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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 3/13/2024 9:47 AM



Cynthia A. Hernandez-Madrid
Acting Chief Clerk

5 Petitioner-Appellee,

6 v.

No. A-1-CA-41366

7 **KENYA C.,**

8 Respondent-Appellant,

9 and

10 **CHARLES C.,**

11 Respondent,

12 **IN THE MATTER OF KARAH C.,**

13 **OLIVIA C., NAIARI C., AVAH C.,**

14 **and ASYAH C.,**

15 Children.

16 **APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY**

17 **William Parnall, District Court Judge**

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

19 Santa Fe, NM

20 Kelly P. O'Neil, Assistant Children's Court Attorney

21 Albuquerque, NM

22 for Appellee

23 Susan C. Baker

24 El Prado, NM

25 for Appellant

1 Marjanovic Law, LLC
2 Milos Marjanovic
3 Albuquerque, NM

4 Guardian Ad Litem

5 **MEMORANDUM OPINION**

6 **BOGARDUS, Judge.**

7 {1} Mother appeals the district court’s order terminating her parental rights as to
8 Children. We issued a notice proposing to summarily affirm, and Mother has
9 responded with a memorandum in opposition to our proposed analysis. We have
10 duly considered Mother’s response and remain unpersuaded. We affirm.

11 {2} Mother’s response to our notice abandons contentions in her docketing
12 statement that the district court erred by refusing to consider a Substitute Care
13 Review Board (SCRB) report, and that alleges she was denied the effective
14 assistance of counsel. [DS 33, 35] *See Taylor v. Van Winkle’s IGA Farmer’s Mkt.*,
15 1996-NMCA-111, ¶ 5, 122 N.M. 486, 927 P.2d 41 (recognizing that issues raised in
16 a docketing statement, but not contested in a memorandum in opposition are
17 abandoned).

18 {3} Mother’s memorandum in opposition, instead, focuses on contentions that she
19 should have been given more time to address the causes and conditions of Children’s
20 neglect and that the Children, Youth & Families Department (CYFD) should be
21 required to employ further efforts to help stabilize Mother’s mental health. [MIO 12-

1 16] Mother’s response to our notice does not dispute the facts upon which our
2 proposed analysis relied and does not demonstrate legal error. *See State v.*
3 *Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating that “[a]
4 party responding to a summary calendar notice must come forward and specifically
5 point out errors of law and fact,” and the repetition of earlier arguments does not
6 fulfill this requirement), *superseded by statute on other grounds as stated in State v.*
7 *Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374.

8 {4} As described in greater detail in our notice, the record proper is replete with
9 CYFD’s extensive and lengthy efforts to assist Mother to make the necessary
10 changes, reunite the family, identify and meet the needs of Children, and maintain
11 healthy bonds among Children and between Children and Mother. [CN 5-7; 2 RP
12 345-46; 446-47; 3 RP 762-64, 780; 4 RP 789-90, 797-98, 867, 1024; 5 RP 1062; 6
13 RP 1061-62, 1076, 1392-93, 1406, 1441-42] We remain persuaded that CYFD’s
14 efforts were more than sufficient to satisfy its statutory obligation. *See State ex rel.*
15 *Child., Youth & Fams. Dep’t v. Patricia H.*, 2002-NMCA-061, ¶ 28, 132 N.M. 299,
16 47 P.3d 859 (“[O]ur job is not to determine whether CYFD did everything possible;
17 our task is . . . to [determine] whether CYFD complied with the minimum required
18 under law.”); *see also id.* ¶ 27 (“CYFD is only required to make reasonable efforts,
19 not efforts subject to conditions unilaterally imposed by the parent.”).

1 {5} Our notice also acknowledged the successes in Mother’s early efforts, upon
2 which Mother relies heavily in her response opposing affirmance. [MIO 14-16]
3 However, the record is also clear that Mother became destabilized, stopped taking
4 her medication, and relapsed on drugs, and her efforts diminished considerably upon
5 the return of Charles C. in August 2020; thereafter, Mother became intransigent
6 about her perceived lack of need for services and remained noncompliant,
7 uncooperative, hostile, and unstable until the termination of her parental rights in
8 July 2023. [6 RP 1397-1402, 1410-11, 1413-15, 1417] We remain persuaded that
9 Mother’s refusal to continue her efforts and engage in services does not require
10 greater efforts from CYFD, and we are not persuaded that additional, reasonable
11 time and effort would have led to the changes in the causes and conditions of
12 Children’s neglect that were needed in this case. *See State ex rel. Child., Youth &*
13 *Fams. Dep’t v. Laura J.*, 2013-NMCA-057, ¶ 39, 301 P.3d 860 (“That [the parent]
14 did not fully participate in or cooperate with the services does not render . . .
15 [CYFD]’s efforts unreasonable.”); *see also State ex rel. Child., Youth & Fams. Dep’t*
16 *v. Athena H.*, 2006-NMCA-113, ¶ 9, 140 N.M. 390, 142 P.3d 978 (“The Abuse and
17 Neglect Act requires the treatment plan to be reasonable, not a guarantee of family
18 reunification. Even with compliance, it may not achieve its goal.”). We emphasize
19 that “[b]ecause it is important for children to have permanency and stability in their
20 lives, termination proceedings should not continue indefinitely.” *State ex rel. Child.,*

1 *Youth & Fams. Dep't v. Mafin M.*, 2003-NMSC-015, ¶ 24, 133 N.M. 827, 70 P.3d
2 1266.

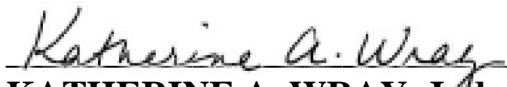
3 {6} For the reasons set forth above and in our notice, we affirm the termination of
4 Mother's parental rights.

5 {7} **IT IS SO ORDERED.**

6 
7 **KRISTINA BOGARDUS, Judge**

8 **WE CONCUR:**

9 
10 **JACQUELINE R. MEDINA, Judge**

11 
12 **KATHERINE A. WRAY, Judge**