GAL National Database

NEW MEXICO

Guardian Ad Litem Volunteer Handbook

2026 Edition

Bernalillo County · 2nd Judicial District

Children, Youth and Families Department (CYFD) · CASA New Mexico · NMSA Chapter 32A

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SECTION 1 — The NM GAL Program

1.1 What Is the NM GAL Program?

New Mexico's Guardian Ad Litem (GAL) program operates within the Children's Court division of the district courts, governed by the **Abuse and Neglect Act** (NMSA 1978, Chapter 32A, Article 4). When a child abuse or neglect petition is filed, the Children's Court judge appoints a GAL to represent the best interests of the child.

CASA New Mexico (Court Appointed Special Advocates) serves as the primary statewide umbrella organization supporting local CASA programs across New Mexico's 13 judicial districts. GAL volunteers serve as independent advocates ensuring the child's best interests are clearly articulated throughout the court process.

Core Mission: You are the court's independent eyes and ears for a child who cannot effectively represent themselves in a legal proceeding. New Mexico's children's courts depend on you to investigate, report, and advocate without alignment to any other party.

1.2 Key Program Contacts

CYFD (State)	Children, Youth and Families Department — NM state child welfare agency. Abuse Hotline: 1-800-797-3260. cyfd.nm.gov
CASA New Mexico	Statewide umbrella for local CASA/GAL programs. Training, standards, and volunteer support. casanewmexico.org
Bernalillo CYFD	Bernalillo County CYFD Field Office. 201 Tijeras Ave. NW, Albuquerque. Tel: (505) 841-6100

SECTION 2 — Legal Foundation

2.1 Governing Statutes — NMSA 1978, Chapter 32A

§ 32A-1-4 — Definitions: Abused, Neglected, and Dependent Child

§ 32A-4-3 — Duty to Report Child Abuse and Neglect (Mandatory Reporting)

§ 32A-4-10 — Appointment of Guardian Ad Litem; Duties

§ 32A-4-19 — Adjudicatory Hearing; Standard of Proof

§ 32A-4-22 — Dispositional Hearing; Court Orders

§ 32A-4-25.1 — Permanency Plan; Permanency Hearing

§ 32A-4-28 — Grounds for Termination of Parental Rights

§ 32A-4-34 — Confidentiality of Children's Court Records

NM Indian Family Protection Act — NMSA §§ 32A-14-1 through 32A-14-13 (stronger protections than federal ICWA)

2.2 Federal Law

CAPTA (42 U.S.C. § 5101) — Child Abuse Prevention and Treatment Act — mandates GAL appointment

ASFA (P.L. 105-89) — Adoption and Safe Families Act — 12-month permanency timeline

ICWA (25 U.S.C. § 1901) — Indian Child Welfare Act — CRITICAL in NM given 23 federally recognized tribes

FFPSA (P.L. 115-123) — Family First Prevention Services Act — prevention and family-based care priority

NM ICWA Note: New Mexico has one of the highest Native American populations in the US. Twenty-three federally recognized tribes, pueblos, and nations are in or adjacent to NM. ICWA compliance is a critical and frequently litigated issue. Always conduct ICWA inquiry at the start of every case.

SECTION 3 — Your Role & Duties (§ 32A-4-10)

3.1 Statutory Duties

Investigate: Conduct an independent investigation of the child's circumstances — interview the child, parents, foster caregivers, teachers, therapists, and others. Review all available records.

Advocate: Advocate for what you determine to be the child's best interests — not what the child wants, not the parents' wishes, but what thorough investigation leads you to believe will best serve the child's welfare.

Connect: Identify and help connect the child and family to appropriate community resources — mental health services, educational support, housing assistance, substance abuse treatment.

Report: Prepare and submit a written court report before each hearing. File motions, examine witnesses, and present the child's position. Keep coming back until the case is closed.

3.2 Ethical Obligations

- All case information is strictly confidential under § 32A-4-34.
- Your obligation is to the child's *best interests* — not their stated wishes, not the parents' goals.
- Do not accept gifts, money, or favors from any party or family member.
- Conflicts of interest must be disclosed immediately to the court and your GAL supervisor.
- You are not a caseworker, therapist, attorney, or placement worker. Stay within your role.
- When uncertain, call your GAL supervisor before acting.

