

IV. Rules Applicable to Domestic Relations Cases

LR11-402. Domestic relations mediation; safe exchange and supervised visitation.

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[Related Statutes NMSA 1978, §§ 40-12-1 to -6]

A. Programs established. Under the Domestic Relations Mediation Act, Sections 40-12-1 to -6 NMSA 1978, a "domestic relations mediation program" and a "safe exchange and supervised visitation program" are hereby established.

B. Mediation fund established. A domestic relations mediation fund is hereby established in accordance with Section 40-12-4 NMSA 1978, the funds of which shall be deposited in an interest bearing account. The following shall be credited to the fund:

- (1) the surcharge authorized under Section 40-12-6 NMSA 1978 on all new and reopened domestic relations cases; and
- (2) payment by the parties for the services rendered on a sliding fee scale approved by the Supreme Court, which shall be posted on the Eleventh Judicial District Court's website and inside the courthouse.

C. Mediation required. Mediation will be ordered in accordance with the provisions of Section 40-4-8 NMSA 1978 and any other applicable law. A final custody determination shall not be made unless mediation has first been considered or completed.

D. Conduct of mediation. Mediation shall conform to the Mediation Procedures Act, Sections 44-7B-1 to -6 NMSA 1978.

E. Implementation. The court may enter any order for effective implementation of the "domestic relations mediation program" and the "safe exchange and supervised visitation program." Failure to abide by an order of the court which implements the rules and regulations of the programs may be deemed to be contempt of court and punished accordingly.

F. Available services. Services offered by the programs may differ in each county and may vary from year to year depending on the availability of funding. Parties are advised to check the Eleventh Judicial District Court's website for current information about the programs.

G. Immunity. Attorneys and other persons appointed by the court to serve as mediators, or other such roles under the rules governing this district's programs under the Domestic Relations Mediation Act, are arms of the court and are immune from liability for conduct within the scope of their duties as provided by law.

[LR11-115 recompiled and amended as LR11-402 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. 18-8300-006, effective for all cases pending or filed on or after September 1, 2018.]