

Administrative Office of the Courts
Supreme Court of New Mexico
Arthur W. Pepin, Director

Twila A. Hoon Witz
Director Court Appointed Attorney Program
Children's Court Mediation Program



202 Marcy St,
Santa Fe, NM 87501
505-827-4855
aoc tah@nmcourts.gov

**COURT APPOINTED ATTORNEY PROGRAM
Mental Health Commitments and Advice of Rights**

**Request for Letters of Interest
ATTORNEYS and GALS**

The Administrative Office of the Courts (AOC) invites all attorneys with an interest in handling court appointments to represent children and/or adults in mental health proceedings to respond to this *Request for Letters of Interest* in order to be considered for a contract to provide representation services for commitment proceedings. The contracts will be in individual districts around the state starting December 1, 2023.

Attorneys and GALs handling commitment matters will be court-assigned to cases (in the assigned Judicial District) for children, youth, and/or adults where children and youth are the subject of mental health proceedings under the Children's Mental Health and Developmental Disabilities Act (NMSA 1978, §32A-6A-1 et seq.) and/or for indigent adults who are the subject of mental health proceedings under the Mental Health and Developmental Disabilities Act (§ 43-1-1 et seq.)

Letters of Interest

Letters of Interest should contain all information necessary to respond to the qualifications and specific duties included in this *Request*. The AOC will accept *Letters of Interest* submitted pursuant to this Request until December 1, 2023, at 5:00 PM however submissions will be reviewed upon receipt.

Responsive *Letters of Interest* and attachments (resume, copies of certifications), or questions about this *Request*, must be submitted before 5:00 PM on December 1, 2023 to:

Twila A Hoon Witz
Director Court Appointed Attorney Program
Administrative Office of the Courts
202 Marcy Street
Santa Fe, NM 87501
Phone: (505) 827-4855
Email: aoc caaff@nmcourts.gov

Minimum Qualifications

- Admission to the New Mexico Bar
- A Juris Doctor

Scope of Work – Requirements

Court-appointed attorneys representing clients in mental health proceedings must fully comply with all requirements in the Children’s Mental Health and Developmental Disabilities Act (NMSA 1978, § 32A-6A-1) and the Mental Health and Developmental Disabilities Act (§ 43-1-1 et seq.).

Court-appointed attorneys must also comply, at minimum, with the New Mexico Rules of Professional Conduct. These standards generally describe the steps which should be taken by an attorney who is assigned to provide legal services in Mental Health matters for children and youth who are the subject of mental health proceedings under the Children’s Mental Health and Developmental Disabilities Act (NMSA 1978, § 32A-6A-1) and/or for indigent adults who are the subject of mental health proceedings under the Mental Health and Developmental Disabilities Act (§ 43-1-1 et seq.).

Counsel is expected, at minimum, to review all pleadings/records and have meaningful contact with their client. Diligent efforts to have in-person, private communication with the client should be undertaken upon assignment and occur prior to the scheduled court hearing. Counsel is also responsible for ensuring that all witnesses or exhibits are identified and prepared prior to the scheduled court hearing.

Counsel is responsible for ensuring that the client, in a developmentally appropriate manner, is provided with an explanation of the petition filed in their case, advised of their rights, and informed of the proceeding steps and options. Counsel shall diligently meet with and advise clients in advance of any hearings, and whenever possible shall do so in person. Counsel shall appear at any hearing on the client’s behalf, present evidence on the client’s behalf, and cross-examine witnesses. Counsel shall assure that procedural and substantive due process requirements are fulfilled, individualized treatment plans are created, and that any such plans are designed to employ the least restrictive measures to minimize the impact on the client’s personal liberty.

