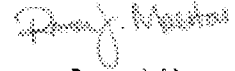


IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

**STATE OF NEW MEXICO ex rel.
CHILDREN, YOUTH & FAMILIES
DEPARTMENT,**

Court of Appeals of New Mexico
Filed 10/28/2024 11:20 AM



Ramon J. Maestas
Chief Clerk

Petitioner-Appellee,

v.

No. A-1-CA-42005

KENNETH S.,

Respondent-Appellant,

and

NOEL L.,

Respondent,

IN THE MATTER OF L.S. and M.S., Children.

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
Kelly P. O'Neill, Children's Court Attorney
Albuquerque, NM

for Appellee

Susan C. Baker
El Prado, NM

for Appellant

1 Jennifer L. Munson
2 Las Cruces, NM
3 Guardian Ad Litem

4 **MEMORANDUM OPINION**

5 **ATTREP, Chief Judge.**

6 {1} Kenneth S. (Father) appeals the termination of his parental rights. In our notice
7 of proposed disposition, we proposed to affirm. [CN 8] Father filed a memorandum
8 in opposition, which we have duly considered. Remaining unpersuaded, we affirm.

9 {2} In his memorandum in opposition, Father maintains that the Children, Youth
10 and Families Department (CYFD) did not make reasonable efforts to assist him in
11 alleviating the causes and conditions that brought Children into custody. [MIO 9]
12 Specifically, Father argues that CYFD’s efforts were unreasonable because it did not
13 do enough to assist Father with medication management or seek alternative
14 treatment professionals. [MIO 10, 12] As we explained in our notice of proposed
15 disposition, CYFD is not required to do everything possible, and our job on appeal
16 is to determine whether CYFD complied with the minimum required by law. [CN 6]
17 *See State ex rel. Child., Youth & Fams. Dep’t v. Patricia H.*, 2002-NMCA-061, ¶ 27,
18 132 N.M. 299, 47 P.3d 859 (stating that “CYFD is only required to make reasonable
19 efforts, not efforts subject to conditions unilaterally imposed by the parent”).
20 Although Father may have preferred to have different services than he received, the
21 facts stated in the memorandum in opposition do not persuade this Court that the

1 efforts CYFD actually made were legally inadequate. *See Hennessy v. Duryea*, 1998-
2 NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 (“Our courts have repeatedly held
3 that, in summary calendar cases, the burden is on the party opposing the proposed
4 disposition to clearly point out errors in fact or law.”); *State v. Mondragon*, 1988-
5 NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating that “[a] party responding
6 to a summary calendar notice must come forward and specifically point out errors
7 of law and fact[,]” and the repetition of earlier arguments does not fulfill this
8 requirement), *superseded by statute on other grounds as stated in State v. Harris*,
9 2013-NMCA-031, ¶ 3, 297 P.3d 374.

10 {3} For the reasons stated in our notice of proposed disposition and herein, we
11 affirm the termination of Father’s parental rights.

12 {4} **IT IS SO ORDERED.**

13 
14 _____
JENNIFER L. ATTREP, Chief Judge

15 **WE CONCUR:**

16 
17 _____
ZACHARY A. IVES, Judge

18 
19 _____
JANE B. YOHALEM, Judge