

## PROPOSED REVISIONS TO THE CHILDREN'S COURT RULES AND FORMS

The Children's Court Rules Committee has recommended for the Supreme Court's consideration recompiling the delinquency and youthful offender forms to new Article 7 of the Children's Court Rules and Forms; amending recompiled Forms 10-702, 10-704, 10-705, 10-706, 10-711, 10-712, 10-715, 10-716, and 10-717 NMRA; and withdrawing Forms 10-408A, 10-413, 10-414, and 10-417 NMRA,.

If you would like to comment on the proposed amended and recompiled forms or the proposed withdrawn forms set forth below before the Court takes final action, you may do so by either submitting a comment electronically through the Supreme Court's web site at <http://nmsupremecourt.nmcourts.gov/> or sending your written comments by mail, email, or fax to:

Joey D. Moya, Clerk  
New Mexico Supreme Court  
P.O. Box 848  
Santa Fe, New Mexico 87504-0848  
nmsupremecourtclerk@nmcourts.gov  
505-827-4837 (fax)

Your comments must be received by the Clerk on or before April 6, 2016, to be considered by the Court. Please note that any submitted comments may be posted on the Supreme Court's web site for public viewing.

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### ARTICLE 7: FORMS FOR DELINQUENCY AND YOUTHFUL OFFENDER PROCEEDINGS

10-701	Statement of Probable Cause.
10-702	Probable Cause Determination.
10-703	Petition.
10-704	Summons to child - Delinquency Proceeding.
10-705	Summons to parent or custodian or guardian - Delinquency Proceeding.
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10-707	Eligibility determination for indigent defense services.
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10-726	Bench warrant.
10-727	Waiver of right to have children's court judge preside over hearing.
10-731	Waiver of arraignment in youthful offender proceedings.
10-732	Waiver of preliminary examination and grand jury proceeding.
10-741	Order for evaluation of competency to stand trial.
10-742	Ex parte order for forensic evaluation.
10-743	Order for diagnostic evaluation.
10-744	Order for pre-dispositional diagnostic evaluation.
10-745	Order for evaluation of amenability to treatment for youthful offender (requested by defense counsel).

### **TABLE OF CORRESPONDING FORMS**

<b>Former No.</b>	<b>Corresponding New No.</b>
10-404	Recompiled as 10-704
10-404A	Recompiled as 10-705
10-406	Recompiled as 10-703
10-407	Recompiled as 10-706
10-408	Recompiled as 10-707
10-408A	Withdrawn
10-409	Recompiled as 10-722
10-410	Recompiled as 10-723
10-411	Recompiled as 10-724
10-412	Recompiled as 10-725
10-412A	Recompiled as 10-726
10-413	Withdrawn
10-414	Withdrawn
10-415	Recompiled as 10-715
10-415A	Recompiled as 10-711
10-416	Recompiled as 10-716
10-417	Withdrawn
10-418	Recompiled as 10-717
10-420	Recompiled as 10-718
10-423	Recompiled as 10-712
10-424	Recompiled as 10-713
10-425	Recompiled as 10-714
10-430	Recompiled as 10-701
10-431	Recompiled as 10-702

10-432	Recompiled as 10-731
10-433	Recompiled as 10-732
10-496A	Recompiled as 10-741
10-496B	Recompiled as 10-743
10-496C	Recompiled as 10-744
10-496D	Recompiled as 10-745
10-496E	Recompiled as 10-742

<b>New No.</b>	<b>Corresponding Former No.</b>
10-701	Former 10-430
10-702	Former 10-431
10-703	Former 10-406
10-704	Former 10-404
10-705	Former 10-404A
10-706	Former 10-407
10-707	Former 10-408
10-711	Former 10-415A
10-712	Former 10-423
10-713	Former 10-424
10-714	Former 10-425
10-715	Former 10-415
10-716	Former 10-416
10-717	Former 10-418
10-718	Former 10-420
10-721	New
10-722	Former 10-409
10-723	Former 10-410
10-724	Former 10-411
10-725	Former 10-412
10-726	Former 10-412A
10-727	New
10-731	Former 10-432
10-732	Former 10-433
10-741	Former 10-496A
10-742	Former 10-496E
10-743	Former 10-496B
10-744	Former 10-496C
10-745	Former 10-496D

~~[10-431. Probable Cause Determination.]~~**10-702. Probable cause determination.**

[For use with Rules 10-221 and 10-222 NMRA]

[STATE OF NEW MEXICO \_\_\_\_\_ COUNTY OF \_\_\_\_\_]

\_\_\_\_\_  
**IN THE DISTRICT COURT**  
\_\_\_\_\_  
**CHILDREN'S COURT DIVISION**

In the Matter of \_\_\_\_\_ No. \_\_\_\_\_  
John Doe, a Child]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT  
IN THE CHILDREN'S COURT

In the Matter of \_\_\_\_\_, a Child. No. \_\_\_\_\_

**PROBABLE CAUSE DETERMINATION**

*(For use only if the child  
has been arrested without a warrant  
and has not been released)*

**Finding of probable cause**

I find that there is probable cause to believe that an offense has been committed by the above-named child.

