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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,**

Petitioner-Appellee,

v.

**SPIRIT G.,**

Respondent-Appellant,

and

**IVY H.,**

Respondent.

**IN THE MATTER OF IRIS G.  
and SCARLETT G.,**

Children.

**APPEAL FROM THE DISTRICT COURT OF SAN JUAN COUNTY  
Bradford J. Dalley, District Court Judge**


Children, Youth & Families Department  
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El Prado, NM

for Appellant

Court of Appeals of New Mexico  
Filed 1/9/2024 10:34 AM



Mark Reynolds

**No. A-1-CA-41383**

1 Richard J. Austin, P.C.  
2 Richard J. Austin  
3 Farmington, NM

4 Guardian Ad Litem

5 **MEMORANDUM OPINION**

6 **HANISEE, Judge.**

7 {1} Respondent, Spirit G. (Father), appealed following the termination of his  
8 parental rights as to Iris G. and Scarlett G. (Children). We previously issued a notice  
9 of proposed summary disposition in which we proposed to affirm the underlying  
10 decision. Father has filed a memorandum in opposition, which we have duly  
11 considered. Unpersuaded, we affirm.

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

15 {3} Father continues to challenge the sufficiency of the evidence to establish the  
16 reasonableness of the Children, Youth & Families Department's (CYFD) efforts. As  
17 described in the notice of proposed summary disposition, CYFD created a treatment  
18 plan for Father and endeavored to engage Father in addressing his needs and  
19 parenting deficiencies. [CN 4] Father nonetheless was both uncommunicative and  
20 noncompliant, making no apparent progress in his treatment plan. [CN 5; 3 RP 590]  
21 We therefore conclude that CYFD's efforts were reasonable, particularly in light of

1 Father’s failure to participate. *See State ex rel. Child., Youth & Fams. Dep’t v.*  
2 *Patricia H.*, 2002-NMCA-061, ¶¶ 23, 28, 132 N.M. 299, 47 P.3d 859 (explaining  
3 that “[w]hat constitutes reasonable efforts may vary with a number of factors, such  
4 as the level of cooperation demonstrated by the parent,” and that “our job is not to  
5 determine whether CYFD did everything possible; our task is limited by our  
6 statutory scope of review to whether CYFD complied with the minimum required  
7 under law”).

8 {4} Father now additionally contends that CYFD failed to make reasonable efforts  
9 to place Children with their paternal grandmother in a permanent guardianship.  
10 [MIO 10] We note that the district court entered a finding that Father did not provide  
11 any names of fit and willing relatives for placement. [3 RP 78] Father has not  
12 contested that finding on appeal. *See Seipert v. Johnson*, 2003-NMCA-119, ¶ 26,  
13 134 N.M. 394, 77 P.3d 298 (“An unchallenged finding of the trial court is binding  
14 on appeal.”). In addition, as noted in our proposed disposition, CYFD, at the outset  
15 of this case, received a report alleging that the paternal grandmother in question  
16 exhibited inappropriate behavior toward one of the Children. [CN 9; 1 RP 4, 15] To  
17 the extent Father points to his own beliefs and testimony as support for his position  
18 that placement with the grandmother was necessary and appropriate [MIO 13-14],  
19 we note that the district court found Father’s testimony to be “generally self-serving  
20 and revisionist” and “generally unbelievable and lacking credibility” [3 RP 580]. *See*

1 *Skeen v. Boyles*, 2009-NMCA-080, ¶ 37, 146 N.M. 627, 213 P.3d 531 (stating that  
2 we defer to the district court’s determinations, “given that we lack opportunity to  
3 observe demeanor, and we cannot weigh the credibility of live witnesses”).

4 {5} In any event, failure to consider an adult relative placement does not provide  
5 a basis for overturning the termination of parental rights. *See State ex rel. Child.,*  
6 *Youth & Fams. Dep’t v. Laura J.*, 2013-NMCA-057, ¶ 56, 301 P.3d 860 (indicating  
7 that where the termination of parental rights was supported by clear and convincing  
8 evidence, failure to investigate a particular relative for placement did not provide a  
9 basis for reversal). Even if we were to assume that pursuit of relative placement  
10 could factor into the reasonable efforts analysis, Father fails to explain how any  
11 shortcomings in CYFD’s placement decisions in this case outweigh CYFD’s other  
12 efforts. As indicated in our calendar notice, the termination of Father’s parental  
13 rights was supported by sufficient evidence of a clear and convincing nature. [CN 2-  
14 5] Moreover, Children were placed with relatives and Father has failed to identify  
15 any inadequacies in that placement. [CN 7-8; 3 RP 593] *See generally Laura J.*,  
16 2013-NMCA-057, ¶ 61 (acknowledging that CYFD is required to locate, identify,  
17 and consider relatives with whom Children might be placed); *see also State v.*  
18 *Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003, *superseded by*  
19 *statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d  
20 374 (stating that “[a] party responding to a summary calendar notice must come

1 forward and specifically point out errors of law and fact,” and the repetition of earlier  
2 arguments does not fulfill this requirement).

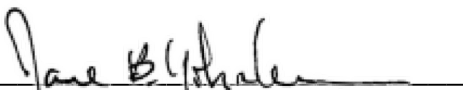
3 {6} We are therefore unpersuaded by Father’s assertion that the facts bearing upon  
4 the district court’s decision would have been any different had CYFD made further  
5 efforts to investigate placement with the paternal grandmother. We therefore  
6 conclude that Father has not presented a persuasive argument or authority to show  
7 that relief is warranted. *See Laura J.*, 2013-NMCA-057, ¶ 57.


8 {7} Accordingly, for the reasons stated in the notice of proposed summary  
9 disposition and above, we affirm.

10 {8} **IT IS SO ORDERED.**

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

13 **WE CONCUR:**

14   
15 **JANE B. YOHALEM, Judge**

16   
17 **KATHERINE A. WRAY, Judge**