

10-907. Discharge hearing order (based on age).

[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.

DISCHARGE HEARING ORDER (BASED ON AGE)

This matter came before the [Honorable _____] [Special Master _____], on _____ (date) for a discharge hearing. The New Mexico Children, Youth and Families Department (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. _____ (name of eligible adult) turns twenty-one (21) years old on _____ (date).
3. The Court has reviewed the transition plan that was created on _____ (date), and is attached hereto as Exhibit A.
4. CYFD has made active efforts to assist _____ (name of eligible adult) in effectuating each element of the transition plan.

OR

CYFD has not made active efforts to assist _____ (name of eligible adult) in effectuating the following elements of the transition plan:

_____.

(Complete the next two paragraphs only if the department has not made active efforts)

5. Terminating jurisdiction would [not] be harmful to the eligible adult.
6. The eligible adult does [not] consent to continued jurisdiction.

IT IS ORDERED, ADJUDGED, AND DECREED:

(Select the appropriate option and delete the other.)

_____ (*name of eligible adult*) is hereby discharged from the Fostering Connections program upon turning twenty-one (21) on _____ (*date*).

Jurisdiction is extended for a period of _____ (*length of extension not to exceed one year from the eligible adult's twenty-first birthday*), so the department can make active efforts to execute the elements of the transition plan identified in finding number four (4) above. The department shall continue to make active efforts to effectuate all other elements of the transition plan.

District Court Judge

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

USE NOTES

1. The court can extend jurisdiction over a fostering connections case for a period not to exceed one year from the eligible adult's twenty-first birthday only if the court finds that the department has not made active efforts, termination of jurisdiction would be harmful to the eligible adult, and the eligible adult consents to jurisdiction of the court. The court may dismiss the case for good cause any time after the eligible adult's twenty-first birthday.

[Provisionally adopted by Supreme Court Order No. 21-8300-007, effective November 12, 2021.]