

4-908A. Order of referral to facilitation.

[For use in Magistrate, Metropolitan, and District Courts with the Eviction Prevention and Diversion Program]

STATE OF NEW MEXICO

COURT
COUNTY

_____, Plaintiff(s),

v.

No. _____

_____, Defendant(s).

ORDER OF REFERRAL TO FACILITATION
(Uniform Owner-Resident Relations Act; Mobile Home Park Act)

The Court, with consent of the parties, finds that this case is appropriate for referral to facilitation through the Court’s Eviction Prevention and Diversion Program and orders:

1. The parties must immediately read this Order in full;
2. This case is stayed for a minimum of sixty (60) days to allow for facilitation and government rental assistance processing;
3. The parties shall participate in the Eviction Prevention and Diversion Program’s confidential pre- and post-facilitation processes by providing the Program’s staff with up-to-date contact information, communicating with the staff, and cooperating and collaborating with staff to identify, locate, complete, submit, accept, and receive necessary documents;
4. The Clerk shall mail a Notice of Facilitation to the parties clearly stating the date, time, and location of the facilitation, including remote videoconference connection and participation information via simple instructions;
5. The parties shall attend and meaningfully participate in a confidential settlement facilitation with a facilitator assigned by the Eviction Prevention and Diversion Program;
6. Before the confidential settlement facilitation, the parties may contact the Eviction Prevention and Diversion Program, via the contact information immediately below, with questions about rescheduling, technological requirements and resources, government rental assistance applications, getting other state benefits, and what to expect in the pre-facilitation, facilitation, and post-facilitation processes;

- a. Online: _____
- b. Email: _____
- c. Text: _____
- d. Phone: _____
- e. Smartphone applications (apps): _____

- 7. If a party is represented by an attorney, the attorney's attendance with the party is optional;
- 8. There will be no fees for the Eviction Prevention and Diversion Program pre-facilitation, facilitation, or post-facilitation services;
- 9. The facilitator will report the outcome of the facilitation to the Eviction Prevention and Diversion Program;
- 10. The Eviction Prevention and Diversion Program will ensure that documents necessary to conclude the case are filed with the Court; and
- 11. A party's failure to attend facilitation may result in sanctions, including sanctions for contempt of court, responsibility for costs or reasonable attorney fees, or reimbursement for the other party's lost wages, if applicable.

Judge

[Provisionally adopted by Supreme Court Order No. 22-8300-003, effective for all cases pending or filed on or after February 1, 2022, that are subject to the Eviction Prevention and Diversion Program.]