

10-501. Abuse/Neglect petition.
[For use with Rule 10-312 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).

ABUSE/NEGLECT PETITION

The New Mexico Children, Youth and Families Department (CYFD), by its children's court attorney, alleges:

1. Respondent(s) has/have abused or neglected the child(ren), as more fully stated below.
2. The child(ren)'s name(s) and date(s) of birth is/are:

Child(ren)'s name(s)	Date(s) of Birth
_____	_____
_____	_____
_____	_____

3. _____'s (*name of child(ren)*) residence is: _____.
4. The name and address of each parent, guardian, or custodian named as a party in this action are:

Name:	Address:	Relationship to Child(ren):
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. The facts giving rise to this petition are set out in the affidavit attached to the motion for ex parte custody order filed by CYFD and incorporated by reference. The affidavit reflects the current state of the investigation by CYFD, which is ongoing, and does not preclude the showing of additional facts at trial.

6. _____ (*name(s) of child(ren)*) is/are alleged to be abused or neglected as follows: (*Select appropriate allegations, modify as appropriate, and delete allegations not used; repeat if necessary*)

A. _____ (*name(s) of child(ren)*) is/are (an) abused child(ren) as defined in Section 32A-4-2(B)(1) NMSA 1978 in that the child(ren) has/have suffered or is/are at risk of suffering serious harm because of the action or inaction of the child(ren)'s [parent(s)] [guardian(s)] [custodian(s)], Respondent(s) _____.

B. _____ (*name(s) of child(ren)*) is/are (an) abused child(ren) as defined in Section 32A-4-2(B)(2) NMSA 1978 in that the child(ren) has/have suffered physical abuse, emotional abuse, or psychological abuse inflicted or caused by the child(ren)'s [parent(s)] [guardian(s)] [custodian(s)], Respondent(s) _____.

C. _____ (*name(s) of child(ren)*) is/are (an) abused child(ren) as defined in Section 32A-4-2(B)(3) NMSA 1978 in that the child(ren) has/have suffered sexual abuse or sexual exploitation inflicted by the child(ren)'s [parent(s)] [guardian(s)] [custodian(s)], Respondent(s) _____.

D. _____ (*name(s) of child(ren)*) is/are (an) abused child(ren) as defined in Section 32A-4-2(B)(4) NMSA 1978 in that the child(ren)'s [(parent(s)] [guardian(s)] [custodian(s)], Respondent(s) _____, has/have knowingly, intentionally, or negligently placed the child(ren) in a situation that may endanger the child(ren)'s life or health.

E. _____ (*name(s) of child(ren)*) is/are (an) abused child(ren) as defined in Section 32A-4-2(B)(5) NMSA 1978 in that the child(ren)'s [parent(s)] [guardian(s)] [custodian(s)], Respondent(s) _____, has/have knowingly or intentionally tortured, cruelly confined, or cruelly punished the child(ren).

F. _____ (*name(s) of child(ren)*) is/are (a) neglected child(ren) as defined in Section 32A-4-2(E)(1) NMSA 1978 in that the child(ren) has/have been abandoned by the child(ren)'s parent(s), Respondent(s) _____, in that this/these parent(s) left the child(ren) with others, without provision for support and without communication for a period of (three (3)/six (6)) months, all without justifiable cause.

G. _____ (*name(s) of child(ren)*) is/are (a) neglected child(ren) as defined in Section 32A-4-2(E)(2) NMSA 1978 in that the child(ren) is/are without proper parental care and control or subsistence, education, medical, or other care or control necessary for the child(ren)'s well-being because of the faults or habits of the child(ren)'s [(parent(s)] [guardian(s)] [custodian(s)], Respondent(s) _____, or the failure or refusal of the [parent(s)] [guardian(s)] [custodian(s)], when able to do so, to provide them.

H. _____ (*name(s) of child(ren)*) is/are (a) neglected child(ren) as defined in Section 32A-4-2(E)(3) NMSA 1978 in that the child(ren) has/have been physically or sexually abused, when the child(ren)'s [parent(s)] [guardian(s)] [custodian(s)], Respondent(s) _____, knew or should have known of the abuse and failed to take reasonable steps to protect the child(ren) from further harm.

I. _____ (*name(s) of child(ren)*) is/are (a) neglected child(ren) as defined in Section 32A-4-2(E)(4) NMSA 1978 in that the child(ren)'s [parent(s)] [guardian(s)] [custodian(s)], Respondent(s) _____, is/are

unable to discharge his/her/their responsibilities to and for the child(ren) because of incarceration, hospitalization, or physical or mental disorder or incapacity.

J. _____ (name(s) of child(ren)) is/are (a) neglected child(ren) as defined in Section 32A-4-2(E)(5) NMSA 1978 in that the child(ren) has/have been placed for care or adoption in violation of the law.

7. In addition, Respondent(s) _____ has/have subjected _____ (name(s) of child(ren)) to aggravated circumstances, as defined in Section 32A-4-2 (C) NMSA 1978, as follows: *(if applicable, insert appropriate language or delete paragraph; repeat if necessary)*

8. CYFD has initiated an investigation of the allegations and it has been determined that it is in the best interests of _____ (name(s) of child(ren)) that this petition be filed.

9. [_____ (name(s) of child(ren)) is/are [not] subject to the Indian Child Welfare Act.] [It is unknown whether _____ (name(s) of child(ren)) is/are subject to the Indian Child Welfare Act.]

10. _____ (name(s) of child(ren)) has/have been in the custody of the CYFD in _____ County, New Mexico, since _____ . *(Modify if one or more child(ren) are not in custody.)*

CYFD therefore requests:

1. The Court find that _____ (name(s) of child(ren)) is/are (a) neglected or abused child(ren);
2. CYFD be given legal custody of _____ (name of child(ren));
3. A custody hearing be held within ten (10) days of the filing of this petition; and
4. The Court order such other relief as the court deems just and proper.

Children's Court Attorney

Address

Telephone numbers

[Approved, effective August 1, 1999; 10-454 recompiled and amended as 10-501 by Supreme Court Order No. 14-8300-009, effective for all cases filed or pending on or after December 31, 2014.]