SECTION 4 — The GAL Team

4.1 Key Team Members

GAL Supervisor / CASA Coordinator	Your primary support. Assigns cases, provides training, reviews reports, and guides you through difficult situations. Call whenever you have questions.
GAL Attorney	In some NM cases, a separate attorney may represent the child's legal interests alongside the GAL. Coordinate closely — your investigation informs their arguments.
CYFD Social Worker	Manages the family's service plan and placement decisions. You work alongside CYFD but represent independent interests.
CYFD Attorney (AG)	Assistant AG representing CYFD in court. Not your attorney. Be professional and maintain your independent advocacy position.
Parent Attorneys	Court-appointed attorneys representing each parent. Coordinate on record access or scheduling, but your client is the child.
Children's Court Judge	Hears all abuse and neglect proceedings in district courts. Reads your report and relies on it for critical decisions.
Tribal Representative	When ICWA applies, tribal representatives play a central role. Work cooperatively — their cultural context is invaluable.
CYFD Foster Care Unit	Manages foster home licensing, placement matching, and foster parent support. Contact for placement concerns.

SECTION 5 — Court Process in New Mexico

5.1 Definitions (§ 32A-1-4)

Abused Child	A child who has suffered or is at risk of suffering physical, emotional, or sexual abuse; exposed to domestic violence; or trafficked. Acts by a parent, guardian, or household member.
Neglected Child	A child without proper parental care, control, subsistence, education, or other care necessary for well-being; abandoned; or whose parent is unable to discharge parental responsibilities due to substance abuse or mental illness.
Dependent Child	A child without a parent, guardian, or custodian willing and able to provide care and who is in need of state intervention to ensure safety and welfare.

5.2 Court Process: From Petition to Permanency

1	**Petition Filed / Emergency Custody** CYFD files an abuse/neglect petition. If the child is in immediate danger, an emergency order of protective custody (OPC) may be entered. GAL is appointed at or near this point.
2	**Custody Hearing** Within 10 days of OPC, the court reviews placement and sets interim orders. Often your first court appearance.
3	**Preliminary Protective Hearing (PPH)** Informal, non-adversarial hearing where parties discuss the case and explore early resolution. A good opportunity to gather information.
4	**Adjudicatory Hearing** The court determines whether the child is abused or neglected. Formal rules of evidence apply. CYFD bears the burden by clear and convincing evidence.
5	**Dispositional Hearing** Following adjudication, the court enters orders setting the case plan, placement, and required services. Your court report is critical.
6	**Review Hearings** Held every 6 months (or more frequently). The court reviews progress toward case plan goals and the child's current status.
7	**Permanency Hearing** Required within 12 months of removal. Court establishes a permanent plan: reunification, adoption, guardianship, or APPLA.

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TPR / Post-TPR

If reunification is ruled out, CYFD files for TPR under § 32A-4-28. Case continues until adoption is finalized or another permanent plan is secured.

SECTION 6 — Hearing Types

OPC / Custody Hearing	Within 10 days of OPC	Verify placement safety; introduce yourself to parties
Preliminary Protective Hearing	Shortly after petition	Begin investigation; review CYFD petition; raise ICWA if applicable
Adjudicatory Hearing	Within 60 days of petition	Present investigation findings; may testify; support attorney arguments
Dispositional Hearing	Within 30 days of adjudication	Submit court report; advocate for best-interests placement and services
Review Hearing	Every 6 months minimum	Monitor compliance; update child's status; flag unmet needs
Permanency Hearing	Within 12 months of removal	Address reunification vs. alternative permanency; most consequential re
TPR Hearing	As needed	Work closely with attorney; document grounds thoroughly

SECTION 7 — ICWA & Tribal Protections

7.1 ICWA in New Mexico

New Mexico is home to 23 federally recognized tribes, pueblos, and nations including the Navajo Nation (the largest tribal nation in the US), 19 Pueblo communities, and the Jicarilla Apache and Mescalero Apache nations. New Mexico also enacted the **NM Indian Family Protection Act (NMSA §§ 32A-14-1 through 32A-14-13)**, which in some respects provides even stronger protections than federal ICWA.

