



July 15, 2020

Dear Family Law Lawyers and Parties,

In an effort to address common questions that are arising from parents trying to follow public health orders and their parenting plan and attorneys' concerns about court procedure, we are providing the following direction.

1. The coronavirus that causes COVID-19 is not a reason for parents to ignore their parenting plan and withhold children. Emergency motions will be reviewed, should there be concerns about parents following public health orders, exposure, or illness. If you are requesting emergency relief, submit a form of order with your motion.
2. Please avoid filing motions labeled "emergency" or other synonyms for same when the issues are not urgent. Judges and hearing officers are working to prioritize actual emergencies and as such, the increased labeling of standard motions as emergency motions is slowing the work of the court.
3. Effective July 1, 2020, all New Mexicans who travel out-of-state must quarantine for fourteen (14) days upon their return to the state. This presents concerns regarding children who travel back to New Mexico to begin the school year. Many parenting plans require children to return to New Mexico with fewer than fourteen days prior to school beginning, e.g., seven days or two days, etc. The July 1, 2020 Public Health Order must be followed and as such, all parents must make accommodations such that their children are back in New Mexico fourteen (14) days prior to in-person school resuming.
4. The family court has not followed the package rule, but in order to help us set our docket, we encourage all family law practitioners to start following the package rule (Rule 1-007.1(H)). If no response is filed to your motion, you may submit an order along with your motion to the proposed text email for that division. Please be aware that we may make following the package rule for attorneys a mandatory practice.
5. Facilitations should be held remotely (phone or video) or using social distancing and masks on the entire time the facilitation is occurring. The order of referral to year-round settlement facilitation will now include an attachment clarifying that facilitations may and should be held by telephone or video.
6. We are working to keep you safe and our staff safe. Please review all current Supreme Court Orders and the Second Judicial District Court's resumed operations plan. Link below.

[https://www.nmcourts.gov/uploads/files/COVID-19/SJDC%20Final%20Resumed%20Operations%20Plan%207\\_10\\_2020%20by%20Chief%20Judge%20Whitaker.pdf](https://www.nmcourts.gov/uploads/files/COVID-19/SJDC%20Final%20Resumed%20Operations%20Plan%207_10_2020%20by%20Chief%20Judge%20Whitaker.pdf)

7. Please note that in-person bench trials will only be held if there are oral or written findings and conclusions that there is a “compelling need for an in-person appearance that are specific to the particular circumstances in an individual case.” See Supreme Court Order, 20-8500-025 (July 6, 2020), Emergency Court Protocol No.2(B)(1). And upon the agreement of Chief Judge Whitaker. *Id.* at No2(B)(2).

Thank you,

Judge Debra Ramirez, Presiding Judge

Judge Gerard Lavelle

Judge Jane C. Levy

Judge Amber Chavez Baker