

LR12-402. Safe exchange and supervised visitation program.

[Related Statutes and Statewide Rules: NMSA 1978, §§40-12-1 to -6; Rule [1-125](#) NMRA]

A. **Establishment of program.** The Twelfth Judicial District Court has established a safe exchange and supervised visitation program by local court rule approved by the Supreme Court. The safe exchange and supervised visitation program shall be used when, in the opinion of the court, the best interests of the child are served if confrontation or contact between the parents is to be avoided during exchanges of custody or if contact between a parent and a child should be supervised. In the safe exchange and supervised visitation program, the district court may employ or contract with a person or agency

(1) with whom a child may be left by one parent for a short period while waiting to be picked up by the other parent; or

(2) to supervise visits among one or both parents and the child.

B. **Determination of services.** The safe exchange and supervised visitation program may be utilized by determination of the court when services provided through the program are deemed by the court to be in the child's best interests.

C. **Responsibility of parties regarding fees of the program.** Parents shall pay the cost of the safe exchange and supervised visitation program based on each parent's gross income, reported for purposes of the child support worksheet if available, under a sliding fee scale approved by the Supreme Court. The sliding fee scale shall be based on ability to pay for services. Any fees collected shall be paid to the district court to be credited to the domestic relations mediation fund, which is used to offset the costs of the program.

If applicable, any funds in excess of the program budget at the end of the fiscal year shall be remitted by the contractor to the district court clerk to be credited to the domestic relations mediation fund.

D. **Immunity.** Attorneys and other persons appointed by the court to serve as mediators, or in other such roles under the rules governing this district's programs under the Domestic Relations Mediation Act, are arms of the court and are immune from liability for conduct within the scope of their duties as provided by law.

Twelfth Judicial District Safe Exchange & Supervised Visitation

**New Mexico Domestic Relations
Sliding Fee Scale**

Income of Party	Percentage of Full Fee Paid
0-\$14,472	10%
\$14,473-18,090	20%
\$18,091-24,120	30%
\$24,121-36,180	40%
\$36,181-42,210	50%
\$42,211-48,240	60%
\$48,241-60,300	80%
Above \$60,300	100%

OTERO and LINCOLN COUNTIES APPROVED RATES

Full Rate per hour for visits \$45.00
 Full rate per exchange \$40.00
 Full rate per intake per party \$25.00

Income of Party	Cost/hr visits (full rate = \$45.00/hr)	Cost/ exchange (full rate = \$40.00/exch)	\$25.00 intake fee/party
0-\$14,472	\$4.50	\$4.00	\$2.50
\$14,473-18,090	\$9.00	\$8.00	\$5.00
\$18,091-24,120	\$13.50	\$12.00	\$7.50
\$24,121-36,180	\$18.00	\$16.00	\$10.00
\$36,181-42,210	\$22.50	\$20.00	\$12.50
\$42,211-48,240	\$27.00	\$24.00	\$15.00
\$48,241-60,300	\$36.00	\$32.00	\$20.00
Above \$60,300	\$45.00	\$40.00	\$25.00

Notes:

1) For families greater than four (4) an additional 10% discount will be applied, except that no party will pay less than 10% of the fee without approval of the Judge.

Effective September 21, 2021, in accordance with NM Supreme Court Order 21-8300-006

NM Sliding Fee Scale for ADR & SESV is to be update every five (5) years, based upon that current year's Federal Poverty Level.