In proceedings where the child is fourteen or older, the appointed attorney for the child shall, pursuant to § 32A-6A-21, and within seven days of the child’s admission to a residential treatment or habilitation program, meet with the child and explain the child’s rights. If the attorney determines that the child understands the child's rights and that the child voluntarily and knowingly desires to remain as a patient in a residential treatment or habilitation program, the attorney shall so certify on a form designated by the Supreme Court. The form, when completed by the attorney, shall be filed in the child's patient record at the residential treatment or habilitation program, and a copy shall be forwarded to the court or special commissioner within seven days of the child's admission.

In proceedings where the child is under fourteen, the appointed guardian ad litem for the child shall represent the child’s best interests and pursuant to § 32A-6A-20, and within seven days of the child’s admission to a residential treatment or habilitation program, shall meet with the child, the child’s legal custodian and the child’s clinician. The guardian ad litem shall determine: 1) whether the child’s legal custodian understands and consents to the child’s admission to a residential treatment or habilitation program; 2) whether the admission is in the child’s best interests; and 3) whether the admission is appropriate for the child and is consistent with the least restrictive means principle. If the guardian ad litem determines the three criteria are met, the guardian ad litem shall certify the same on the form designated by the Supreme Court with a copy filed in the child’s patient record and a copy forwarded to the court or special commission within seven days of the child’s admission. The guardian ad litem shall

also comply with all duties pursuant to any sixty-day reviews as well as represent the child in any involuntary placement procedures that are initiated.

Contract Compensation

For fiscal year 2024 (July 1, 2023 to June 30, 2024) the AOC shall pay the Contractor, for services satisfactorily performed, inclusive of gross receipts taxes on a case-by-case basis [per appointment] pursuant to the below schedules.

- The AOC shall pay to the Contractor on a per admission/appointment basis in proceedings concerning Attorney Advice of Rights in Voluntary Commitment of Minors, pursuant to §32A-6A-21 **or** GAL representation for placement of a child younger than 14 in a residential treatment or habilitation program, pursuant to §32A-6A-20, as follows:
 - Initial Admission (Form 10-603) Attorney’s Certificate or (Form 10-602) Guardian Ad Litem Certification \$50.00
 - 60-day Review (once every 60 days) \$50.00
- The AOC shall pay the Contractor on a per admission/appointment basis in proceedings concerning Involuntary Mental Health Commitments or Developmental Disabilities Commitments:
 - Mental Health Commitment \$100.00
 - Developmental Disabilities Commitment \$100.00
 - Recommitment (either MH or DD) \$100.00
 - Treatment Guardian Hearing \$100.00
- Additional services as the Court shall direct:
 - Fees to be set by the Court as the need arises at the rate of \$50.00, not to exceed \$200.00 per case without specific findings from the court regarding complex litigation.
- The Contractor is responsible for payment of all local, state, and federal taxes due.
- The total amount of this contract shall not exceed \$40,000.00.

**Court Appointed Attorney Program
Letter of Interest for Attorneys and GALs (FY24)**

Attorney's Name: _____

Address: _____

Phone(s): _____ Email: _____

REQUIRED RESPONSES:

1. Describe your legal experience and any specific training or experience regarding mental health proceedings (*or* attach a resume).
 - Indicate year of admission to the New Mexico Bar, year Juris Doctor obtained and school attended;
 - Indicate any other information applicable to handling mental health proceedings;
2. Indicate which Judicial District you would be interested in handling court-appointed matters.
3. Indicate your availability and willingness to travel within the state and to which Judicial Districts.
4. Certification of Malpractice Coverage: Provide a copy of your Malpractice Insurance Cover Page.
5. References: *Only* if you have not previously contracted with the Court-Appointed Attorney Program, please include contact information for two professional references.
6. *By my signature, below, I affirm that the above statements are true and correct to the best of my knowledge.*

Sign: _____ Date: _____

Please submit your *Letter of Interest* to:
Twila Hoon Witz
AOC – Court Appointed Attorney Program
202 Marcy Street
Santa Fe, NM 87501
e-mail: aoccaaff@nmcourts.gov