■■ **ICWA Alert:** If the child is or may be an Indian child — meaning a member of, or eligible for membership in, a federally recognized tribe — ICWA and the NM Indian Family Protection Act apply. This triggers mandatory tribal notification, a higher burden of proof (beyond a reasonable doubt for removal), active efforts requirements, and placement preferences. **Failure to comply can void all prior proceedings.** At the start of EVERY case, ask about Native American heritage. If yes or unknown, notify your GAL supervisor immediately.

7.2 Mandatory ICWA Inquiry Checklist

■ **Ask at First Contact**	Ask parents, caregivers, and the child: "Does the child have any Native American or Alaska Native heritage? Is the child or either parent enrolled in, or eligible for, tribal membership?" Document who you asked and their response.
■ **Document the Inquiry**	Record your ICWA inquiry — who, what, and date — in your case notes and court report. This protects proceedings from future challenge.
■ **Notify the Tribe**	If any affiliation is identified, CYFD must notify the child's tribe by registered mail. Confirm notification was sent. The tribe has 20 days to respond and may intervene.
■ **Tribal Intervention**	If the tribe intervenes, the tribal representative becomes a party. Work cooperatively — their knowledge of family connections and cultural context is invaluable.
■ **Placement Preferences**	ICWA requires: (1) extended family, (2) tribal members, (3) other Indian families. Document whether CYFD explored these options.
■ **Active Efforts**	ICWA requires CYFD to make "active efforts" — substantially more than reasonable efforts — to provide culturally appropriate services. Verify and report on whether active efforts were made.

SECTION 8 — Tribal Resources

Navajo Nation DSS	Window Rock Headquarters: (928) 871-6000. ICWA coordination for Navajo Nation members. navajo-nsn.gov
Pueblo of Laguna DSS	(505) 552-6654. ICWA notifications for Laguna Pueblo members. lagunapueblo-nsn.gov
Jicarilla Apache Nation	(575) 759-3242. ICWA services for Jicarilla Apache Nation members. jicarillaonline.com
Mescalero Apache Tribe	(575) 464-4494. ICWA coordination for Mescalero Apache Tribe members. mescaleroapachetribe.com
NM Indian Affairs Dept	(505) 476-1600. State liaison between NM tribes and state government. Helpful for identifying correct tribal contacts. iad.state.nm.us
BIA Southwest Region	(505) 563-3100. ICWA guidance, tribal enrollment verification, and coordination for NM's 23 tribes. bia.gov/regional-offices/southwest

SECTION 9 — Education Rights

9.1 Key Education Statutes

McKinney-Vento Act — Immediate enrollment, school stability, and transportation for foster children
Every Student Succeeds Act (ESSA) — School districts must have a foster care point of contact
IDEA — Children with disabilities in foster care retain all IEP/504 rights
NMSA § 32A-4-10(H) — GAL has authority to review educational records and advocate for educational placement
NM Fostering Success Scholarship — Tuition waiver at NM public colleges for youth aging out of care at 18+

GAL Tip — Education Records: Review the child's school records including attendance, grades, IEP/504 plans, and disciplinary history. Educational stability is a significant factor in permanency planning. Frequent school changes are a harm you should document and seek to address.

9.2 Extended Foster Care (CYFD Fostering Connections Program)

New Mexico extended foster care services are available to eligible youth up to age 21 through CYFD's Fostering Connections program. As a GAL, ensure that youth approaching age 18 are informed of their right to extended foster care and that their transition plans include education, housing, and employment components.

SECTION 10 — Courtroom Practice

10.1 Before, During, and After the Hearing

Before the Hearing	Submit your court report at least 3–5 days in advance. Coordinate with your attorney. Review the CYFD report. Know the case status, current placement, and your recommendation.
During the Hearing	Arrive early. Dress professionally. Address the judge as "Your Honor." Let your attorney present legal arguments. If testifying, answer only what is asked.
After the Hearing	Document the court's orders and any new directives. Follow up on resource referrals. Update your case contact log. Schedule your next child visit.
If You Disagree	Discuss concerns with your GAL supervisor and attorney. You may raise specific concerns at the next hearing. Document your position in case notes.