~~[It is ordered]~~ IT IS ORDERED that the child be:

detained.

detained, unless after the preliminary inquiry the juvenile probation officer determines that release is appropriate.

released on personal recognizance.

released on the conditions of release set forth in the release order.

\_\_\_\_\_

**Failure to make showing of probable cause**

[ ] I find that probable cause has not been shown that an offense has been committed by the above-named child. It is therefore ordered that the child be immediately discharged from custody.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

**Use Note**

This form may be used for any child taken into custody. If the child has a right to bail, the amount of bail and any conditions of release must also be determined. This form is not necessary if: the child was arrested on an arrest warrant or a finding of probable cause is endorsed by the judge on the petition or on a statement of probable cause.

[Adopted effective November 1, 1995; recompiled as amended from Form 10-430 NMRA by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]

**~~10-404~~10-704. Summons to child - Delinquency Proceeding.**

~~[STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
IN THE DISTRICT COURT  
CHILDREN'S COURT DIVISION  
State of New Mexico~~

v. \_\_\_\_\_ No. \_\_\_\_\_  
\_\_\_\_\_, Respondent]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT  
IN THE CHILDREN'S COURT

In the Matter of \_\_\_\_\_, a Child. No. \_\_\_\_\_

**SUMMONS TO CHILD**  
**DELINQUENCY PROCEEDING<sup>1</sup>**

TO: \_\_\_\_\_  
Name of the respondent child  
\_\_\_\_\_  
Address

**If you need help reading this document, you can call \_\_\_\_\_, and the court will appoint an interpreter for you at no charge.**

YOU ARE NOTIFIED that a petition, a copy of which is attached hereto, has been filed in this court alleging that you

[ ] committed the following delinquent acts \_\_\_\_\_ (*common name and description of each delinquent act*).

[ ] violated your conditions of probation by \_\_\_\_\_ (*briefly describe conditions imposed and acts violating those conditions*).

YOU ARE ORDERED TO PERSONALLY APPEAR before the Children's Court Division of the District Court at \_\_\_\_\_ (*set forth address of court*) on \_\_\_\_\_, \_\_\_\_\_ at the hour of \_\_\_\_\_ (a.m.) (p.m.) to answer the allegations contained in the attached petition. You have the right to an attorney. If you cannot afford an attorney, the court will appoint an attorney to represent you at no charge.

If you fail to appear at such time and place, a warrant will be issued for your arrest. Service of this summons shall be by mail unless otherwise ordered by the court.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Clerk, District Court  
Children's Court Division

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone number

### **CERTIFICATE OF MAILING**

I certify that I mailed a copy of the summons and a copy of the petition filed herein to:

\_\_\_\_\_  
Name of child

\_\_\_\_\_  
Address

on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of Children's Court Attorney

\_\_\_\_\_  
Title

## CERTIFICATE OF PROCESS SERVER<sup>2</sup>

*(check one box and fill in appropriate blanks)*

I, \_\_\_\_\_, certify that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served the within summons in the State of New Mexico on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by delivering a copy thereof, with a copy of petition attached, in the following manner.

*(check one box and fill in appropriate blanks)*

by delivering the summons and petition to the above-named child (*used when respondent receives copy of summons or refuses to receive summons*).

by delivering the summons and petition to \_\_\_\_\_, (parent) (guardian) (custodian) (conservator) (*guardian ad litem appointed in the delinquency proceeding<sup>3</sup>*) of the above-named child.

~~by delivering the summons and petition to \_\_\_\_\_, a person of suitable age and discretion then residing at the usual place of abode of the above-named child.]~~

by delivering the summons and petition to \_\_\_\_\_ (*name of person*), \_\_\_\_\_ (*title of person [authorized to receive service] who has legal authority over the child*) (*used when the child is in the custody of a legal entity, including the Children, Youth and Families Department*).

by delivering the summons and petition to \_\_\_\_\_ (*if another manner of service has been ordered by the court, set forth how served*).

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (*if any*)

### USE [NOTE]NOTES

1. This form is to be used for service on a child alleged to have committed a delinquent act. A copy of the summons and petition must be served on the respondent child.

2. To be completed only if personal service is ordered by the court.

3. If the summons and petition is served on a guardian ad litem, it should only be served on the guardian ad litem who was appointed in the delinquency proceeding. It would be inappropriate to serve a guardian ad litem who may have been appointed for the child in another proceeding.

