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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-42005

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

Petitioner-Appellee,

v.

KENNETH S.,

Respondent-Appellant,

and

NOEL L.,

Respondent,

IN THE MATTER OF L.S. and M.S., Children.

**APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY
Grace B. Duran, District Court Judge**

Children, Youth & Families Department
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for Appellee

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for Appellant

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Las Cruces, NM

Guardian Ad Litem

MEMORANDUM OPINION

ATTREP, Chief Judge.

{1} Kenneth S. (Father) appeals the termination of his parental rights. In our notice of proposed disposition, we proposed to affirm. [CN 8] Father filed a memorandum in opposition, which we have duly considered. Remaining unpersuaded, we affirm.

{2} In his memorandum in opposition, Father maintains that the Children, Youth and Families Department (CYFD) did not make reasonable efforts to assist him in alleviating the causes and conditions that brought Children into custody. [MIO 9] Specifically, Father argues that CYFD's efforts were unreasonable because it did not do enough to assist Father with medication management or seek alternative treatment professionals. [MIO 10, 12] As we explained in our notice of proposed disposition, CYFD is not required to do everything possible, and our job on appeal is to determine whether CYFD complied with the minimum required by law. [CN 6] See *State ex rel. Child., Youth & Fams. Dep't v. Patricia H.*, 2002-NMCA-061, ¶ 27, 132 N.M. 299, 47 P.3d 859 (stating that "CYFD is only required to make reasonable efforts, not efforts subject to conditions unilaterally imposed by the parent"). Although Father may have preferred to have different services than he received, the facts stated in the memorandum in opposition do not persuade this Court that the efforts CYFD actually made were legally inadequate. See *Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 ("Our courts have repeatedly held that, in summary calendar cases, the burden is on the party opposing the proposed disposition to clearly point out errors in fact or law."); *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating that "[a] party responding to a summary calendar notice must come forward and specifically point out errors of law and fact[,] and the repetition of earlier arguments does not fulfill this requirement), *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374.

{3} For the reasons stated in our notice of proposed disposition and herein, we affirm the termination of Father's parental rights.

{4} **IT IS SO ORDERED.**

JENNIFER L. ATTREP, Chief Judge

WE CONCUR:

ZACHARY A. IVES, Judge

JANE B. YOHALEM, Judge