

# Rules of the District Court of the Twelfth Judicial District

## Table of Corresponding Rules

### Local Rules of the Twelfth Judicial District Court

The table below lists the former rule number and corresponding new number, and the new rule number and the corresponding former rule number prior to recompilation by Supreme Court Order No. 16-8300-015.

Former Rule No.	Corresponding New Rule No.	New Rule No.	Corresponding Former Rule No.
LR12-101	LR12-201	LR12-201	LR12-101
		LR12-401	New
		LR12-601	New
		LR12-602	New
		LR12-603	New

## I. Rules Applicable to All Cases [Reserved]

## II. Rules Applicable to Civil Cases

### LR12-201. Electronic filing authorized.

[Related Statewide Rule 1-005.2 NMRA]

In accordance with Rule 1-005.2 NMRA, electronic filing is implemented for all civil, habeas corpus, and probate actions in the Twelfth Judicial District Court as well as domestic relations actions involving the New Mexico Child Support Enforcement Division. The electronic filing of documents is mandatory for parties represented by attorneys in accordance with Rule 1-005.2 NMRA, which includes attorneys who represent themselves. Guidelines for using the electronic filing system are set forth in the court's user guide that is available in the clerk's office and on the court's website.

[Adopted by Supreme Court Order No. 13-8300-LR2, effective for cases filed or pending on or after April 15, 2013; LR12-101 recompiled and amended as LR12-201 by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. 18-8300-022, effective for all cases pending or filed on or after January 14, 2019; as amended by

Supreme Court Order No. 19-8300-002, effective for all cases pending or filed on or after September 1, 2019.]

## ANNOTATIONS

**The 2019 amendment**, approved by Supreme Court Order No. 19-8300-002, effective for all cases pending or filed on or after September 1, 2019, implemented electronic filing in domestic relations actions involving the New Mexico Child Support Enforcement Division; in the first sentence, after “Twelfth Judicial District Court”, added “as well as domestic relations actions involving the New Mexico Child Support Enforcement Division”.

**The 2018 amendment**, approved by Supreme Court Order No. 18-8300-022, effective January 14, 2019, implemented electronic filing for habeas corpus actions; and after “implemented for all civil”, added “habeas corpus”.

**The 2016 amendment**, approved by Supreme Court Order No. 16-8300-015, effective December 31, 2016, added “[Related Statewide Rule 1-005.2 NMRA]”.

**Recompilations.** — Pursuant to Supreme Court Order No. 16-8300-015, former LR12-101 NMRA was recompiled and amended as LR12-201 NMRA, effective December 31, 2016.

## III. Rules Applicable to Criminal Cases

### LR12-301. Electronic filing authorized.

[Related Statewide Rule 5-103.2 NMRA]

After the initial filing of the criminal proceeding and assignment of a case number in the Twelfth Judicial District Court, the electronic filing of documents is mandatory for parties represented by attorneys, including attorneys who represent themselves, in all criminal proceedings in accordance with Rule 5-103.2 NMRA. Guidelines for using the electronic filing system are set forth in the court’s user guide that is available in the clerk’s office and on the court’s website.

[Adopted by Supreme Court Order No. 18-8300-022, effective for all cases pending or filed on or after January 14, 2019.]

## IV. Rules Applicable to Domestic Relations Cases

### LR12-401. Domestic relations mediation.

[Related Statewide Rule 1-125 NMRA]

A. **Scope.** This rule applies to all domestic relations actions involving a dispute over custody or visitation of children filed in the Twelfth Judicial District Court, whether new or reopened.

B. **Application.** The Twelfth Judicial District Court establishes a domestic relations mediation program to assist the court, parents, and other interested parties in determining the best interests of children involved in domestic relations cases.

C. **Mediation surcharge.** Under Section 40-12-6 NMSA 1978, the district court clerk shall collect a thirty dollar (\$30.00) surcharge for all new and reopened domestic relations cases other than those filed under the Family Violence Protection Act, Sections 40-13-1 to -8 NMSA 1978. The surcharge shall be in addition to the filing fee required under Section 34-6-40 NMSA 1978 for all new and reopened cases. The district court clerk shall deposit all surcharges collected under this local rule in the "domestic relations mediation fund."

D. **Mediation fees.** Each party shall pay a fee to the court clerk's office to offset the costs of the alternative dispute resolution program before mediation has begun. The parties shall fill out a financial information sheet and each party's respective fee shall be determined by using the sliding fee scale approved by the Supreme Court.

