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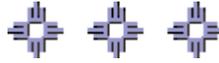
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# Chapter 1: Juvenile Delinquent Procedures



## In this Chapter:

In this chapter, you will find the clerical procedures for the following:

- [JUVENILE DELINQUENT CASES](#)
- [YOUTHFUL OFFENDER CASES](#)

## Definitions:

### **Indictment**

A formal accusation returned by a Grand Jury that charges a person with a serious crime. It is on the basis of an indictment that an accused person must stand trial. In the Juvenile Delinquent Procedures section of the manual, indictments only apply to Youthful Offender cases.

### **Guardian Ad Litem**

A guardian appointed by a court to represent in a particular lawsuit the interests of a minor, a person not yet born, or a person judged incompetent.

### **Joinder**

Juvenile delinquent or youthful offender cases can be joined as a result of two or more respondents or defendants alleged to have participated in the same offense(s).

### **Motion/Order Extending Time**

The Motion/Order Extending Time, extension of time by children's court, requires Court approval prior to filing

## Section 1-1: Juvenile Delinquent Overview



### CLERICAL DUTIES | JUVENILE DELINQUENT OVERVIEW

1. Receive Pleadings (can be filed by fax, [RULE 10-105.1 NMRA](#) in some districts). Follow your in-house procedure.
2. Review pleading.
  - Check [CASE CAPTION](#) and [HEADING](#).
  - Check Count 1 to determine case type.
  - Check [SUBSCRIPTION](#)-original signature, printed address and telephone number.
  - Check if new or reopened pleading.
  - Check court documents, (for example, Petition, Summons, Certificate of Mailing\*, Motion for Detention\*). (\*Ask your supervisor if these pleadings apply to your district.)
3. Open case in **FACTS™** Case Master Screen to generate a case number and judge assignment.
  - Case Initiation without Filing Fee,
    - See [CASE INITIATION/REOPEN PROCEDURES](#).
    - Enter case type.
    - Review cases for motor vehicle code violations [NMSA 1978, §32A-2-29](#).
    - Review abstracts; handle abstract in accordance with in-house procedure.
4. Issue Summons.
5. Optional-Motion or Petition for Detention.
6. Schedule Adjudicatory Hearing.
  - If child is in detention, an adjudicatory hearing must be held within **thirty (30) days**.
  - If child is not in detention, an adjudicatory hearing must be held within **one hundred twenty (120) days**.



#### **CAUTION | CALENDARING**

- Follow in-house court procedure for calendaring.
- If you are responsible for calendaring, see calendaring section for detailed instructions.
- This section will be forthcoming.



## CLERICAL DUTIES |

7. Attach parties to case.
  - See [ATTACH PARTIES TO CASE](#).
8. Enter charges through Charge/Disposition screen.
  - See [ENTERING CHARGES FOR JUVENILE DELINQUENT CASES](#).
9. Docket events (Petition and Summons first).
  - See [DOCKETING OF JUVENILE DELINQUENT CASES](#).
10. Close case.
  - Use Sentencing by Count screen to dispose of counts.
    - See [JUVENILE SENTENCING](#).
  - If you encounter anything else, refer to your in-house procedure.
11. Reopened cases.
  - Verify that this case has a closing event.
12. A case is reopened when a petition for revocation of probation has been filed. Some districts include new counts in the probation violation and add them to the existing petition. Other districts file new counts as a new case. Please follow your in-house procedure.

## Section 1-2: Filing of Petition

[RULE 10-204 NMRA, NMSA 1978, §§ 32A-1-10 TO -11](#)

### APPROVAL OF PETITION

- Probation services shall complete a preliminary inquiry before filing a petition alleging delinquency or need of supervision.
- The petition shall be signed by the children's court attorney.

