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

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

Court of Appeals of New Mexico  
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Cynthia A. Hernandez-Madrid  
Acting Chief Clerk

Petitioner-Appellee,

v.

**No. A-1-CA-41411**

**AALIYAH M.,**

Respondent-Appellant,

and

**DOMINIC W.,**

Respondent,

**IN THE MATTER OF IVAN M. and  
JORDAN W.,**

Children.

**APPEAL FROM THE DISTRICT COURT OF OTERO COUNTY**

**Angie K. Schneider, District Court Judge**

Children, Youth & Families Department  
Mary E. McQueeney, Chief Children's Court Attorney  
Santa Fe, NM  
Kelly P. O'Neill, Children's Court Attorney  
Albuquerque, NM

for Appellee

1 Cravens Law LLC  
2 Richard H. Cravens, IV  
3 Albuquerque, NM

4 for Appellant

5 Erinna M. Atkins  
6 Alamogordo, NM

7 Guardian Ad Litem

8 **MEMORANDUM OPINION**

9 **HANISEE, Judge.**

10 {1} Mother appeals the district court’s termination of her parental rights to  
11 Children. In our notice of proposed summary disposition, we proposed to affirm.  
12 Mother has filed a memorandum in opposition, which we have duly considered. As  
13 we are not persuaded by Mother’s arguments, we affirm.

14 {2} In our notice of proposed summary disposition, we proposed to hold that  
15 sufficient evidence was presented to support the termination of Mother’s parental  
16 rights. [CN 5] In her memorandum in opposition, Mother continues to argue, based  
17 on the same facts stated in the docketing statement and referenced in our calendar  
18 notice, that the evidence was insufficient to support the termination. Mother’s  
19 memorandum in opposition maintains that argument, but does not point out any  
20 factual or legal error in the notice of proposed disposition. “Our courts have  
21 repeatedly held that, in summary calendar cases, the burden is on the party opposing  
22 the proposed disposition to clearly point out errors in fact or law.” *Hennessy v.*

1 *Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683; *see also State v.*  
2 *Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating that a  
3 party responding to a summary calendar notice must come forward and specifically  
4 point out errors of law and fact, and the repetition of earlier arguments does not  
5 fulfill this requirement), *superseded by statute on other grounds as stated in State v.*  
6 *Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374. Mother has not met that burden.

7 {3} To the extent Mother asserts she was put in a position of choosing between  
8 her right to assert her innocence and her rights as a parent—both fundamental  
9 rights—we are unpersuaded. [MIO 10] We understand Mother to argue that she had  
10 to choose between denying responsibility for Child’s injury and admitting fault in  
11 order to receive treatment leading toward unification with Child. Mother contends  
12 she was confused as to her ability to recognize the cause of injury because she was  
13 informed of different means by which Child could have sustained the injury. [MIO  
14 4] Notably, the basis for the district court’s finding that Mother did not complete her  
15 treatment plan was because she did not understand, acknowledge or accept the  
16 medical records as being accurate and she denied culpability. [2 RP 355, 395-396]  
17 Mother acknowledges she failed to admit those facts because she contended they  
18 were untrue. [MIO 10] By failing to acknowledge the veracity of the medical records  
19 documenting Child’s injury, or accept any responsibility, Mother failed to meet an  
20 essential component of the treatment plan, which was necessary to remedy the

1 physical neglect of and lack of supervision over Child. While the Children, Youth  
2 & Families Department (the Department) provided Mother with counseling to  
3 address these issues, Mother failed to make the necessary efforts. *See State ex rel.*  
4 *Child., Youth & Fams. Dep't v. Keon H.*, 2018-NMSC-033, ¶ 48, 421 P.3d 814  
5 (“Both the Department and [Mother] are responsible for making efforts toward  
6 reunification of the family.”).

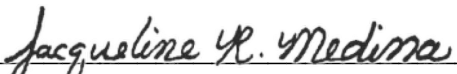
7 {4} Thus, for the reasons stated here and in our notice of proposed summary  
8 disposition, we affirm the district court’s termination of Mother’s parental rights.

9 {5} **IT IS SO ORDERED.**

10   
11 **J. MILES HANISEE, Judge**

12 **WE CONCUR:**

13   
14 **JENNIFER L. ATTREP, Chief Judge**

15   
16 **JACQUELINE R. MEDINA, Judge**