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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-40323

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

Petitioner-Appellee,

v.

JOSHUA A.,

Respondent-Appellant,

and

ELISHA M.,

Respondent,

IN THE MATTER OF ANGEL A.,

Child.

**APPEAL FROM THE DISTRICT COURT OF TAOS COUNTY
Emilio J. Chavez, District Judge**

Children, Youth & Families Department
Mary E. McQueeney, Chief Children's Court Attorney
Santa Fe, NM
Kelly P. O'Neill, Assistant Children's Court Attorney
Albuquerque, NM

for Appellee

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for Appellant

Carol K. Rodriguez
Albuquerque, NM

Guardian Ad Litem

MEMORANDUM OPINION

DUFFY, Judge.

{1} Joshua A. (Father) appeals the termination of his parental rights. [MIO 6] In our notice of proposed disposition, we proposed to affirm. [CN 1, 5] Father filed a memorandum in opposition that we have duly considered. Remaining unpersuaded, we affirm.

{2} In his memorandum in opposition, Father maintains that the Children, Youth, and Families Department (CYFD) did not make reasonable efforts to assist him in alleviating the causes and conditions that brought Child into custody. [MIO 6] Father has not asserted any new facts, law, or argument that persuade this Court that our notice of proposed disposition was erroneous. *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.”); *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating that “[a] party responding to a summary calendar notice must come forward and specifically point out errors of law and fact,” and the repetition of earlier arguments does not fulfill this requirement), *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374.

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

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

MEGAN P. DUFFY, Judge

WE CONCUR:

JENNIFER L. ATTREP, Judge

SHAMMARA H. HENDERSON, Judge