

10-605. Tribal court order for involuntary placement for treatment or habilitation of a child not to exceed 60 days.

TRIBAL COURT
[NAME OF TRIBE]
STATE OF NEW MEXICO

IN THE MATTER OF _____ No. _____

_____, a child.

**TRIBAL COURT ORDER FOR INVOLUNTARY PLACEMENT
FOR TREATMENT OR HABILITATION OF A CHILD
NOT TO EXCEED 60 DAYS**

THIS MATTER, having come before the Court upon proper notice and hearing on the petition of _____ (*name of petitioner*), for involuntary placement for treatment or habilitation of a child not to exceed 60 days, the _____ (*name of residential treatment or evaluation facility*) will admit _____ (*name of child*) for treatment.

The child was represented by _____ (*name of legal representative*), the child=s [counsel] [guardian *ad litem* appointed by the tribe]. The child has been afforded the opportunity to present evidence, including the testimony of a mental health and developmental disabilities professional of the child=s own choosing, to cross-examine witnesses, and to access the complete record in this case. The child has been advised of the right to appeal this order.

THE COURT FINDS on the basis of clear and convincing evidence and by testimony of _____ (*name*), who is a person whose licensure allows the person to make independent clinical decisions, including a physician, licensed psychologist, psychiatric nurse practitioner, licensed independent social worker, licensed marriage and family therapist and licensed professional clinical counselor, that the child=s medical and psychological evaluations demonstrate the following.

1. Involuntary residential placement is in the best interest of the child.
2. As a result of the child=s mental condition:
 - a. The child needs treatment and is likely to benefit from the proposed treatment;
 - b. The involuntary residential placement is consistent with the child=s treatment needs; and
 - c. The proposed involuntary placement is consistent with the least restrictive means principle.
3. Taking into account the opinion of the child=s legal guardian, involuntary residential treatment is necessary to maintain the health and safety of the child.

THE COURT HEREBY ORDERS the involuntary commitment of the child into the custody of _____ (*name of residential treatment or evaluation facility*), pursuant to _____ (*applicable tribal statute*). The child shall be transported by _____ to the receiving facility.

IT IS FURTHER ORDERED that the child shall be subject to the continuing jurisdiction of the tribal court under Section 32A-6A-29 NMSA 1978, provided that any decisions regarding discharge or release from the evaluation facility shall be made by the administrator of that facility. The facility shall inform the tribal court of any decision to petition for continued involuntary placement. Further, prior to discharging or releasing the child, the facility shall notify the tribal court, make custody arrangements with the child=s legal custodian, and establish a plan for the child=s aftercare. This order shall be filed with the clerk of the district court in accordance with Section 32A-6A-29 NMSA 1978.

Tribal Court Judge

Prepared by: _____

[Approved by Supreme Court Order No. 18-8300-011, effective December 31, 2018.]