

This decision of the New Mexico Court of Appeals was not selected for publication in the New Mexico Appellate Reports. Refer to Rule 12-405 NMRA for restrictions on the citation of unpublished decisions. Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-39285

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

Petitioner-Appellee,

v.

TIMOTHY W.,

Respondent-Appellant,

and

CELESTE W.,

Respondent,

**IN THE MATTER OF ABERNATHY W.,
ANNAMAE W., KEIGHLI W., and
ELDON W.,**

Children.

**APPEAL FROM THE DISTRICT COURT OF LEA COUNTY
Lee A. Kirksey, District Judge**

Children Youth & Families Department
Rebecca J. Liggett, Chief Children's Court Attorney
Santa Fe, NM
Kelly P. O'Neill, Children's Court Attorney
Albuquerque, NM

for Appellee

Law Offices of Nancy L. Simmons, P.C.
Nancy L. Simmons
Albuquerque, NM

for Appellant

Laura K. Castillo
Hobbs, NM

Guardian Ad Litem

MEMORANDUM OPINION

HANISEE, Chief Judge.

{1} Respondent Timothy W. (Father) appeals from the termination of his parental rights to Children. This Court issued a notice of proposed disposition proposing to affirm the district court's order. Father has filed a memorandum in opposition with this Court, which we have duly considered. Unpersuaded we affirm.

{2} In his memorandum in opposition, Father argues that it was incorrect of this Court to imply in the notice of proposed disposition that "Father stipulated to facts in support of abuse." [MIO 2] However, the notice of proposed disposition only noted that Father stipulated at the adjudicatory hearing that Children were neglected [CN 4], which was a finding by the district court [2 RP 477]. As such, we are unpersuaded that the notice of proposed disposition improperly misconstrued the facts in this case. See *Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 ("Our courts have repeatedly held that, in summary calendar cases, the burden is on the party opposing the proposed disposition to clearly point out errors in fact or law."); see also *State v. Calanche*, 1978-NMCA-007, ¶ 10, 91 N.M. 390, 574 P.2d 1018 (stating that factual recitations in the docketing statement are accepted as true unless the record on appeal shows otherwise).

{3} Beyond this argument, Father raises no new facts, authority, or arguments in his memorandum in opposition that persuade this Court that our notice of proposed disposition was incorrect. [MIO 3-4] See *id.* Accordingly, for the reasons set forth in our notice of proposed disposition and herein, we affirm the district court's termination of Father's parental rights.

{4} IT IS SO ORDERED.

J. MILES HANISEE, Chief Judge

WE CONCUR:

JACQUELINE R. MEDINA, Judge

BRIANA H. ZAMORA, Judge