**10-602. Guardian *ad litem* certification of [continued] [admission] [placement] for [residential treatment] [habilitation].**

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ JUDICIAL DISTRICT

IN THE CHILDREN’S COURT

STATE OF NEW MEXICO ex rel.

CHILDREN, YOUTH AND FAMILIES DEPARTMENT

No. \_\_\_\_\_\_\_\_\_\_

IN THE MATTER OF

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**GUARDIAN *AD LITEM* CERTIFICATION**

**OF [CONTINUED] [ADMISSION] [PLACEMENT] FOR**

**[RESIDENTIAL TREATMENT] [HABILITATION]1**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, guardian *ad litem* for the above child, certifies pursuant to Section 32A-6A-20 NMSA 1978 the following:

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*initials and date of birth of child*) was admitted to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*place admitted*) on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*date*).

2. The child was advised of the child’s rights on \_\_\_\_\_\_\_\_\_\_\_ (*date*).

3. Pursuant to Section 32A-6A-20 NMSA 1978, I certify that I have met with the child, the child’s legal custodian, and the child’s clinician and that I have determined the following: (*provide a detailed factual explanation for each*)

a. On \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*date*), I met with the child’s parent, guardian, or legal custodian, \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name*), who [does] [does not] understand and [does] [does not] consent to the child’s admission to a [residential treatment] [habilitation] program.2

b. The admission [is][is not] in the child’s best interests because

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

c. The admission [is][is not] appropriate for the child because

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

d. The admission [is][is not] consistent with the least restrictive means principle because

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

e. The child’s clinician [does][does not] recommend [continued] admission because

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

4. Based on the above determination, I recommend the following: (*choose only one option*)

[ ] a. The child should [continue to] be admitted to a [residential treatment] [habilitation] program because all of the requirements in Paragraph Three (3), above, have been satisfied.

[ ] b. The child should be discharged immediately or the facility should immediately initiate involuntary commitment proceedings because one or more of the requirements in Paragraph Three (3) have not been satisfied.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorney’s signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone number

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Guardian *ad litem* (*signature*)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone number

USE NOTES

1. This form shall be filed upon the admission or placement of the child in a residential treatment or habilitation program and every sixty (60) days after the date of the child’s initial admission or placement. *See* NMSA 1978, § 32A-6A-20(H), (K).

2. If the child’s parent, guardian, or legal custodian could not be found, the guardian *ad litem* must recommend discharge or the initiation of involuntary commitment proceedings as provided in Paragraph 4(b).

[Approved, effective July 1, 2002; 10-493 recompiled and amended as 10-602 by Supreme Court Order No. 14-8300-009, effective for all cases filed or pending on or after December 31, 2014.]