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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
Filed 3/28/2024 10:33 AM



Cynthia A. Hernandez-Madrid
Acting Chief Clerk

Petitioner-Appellee,

v.

No. A-1-CA-41511

TALIEHA P.,

Respondent-Appellant,

and

BRYAN D.,

Respondent,

IN THE MATTER OF AUSTIN D.,

Child.

**APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY
Grace B. Duran, District Court Judge**

Children, Youth & Families Department
Mary E. McQueeney, Chief Children's Court Attorney
Santa Fe, NM

for Appellee

Susan C. Baker
El Prado, NM

for Appellant

1 ChavezLaw LLC
2 Rosenda Chavez-Lara
3 Sunland Park, NM

4 Guardian Ad Litem

5 **MEMORANDUM OPINION**

6 **BOGARDUS, Judge.**

7 {1} Respondent Talieha P. (Mother) appeals from the district court’s order
8 adjudicating Child as neglected. We issued a calendar notice proposing to affirm.
9 Mother has filed a memorandum in opposition, which we have duly considered.
10 Unpersuaded, we affirm.

11 {2} Our notice proposed to affirm based on our suggestion that (1) the evidence
12 was adequate to support the district court’s conclusion that Child was without
13 parental care and control or subsistence due to Mother’s refusal to provide for him;
14 and (2) Mother failed to demonstrate reversible error with regard to her assertion
15 that it was not appropriate for the Children, Youth, and Families Department
16 (CYFD) to file a petition in this case. [CN 5] *See* NMSA 1978, § 32A-4-2(G)(2)
17 (2018, amended 2023) (providing that a child is neglected when left “without proper
18 parental care and control or subsistence, education, medical, or other care or control
19 necessary for the child’s well-being because of . . . the failure or refusal of the
20 parent, guardian or custodian, when able to do so, to provide them”). [CN 4]

1 {3} In her memorandum in opposition, Mother continues to assert that CYFD
2 failed to meet its burden of showing by clear and convincing evidence that Child
3 was neglected. [CN 3; MIO 8-9] Rather than identify deficiencies in the evidence
4 supporting the neglect adjudication, however, Mother identifies facts in the record
5 that, in her estimation, indicate “Child was already basically emancipated.” [MIO 9]
6 For instance, Mother points out that when CYFD filed its petition, she “was no
7 longer in [Child’s] life or responsible for him.” [MIO 9] As Mother has failed to
8 identify any facts to indicate she provided Child with “parental care and control or
9 subsistence, education, medical, or other care” or explain how CYFD’s evidence
10 was deficient, we conclude that Mother has failed to establish error in our proposed
11 conclusion that the evidence was adequate to support the neglect adjudication. *See*
12 *Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 (“Our
13 courts have repeatedly held that, in summary calendar cases, the burden is on the
14 party opposing the proposed disposition to clearly point out errors in fact or law.”).

15 {4} In addition, Mother asserts that, rather than seeking to adjudicate Child as
16 neglected, “CYFD’s resources would have been better spent assisting child to
17 become emancipated.” [MIO 9-10] Nothing in the Children’s Code, however, limits
18 CYFD’s ability to file a petition like the one in this case. Mother’s general citations
19 to the Emancipation of Minors Act, NMSA 1978, §§ 32A-21-1 to -7 (1995), which
20 defines emancipation and its consequences, does not support her assertion that

1 CYFD’s actions in this case were improper. [MIO 11] *See also ITT Educ. Servs.,*
2 *Inc. v. N.M. Tax’n & Revenue Dep’t*, 1998-NMCA-078, ¶ 10, 125 N.M. 244, 959
3 P.2d 969 (stating that this Court will not consider propositions that are unsupported
4 by citation to authority); *In re Adoption of Doe*, 1984-NMSC-024, ¶ 2, 100 N.M.
5 764, 676 P.2d 1329 (explaining that where arguments are not supported by cited
6 authority, we presume counsel was unable to find supporting authority, will not
7 research authority for counsel, and will not review issues unsupported by authority).

8 {5} Furthermore, we note that Mother continues to argue that her appeal is not
9 moot—despite also claiming that it is moot elsewhere in her memorandum in
10 opposition. [MIO 10, 13, 15] Because Mother’s argument seeks “review of the
11 substantive merits of her appeal” and she has now received such review, we do not
12 address Mother’s mootness argument further.

13 **CONCLUSION**

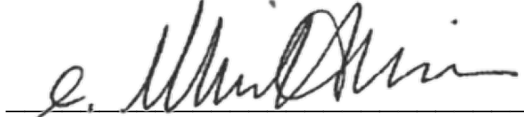
14 {6} For the reasons stated in our notice of proposed disposition and herein, we
15 affirm.

16 {7} **IT IS SO ORDERED.**

17 
18 **KRISTINA BOGARDUS, Judge**

1 **WE CONCUR:**

2 
3 **JENNIFER L. ATKER, Chief Judge**

4 
5 **J. MILES HANISEE, Judge**