

ALBUQUERQUE DIVORCE LAWYER BLOG

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COLLINS & COLLINS, P.C.

ATTORNEYS AT LAW

Parent Child Reunification in New Mexico Child Custody Cases

By Collins & Collins

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Sadly, there are times in divorce or child custody cases when animosity arises not just between the parents themselves, but between one or both parents and their child. This can result in a severe breakdown in the parent-child relationship to the point where a child may want nothing more to do with a parent.

Of course, this sort of damage to the parent-child relationship can also occur in intact families and can be caused by a variety of factors, including: parental alienation; financial and emotional stress; physical and emotional abuse; drug and alcohol abuse; and/or seemingly no reason at all.

While the New Mexico Courts are committed to protecting the children of the state, the Courts also recognize that it is most often in a child's best interest for both parents to be involved in their life to some degree. Obviously, this is only true when a parent who has been abusive, or otherwise damaged the relationship with their child, demonstrates to the Court that he or she is committed to any changes necessary to making good parenting decisions.

No matter the cause of the damaged parent-child relationship, the Courts can get involved in these cases in a variety of ways. For instance, in a traditional divorce or custody setting, one parent may petition the Court to remove the child from the other parent's care and prevent contact between them based on the other parent's poor behavior. Given New Mexico's commitment to joint custody, the Courts will investigate such claims thoroughly and will remove a child only if it determines that further contact with the other parent is not in the child's best interest.

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Main Office:

500 4th St. NW, Suite 405

Albuquerque, NM 87102

Phone: (505) 242-5958/Fax: (505) 242-5968

<http://www.albuquerquedivorcelawyerblog.com/>

Other times these cases come before the Courts after the Department of Children Youth and Families ("CYFD") has received a complaint that a parent is abusing or neglecting a child and their investigation shows that such abuse or neglect has indeed taken place. In both instances, the Courts will give the parent who is prevented from contacting their child a chance to demonstrate that they are committed to changing the harmful behavior.

Typically that parent will need to regularly engage in individual therapy to address their anger or other issues. If drugs and alcohol are an issue, that parent may need to participate in treatment on an inpatient or outpatient basis. The court may also order parenting classes. In some cases, where there is a medical necessity, the court may order the parent to take medication as prescribed by a treating physician or mental health professional.

Once a parent has completed the proper course of counseling, therapy and treatment, the Court may order that the parent participate in reunification therapy with the estranged child. The goal of reunification therapy is to mend the relationship between a parent and child, in other words to bring them back together or unify them.

The reunification process will generally move very slowly and will focus on rebuilding trust between the parent and child. Often, both parents will need to be involved in the therapy as it is very important for the child to see that the custodial parent is supportive of their new relationship with the other parent.

Damage to a parent-child relationship can be very serious and, unfortunately, is often permanent. When faced with such a situation, the Courts are forced to walk a fine line between protecting a child and facilitating reunification. Any party faced with this situation, whether as the custodial parent seeking to protect their child, or as the parent whose relationship is damaged, should contact an experienced family law attorney in order to protect their legal rights and those of their child.

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