## FORM AND CONTENTS OF PETITION

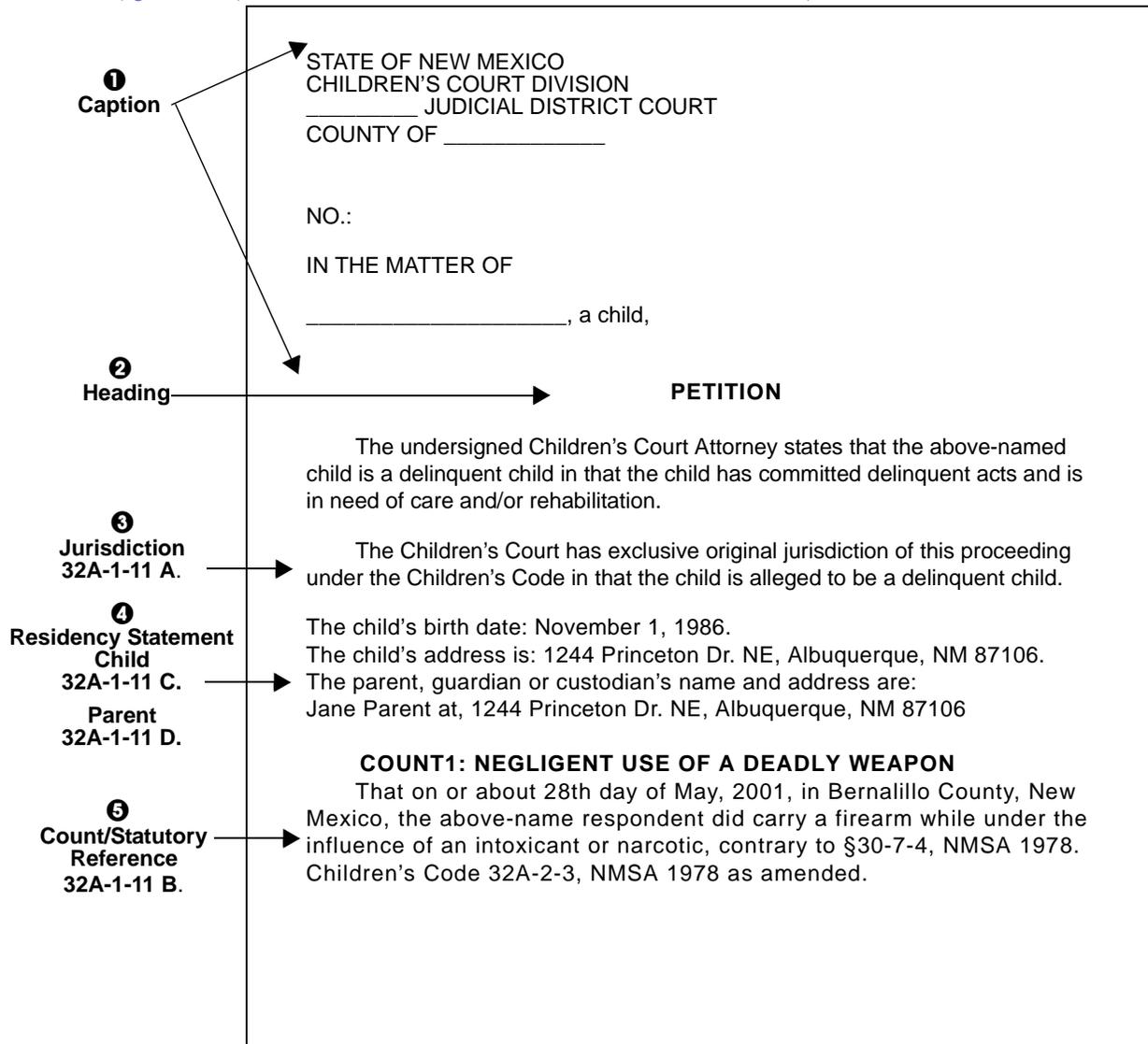
	<p>A petition initiating proceedings pursuant to the provisions of Chapter 32 [32A], Article 2, 3B, 4 or 6 NMSA 1978 shall be entitled, "In the Matter of . . . . ., a child", and shall set forth with specificity:</p> <ul style="list-style-type: none"> <li>• The facts necessary to invoke the jurisdiction of the court;</li> <li>• If violation of a criminal statute or other law or ordinance is alleged, the citation to the appropriate law;</li> <li>• The name, birth date and residence address of the child;</li> <li>• The name and residence address of the parents, guardian, custodian or spouse, if any, of the child; and if no parent, guardian, custodian or spouse, if any, resides or can be found within the state, or if a residence address is unknown, the name of any known adult relative residing within the state, or, if there be none, the known adult relative residing nearest to the court;</li> <li>• Whether the child is in custody, and, if so, the place of detention when alleging delinquency and the place of custody when alleging neglect, abuse or family in need of court-ordered services and the time the child was taken into custody;</li> <li>• Whether the child is an Indian child; and</li> <li>• If any of the matters required to be set forth by this section are not known, a statement of those matters and the fact that they are not known.</li> </ul>
--	---


**TIME LIMIT | FILING OF PETITION, RULE 10-204 C. NMRA**

If the child is in detention, petitions must be filed within **two (2) days**.

