

**10-562. Motion to intervene.**

[For use with Rule 10-122 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).

**MOTION TO INTERVENE**

COMES NOW, \_\_\_\_\_, Movant, by his/her/its counsel, \_\_\_\_\_,  
and moves this Court for an order allowing \_\_\_\_\_ to intervene in this matter as  
a party and to fully participate in these proceedings. In support of this motion, Movant  
states as follows:

1. The Court has jurisdiction of the parties and subject matter herein.  
(Check as applicable)
2. Movant is allowed to intervene as a matter of right because:
  - a. Movant is a parent who has not been named as a party; or
  - b. Movant is \_\_\_\_\_'s (*name(s) of child(ren)*) Indian tribe;
- OR
3. Permissive intervention should be granted by the Court because:
  - a. Movant has the following relationship with \_\_\_\_\_ (*name(s) of child(ren)*):  
(Check as applicable)
    - \_\_\_ foster parent with whom the child(ren) has/have resided for at least six (6) months;
    - \_\_\_ a relative within the fifth degree of consanguinity with whom the child(ren) has/have resided;
    - \_\_\_ a stepparent with whom the child(ren) has/have resided;
    - \_\_\_ a person who wishes to become the child(ren)'s permanent guardian;
    - \_\_\_ a guardian or custodian of the child(ren); or
    - \_\_\_ a person who has a constitutionally protected liberty interest in the proceedings and the disposition of the action may impair or impede Movant's ability to protect that interest.
  - b. Movant's rationale for the proposed intervention is:

\_\_\_\_\_ and the pleading is attached setting forth the claims or defenses for which intervention is sought.

- c. The intervention is in the best interest of \_\_\_\_\_ (*name(s) of child(ren)*), and

(*Check as applicable*)

- \_\_\_\_\_ the Children, Youth and Families Department does not have a viable plan for reunification and/or  
\_\_\_\_\_ the intervention will not impede the progress of the reunification plan.

4. The intervention will not unduly delay or prejudice the adjudication of the rights of the original parties.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for intervenor

\_\_\_\_\_  
Attorney's address

\_\_\_\_\_  
Attorney's telephone number

(*To be completed by proposed intervenor who is not represented by an attorney*)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of proposed intervenor

\_\_\_\_\_  
Name of proposed intervenor (*printed*)

\_\_\_\_\_  
Street address

\_\_\_\_\_  
City

\_\_\_\_\_  
State and Zip Code

\_\_\_\_\_  
Telephone number of proposed intervenor

#### USE NOTES

1. Use bracketed material if the proposed intervenor is represented by an attorney. If an attorney signs this pleading, the signature, name, address, and telephone number of the proposed intervenor are not required.

[Approved, effective August 1, 1997; 10-457 recompiled and amended as 10-562 by Supreme Court Order No. 14-8300-009, effective for all cases filed or pending on or after December 31, 2014.]