[As amended, effective September 1, 1995; recompiled as amended from Form 10-404 NMRA by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]

**[~~10-404A~~10-705. Summons to parent or custodian or guardian – Delinquency Proceeding.**

[STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
IN THE DISTRICT COURT  
\_\_\_\_\_  
CHILDREN'S COURT DIVISION  
State of New Mexico

v. \_\_\_\_\_ No. \_\_\_\_\_  
\_\_\_\_\_, Respondent]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT  
IN THE CHILDREN'S COURT

In the Matter of \_\_\_\_\_, a Child. No. \_\_\_\_\_

**SUMMONS TO PARENT OR CUSTODIAN OR GUARDIAN**  
**DELINQUENCY PROCEEDING<sup>1</sup>**

TO: \_\_\_\_\_  
Name of parent or custodian or guardian  
\_\_\_\_\_  
Address

**If you need help reading this document, you can call \_\_\_\_\_,**  
**and the court will appoint an interpreter for you at no charge.**

YOU ARE ORDERED TO PERSONALLY APPEAR before the Children's Court Division  
of the District Court at \_\_\_\_\_ (set forth address of court) on \_\_\_\_\_ (date)  
at the hour of \_\_\_\_\_ (a.m.) (p.m.) to participate in these proceedings.

If you do not appear at the time and place set forth above, you may be held in contempt of court and punished by fine or imprisonment.

YOU ARE NOTIFIED that a [~~motion~~] petition has been filed in this court alleging that you are the [~~(parent)-(custodian)]~~[parent] [custodian] [guardian] of a child who is alleged to have

[ ] committed the following delinquent acts \_\_\_\_\_ (common name and description of each delinquent act).

[ ] violated ~~[your]~~[his][her] conditions of probation by \_\_\_\_\_ (*briefly describe conditions imposed and acts violating those conditions*).

~~[and requesting that you be joined as a party to this proceeding. A copy of the motion to join you as a party and a copy of the petition alleging delinquency have been attached to this summons.]~~

Attached to this summons is the petition alleging delinquency [and the motion to join parent/custodian/guardian as a party]<sup>1</sup>.

~~[— YOU ARE ORDERED TO PERSONALLY APPEAR before the Children's Court Division of the District Court at \_\_\_\_\_ (*set forth address of court*) on \_\_\_\_\_, \_\_\_\_\_ at the hour of \_\_\_\_\_ (a.m.) (p.m.) to participate in these proceedings.—~~

~~If you do not appear at the time and place set forth above, you may be held in contempt of court and punished by fine or imprisonment.]~~

Service of this summons shall be by mail unless otherwise ordered by the court.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Clerk, District Court  
Children's Court Division

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone number

### CERTIFICATE OF MAILING

I certify that I mailed a copy of the summons and a copy of the petition filed herein to:

\_\_\_\_\_  
Name of parent or custodian or guardian

\_\_\_\_\_  
Address

\_\_\_\_\_  
City and zip code

on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of Children's Court Attorney

\_\_\_\_\_  
Title

### CERTIFICATE OF PROCESS SERVER<sup>2</sup>

*[(check one box and fill in appropriate blanks)]*

I, \_\_\_\_\_, certify that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served ~~[the within]~~ this summons in the State of New Mexico on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by delivering a copy thereof, with a copy of petition [and a copy of the motion to join the parent/custodian/guardian as a party]<sup>1</sup> attached, in the following manner:

*(check one box and fill in appropriate blanks)*

by delivering the summons and petition to \_\_\_\_\_ *(set forth name of parent or custodian or guardian to be served)*. *(This alternative is used when the person to be served is served or refuses to accept summons)*.

by delivering the summons and petition to \_\_\_\_\_, a person of suitable age and discretion then residing at the usual place of abode of \_\_\_\_\_ *(set forth name of parent or custodian or guardian served)*.

by delivering the summons, petition and motion to \_\_\_\_\_ *(if another manner of service has been ordered by the court, set forth how served)*.

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title *(if any)*

### USE ~~[NOTE]~~ NOTES

1. This form is to be used for service on a parent, ~~[or]~~ custodian, or guardian of a child alleged to have committed a delinquent act. A copy of the summons~~;~~ and petition ~~[and motion to join the parent or custodian]~~ must be served on the respondent. If a written motion to join the parent has been filed with the court, it must also be served with the summons and petition on the respondent and the parent.

2. To be completed only if personal service is ordered by the court.

[Adopted, effective September 1, 1995; recompiled as amended from Form 10-404A NMRA by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]

~~[10-407. Notice of requirement to pay attorney fees for legal representation of the above-named child]~~ 10-706. Order of appointment of attorney for child and notice and order to parent(s), guardian(s), or custodian(s).

[For use with Rule 10-223 NMRA]

STATE OF NEW MEXICO COUNTY OF \_\_\_\_\_

IN THE DISTRICT COURT  
CHILDREN'S COURT DIVISION

STATE OF NEW MEXICO No. \_\_\_\_\_

v.

