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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 7/18/2024 9:56 AM

  
Ramon J. Maestas  
Chief Clerk

Petitioner-Appellee,

v.

**No. A-1-CA-41368**

**ARSENIO G.,**

Respondent-Appellant,

and

**DESTINY B.,**

Respondent,

**IN THE MATTER OF CENDRICK R.B.,**

Child.

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

**Lee A. Kirksey, District Court Judge**

Children, Youth & Families Department

Mary E. McQueeney, Children's Court Attorney

Santa Fe, NM

Kelly P. O'Neill, Assistant Children's Court Attorney

Albuquerque, NM

for Appellee

Susan C. Baker

El Prado, NM

for Appellant

1 Larry K. Bishop, Attorney at Law  
2 Larry K. Bishop  
3 Hobbs, NM

4 Guardian Ad Litem

5 **MEMORANDUM OPINION**

6 **IVES, Judge.**

7 {1} Respondent Arsenio G. (Father) appeals the termination of his parental rights  
8 to Child. We entered a notice of proposed disposition, proposing to affirm. Father  
9 filed a memorandum in opposition to that notice, which we have duly considered.  
10 Unpersuaded, we affirm.

11 {2} In his memorandum in opposition, Father continues to contend that the district  
12 court erred in finding the Children, Youth, and Families Department (CYFD) made  
13 reasonable efforts to assist him in adjusting the causes and conditions that brought  
14 Child into custody. [MIO 8-10] Father contends that he demonstrated initial  
15 compliance with his treatment plan when he was either in custody or under  
16 supervision by a reintegration center, and seems to concede that his compliance did  
17 falter when he absconded from the center. [MIO 10] However, Father argues that  
18 “he just needed to adjust to circumstances once he was released from incarceration”  
19 and the “adjustment required more time.” [MIO 10]

20 {3} Father’s memorandum in opposition does not claim that this Court erred in  
21 our proposed analysis of the evidence to support the district court’s finding, nor has

1 he asserted additional facts or law to otherwise persuade this Court that our notice  
2 of proposed disposition was incorrect. *See Hennessy v. Duryea*, 1998-NMCA-036,  
3 ¶ 24, 124 N.M. 754, 955 P.2d 683 (“Our courts have repeatedly held that, in  
4 summary calendar cases, the burden is on the party opposing the proposed  
5 disposition to clearly point out errors in fact or law.”); *State v. Mondragon*, 1988-  
6 NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating that a party responding to  
7 a summary calendar notice must come forward and specifically point out errors of  
8 law and fact, and the repetition of earlier arguments does not fulfill this requirement),  
9 *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-  
10 031, ¶ 3, 297 P.3d 374. In fact, Father’s response does not address the district court’s  
11 determination that CYFD made reasonable efforts, based on the totality of the  
12 circumstances, including CYFD’s statutory obligation and Father’s efforts. *See State*  
13 *ex rel. Child., Youth & Fams. Dep’t v. Patricia H.*, 2002-NMCA-061, ¶ 23, 132  
14 N.M. 299, 47 P.3d 859 (“What constitutes reasonable efforts may vary with a  
15 number of factors, such as the level of cooperation demonstrated by the parent and  
16 the recalcitrance of the problems that render the parent unable to provide adequate  
17 parenting.”); *State ex rel. Child., Youth & Fams. Dep’t v. Keon H.*, 2018-NMSC-  
18 033, ¶ 48, 421 P.3d 814 (“Both [CYFD] and [the parent] are responsible for making  
19 efforts toward reunification of the family.”).

1 {4} Although Father maintains he should be allowed more time to adjust to his  
2 release from custody before focusing on his treatment plan requirements [MIO 10],  
3 we are unpersuaded. Father continues to provide no reason why giving him  
4 additional time to alleviate the causes and conditions that brought Child into CYFD  
5 custody would be successful, in Child’s best interests, or consistent with the statutory  
6 requirement that “a reunification plan to be maintained for a maximum of fifteen  
7 months.” *State ex rel. Child., Youth & Fams. Dep’t v. Maria C.*, 2004-NMCA-083,  
8 ¶ 21, 136 N.M. 53, 94 P.3d 796; *see id.* ¶¶ 21, 53 (observing that “[p]arents do not  
9 have an unlimited time to rehabilitate and reunite with their children” and that “the  
10 district court need not place children in a legal holding pattern, while waiting for the  
11 parent to resolve the issues that caused their children to be deemed neglected or  
12 abused”).

13 {5} Accordingly, and for the reasons stated in our notice of proposed disposition,  
14 we affirm.

15 {6} **IT IS SO ORDERED.**

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**ZACHARY A. IVES, Judge**

18 **WE CONCUR:**

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**JANE B. JOHALEM, Judge**

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22 \_\_\_\_\_  
**KATHERINE A. WRAY, Judge**