##### 10-908. Discharge hearing order (based on eligibility).

[For use with Rule 10-802 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. \_\_\_\_\_\_\_\_\_\_\_\_ |

**DISCHARGE HEARING ORDER (BASED ON ELIGIBILITY)**

This matter came before [the Honorable \_\_\_\_\_\_\_\_\_\_] [Special Master \_\_\_\_\_\_\_\_\_\_], on \_\_\_\_\_\_\_\_\_\_\_\_\_ (*date*) on the motion of the New Mexico Children, Youth and Families Department (CYFD) for a discharge hearing. CYFD was represented by \_\_\_\_\_\_\_\_\_\_\_\_\_, children’s court attorney. \_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of eligible adult*) [was] [was not] present [and] was represented by \_\_\_\_\_\_\_\_\_\_\_\_\_\_, an attorney. Having reviewed all documents submitted to the court and having heard from the parties in this matter, the court finds:

1. The court has jurisdiction over the parties and subject matter herein.

2. The department has [not] provided clear, developmentally appropriate written notice informing \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name of *eligible adult*) of CYFD’s intent to terminate the voluntary services and support agreement and explaining the basis for the proposed termination.

3. The department has [not] made active efforts to meet in person with \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of eligible adult*) to explain the information in the written termination notice and to assist \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of eligible adult*) to reestablish eligibility.

4. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of eligible adult*) [no longer meets] [continues to meet] the eligibility criteria in Section 32A-26-3 NMSA 1978.

**IT IS ORDERED, ADJUDGED, AND DECREED:**

[ ] \_\_\_\_\_\_\_\_\_\_\_\_\_ (*name*) is hereby discharged from the fostering connections program but may rejoin the program at a later date when eligibility requirements are met.

OR

[ ] \_\_\_\_\_\_\_\_\_\_\_\_\_ (*name*) shall not be discharged from the fostering connections program for the following reason[s]: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| District Court Judge |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(*Add signature lines for all attorneys in the case*)

USE NOTES

1. An adult who no longer meets eligibility requirements may not be discharged unless CYFD has met the requirements of appropriate notice and active efforts to meet in person with the young adult as required by NMSA 1978, Section 32A-26-6(D) (2020).

[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.]