

MEMORANDUM

TO: FAMILY LAW PRACTITIONERS

FROM: THE FAMILY COURT JUDGES

RE: THE STATE OF EMERGENCY
STAY-AT-HOME ORDER

DATE: MARCH 23, 2020

As you are aware, the Governor of the State of New Mexico declared a State of Emergency on March 11, 2020 due to the COVID129 Coronavirus pandemic. We know that our Governor is going to announce a Stay-At-Home Order to further combat this pandemic. We are asking that attorney's and litigants work diligently to find agreements regarding custody and timesharing exchange Orders. As to a supervised visitation order, the Court does not have the authority to order that APN or the Neutral Corner or other agency remain open. The parties may reach an alternative agreement but if unable to do so, the Court's enforcement capacity is severely limited for the near future. Obviously, emergency motions may be filed and will be reviewed by the Court and handled as best as possible. Other options such as Skype, Facetime and general telephone contact should be explored during what we all hope to be a temporary basis.

The health requirements of the Governor do not supersede or suspend prior orders for timesharing and custody or Orders that do not involve a 3rd party or agency. Orders regarding counseling for non-custodial parents and service providers should continue forward in the best interests of the child if the provider is willing to continue and the other health considerations can be managed effectively by the provider. We all hope that the Stay-At-Home Order is not used a weapon to simply refuse to negotiate alternatives for other visitation arrangements and that parents are not allowed to view the limited capacity of the Court to operate as an opportunity to simply ignore the rights of non-custodial parents.

Until the pandemic is behind us and the emergency declaration(s) of the Governor are rescinded, the Court cannot return to full working capacity. Conducting business as usual is not an option, but the Family Court will remain open for emergency matters such as Orders of Protection and emergency hearings. We ask for your patience and understanding during the difficult and unprecedented time. Please know that you are in our thoughts and we hope you are caring for your health and for each other.