DOE (\_\_\_\_\_) (Actual name of child)

**NOTICE OF REQUIREMENT TO PAY ATTORNEY FEES  
FOR LEGAL REPRESENTATION OF THE ABOVE-NAMED CHILD**

TO: \_\_\_\_\_ (Name of parents, custodian or guardian)  
\_\_\_\_\_ (Address)

Please take notice that pursuant to New Mexico law if you can afford to pay, you may be required to pay for the costs of representing the above-named child. If you cannot afford to pay, you must complete the enclosed affidavit and return it to this office by the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Office of Public Defender  
By \_\_\_\_\_

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
JUDICIAL DISTRICT  
IN THE CHILDREN'S COURT

In the Matter of \_\_\_\_\_, a Child. No. \_\_\_\_\_

**ORDER OF APPOINTMENT OF ATTORNEY FOR CHILD  
AND  
NOTICE AND ORDER TO PARENT(S), GUARDIAN(S), OR CUSTODIAN(S)**

THIS MATTER having come before the court, and the court finding that an attorney has not entered appearance for the child,

IT IS THEREFORE ORDERED that the following attorney shall be appointed to represent the child in this matter:

[ ] the Public Defender, whose address and telephone number is

[ ] \_\_\_\_\_, an attorney on contract with the Office of the Public Defender, whose address and telephone number is

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**NOTICE AND ORDER TO PARENT(S), GUARDIAN(S), OR CUSTODIAN(S):**

1. Within five (5) days of receiving this order, you must do one of the following:
  - A. Complete the enclosed copy of Form 10-408 NMRA, the Eligibility Determination for Indigent Defense Services form, and return it to the public defender, or
  - B. Make arrangements with another attorney of your choosing for the payment of legal services performed for the child.
2. Failure to complete and return the enclosed Form 10-408 NMRA within five (5) days may result in you being charged for all legal representation of the respondent child.
3. If you reside in a county where no public defender office exists, you may apply at the district or magistrate court in your area.
4. The appointed attorney has been directed to assist you in any indigency determination proceeding.
5. Under New Mexico law, if you can afford to pay, you may be ordered to reimburse the state for the costs of representing the above-named child.

**THIS IS A COURT ORDER. IF YOU DO NOT COMPLY WITH THIS ORDER, YOU MAY BE HELD IN CONTEMPT OF COURT AND PUNISHED BY FINE OR IMPRISONMENT.**

\_\_\_\_\_  
District judge

**CERTIFICATE OF MAILING**

I certify that on this date I mailed a copy of this notice to \_\_\_\_\_, (*name*) at the address indicated.

Date of Mailing:

\_\_\_\_\_, \_\_\_\_\_ By \_\_\_\_\_

[As recompiled and amended from Form 10-407 NMRA by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]

**[10-415A. Denial of petition and explanation of rights] 10-711. Waiver of arraignment and denial of delinquent act.**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
**IN THE DISTRICT COURT  
CHILDREN'S COURT DIVISION**

In the Matter of

\_\_\_\_\_, a Child

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

**DENIAL OF PETITION  
AND  
EXPLANATION OF RIGHTS**

I understand that a petition has been filed charging me with the following delinquent acts under the law of the State of New Mexico: \_\_\_\_\_  
\_\_\_\_\_  
*(list all offenses charged).*

I understand that I am entitled to personally appear before the children's court and deny the delinquent acts charged and to have my rights explained to me:

I hereby acknowledge receipt of a copy of the petition, which I have read and had explained to me by my attorney. I understand the delinquent acts alleged and the penalty provided by law for these acts:

I further understand that: I have a right to the assistance of an attorney at all stages of the proceeding, and to an appointed attorney, to be furnished free of charge, if I cannot afford one; I have a right to confront the witnesses against me and to cross-examine them as to the truthfulness of their testimony; I have a right to present evidence on my own behalf and to have the state compel witnesses of my choosing to appear and testify; I have a right to remain silent and that any statement made by me may be used against me; I may have a right to trial by jury and, if I do have a right to a trial by jury, that all jurors must agree that I committed the delinquent acts charged in order for me to be adjudicated as a delinquent child:

After reading and understanding the above, I waive my right to a personal appearance before the judge and I hereby deny the allegations set forth in the petition:

\_\_\_\_\_  
Date \_\_\_\_\_ Signature of child \_\_\_\_\_

I have explained to the child the rights set forth above. I have explained the maximum possible consequences if the allegations of the petition are found to be true and whether the child has a right to a jury trial. The above child understands that if the child does not wish to sign this form, the child may personally appear before the judge (with the child's parents) to deny the allegations of delinquency petition in this case and to have the child's basic rights explained by the judge. I am satisfied that the above named child understands the rights set forth above:

\_\_\_\_\_  
Defense Counsel

Approved:

\_\_\_\_\_  
Children's Court Judge]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
JUDICIAL DISTRICT  
IN THE CHILDREN'S COURT

In the Matter of \_\_\_\_\_, a Child. No. \_\_\_\_\_

**WAIVER OF ARRAIGNMENT AND  
DENIAL OF DELINQUENT ACT**

I was given a copy of the petition which charges me with committing a delinquent act. I have read the petition, and it has been explained to me by my attorney. I understand what I am charged with and the possible penalties that I face, including a disposition as a delinquent child in need of care or supervision.

