

1 **10-711. Waiver of [~~arraignment~~] first appearance and denial of delinquent act.**

2 [For use with Rule 10-224 NMRA]

3 STATE OF NEW MEXICO
4 COUNTY OF _____
5 _____ JUDICIAL DISTRICT
6 IN THE CHILDREN'S COURT

7 In the Matter of _____, a Child. No. _____

8 **WAIVER OF [~~ARRAIGNMENT~~] FIRST APPEARANCE AND**
9 **DENIAL OF DELINQUENT ACT**

10 I was given a copy of the petition, which [~~charges me with committing~~] alleges that I
11 committed a delinquent act. I have read the petition, and it has been explained to me by my
12 attorney. I understand the offense(s) alleged in the petition, [~~what I am charged with~~] and I
13 understand the possible penalties that I face, [~~including a disposition as a delinquent child in need~~
14 ~~of care or supervision.~~]

15 I FURTHER UNDERSTAND THAT I HAVE THE FOLLOWING RIGHTS:

- 16 1. the RIGHT to personally appear before the children's court and to admit or deny
17 the allegations against me [~~charge(s)~~] and to have my rights explained;
- 18 2. the RIGHT to trial in front of a judge or the RIGHT to trial by jury, as permitted by
19 law;
- 20 3. the RIGHT to the assistance of an attorney at all stages of the proceedings and to
21 have an attorney appointed free of charge if I cannot afford one;
- 22 4. the RIGHT to confront the witnesses against me and to cross-examine them as to
23 the truthfulness of their testimony;
- 24 5. the RIGHT to present evidence on my own behalf and to have the State compel
25 witnesses of my choosing to appear and testify; and
- 26 6. the RIGHT to remain silent with the understanding that any statement I make may
27 be used against me, except any confidential statements I make to my attorney.

28 With this knowledge and understanding, I give up the right to personally appear before the
29 children's court for [~~arraignment~~] first appearance and hereby deny the delinquent acts alleged
30 [~~charged~~] in the above-referenced petition.

31 _____
32 Signature of Child
33 _____
34 Date

35 I have explained to the child the child's right to personally appear before the children's
36 court to enter a denial and to have the child's rights explained by the [~~Judge~~] judge. I have

1 explained to the child the possible penalties for the alleged offense(s), including [a commitment
2 of up to two (2) years for a delinquent offense] [a commitment of up to the age of twenty-one (21)
3 for a youthful offense]¹. I am satisfied that the child understands the waiver of his or her rights.

4 _____
5 Attorney for Child

6 _____
7 Date

8 APPROVED:

9 _____
10 [] Children’s Court Judge
[] Children’s Court Hearing Officer

11 USE NOTES

12
13 1. Choose the appropriate language based on the alleged offenses. This may require
14 explanation of both the penalties for a delinquent offense, as well as the penalties for a youthful
15 offense. See NMSA 1978, §§ 32A-2-19 (2021), -20 (2023).

16 [Adopted, effective July 1, 1995; 10-415A recompiled and amended as 10-711 by Supreme Court
17 Order No. 16-8300-017, effective for all cases pending or filed on or after December 31, 2016; as
18 amended by Supreme Court Order No. S-1-RCR-2023-00042, effective for all cases pending or
19 filed on or after December 31, 2024.]