisions, as [he] [she] is incapable of providing informed consent.

2. The proposed Treatment Guardian, _____, understands the duties and responsibilities of a Treatment Guardian under Section 43-1-15 NMSA 1978 and has agreed to fulfill those duties and responsibilities as required by law.

IT IS THEREFORE ORDERED that, in accordance with Section 43-1-15 NMSA 1978, _____ is appointed Treatment Guardian for the purpose of making substitute mental health treatment decisions for Respondent. Treatment decisions shall be limited to the following:

- A. Decisions permitted under Section 43-1-15 NMSA 1978, including whether Respondent should receive psychotropic medication; and
- B. Decisions regarding release of information as provided in Section 43-1-19(H) NMSA 1978. The authority related to the release and review of Respondent's records is not intended to automatically limit Respondent's ability to access [his] [her] own records. Any restrictions on Respondent's access will be made in accordance with state and federal law.

IT IS FURTHER ORDERED that the Treatment Guardian shall make decisions about whether Respondent shall receive treatment based on a determination that the treatment appears to be in Respondent's best interest and is the least drastic means for accomplishing the treatment objective.

IT IS FURTHER ORDERED that the Treatment Guardian for Respondent shall serve in such capacity

- until _____ (*date*);
- Respondent's course of hospitalization;
- Respondent's course of detention or incarceration; or
- other:

_____;
provided that such appointment shall terminate not later than one year from the date of this order. Nothing in this order shall preclude the appointment of the treatment guardian to another term upon the filing of a subsequent petition for appointment of a treatment guardian.

IT IS FURTHER ORDERED that the previous Order of the Court appointing _____ to represent Respondent herein is reaffirmed, and an attorney's fee for services in this case shall be granted as per the contract between Respondent's attorney and the Attorney for the Administrative Office of the Court.

DISTRICT JUDGE

ATTORNEY FOR PETITIONER

ATTORNEY FOR RESPONDENT

- Following a hearing
- By stipulation of the parties

[Adopted by Supreme Court Order No. 14-8300-013, effective for all cases filed or pending on or after December 31, 2014.]