

10-505A. Ex parte custody order (child in state custody).
[For use with Rule 10-311 NMRA]

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT
IN THE CHILDREN'S COURT

STATE OF NEW MEXICO ex rel.
CHILDREN, YOUTH AND FAMILIES DEPARTMENT

No. _____

In the Matter of

_____, (a) Child(ren), and Concerning
_____, Respondent(s).

EX PARTE CUSTODY ORDER¹

I

_____ (*name(s) of child(ren)*), [is] [are] currently in the legal custody of the Children, Youth and Families Department pursuant to a law enforcement hold and [is] [are] placed in _____ (*type of placement*).

II

The Court has found there is probable cause to believe that the above named child(ren) [is] [are], abused or neglected as defined in Section 32A-4-2-NMSA 1978. Furthermore, there is probable cause to believe that continuation in the home would be contrary to the welfare of the child(ren) because _____ (*a factual recitation is required for each child*).

III

Reasonable efforts have been made to prevent removal of the child(ren) from the home as follows: _____ (*a factual recitation is required*). Therefore, it is necessary for the child(ren)'s protection that the child(ren) remain in the legal custody of the Children, Youth and Families Department.

IT IS ORDERED that the children remain in the legal custody of the New Mexico Children, Youth and Families Department until further order of the court.²

Dated this _____ day of _____, _____.

District Court Judge

USE NOTES

1. This order is used when the child is already in the custody of the department.
2. This order may be served with the petition. See Rule 10-311(B) NMRA. [Approved, effective August 1, 1999; 10-453 recompiled and amended as 10-505A by Supreme Court Order No. 14-8300-009, effective for all cases filed or pending on or after December 31, 2014.]