10-101. Scope; definitions; title.

A. **Scope.** Except as specifically provided by these rules, the following rules of procedure shall govern proceedings under the Children's Code:

(1) the Children's Court Rules govern procedure in the children's courts of New Mexico in

(a) all matters involving children alleged by the state

(i) to have committed a delinquent act as defined in the Delinquency Act;

(ii) to be a "youthful offender" as that term is defined in the Children's Code;

(iii) to be members of families in need of court-ordered services as defined in the Families in Need of Court-Ordered Services Act;

(iv) to be abused or neglected as defined in the Abuse and Neglect Act including proceedings to terminate parental rights which are filed under the Abuse and Neglect Act; and

(b) all matters involving an eligible adult as defined in the Fostering Connections Act.

(2) the Rules of Criminal Procedure for the District Courts govern all proceedings in the district court in which a child is alleged to be a "serious youthful offender" as that term is defined in the Children's Code;

(3) the Rules of Criminal Procedure for the Magistrate Courts govern all proceedings in the magistrate court in which a child is alleged to be a "serious youthful offender" as that term is defined in the Children's Code;

(4) the Rules of Criminal Procedure for the Metropolitan Courts govern all proceedings in the metropolitan court in which a child is alleged to be a "serious youthful offender" as that term is defined in the Children's Code;

(5) the Children's Code and the Rules of Civil Procedure for the District Courts govern the procedure in all other proceedings under the Children's Code. In case of a conflict between the Children's Code and the Rules of Civil Procedure for the District Court, the Children's Code shall control; and

(6) unless otherwise provided, the rules and forms governing abuse and neglect proceedings shall apply to proceedings under the Families in Need of Court-Ordered Services Act.

B. **Construction.** These rules are intended to provide for the just determination of children's court proceedings. These rules shall be construed to secure simplicity in procedure, fairness in administration, elimination of unjustifiable expense and delay, and to assure the recognition and enforcement of constitutional and other rights.

C. **Definitions.** As used in these rules and the forms approved for use with these rules

(1) "crossover youth" means a child who is simultaneously involved in both the child welfare and juvenile or criminal justice systems, whether or not the child has been adjudicated in those systems.

(2) "eligible adult" means an individual who meets the eligibility criteria for participation in the fostering connections program.

[~~(2)~~] (3) "petitioner" includes a plaintiff;

[~~(3)~~] (4) "process" is the means by which jurisdiction is obtained over a person to compel the person to appear in a judicial proceeding and includes the following:

(a) a summons and complaint;

(b) a summons and petition;

(c) a writ or warrant; and

(d) a mandate; and

(5) "respondent" includes a defendant; and

[~~(4)~~] (6) "service of process" means delivery of a summons or other process in the manner provided by Rule 10-103 NMRA.[~~; and~~]

[~~(5) "eligible adult" means an individual who meets the eligibility criteria for participation in the fostering connections program.~~]

D. **Title.** These rules and forms shall be known as "Children's Court Rules."

E. **Citation Form.** These rules and forms may be cited as Rule 10-___ NMRA.

[Children's Court Rule 1 NMSA 1953; Children's Court Rule 1 NMSA 1978; Rule 1-001 SCRA 1986; Rule 1-101 NMRA; as amended effective February 1, 1982; January 1, 1987; March 1, 1994; April 1, 1997; as amended by Supreme Court Order No. 08-8300-042, effective January 15, 2009; as amended by Supreme Court Order No. 14-8300-015, effective for all cases filed on or after December 31, 2014; as provisionally amended by Supreme Court Order No. 21-8300-007, effective for all cases pending or filed on or after November 12, 2021; as amended by Supreme Court Order No. 22-8300-017, effective for all cases pending or filed on or after December 31, 2022; as amended by Supreme Court Order No. S-1-RCR-2025-00182, effective for all cases pending or filed on or after December 31, 2026.]

Committee commentary. — Prior to the 2014 amendments, a child alleged by the state to be a youthful offender was subject to the Rules of Criminal Procedure for the District Courts on the state's filing of a "notice of intent to invoke an adult sentence." *See* NMSA 1978, § 32A-2-20(A) (2009). The amendments provide that alleged youthful offenders are subject to the

Children's Court Rules for the duration of their proceedings. *See State v. Jones*, 2010-NMSC-012, ¶ 32 n.2, 148 N.M. 1, 229 P.3d 474 (directing "the Children's Court Rules Committee to revisit the question of which rules best protect the rights and interests of children" who are alleged to be youthful offenders).

As it relates to the definition of "crossover youth," a child enters the child welfare system, typically, when the Children, Youth and Families Department (CYFD) receives a report of abuse and neglect and an investigation reveals the need for department involvement. A child is involved in the child welfare system if the child is placed in the legal custody of CYFD either in the course of an abuse and neglect proceeding, *see* NMSA 1978, Sections 32A-4-16 (1993), -18 (2022), -22 (2022), -25 (2022), -25.1 (2016), a family in need of court-ordered services proceeding, *see* NMSA 1978, Section 32A-3B-7 (1993), -16 (2022), -19 (1995), or a voluntary placement agreement, NMSA 1978, Section 32A-3A-6 (2023). A child enters the juvenile justice system as a result of an arrest or referral for either the commission of a criminal offense or delinquent act. A child is involved in the juvenile justice system if the child is arrested by law enforcement or is subject to a petition alleging a delinquent act. NMSA 1978, § 32A-2-3(A) (2024). A delinquent act is "an act committed by a child that would be designated as a crime under the law if committed by an adult." *Id.* This includes offenses for which a delinquent child may be subject to adult sanctions under Section 32A-2-3(J). A child enters the criminal justice system as a "serious youthful offender" when "charged with and indicted or bound over for trial for first degree murder." § 32A-2-3(H). Though a "serious youthful offender" is not a delinquent child, *id.*, the child's involvement in the criminal justice system could make the child a "crossover youth" if the child is simultaneously involved in the child welfare system.

[Adopted by Supreme Court Order No. 14-8300-015[~~, effective December 31, 2014~~]; as amended by Supreme Court Order No. 22-8300-017[~~, effective for all cases pending or filed on or after December 31, 2022~~]; as amended by Supreme Court Order No. S-1-RCR-2025-00182.]