E. **Immunity.** Attorneys and other persons appointed by the court to serve as mediators, or in other such roles under the rules governing this district's programs under the Domestic Relations Mediation Act, are arms of the court and are immune from liability for conduct within the scope of their duties as provided by law.

[Adopted by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. 18-8300-006, effective for all cases pending or filed on or after September 1, 2018.]

## ANNOTATIONS

**The 2018 amendment**, approved by Supreme Court Order No. 18-8300-006, effective September 1, 2018, provided immunity from liability for attorneys and other persons appointed by the court to serve as mediators for conduct within the scope of the Domestic Relations Mediation Act; and added Paragraph E.

### **LR12-402. Safe exchange and supervised visitation program.**

[Related Statutes Section 40-12-1 to 40-12-6 NMSA 1978 and Statewide Rule 1-125 NMRA]

A. **Establishment of program.** The Twelfth Judicial District Court has established a safe exchange and supervised visitation program by local court rule approved by the Supreme Court. The safe exchange and supervised visitation program shall be used when, in the opinion of the court, the best interests of the child are served if

confrontation or contact between the parents is to be avoided during exchanges of custody or if contact between a parent and a child should be supervised. In the safe exchange and supervised visitation program, the district court may employ or contract with a person or agency

(1) with whom a child may be left by one parent for a short period while waiting to be picked up by the other parent; or

(2) to supervise visits among one or both parents and the child.

**B. Determination of services.** The safe exchange and supervised visitation program may be utilized by determination of the court when services provided through the program are deemed by the court to be in the child's best interests.

**C. Responsibility of parties regarding fees of the program.** Parents shall pay the cost of the safe exchange and supervised visitation program based on each parent's gross income, reported for purposes of the child support worksheet if available, under a sliding fee scale approved by the Supreme Court. The sliding fee scale shall be based on ability to pay for services. Any fees collected shall be paid to the district court to be credited to the domestic relations mediation fund, which is used to offset the costs of the program. If applicable, any funds in excess of the program budget at the end of the fiscal year shall be remitted by the contractor to the district court clerk to be credited to the domestic relations mediation fund.

**D. Immunity.** Attorneys and other persons appointed by the court to serve as mediators, or in other such roles under the rules governing this district's programs under the Domestic Relations Mediation Act, are arms of the court and are immune from liability for conduct within the scope of their duties as provided by law.

[As adopted by Supreme Court Order No. 21-8300-006, effective September 21, 2021.]

## **V. Rules Applicable to Children's Court Cases [Reserved]**

## **VI. Rules Applicable to Court Alternative Dispute Resolution Programs**

### **LR12-601. Alternative dispute resolution program; generally.**

The purpose of this district's court-connected alternative dispute resolution program is to create a cost effective means of enhancing efficiency in the court by increasing the rate of case resolution and the litigant's satisfaction with the court system.

[Adopted by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

## **LR12-602. Definitions.**

A. **ADR.** “ADR” means alternative dispute resolution by means of this district’s court-annexed alternative dispute resolution program which includes mediation.

B. **Mediation.** “Mediation” means a process in which a mediator facilitates communication and negotiation between mediation parties to assist them in reaching an agreement regarding their dispute.

[Adopted by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

## **LR12-603. Civil mediation.**

A. **Scope.** The court may, under Rule 1-016 NMRA, refer cases to mediation, in the discretion of the judge.

B. **Application.** This rule applies to all civil cases, whether jury or non-jury.

C. **Alternative dispute resolution surcharge.** Under Section 34-6-45 NMSA 1978, the district court clerk shall collect a fifteen dollar (\$15.00) surcharge for all new and reopened cases except domestic relations cases, which are charged a surcharge under LR12-401. The surcharge shall be in addition to the civil filing fee required under Section 34-6-40 NMSA 1978 for new and reopened cases. See Rule 1-099 NMRA for the definition of reopened cases. The district court clerk shall deposit all surcharges collected under this local rule in the “alternative dispute resolution fund.”

D. **Mediation fees.** Each party shall pay a fee to the court clerk’s office to offset the costs of the alternative dispute resolution program before mediation has begun. The parties shall fill out a financial information sheet and their fee shall be determined by using the sliding fee scale approved by the Supreme Court.

[Adopted by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]

## **VII. Forms** **[Reserved]**