

**PROPOSED REVISIONS TO THE CHILDREN'S COURT RULES AND FORMS
PROPOSAL 2023-003**

March 24, 2023

The Children's Court Rules Committee has recommended amendments to Form 10-714 NMRA for the Supreme Court's consideration.

If you would like to comment on the proposed amendments 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://supremecourt.nmcourts.gov/open-for-comment.aspx> or sending your written comments by mail, email, or fax to:

Elizabeth A. Garcia, Chief Clerk of Court
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 24, 2023, 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.

10-714. Consent decree.

[For use with Rules 10-227 and 10-228 NMRA]

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

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

CONSENT DECREE

This matter came before the court on _____, and the court finds as follows:

1. The court has made a sufficient advisement of rights¹ upon addressing the child in open court and has determined that there is a factual basis for the charges.
2. The child freely and voluntarily
 - () admits to or
 - () declares the intention not to contest or
 - () stands mute² to the following delinquent acts filed under this cause number.

3. The state and the child have agreed that the following charges will be dismissed or will not be filed:

4. The child's best interests will be served by suspending proceedings without adjudication and placing the child on supervised probation

() for a period not to exceed six (6) months

() for an agreed-upon extended period not to exceed one (1) year.

5. Upon successful completion of the above agreement, the court shall dismiss the petition with prejudice.

IT IS THEREFORE ORDERED that the child is placed on probation under the terms and conditions of the [plea and disposition agreement] [probation agreement] [and] [or] [motion for consent decree][3]³, which shall be signed by the child [and parents (*if made a party*)] and the state and considered a part of this consent decree.

District Judge

Children's Court Attorney

Child's Attorney

USE NOTES

1. The advice of rights form shall be used to document the advisement.

2. Under NMSA 1978, Section 32A-2-22, when entering into a consent decree, a child is not required to admit some or all of the allegations stated in the delinquency petition.

3. Use applicable bracketed alternative.

[Approved, effective August 1, 1999; as amended by Supreme Court Order No. 10-8300-022, effective August 30, 2010; by Supreme Court Order No. 10-8300-025, effective August 30, 2010; 10-425 recompiled and amended as 10-714 by Supreme Court Order No. 16-8300-017, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. _____, effective for all cases pending or filed on after _____.]



New Mexico
Courts

Amy Feagans <supajf@nmcourts.gov>

[nmsupremecourtclerk-grp] Correspondence from Chief Judge Marie Ward re: Proposed Rule Changes

4 messages

Matthew MacEachen <albdmum@nmcourts.gov>

Mon, Apr 24, 2023 at 9:28 AM

Reply-To: albdmum@nmcourts.gov

To: nmsupremecourtclerk@nmcourts.gov

Good morning Ms. Garcia,

Please see the attached letter from Chief Judge Ward from the 2nd Judicial District Court.

If you have questions or need anything further regarding this, please let me know.

Thank you.

Matthew MacEachen
Trial Court Administrative Assistant to
Chief Judge Marie Ward
Division XIV
505-841-7392
albdmum@nmcourts.gov



Correspondence from Chief Ward.pdf
246K

Elizabeth Garcia <supeag@nmcourts.gov>

Mon, Apr 24, 2023 at 9:34 AM

To: Amy Feagans <supajf@nmcourts.gov>

Good morning Amy, and Happy Monday. Thank you Amy for acknowledging receipt at your convenience.

Liz

[Quoted text hidden]

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Elizabeth A. Garcia
Chief Clerk of Court
New Mexico Supreme Court
[237 Don Gaspar Avenue](https://www.nm.gov/237-Don-Gaspar-Avenue)
[Santa Fe, NM 87501](https://www.nm.gov/santa-fe)
505-827-4862
supeag@nmcourts.gov



Correspondence from Chief Ward.pdf
246K

Amy Feagans <supajf@nmcourts.gov>

Mon, Apr 24, 2023 at 9:43 AM

To: Elizabeth Garcia <supeag@nmcourts.gov>

Will do. Thanks Liz!

[Quoted text hidden]

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Amy Feagans

Appellate Paralegal

Supreme Court of New Mexico

505.827.4704

237 Don Gaspar Ave | Santa Fe, NM 87504

nmsupremecourtclerk <nmsupremecourtclerk-grp@nmcourts.gov>

Mon, Apr 24, 2023 at 9:45 AM

Reply-To: nmsupremecourtclerk-grp@nmcourts.gov

To: nmsupremecourtclerk <nmsupremecourtclerk-grp@nmcourts.gov>

Cc: Matthew MacEachen <albdmum@nmcourts.gov>

Mr. MacEachlen,

We are in receipt of your email and the attached comments from Judge Ward.

The Supreme Court Clerk's Office

[Quoted text hidden]



STATE OF NEW MEXICO
SECOND JUDICIAL DISTRICT

MARIE C. WARD
CHIEF JUDGE

April 24, 2023

505-841-7392
POST OFFICE BOX 488
ALBUQUERQUE, NEW MEXICO 87103

Elizabeth Garcia, Chief Clerk
New Mexico Supreme Court
P.O. Box 848
Santa Fe, NM 87504-0848
nmsupremecourtclerk@nmcourts.gov

Re: Request for comment on:

- **Proposal 2023-001 – Detention Hearings and Conditions of Release [Rule 10-225 NMRA]**
- **Proposal 2023-002 – Notification to Tribes of Change of Placement [Forms 10-565 and 10-566 NMRA]**
- **Proposal 2023-003 – Consent Decree Order [Form 10-714 NMRA]**
- **Proposal 2023-004 – Educational Decision Maker Form [Form 10-564 NMRA]**

Dear Ms. Garcia:

Thank you for the opportunity to provide commentary on the proposed changes to the above-referenced rules. I am writing as the Chief Judge of the Second Judicial District Court ("SJDC") and as a Judge in the Children's Court Division. The SJDC Children's Court Division consists of four (4) District Court Judges and three (3) hearing officers/special masters. The daily work of our judicial officers is almost exclusively in delinquency and abuse/neglect, and we are well-positioned to understand the practical effect of the proposed changes.

On behalf of the SJDC, we support the Children's Court Rules Committee's recommendations to modify the above-referenced rules and forms. We believe they provide clarity to practitioners and properly capture the legal requirements.

Thank you for your time and consideration in this matter.

Respectfully,

Marie Ward, Chief Judge
Second Judicial District Court