## STRUCTURE OF PETITION

NMSA 1978, §32A-1-11, CHILDREN'S COURT FORM 10-406 NMRA. PETITION; FORM AND CONTENT



<p><b>1</b></p>	<p><b>Caption</b></p>	<ul style="list-style-type: none"> <li>• Check that the heading has the State of New Mexico.</li> <li>• Verify that the Judicial District is correct.</li> <li>• Verify that the County is correct.</li> </ul>
<p><b>2</b></p>	<p><b>Heading (Designation of Pleading)</b></p>	<p>Check that the heading is appropriate for case category.</p>
<p><b>3</b></p>	<p><b>Jurisdiction</b> §32A-1-11 A.</p>	<p>Jurisdiction should be invoked.</p>
<p><b>4</b></p>	<p><b>Residency Statement</b> §32A-1-11 C.</p>	<ul style="list-style-type: none"> <li>• Verify the child's date of birth and address are provided.</li> <li>• The residency statement may also contain the address of the parent(s).</li> </ul>

**6** Counts/Statutory References  
§32A-1-11 B.

- If violation of a criminal statute or other law or ordinance is alleged, the citation to the appropriate law.

**COUNT 2: POSSESSION OF A ALCOHOLIC BEVERAGES BY A MINOR**

That on or about 28th day of May, 2001, in Bernalillo County, New Mexico, the above-name respondent, being a minor under the age of twenty-one (21) years, did buy, receive, possess or permit himself to be served with alcoholic liquor contrary to §60-7B-1(B), NMSA 1978. Children's Code 32A-2-3, NMSA 1978 as amended.

**COUNT 3: CONCEALING IDENTITY**

That on or about 28th day of May, 2001, in Bernalillo County, New Mexico, the above-name respondent concealed his true name and identity or disguised himself with intent to obstruct the due execution of law or with intent to intimidate, hinder or interrupt a public officer in the legal performance of her duties under the laws of the United States or of New Mexico contrary to §30-22-3, NMSA 1978. Children's Code 32A-2-3, NMSA 1978 as amended.

Probation service has completed a preliminary inquiry in this matter and has determined that the best interests of the child and the public requires that this petition be filed.

**6**  
Subscription  
32A-1-10

*Jane Doe*

By Jane Doe  
Children's Court Attorney  
111 Main St.  
City, NM Zip Code  
Telephone: (505) 555-5555  
Facsimile: (505) 555-5551

**6** Subscription  
§32A-1-10  
RULE 10-105.1-2

- Refer to in-house rule regarding signature (if you accept faxed or electronic petitions.)
- Otherwise, verify that the signature is original.
- Check for address and telephone number.



**CAUTION | OTHER PETITION ITEMS**

The Petition **MAY** also contain the following:

- If the child is in custody and the place of detention,
- If the child is a Native American child, and/or
- A statement that some of the matters required by statute are not known.

**STRUCTURE OF SUMMONS**

NMSA 1978, §32A-1-12, CHILDREN'S COURT FORM 10-404 NMRA. SUMMONS; ISSUANCE AND CONTENT; WAIVER OF SERVICE

**1**  
Caption

STATE OF NEW MEXICO  
CHILDREN'S COURT DIVISION  
\_\_\_\_\_ JUDICIAL DISTRICT COURT  
COUNTY OF \_\_\_\_\_

NO.:

State of New Mexico

v.  
\_\_\_\_\_, Respondent

**SUMMONS  
DELINQUENCY PROCEEDING**

TO: \_\_\_\_\_  
Name of the respondent child

\_\_\_\_\_ Address

YOU ARE NOTIFIED that a petition, a copy of which is attached hereto, has been filed in this court alleging that you

committed the following delinquent acts \_\_\_\_\_  
(common name and description of each delinquent act).

violated your conditions of probation by \_\_\_\_\_ (briefly describe conditions imposed and acts violating those conditions).

