

1 **10-101. Scope; definitions; title.**

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

4 (1) the Children’s Court Rules govern procedure in the children’s courts of New  
5 Mexico in [~~all matters involving children alleged by the state;~~]

6 (a) all matters involving children alleged by the state

7 [~~(a)~~] (i) to have committed a delinquent act as defined in the  
8 Delinquency Act;

9 [~~(b)~~] (ii) to be a “youthful offender” as that term is defined in the  
10 Children’s Code[=];

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

13 [~~(d)~~] (iv) to be abused or neglected as defined in the Abuse and  
14 Neglect Act including proceedings to terminate parental rights which are filed [~~pursuant to~~] under  
15 the Abuse and Neglect Act; and

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

18 (2) The Rules of Criminal Procedure for the District Courts govern all  
19 proceedings in the district court in which a child is alleged to be a “serious youthful offender” as  
20 that term is defined in the Children’s Code.

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

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

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

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

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

15           C.     **Definitions.** As used in these rules and the forms approved for use with these  
16 rules[;]

17           (1)     “respondent” includes a defendant;  
18           (2)     “petitioner” includes a plaintiff;  
19           (3)     “process” is the means by which jurisdiction is obtained over a person to  
20 compel the person to appear in a judicial proceeding and includes the following:

- 21                   (a)     a summons and complaint;
- 22                   (b)     a summons and petition;
- 23                   (c)     a writ or warrant; and

1 (d) a mandate; and

2 (4) “service of process” means delivery of a summons or other process in the  
3 manner provided by Rule 10-103 NMRA[~~of these rules~~].

4 (5) “eligible adult” means an individual who meets the eligibility criteria for  
5 participation in the fostering connections program.

6 D. **Title.** These rules and forms shall be known as “Children’s Court Rules.”

7 E. **Citation Form.** These rules and forms may be cited as Rule 10-\_\_\_ NMRA.  
8 [Children’s Court Rule 1 NMSA 1953; Children’s Court Rule 1 NMSA 1978; Rule 1-001 SCRA  
9 1986; Rule 1-101 NMRA; as amended effective February 1, 1982; January 1, 1987; March 1, 1994;  
10 April 1, 1997; as amended by Supreme Court Order No. 08-8300-042, effective January 15, 2009;  
11 as amended by Supreme Court Order No. 14-8300-015, effective for all cases filed on or after  
12 December 31, 2014; as provisionally amended by Supreme Court Order No. 21-8300-007,  
13 effective November 12, 2021.]

14 **Committee commentary.** — Prior to the 2014 amendments, a child alleged by the state to  
15 be a youthful offender was subject to the Rules of Criminal Procedure for the District Courts upon  
16 the state’s filing of a “notice of intent to invoke an adult sentence.” *See* NMSA 1978, § 32A-2-  
17 20(A). The amendments provide that alleged youthful offenders are subject to the Children’s Court  
18 Rules for the duration of their proceedings. *See State v. Jones*, 2010-NMSC-012, ¶ 32 n.2, 148  
19 N.M. 1, 229 P.3d 474 (directing the Children’s Court Rules Committee to revisit the question of  
20 which rules best protect the rights and interests of children who are alleged to be youthful  
21 offenders).

22 [Adopted by Supreme Court Order No. 14-8300-015, effective December 31, 2014.]