I FURTHER UNDERSTAND THAT I HAVE THE FOLLOWING RIGHTS:

1. the RIGHT to personally appear before the children's court and to admit or deny the charge(s) and to have my rights explained;
2. the RIGHT to trial by jury;
3. the RIGHT to the assistance of an attorney at all stages of the proceedings and to have an attorney appointed free of charge if I cannot afford one;
4. the RIGHT to confront the witnesses against me and to cross-examine them as to the truthfulness of their testimony;
5. the RIGHT to present evidence on my own behalf and to have the State compel witnesses of my choosing to appear and testify; and
6. the RIGHT to remain silent.

With this knowledge and understanding, I give up the right to personally appear before the children's court for arraignment and hereby deny the delinquent acts charged in the above-referenced petition.

\_\_\_\_\_  
Signature of Child

\_\_\_\_\_  
Date

I have explained to the child the child's right to personally appear before the children's court to enter a denial and to have the child's rights explained by the Judge. I am satisfied that the child understands the waiver of his or her rights.

\_\_\_\_\_  
Attorney for Child

APPROVED:

\_\_\_\_\_  
[ ] Children's Court Judge  
[ ] Children's Court Hearing Officer

[Adopted, effective July 1, 1995; recompiled as amended from Form 10-415A NMRA by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]

~~[10-423]~~**10-712. Plea and disposition agreement.**

[For use with Rule 10-227 NMRA]

~~[\_\_\_\_\_ JUDICIAL DISTRICT COURT  
CHILDREN'S COURT DIVISION  
COUNTY OF \_\_\_\_\_  
STATE OF NEW MEXICO~~

\_\_\_\_\_  
\_\_\_\_\_  
Petition filed: \_\_\_\_\_  
JPPO No. \_\_\_\_\_

~~IN THE MATTER OF:~~

\_\_\_\_\_  
\_\_\_\_\_, a Child]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT  
IN THE CHILDREN'S COURT

In the Matter of \_\_\_\_\_, a Child. No. \_\_\_\_\_

**PLEA AND DISPOSITION AGREEMENT**

The state and the child agree to the following disposition:

**[Admission]PLEA:**

The child agrees to (admit) (not contest) ~~[to the following allegations charging the following]~~the following charges/delinquent acts:

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

**[Terms]TERMS:**

- [ ] There are no agreements as to disposition. A pre-disposition report will be prepared. The maximum penalties for these charges are: \_\_\_\_\_  
\_\_\_\_\_ (Set forth maximum penalties).
- [ ] A consent decree will be entered by the court for a period of \_\_\_\_\_ months, not to exceed six (6) months.
- [ ] The child will not oppose an extension of the consent decree for an additional six (6) months.
- [ ] The consent decree will end on \_\_\_\_\_ (date), unless discharged sooner by probation services.
- [ ] Probation for a period of \_\_\_\_\_, not to exceed two (2) years in accordance with the probation order approved by the court.
- [ ] The child will be committed to the Children, Youth and Families Department for predispositional diagnosis, rehabilitation and education for a period not to exceed fifteen (15) days. Upon completion, the [~~Children, Youth and Families Department~~] court shall set a disposition hearing.
- [ ] The child will be committed to the Children, Youth and Families Department for a period of \_\_\_\_\_.
- [ ] The child will be committed to the \_\_\_\_\_ detention center for a period of \_\_\_\_\_.
- [ ] \_\_\_\_\_ (set forth any other specific conditions).
- [ ] **Additional charges.** The following charges will be dismissed, or not filed:  
\_\_\_\_\_  
\_\_\_\_\_.
- [ ] **Restitution.**<sup>1</sup> [~~The child agrees to make restitution as follows:~~  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.]

**Effect on petition:**

This agreement, unless rejected or withdrawn, serves to amend the petition to charge delinquent acts to which the child pleads, without the filing of any additional pleading. If the plea is rejected or withdrawn, the original charges are automatically reinstated.

**Waiver of defenses and appeal:**

Unless this plea is rejected or withdrawn, the child gives up any and all motions, defenses, objections or requests which the child has made or raised, or could assert hereafter, to the court's entry of judgment and disposition consistent with this agreement. The child waives the right to appeal the judgment and disposition that results from the entry of this plea agreement.