**2**  
Personal Appearance  
32A-1-12 B.

YOU ARE ORDERED TO PERSONALLY APPEAR before the Children's Court Division of the District Court at \_\_\_\_\_ (set forth address of court) on \_\_\_\_\_, \_\_\_\_\_ at the hour of \_\_\_\_\_ (a.m.) (p.m.) to answer the allegations contained in the attached petition.

If you fail to appear at such time and place, a warrant will be issued for your arrest.

Service of this summons shall be by mail unless otherwise ordered by the court.

<p><b>1</b></p>	<p><b>Caption</b></p>	<ul style="list-style-type: none"> <li>• Check that the heading has the State of New Mexico.</li> <li>• Verify that the Judicial District is correct.</li> <li>• Verify that the County is correct.</li> </ul>
<p><b>2</b></p>	<p><b>Personal Appearance</b> §32A-1-12 B.</p>	<p>Check that the heading is appropriate for case category.</p>

③  
Your Signature/  
Stamp

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Clerk, District Court  
Children's Court Division

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone number

#### CERTIFICATE OF MAILING

I certify that I mailed a copy of the summons and a copy of the petition filed herein to:

\_\_\_\_\_  
Name of child

\_\_\_\_\_  
Address

on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of Children's Court Attorney

\_\_\_\_\_  
Title

③ Signature

Please sign or stamp your signature.



#### CAUTION | SUMMONSES

- Follow your court's guidelines for issuing Summonses.
- Please note that your court may mail summonses or have them personally served.


**CAUTION | OTHER ITEMS ON SUMMONS**

The summons may also contain the following:

- An order directing the parent, guardian, or other person having the physical custody or control of the child to bring the child to the hearing,
- An order that an officer serving the summons shall at once take the child into custody and take him/her to the place of detention.

## WAIVER OF SERVICE OF SUMMONS

NMSA 1978, §32A-1-12 E.

PARTY	
Party other than child	By written stipulation or voluntary appearance at the hearing.
Child via Attorney	With consent of parent, guardian or custodian.

## Section 1-3: Service and Filing of Pleadings

RULE 10-105 NMRA

<b>When Required (Except as provided under Rule 10- 105 NMRA)</b>	When service is required, except as provided in these rules: <ul style="list-style-type: none"> <li>• Every order that requires service,</li> <li>• Every pleading after the original petition unless the court otherwise orders,</li> <li>• Every paper about discovery that requires service, unless the court otherwise orders,</li> <li>• Every written motion other than ex parte motions,</li> <li>• Every written notice, appearance, demand, designation of record on appeal, and similar paper shall be served upon each of the parties and</li> <li>• Every pleadings asserting new or additional claims for relief against them shall be served upon them in the manner provided for service of summons in Rule 10-104.</li> </ul>
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**CAUTION | FAILURE TO APPEAR**

No service need be made on parties in default for failure to appear.

**Service; how made**

<b>Priority</b>	<ul style="list-style-type: none"> <li>• Attorney (if party has representation),</li> <li>• Party when court orders service</li> </ul>
<b>Method</b>	<ul style="list-style-type: none"> <li>• By delivery,</li> <li>• By mailing to last known address or,</li> <li>• If no address is known, by leaving it with the clerk of the court.</li> <li>• Service by mail is complete upon mailing.</li> </ul>
<b>Delivery Defined</b>	<p>Delivery of a copy within this rule means:</p> <ul style="list-style-type: none"> <li>• Handing it to the attorney or to the party;</li> <li>• Sending a copy by facsimile or electronic transmission when permitted by <a href="#">RULE 10-105.1</a> OR <a href="#">RULE 10-105.2</a> of these rules;</li> <li>• Leaving it at the attorney's office with a person in charge; or if there is no one in charge, leaving it in a conspicuous place there; or</li> <li>• If the office is closed or the person to be served has no office, leaving it at the person's dwelling house or usual place of abode with some person of suitable age and discretion then residing there.</li> </ul>

**CAUTION | FILING; CERTIFICATE OF SERVICE**

All papers after the petition required to be served upon a party, together with a certificate of service, shall be filed with the court within a reasonable time after service.


**CAUTION | PLEADINGS THAT DO NOT REQUIRE FILING**

Do not file the following documents, unless there is a court order or the document is needed for a proceeding;

- \*Subpoenas;
- \*Returns of subpoenas;
- Interrogatories.

