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1 **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

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

Court of Appeals of New Mexico  
Filed 5/17/2023 9:15 AM



Mark Reynolds

5 Petitioner-Appellee,

6 v.

**No. A-1-CA-40748**

7 **BRITTANY V.,**

8 Respondent-Appellant,

9 and

10 **LEROY M.,**

11 Respondent,

12 **IN THE MATTER OF KHLOE M.,**

13 Child.

14 **APPEAL FROM THE DISTRICT COURT OF RIO ARRIBA COUNTY**

15 **Kathleen A. McGarry, District Court Judge**

16 Children, Youth & Families Department

17 Mary E. McQueeney, Chief Children's Court Attorney

18 Santa Fe, NM

19 Kelly P. O'Neill, Assistant Children's Court Attorney

20 Albuquerque, NM

21 for Appellee

22 Susan C. Baker

23 El Prado, NM

24 for Appellant

1 Law Office of Caroline Bass  
2 Caroline Bass  
3 Santa Fe, NM

4 Guardian Ad Litem

5 **MEMORANDUM OPINION**

6 **DUFFY, Judge.**

7 {1} Respondent-Appellant Brittany V. (Mother) appealed following the  
8 termination of her parental rights. We previously issued a notice of proposed  
9 summary disposition in which we proposed to uphold the underlying decision.  
10 Mother has filed a memorandum in opposition. After due consideration, we affirm.

11 {2} We set forth the relevant background information and principles of law in the  
12 notice of proposed summary disposition. Rather than reiterating, we will focus on  
13 the content of the memorandum in opposition.

14 {3} Mother continues to challenge the sufficiency of the evidence to establish the  
15 reasonableness of Children, Youth & Families Department (the Department's)  
16 efforts to assist her in addressing her substance abuse issues. [MIO 7-10] We remain  
17 unpersuaded. As described in the notice of proposed summary disposition, in  
18 addition to providing for random drug and alcohol screening from the outset, the  
19 Department made numerous referrals to drug and alcohol treatment programs. [CN  
20 3-4] Mother failed to comply with screening, failed to appear at scheduled  
21 evaluations, failed to maintain contact with the Department, and ultimately failed to

1 follow through on outpatient treatment, subsequently relapsing into fentanyl abuse.  
2 [CN 3-4] Although inpatient treatment at the outset might have been preferable, we  
3 conclude that the Department’s efforts were reasonable, particularly in light of  
4 Mother’s failure to meaningfully participate in the many services that were provided  
5 to her. *See State ex rel. Child., Youth & Fams. Dep’t v. Patricia H.*, 2002-NMCA-  
6 061, ¶¶ 23, 28, 132 N.M. 299, 47 P.3d 859 (explaining that “[w]hat constitutes  
7 reasonable effort may vary with a number of factors, such as the level of cooperation  
8 demonstrated by the parent,” and that “our job is not to determine whether [the  
9 Department] did everything possible; our task is limited by our statutory scope of  
10 review to whether [the Department] complied with the minimum required under  
11 law”).

12 {4} Mother also renews her challenge to the district court’s treatment of certain  
13 testimony that was proffered at the adjudicatory hearing. [MIO 10-12] As we  
14 observed in the notice of proposed summary disposition, the timeliness and  
15 relevance of this issue is doubtful. [CN 5-6] In any event, for the reasons previously  
16 described, [CN 6] the district court’s handling of the matter was well within its  
17 discretion. Nothing within the memorandum in opposition persuades us otherwise.

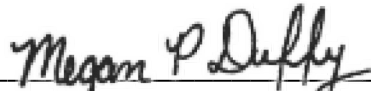
18 {5} Accordingly, for the reasons stated in the notice of proposed summary  
19 disposition and above, we affirm.

1 {6} IT IS SO ORDERED.

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MEGAN P. DUFFY, Judge

5 WE CONCUR:

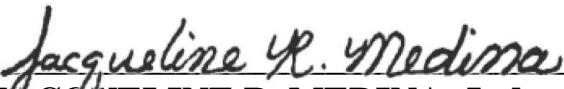
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KRISTINA BOGARDUS, Judge

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JACQUELINE R. MEDINA, Judge