**Withdrawal permitted if agreement rejected:**

If after reviewing this agreement and any predisposition report the court concludes that any of its provisions are unacceptable, the court will allow the withdrawal of the plea, and this agreement will be void. If the plea is withdrawn, neither the plea nor any statements arising out of the plea proceedings shall be admissible as evidence against the defendant in any children's court or criminal proceedings.

**I HAVE READ AND UNDERSTAND THE ABOVE.** I have discussed the case and my constitutional rights with my lawyer. I understand that by entering into this agreement I will be giving up my rights to a trial (jury or court), to confront, cross-examine, and compel the attendance of witnesses, ~~[and]~~ my privilege against self-incrimination, and my right to an appeal. I agree to ~~[admit the allegations]~~ enter my plea as set forth above on the terms and conditions set forth in this agreement.

\_\_\_\_\_  
Child's signature

\_\_\_\_\_  
Date

**REVIEW BY CHILD'S ATTORNEY**

I have reviewed the plea and disposition agreement with my client. I have discussed this case with my client. I have advised my client of my client's constitutional rights and possible defenses.

\_\_\_\_\_  
~~[Defense counsel]~~ Child's attorney

\_\_\_\_\_  
Date

**CHILDREN'S COURT ATTORNEY REVIEW**

I have reviewed and approve this plea and disposition agreement and find that it is appropriate and consistent with the best interests of justice.

\_\_\_\_\_  
Children's Court Attorney

\_\_\_\_\_  
Date

**COURT APPROVAL**

\_\_\_\_\_  
Children's Court Judge

\_\_\_\_\_  
Date

**USE NOTE**

1. If this option is selected, the juvenile probation and parole officer (JPPO) and the child shall promptly prepare a restitution plan, including a specific amount to be paid to each victim and a payment schedule. Cf. NMSA 1978, § 31-17-1(B) (setting forth the requirements for ordering restitution in a criminal proceeding). The child's restitution plan and the JPPO's recommendations shall be submitted promptly to the court. Cf. id. The court shall promptly enter an order approving, disapproving, or modifying the plan, taking into account the child's circumstances and the limitations on restitution set forth in NMSA 1978, Section 32A-2-3(G) (defining "restitution" under the Delinquency Act). See also § 32A-2-27(C) (providing that the court may order a child "found to be within the provisions of the Delinquency Act" to pay restitution).

[Approved, effective August 1, 1999; recompiled as amended from Form 10-423 NMRA by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]

**~~[10-415]~~10-715. Motion for extension of consent decree.**

~~[\_\_\_\_\_ JUDICIAL DISTRICT COURT  
CHILDREN'S COURT DIVISION  
COUNTY OF \_\_\_\_\_  
STATE OF NEW MEXICO~~

In the Matter of

\_\_\_\_\_, a Child \_\_\_\_\_ No. \_\_\_\_\_.]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT  
IN THE CHILDREN'S COURT

In the Matter of \_\_\_\_\_, a Child. No. \_\_\_\_\_

**MOTION FOR EXTENSION OF CONSENT DECREE**

~~[The petitioner, pursuant to Children's Court Rule 10-225]~~ The State of New Mexico, through its Children's Court Attorney and under Rule 10-228 NMRA, moves the court for an extension of the consent decree entered in this matter on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, for a period not exceeding six (6) months [and states that:]. As grounds for this motion, the State states as follows:

\_\_\_\_\_  
\_\_\_\_\_ (facts supporting motion).

Based on the above, the State of New Mexico respectfully requests an extension of the consent decree for six (6) months to expire on \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Children's Court Attorney

*(Insert certificate of service)*

[As amended, effective August 1, 1999; recompiled as amended from Rule 10-425 NMRA by Supreme Court order No. \_\_\_\_\_, effective \_\_\_\_\_.]

**~~[10-416]~~10-716. Judgment and Disposition.**

[For use with ~~[Rule 10-251]~~ Rules 10-246 and 10-251 NMRA]

[STATE OF NEW MEXICO \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
\_\_\_\_\_  
IN THE DISTRICT COURT  
\_\_\_\_\_  
CHILDREN'S COURT DIVISION]

In the Matter of

\_\_\_\_\_, a Child \_\_\_\_\_ No. \_\_\_\_\_

**JUDGMENT AND DISPOSITION**

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the respondent, a child, appeared in person and with \_\_\_\_\_, the respondent's attorney, and \_\_\_\_\_ appeared on behalf of the State of New Mexico as Children's Court attorney.

