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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-39954

**STATE OF NEW MEXICO ex rel.,
CHILDREN, YOUTH & FAMILIES
DEPARTMENT,**

Petitioner-Appellee,

v.

JENNIFER K.,

Respondent-Appellant,

IN THE MATTER OF ALEXIS K.,

Child.

**APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY
Alma C. Roberson, District Judge**

Mary McQueeney, Chief Children's Court Attorney
Robert Retherford, Children's Court Attorney
Santa Fe, NM

for Appellee

The Law Office of Nancy L. Simmons, P.C.
Nancy L. Simmons
Albuquerque, NM

for Appellant

New Mexico Family Law PC
Amanda Ann Aragon
Albuquerque, NM

Guardian Ad Litem

MEMORANDUM OPINION

ATTREP, Judge.

{1} Mother appeals the termination of her parental rights to a minor child. This Court assigned this appeal to our general calendar, instructing the parties to brief an issue involving potential ineffective assistance of counsel. In its answer brief, the Children Youth & Families Department (the Department) conceded that Mother was denied due process and asked that this Court reverse the judgment entered below and remand for the purpose of conducting a new trial, thereby mooting the remaining issues raised in this appeal. The parties have since filed a joint motion asking that this matter be remanded for a new trial. Having reviewed the parties' briefing and the record on appeal, we agree that the due process violation conceded by the Department requires reversal and moots the remaining issues raised on appeal. As a result, we conclude that the parties' joint motion should be granted.

{2} Accordingly, the judgment entered below is reversed, and this matter is remanded for a new trial.

{3} IT IS SO ORDERED.

JENNIFER L. ATTREP, Judge

WE CONCUR:

JACQUELINE R. MEDINA, Judge

JANE B. YOHALEM, Judge