


**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 3/6/2024 1:05 PM



Cynthia A. Hernandez-Madrid  
Acting Chief Clerk

Petitioner-Appellee,

v.

**No. A-1-CA-41280**

**DESIREE V.,**

Respondent-Appellant,

and

**ZEBADIAH R.,**

Respondent,

**In the Matter of SAMARAH V.-R.,**

Child.

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

**Emilio Chavez, District Court Judge**

Children, Youth & Families Department

Mary McQueeney, Chief Children's Court Attorney

Santa Fe, NM

for Appellee

Susan C. Baker

El Prado, NM

for Appellant

1 Laupheimer Law Office, LLC  
2 Amanda G. Laupheimer  
3 El Prado, NM

4 Guardian Ad Litem

5 **MEMORANDUM OPINION**

6 **BOGARDUS, Judge.**

7 {1} Mother appeals from the district court’s order terminating her parental rights  
8 as to Child. Unpersuaded that Mother’s docketing statement demonstrated error, we  
9 issued a notice proposing to summarily affirm. Mother has responded with a  
10 memorandum opposing summary affirmance. We have considered Mother’s  
11 response and remain unpersuaded. We affirm.

12 {2} Mother continues to challenge the sufficiency of the evidence to support the  
13 conclusion that Children, Youth & Families Department (CYFD) used reasonable  
14 efforts to assist her in remedying the causes of and conditions that resulted in Child’s  
15 removal and contends that she should have been given more time to engage in the  
16 necessary services. [MIO 11-12] “A party responding to a summary calendar notice  
17 must come forward and specifically point out errors of law and fact”; the repetition  
18 of earlier arguments does not fulfill this requirement. *State v. Mondragon*, 1988-  
19 NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003, *superseded by statute on other*  
20 *grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374. Mother  
21 does not dispute the evidence upon which our proposed affirmance was based and

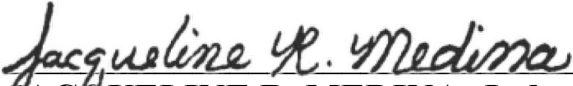
1 does not point out or demonstrate legal error in our proposed analysis. For the  
2 reasons set forth in our notice, we are not persuaded that further efforts were legally  
3 required of CYFD or that Mother should have been given more time to work her  
4 treatment plan after having minimally engaged in some of the recommended services  
5 at the end of the proceedings. *See State ex rel. Child., Youth & Fams. Dep't v. Laura*  
6 *J.*, 2013-NMCA-057, ¶ 39, 301 P.3d 860 (holding that “[CYFD] had made  
7 reasonable efforts to accommodate [the m]other’s cognitive and emotional  
8 limitations by providing referrals to services that were tailored to her particular  
9 needs”); *id.* (“That [the parent] did not fully participate in or cooperate with the  
10 services does not render [CYFD]’s efforts unreasonable.”); *State ex rel. Child.,*  
11 *Youth & Fams. Dep't v. Browind C.*, 2007-NMCA-023, ¶ 45, 141 N.M. 166, 152  
12 P.3d 153 (explaining that we construe the Children’s Code to focus on children’s  
13 health and safety, and that the record supported a conclusion that mother’s only  
14 recent successes with her treatment plan were “too little, too late” (internal quotation  
15 marks and citation omitted)); *State ex rel. Child., Youth & Fams. Dep't v. Maria C.*,  
16 2004-NMCA-083, ¶¶ 21, 53, 136 N.M. 53, 94 P.3d 796 (“Parents do not have an  
17 unlimited time to rehabilitate and reunite with their children” and “the district court  
18 need not place children in a legal holding pattern, while waiting for the parent to  
19 resolve the issues that caused their children to be deemed neglected or abused.”).

1 {3} For the reasons set forth above and in our notice, we affirm the district court's  
2 order terminating Mother's parental rights.

3 {4} **IT IS SO ORDERED.**

4   
5 **KRISTINA BOGARDUS, Judge**

6 **WE CONCUR:**

7   
8 **JACQUELINE R. MEDINA, Judge**

9   
10 **GERALD E. BACA, Judge**