**~~DENIAL OF ALLEGATIONS OF THE PETITION~~**

~~The respondent having denied the allegations of the petition:~~  
~~(check one)~~

~~[ ] a jury was impaneled and the jury finds:~~

~~[ ] the court finds:~~

~~(check one)~~

~~[ ] the respondent committed a delinquent act in that respondent \_\_\_\_\_ (state delinquent acts)~~

~~[ ] the respondent did not commit a delinquent act.~~

**~~ADMISSION OF THE ALLEGATIONS OF THE PETITION~~**

~~The respondent having admitted the allegations of the petition, the court finds that the respondent committed \_\_\_\_\_ (delinquent acts).~~

**~~JUDGMENT OF COURT~~**

~~(Check one)~~

~~[ ] IT IS ADJUDGED that the respondent is a delinquent child and the respondent is hereby \_\_\_\_\_ (state disposition).~~

~~IT IS ORDERED that the respondent not be adjudged a delinquent child and be released from all detention.~~

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

\_\_\_\_\_  
\_\_\_\_\_  
Children's Court Judge

Noted:

\_\_\_\_\_  
Children's Court Attorney

\_\_\_\_\_  
Attorney for Respondent]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
JUDICIAL DISTRICT \_\_\_\_\_  
IN THE CHILDREN'S COURT

In the Matter of \_\_\_\_\_, a Child. No. \_\_\_\_\_

**JUDGMENT AND DISPOSITION**

This matter being properly before the Court and the Court being advised, FINDS:

1. The Court has personal and subject matter jurisdiction.
2. The child appeared in person and by the undersigned attorney.
3. The State appeared by the undersigned Children's Court Attorney.

4.  The Child IS a [delinquent child] [youthful offender] in that the child  ADMITTED  WAS TRIED BY [jury] [court] and found to have committed the following act(s) alleged in the [Delinquency] [Probation Violation] Petition, or indictment:

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

OR

The Child IS NOT a [delinquent child] [youthful offender] in that the child was tried by [jury] [court] and found to have not committed the following act(s) alleged in the [Delinquency] [Probation Violation] Petition, or indictment:

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

5. The following charge(s) will be dismissed or will not be filed:

---

**JUDGMENT OF COURT**

- IT IS ADJUDGED that the child IS NOT a [delinquent child] [youthful offender] and that the child is hereby released from all detention.
- IT IS ADJUDGED that the child IS a [delinquent child] [youthful offender] and that the child is hereby:
- PLACED ON PROBATION for a full term not to exceed \_\_\_\_\_ year(s) under the terms and conditions of the Probation Agreement which shall be executed and considered a part of this Judgment and Disposition.
- TRANSFERRED to the legal custody of the New Mexico Children Youth and Families Department (CYFD) which shall receive the child at a facility designated by the Secretary of CYFD. The New Mexico CYFD shall thereafter determine the appropriate placement, supervision, and rehabilitation program for the child. This Judgment shall remain in force for an indeterminate period not exceeding \_\_\_\_\_ year(s). The Sheriff of \_\_\_\_\_ is ordered to provide transportation between facilities.
- COMMITTED to the \_\_\_\_\_ County Juvenile Detention Center for a period of \_\_\_\_\_ days.
- RELEASED from the Court's Jurisdiction.

\_\_\_\_\_  
CHILDREN'S COURT JUDGE

\_\_\_\_\_  
CHILDREN'S COURT ATTORNEY

\_\_\_\_\_  
CHILD'S ATTORNEY

[Adopted, effective April 1, 1997; recompiled as amended from Form 10-416 NMRA by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]

**[~~10-418~~10-717. Petition to revoke probation.**

[For use with Rule 10-261 NMRA]

[\_\_\_\_\_] JUDICIAL DISTRICT COURT  
CHILDREN'S COURT DIVISION

COUNTY OF \_\_\_\_\_  
STATE OF NEW MEXICO

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

In the Matter of

\_\_\_\_\_, a Child]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
JUDICIAL DISTRICT \_\_\_\_\_  
IN THE CHILDREN'S COURT

In the Matter of \_\_\_\_\_, a Child.

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

**PETITION TO REVOKE  
PROBATION<sup>1</sup>**

The undersigned states that the above-named child has violated the terms of probation entered on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

The child's birthdate is: \_\_\_\_\_.

The child's address is: \_\_\_\_\_.

The facts giving rise to this petition are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

*(include the terms of probation alleged to have been violated and the factual basis for revocation of probation, including dates of violation.)*

The names and addresses of the child's parents, guardian, or custodian are:  
\_\_\_\_\_  
\_\_\_\_\_.

The best interests of the child and the public require that this petition be filed.

*(complete applicable parts)*

The child is not in detention.

The child is being detained at \_\_\_\_\_, \_\_\_\_\_, New Mexico.  
The child has been in detention since \_\_\_\_ (a.m.) (p.m.) on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Children's Court Attorney

USE NOTES

1. This form may also be used to revoke a consent decree.

2. A petition to revoke probation or a consent decree may be served in the manner provided for service of pleadings and papers. See [Rules 10-105 [Rule 10-104 NMRA], 10-105.1 [Rule 10-105 NMRA] and 10-105.2 [Rule 10-106 NMRA] NMRA] Rules 10-104, -105, -106 NMRA.

