10-172. Notice in Crossover Youth Cases.

A. Notice upon filing of petition in delinquency or criminal cases. If a delinquency petition or a criminal information or indictment is filed involving a child who is in the legal custody of the Children, Youth and Families Department ("the Department") as a result of an abuse and neglect case or a family in need of court-ordered services case, the court shall notify the following individuals or agencies that the child is a crossover youth:

1. the prosecuting children's court attorney;
2. the respondent child's defense attorney;
3. the juvenile probation office;
4. the child's guardian ad litem or attorney in the child welfare case; and
5. any Court-Appointed Special Advocate (CASA) in the child welfare case.

B. Timing of notice. If the child is in detention, the court shall notify the individuals and agencies listed in Subparagraph (A)(1)-(5) using Form 10-615 NMRA within one (1) day of the filing of the petition or criminal information or indictment. If the child is not in detention, the court shall notify the individuals and agencies listed in Subparagraph (A)(1)-(5) using Form 10-615 NMRA within ten (10) days of the filing of the petition or criminal information or indictment.

C. Notice to parent, guardian, or custodian of delinquency or criminal court proceedings. If parental rights have not been terminated, the Department shall notify the parent, guardian, or custodian of the crossover youth of every future court hearing in the crossover youth's delinquency or criminal case.

D. Counsel appearance at court proceedings. The child's attorney or guardian ad litem in the abuse and neglect case, or a family in need of court-ordered services case, shall file a limited appearance under Form 10-616 in the delinquency or criminal matter for purposes of

receiving notice of all court hearings. The child's attorney or guardian ad litem in the abuse and neglect case or a family in need of court-ordered services case may appear at every hearing in the child's delinquency or criminal matter. The child's attorney in the abuse and neglect case or a family in need of court-ordered services case shall be permitted to address the court under the direction of his or her client. The guardian ad litem in the abuse and neglect case or a family in need of court-ordered services case shall be permitted to address the court on matters pertaining to the child's best interest.

E. Notice upon filing of petition for abuse and neglect or families in need of court-ordered services cases. If the child has a pending delinquency or criminal case, is under the supervision of juvenile probation, or is serving a commitment, and is subsequently placed in the Department's legal custody in an abuse and neglect case or a family in need of court-ordered services case, the court shall notify juvenile probation and all parties to both the delinquency or criminal case and the child welfare case that the child is a crossover youth within ten (10) days of the entry of the order granting legal custody of the child in the Department. The notice shall be automatically sealed and filed in the pending delinquency or criminal case.

F. Sequestered proceedings. Any court hearing where the crossover youth's child welfare case may be discussed shall be closed to the general public.

Committee commentary –

See Rule 10-101 NMRA for a definition of crossover youth.

[Adopted by Supreme Court Order No. S-1-RCR-2025-00182, effective for all cases pending or filed on or after December 31, 2026.]