

10-504. Affidavit for ex parte custody order.
[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).

AFFIDAVIT FOR EX PARTE CUSTODY ORDER

STATE OF NEW)
MEXICO) ss.
COUNTY OF)

I, _____, being duly sworn, under oath, state as follows:

(1) This affidavit pertains to the child(ren) listed below:

Child(ren)	Date of Birth
_____	_____
_____	_____

(2) I state the following facts to establish probable cause to believe _____ (*name(s) of child(ren)*) has/have been [abused] [and] [neglected], that custody under the criteria set forth in Section 32A-4-18 NMSA 1978 is necessary, and that it would be contrary to the welfare of the child(ren) to remain in the home:¹
_____. (*List facts supporting probable cause for each child*)

(3) I state that the Children, Youth and Families Department (CYFD) has made the following reasonable efforts to prevent the removal of the child(ren) from the home:²
_____. (*List the efforts made*)

(4) I state upon oath or affirm that the statements in this affidavit are true and correct to the best of my knowledge, information, and belief.

Signature of CYFD representative

SUBSCRIBED AND SWORN TO before me in the above county of the State of New Mexico this _____ day of _____ (*month*), _____ (*year*).

Notary Public

My commission expires: _____

USE NOTES

1. The paragraph about probable cause addresses the requirement to make a factual showing of abuse or neglect and that the children are not safe in the home.

2. The paragraph about reasonable efforts addresses the requirements of the federal Adoption and Safe Families Act that there be a factually specific sworn statement that details the efforts made to prevent removal of the children from the home, even if such efforts were ultimately unsuccessful.

[Rule 10-419 SCRA 1986; as recompiled and amended, effective August 1, 1999; 10-451 recompiled and amended as 10-504 by Supreme Court Order No. 14-8300-009, effective for all cases filed or pending on or after December 31, 2014.]