[As amended, effective August 1, 1999; recompiled as amended from Form 10-418 NMRA by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]

[WITHDRAWN]

[10-408A. Order of appointment.

[Section 32A-2-20 NMSA 1978]

STATE OF NEW MEXICO
(COUNTY OF \_\_\_\_\_)
IN THE CHILDREN'S COURT
STATE OF NEW MEXICO

v. \_\_\_\_\_ No. \_\_\_\_\_
John Doe

ORDER OF APPOINTMENT

— This matter having come before the court, the court finds:
(please check appropriate box or boxes)

- [ ] The child is indigent and unable to obtain counsel.
- [ ] The child is not indigent, desires counsel, but is unable to obtain counsel.

IT IS THEREFORE ORDERED THAT:

- [ ] public defender shall represent the child in the above-entitled case.
- [ ] \_\_\_\_\_, an attorney on contract with the public defender department, shall represent the child in the above-entitled case.
- [ ] \_\_\_\_\_ and \_\_\_\_\_, the (parents) (guardians) (custodians) of the child shall reimburse the State of New Mexico in an amount of not less than \$ \_\_\_\_\_ for legal representation and related expenses.

\_\_\_\_\_  
Judge

CERTIFICATE OF MAILING

I certify that I mailed a copy of this order to the above-named child at \_\_\_\_\_ (set forth address), to the child's (parents) (guardians) (custodians) at \_\_\_\_\_ (set forth address) and to the public defender on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Judge) (Clerk)

\_\_\_\_\_  
Date]

[Adopted, effective August 1, 1989; withdrawn by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]

[WITHDRAWN]

[10-413. Notice of detention.]

[For use with Rule 10-221 NMRA]

[In the Matter of \_\_\_\_\_, a Child]

NOTICE OF DETENTION†

To: \_\_\_\_\_, \_\_\_\_\_  
relationship

\_\_\_\_\_, \_\_\_\_\_  
relationship

The above-named child was placed in detention on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ [, \_\_\_\_\_ m.] as an alleged

- delinquent child,
- child in need of supervision or
- child who has violated the terms or conditions of probation.

The child is in detention at \_\_\_\_\_, (place of detention and address) New Mexico. The visiting hours are from \_\_\_\_\_ to \_\_\_\_\_, and from \_\_\_\_\_ to \_\_\_\_\_ on weekends and legal holidays.

If a petition alleging that the above-named child is delinquent, in need of supervision, or has violated the terms or conditions of probation has been filed or is filed in the District Court, Children's Court Division, of this judicial district, a hearing will be held to determine whether continued detention of the above-named child is necessary. If no petition alleging delinquency, need of supervision, or violation of probation is filed, the above-named child will be released.

The child has a right to an attorney and if you cannot afford one, the public defender will represent the child. If you can afford an attorney to represent the child, and the public defender represents the child, you will be assessed reasonable attorney's fees.

Notice sent this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
[Probation Services, \_\_\_\_\_  
\_\_\_\_\_] Judicial District.

By: \_\_\_\_\_]

[Withdrawn by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]

**[WITHDRAWN]**

**[10-414. Demand for release hearing.]**

STATE OF NEW MEXICO—  
COUNTY OF \_\_\_\_\_  
IN THE DISTRICT COURT  
CHILDREN'S COURT DIVISION

In the Matter of

\_\_\_\_\_, a Child \_\_\_\_\_ No. \_\_\_\_\_

\_\_\_\_\_ DEMAND FOR RELEASE HEARING

\_\_\_\_\_ by his attorney states that he was denied release from  
detention after hearing on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and hereby demands a release  
hearing pursuant to Children's Court Rule 10-212 [withdrawn].

\_\_\_\_\_  
\_\_\_\_\_  
Signature]

[Withdrawn by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]

**[WITHDRAWN]**

**[10-417. Notice of entry of judgment and disposition.]**

[Rules 10-251 and 10-333 NMRA]

STATE OF NEW MEXICO \_\_\_\_\_ COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_ IN THE DISTRICT COURT  
\_\_\_\_\_ CHILDREN'S COURT DIVISION

In the Matter of

\_\_\_\_\_, a Child \_\_\_\_\_ No. \_\_\_\_\_.

~~NOTICE OF  
ENTRY OF JUDGMENT AND DISPOSITION~~

~~NOTICE~~ is hereby given that a Judgment and Disposition was entered in the above matter on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
Clerk of the Children's Court

~~This is to certify that this notice was mailed to \_\_\_\_\_~~  
\_\_\_\_\_  
\_\_\_\_\_ on the  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
Clerk of the Children's Court

\_\_\_\_\_  
\_\_\_\_\_  
For neglect actions, the caption should be the same as that used on the neglect petition form.]

[Withdrawn by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]