

10-901. Fostering connections petition.

[For use with Rule 10-801 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

In the Matter of _____, an Eligible Adult. No. _____

FOSTERING CONNECTIONS PETITION

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

1. [Name] was born on _____.
2. [Name's] residence is _____ County.
3. [Name] has entered into a voluntary services and support agreement with CYFD on [date]. The voluntary services and support agreement, filed separately, is incorporated herein by reference.
4. The voluntary services and support agreement is in the best interests of [name].
5. The transition plan developed between [name] and CYFD meets the requirements of the Fostering Connections Act, Sections 32A-26-1 to -12 NMSA 1978. The transition plan, filed separately, is incorporated herein by reference.

CYFD therefore requests:

1. A hearing be held within ninety (90) days of the filing of the petition to determine if the voluntary services and support agreement is in the best interest of [name] and if the transition plan meets the requirements of the Fostering Connections Act.
2. The court order such other relief as the court deems just and proper.

Children's Court Attorney

Address

Telephone number

USE NOTES

1. The fostering connections program is available to eligible adults who have attained eighteen (18) years of age on a staggered basis as follows: starting July 1, 2020, the program is available to eligible adults who are younger than nineteen (19) years of age; starting July 1, 2021, the program is available to eligible adults who are younger than twenty (20) years of age; and, after July 2, 2022, the program is available to eligible adults who are younger than twenty-one (21) years of age. See NMSA 1978, § 32A-26-3(A) (2020).

2. Venue lies where the eligible adult resides. Venue may be transferred if the residence of the eligible adult changes or for other good cause. See NMSA 1978, § 32A-1-9(A) (2020).

3. The best interest finding for the fostering connections program is distinct from the best interest finding in cases arising under the Abuse and Neglect Act. Unlike abuse and neglect cases, in which the court acts as *parens patriae*, the court in fostering connections cases must determine whether a young person who has voluntarily enrolled in the program would benefit from continued placement and services as he or she transitions to adulthood. Given that transition to adulthood lasts into a young person's mid-twenties and that young people emerging from the foster care system often do not have existing family and other support systems to rely on, continued placement and supports will provide a benefit to almost all young people if not all young people. Finally, the best interest finding does not ask the court to predict the success of the young person in the program; it only asks the court to determine whether the young person may benefit from the program's services and supports.

[Provisionally adopted by Supreme Court Order No. 21-8300-007, effective November 12, 2021; provisionally adopted form approved as amended by Supreme Court Order No. 22-8300-017, effective for all cases pending or filed on or after December 31, 2022.]