

10-505B. Ex parte custody order (child not in state custody).
[For use with Rule 10-311 NMRA]

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT
IN THE CHILDREN'S COURT

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

No. _____

In the Matter of

_____, (a) Child(ren), and Concerning
_____, Respondent(s).

EX PARTE CUSTODY ORDER¹

**THE STATE OF NEW MEXICO TO ANY OFFICER²
AUTHORIZED TO EXECUTE THIS ORDER**

I

YOU ARE HEREBY COMMANDED to take _____,
_____ (name of child or children), born _____,
_____ (date of birth for each child) without unnecessary delay and
deliver the child(ren) into the custody of the Children, Youth and Families Department.

II

You are further commanded to serve a copy of this order on
_____ ([respondent] Respondent or Respondents).

III

The court has found there is probable cause to believe that the above named
child(ren) (is) (are), abused or neglected as defined in Section 32A-4-2 NMSA 1978.
Furthermore, there is probable cause to believe that continuation in the home would be
contrary to the welfare of the child(ren) because _____ (a
factual recitation is required for each child).

IV

Reasonable efforts have been made to prevent removal of the child(ren) from the
home as follows: _____ (a factual recitation is required).

Therefore, it is necessary for the child(ren)'s protection that the child(ren) be placed in the legal custody of the Children, Youth and Families Department.

IT IS ORDERED that the child(ren) be placed in the legal custody of the New Mexico Children, Youth and Families Department until further order of the court.

Dated this _____ day of _____, _____.

Submitted by:

Children's Court Attorney

RETURN

I took the above-named child(ren) into custody and delivered the child(ren) into the legal custody of the Children, Youth and Families Department on the _____ of _____, _____. A copy of this ex parte custody order [and a copy of the petition]³ [was] [were] served on _____⁴ (*Respondent*) on the _____ day of _____, _____.

Signature

Title

USE NOTES

1. For use when the child has not been placed in the custody of the department. Form 10-505A NMRA is used when the child is in the custody of the department.

2. This order shall be served by a person authorized to serve arrest warrants.

3. Order and petition may, but are not required to, be served together.

4. Write the name of every respondent served.

[10-420 NMRA, as amended and recompiled, effective August 1, 1999; 10-452 recompiled and amended as 10-505B by Supreme Court Order No. 14-8300-009, effective for all cases filed or pending on or after December 31, 2014.]