10.2 Court Report Writing Principles

- **Facts first, opinions supported.** Distinguish between what you observed, what you were told, and what you recommend.
- **Cite your sources.** "Per CYFD court report dated [date]…" or "Per my interview with [name] on [date]…"
- **Be specific.** Describe the child's functioning in concrete, observable terms.
- **Report the child's wishes.** For children able to express preferences, report them accurately — even if you disagree.
- **Make a clear recommendation.** Tell the court what you believe is in the child's best interests and why.
- **Address ICWA if applicable.** Note whether inquiry was made and how active efforts and placement preferences were addressed.

SECTION 11 — Local Resources (Albuquerque / Bernalillo County)

11.1 Child Advocacy & Child Welfare

Bernalillo County CYFD	(505) 841-6100 · 201 Tijeras Ave. NW, Albuquerque · cyfd.nm.gov
UNMH Child Advocacy Center	(505) 272-2157 · 2211 Lomas Blvd. NE, Albuquerque · hospitals.health.unm.edu · Forensic interviews, medical evaluations, trauma-informed care
CASA of Bernalillo County	Local CASA program for the 2nd Judicial District. casanewmexico.org
New Day Family Resource Ctr	Family support services: parenting classes, family counseling, home visitation, crisis intervention. Albuquerque, NM

11.2 Domestic Violence & Crisis

SARA — Sexual Assault Response	24-hr Crisis: (505) 266-7711 · saranm.org · Crisis services, medical advocacy, counseling for sexual assault survivors
Albuquerque Heading Home	Emergency shelter, rapid rehousing, and supportive services for families experiencing DV and homelessness

SECTION 12 — Mental Health, Housing & Statewide Resources

12.1 Mental Health Resources

UNM Psychiatric Center	(505) 272-2800 · hospitals.health.unm.edu · Inpatient and outpatient psychiatric services for children and adolescents. Accepts Medicaid.
Presbyterian Medical Services	1-800-477-6627 · pmsnm.org · Statewide FQHCs including behavioral health, primary care, substance abuse across NM including rural/tribal communities
NCTSN	nctsn.org · National Child Traumatic Stress Network — premier resource on childhood trauma including tribal youth
La Frontera New Mexico	(505) 766-3737 · Behavioral health, crisis intervention, and case management for children and families in Albuquerque
NM Crisis & Access Line (NMCAL)	1-855-662-7474 (24/7) · Statewide mental health crisis line connecting callers to local crisis resources and mobile crisis teams

12.2 Housing & Basic Needs

NM 211	2-1-1 (24/7) · nm211.org · Statewide resource referral for food, shelter, utility assistance, and mental health
Albuquerque Housing Authority	(505) 764-3920 · abqha.org · Public housing and Section 8 programs. Long waitlists — refer early in the case
Catholic Charities of NM	(505) 724-4680 · ccasfnm.org · Emergency food, utility assistance, and housing support across NM
Roadrunner Food Bank	(505) 247-2052 · rrfb.org · Largest food bank in NM, serving 33 counties with statewide distribution sites
Albuquerque Community Resource Ctr	Emergency assistance, food, clothing, and service referrals in the Albuquerque metro area

12.3 Statewide & Federal Resources

CYFD	cyfd.nm.gov · Abuse Hotline: 1-800-797-3260 · NM state child welfare agency
CASA New Mexico	casanewmexico.org · Umbrella for CASA/GAL programs statewide
NM Children's Law Institute	nmcli.org · Training for child welfare attorneys and advocates including ICWA, educational rights
NM Legal Aid	1-833-545-4357 · nmlegalaid.org · Free civil legal services for low-income New Mexicans
Child Welfare Info Gateway	childwelfare.gov · Federal clearinghouse for child welfare resources

National CASA/GAL Assoc	casaforchildren.org · National training resources and standards for volunteer advocates
NICWA	nicwa.org · National Indian Child Welfare Association — premier ICWA resource
SAMHSA Helpline	1-800-662-4357 · samhsa.gov · 24/7 substance use and mental health treatment referral
Prevent Child Abuse NM	preventchildabusenm.org · Prevention programs and parenting support statewide

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