

FOURTH JUDICIAL DISTRICT COURT CHILDREN'S COURT POLICY

TEMPORARY EMAILING OF PLEADINGS: During the ongoing public health emergency, we are accepting pleadings for filing by email at the following address: lvedjlg@nmcourts.gov.

For any pleading **after** CYFD has initiated a case, please ensure the **child's initials are used in the caption and text of a pleading, and not the child's full name**. Please allow at least 24 hours before the same is available in SOPA.

If you have filed any emergency motion, please alert the judge's staff. The clerk's office will be making every effort to do the same. Do not call the clerk's office to check on matters. If there are longer delays in getting pleadings into SOPA we will make every effort to update you.

Now, more than ever, every motion must note the position of all parties consistent with Rule 10-111 NMRA. Proposed forms of orders should reflect positions of parties and shall be emailed with the motion. All pleadings **must** be signed by counsel mailing the pleading. An unsigned pleading violates Rule 10-115 NMRA. Electronic signatures are acceptable.

The Court will be emailing Notices of Hearings for all matters at this time. Court staff will also only utilize children's initials on pleading captions.

SOCIAL DISTANCING IN COURT: Where in-person hearings are necessary (where time limits are at issue) the court will practice social distancing. Parties shall sit at least 6 feet apart at counsel tables including moving to the gallery when necessary. People sitting in the gallery shall also maintain this distance from one another.

When addressing the court or questioning witnesses, parties will approach the podium one by one. **ATTORNEYS FOR THE PARTIES AS WELL AS CYFD CASE WORKERS SHALL MAKE EVERY EFFORT TO INFORM THE PARTIES THAT NO PARTY IS PERMITTED TO BRING FAMILY OR FRIENDS TO COURT PROCEEDINGS.**

NO ONE (ATTORNEY, RESPONDENT, CHILD/YOUTH, CASA, CYFD WORKER/SUPERVISOR, OR WITNESS) SHOULD ATTEND IN PERSON IF SHOWING SIGNS OF ILLNESS.

Telephonic appearances are permitted in these circumstances. If your personal attendance is not necessary to a hearing, you are not required to be present and may

appear by phone. Notify the TCAA for the judge holding the hearing in advance of your intention to appear by telephone.

ATTENDANCE BY CHILDREN: Children under the age of 14 are restricted, until further notice, from attending the hearings in person unless they are being called as witnesses. Counsel should confer on whether child witnesses may testify via telephone or video and if agreed by all counsel submit a stipulated order to the Court via email. Children 14 and over may continue to attend their hearings. Youth Attorneys are encouraged to discuss this with their clients well in advance of any scheduled hearing to determine the prudence of having the child(ren) appear in person. All children may attend via telephone or video and it would be preferred that they attend via telephone or video whenever possible.

HIGH RISK CATEGORIES: If you meet or believe you fall under the criteria as outlined by the Department of Health for high-risk, such as autoimmune disorders, chronic illness, out of state/country travel quarantine, etc, please do not appear in person in Court. Communicate with opposing counsel and file any appropriate motions. We will do our best to set telephonic motions on requests to vacate when there is not full agreement on issues. However, the Court reserves the right to rule on any motions without need for a hearing.

MEET AND CONFER/OTHER TELEPHONIC APPEARANCES: Counsel for the parties (Petitioner, Respondent(s), GAL, & Youth Attorney(s)) **SHALL** meet and confer prior to any scheduled hearing to determine if a stipulation can be reached and to determine if the hearing needs to occur or if the matter can be dealt with via submission of a stipulated order.

PARTIES MAY AGREE TO APPEAR BY PHONE FOR ANY HEARINGS IF THEY SO STIPULATE IN WRITING AND SUCH STIPULATION IS SUBMITTED TO THE COURT.

For the health and safety of you, your clients, the public and our staff, **DO NOT COME TO COURT EXCEPT WHEN IT IS ESSENTIAL.**

COMMUNICATION WITH CLIENTS AND OTHER INTERESTED PARTIES/ICWA: Please keep your clients updated on telephonic vs. in person hearings and ensure they continue communication with you on this issue over the next weeks and months. CYFD and GALs should both strive to provide foster parents and children conference call or phone information for them to attend hearings. No Adjudication or TPR will proceed without an ICWA representatives

on ICWA cases. Please be aware that many tribes and pueblos have closed. CYFD shall ensure QEW is available for any hearing or file an appropriate motion. If a tribal member is not available for a permanency or judicial review hearing, the Department will be required to put language in any Court order that the tribe may reopen the hearing by request made within 30 days. The Department shall immediately email the tribal representative the same information. Tribes may have additional time if they demonstrate they were unable to receive such information due to closure.

UPDATE ON WEBSITE FORTHCOMING: We are working on providing some information and updates that stakeholders and their clients may be able to reference. We will keep you posted when that is in effect from Children's Court. Court dockets are changing daily so please check often and call court staff if you are not sure of a hearing date and time.

CONFERENCE CALLS: Currently, the Court does not have the capability of hosting conference calls with more than three (3) participants. We are, however, seeking ways to facilitate such calls with more than four (4) participants. Consequently, the Department and all counsel will be responsible for setting up a conference call for all parties appearing by phone and then calling into the court.

TRANSPORT ORDERS: Proposed transport orders can be emailed to the same address for Court pleadings noted above for approval but please be aware that there are limitations at this time. Please contact the detention facility for current policies and procedures that may change daily. If your client can appear telephonically, please arrange the same. Please allow sufficient time for filing, signature and SOPA access.

Thank you for your continued patience and cooperation. Please continue to monitor emails and pass along information to your colleagues and staff.