Follow in-house procedure regarding filing the following documents. (Some districts file these documents and others do not.)

- Answers or objections to interrogatories;
- Requests for production of documents;
- Responses to requests for production of documents;
- Requests for admissions;
- Responses to requests for admissions; and
- \*Depositions.

\*Counsel shall file a certificate with the court within a reasonable time after service, indicating the date of service of any paper not filed with the court except for those documents asterisked.

**Filing with the court defined.**

	<ul style="list-style-type: none"> <li>• Pleadings and other papers are to be filed with the clerk of the court.</li> <li>• The judge may permit the papers to be filed with the judge, in which event the judge shall note thereon the filing date and transmit them to the clerk's office.</li> <li>• "Filing" shall include filing a facsimile copy or an electronic copy as may be permitted by Rule 10-105.1 or Rule 10-105.2.</li> <li>• A paper filed by electronic means in compliance with Rule 10-105.1 constitutes a written paper for the purpose of applying these rules.</li> </ul>
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**CAUTION | DO NOT REFUSE PLEADINGS**

The clerk shall not refuse to accept for filing any paper presented for that purpose solely because it is not presented in proper form as required by these rules or any local rules or practices.

**COMPUTING TIME****RULE 10-106 NMRA****TIME LIMIT | COMPUTING TIME**

- Do not include the **day** of the act, event or default when computing the time limit, unless otherwise provided by the Children's Court rules.
- Include the last day of the period when computing the time limit, unless it is a Saturday, Sunday or legal holiday,
- If weather or other conditions close the court clerk's office the period runs to the next day which is not one of the above named days.

**CAUTION | TIME LIMITS LESS THAN ELEVEN (11) DAYS**

- When the time limit is less than **eleven (11) days**, exclude intermediate Saturdays, Sundays and legal holidays in the computation.
- "**Legal Holiday**" includes New Year's day, Martin Luther King, Jr.'s birthday, Presidents day, Memorial day, Independence day, Labor day, Columbus day, Veterans' day, Thanksgiving day, Christmas day and any other day designated as a state or judicial holiday.

EVENT	TIME COMPUTATION
<b>Enlargement of filing time</b>	<p>The court may enlarge the time limitation as set forth in Rule 10-106 NMRA:</p> <ul style="list-style-type: none"> <li>• With or without motion or notice, order the period enlarged if request is made before the expiration of the period originally prescribed or as extended by a previous order; or</li> <li>• Upon motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect; but it may not extend the time for taking any action under Rules 10-212, 10-226 or 10-308, except to the extent and under the conditions stated in those rules.</li> </ul>
<b>Service by Mail</b>	<p>Under specified circumstances three (3) days shall be added to the prescribed period for service.</p>
<b>Motions</b>	<ul style="list-style-type: none"> <li>• A written motion, other than one which may be heard ex parte, and notice of the hearing thereof shall be served not later than five (5) days before the time specified for the hearing, unless a different period is fixed.</li> <li>• Such an order may for cause shown be made on ex parte application.</li> </ul>

## Section 1-4: Attorneys. Entry of Appearance

### RULE 10-113 NMRA

<b>Entry of Appearance</b>	<ul style="list-style-type: none"> <li>• An attorney who represents a child must file a written entry of appearance in the cause, unless the court appoints the attorney by written order.</li> <li>• For this rule, the filing of any pleading signed by an attorney constitutes an entry of appearance.</li> </ul>
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**TIME LIMIT | CONTINUED REPRESENTATION; DELINQUENCY HEARINGS**

An attorney who has entered an appearance in a delinquency proceeding or who has been appointed by the court to represent a child in a delinquency proceeding shall continue such representation until relieved by the court, unless a substitution of counsel is filed not less than **fifteen (15) days** prior to the adjudicatory hearing.

**VERIFY CURRENT ATTORNEY INFORMATION**

**CAUTION | VERIFY CURRENT ATTORNEY**

If you receive an Entry of Appearance, Withdrawal of Appearance, Substitution of Appearance, Order of Appointment or Court Memorandum of Arraignment, check current attorney status.

**Section 1-5: First Appearance (Arraignment)**

<b>Explanation of Rights</b>	<p>Upon the first appearance of a child before a court in response to summons or warrant or following arrest, the court shall inform the child of the following:</p> <ul style="list-style-type: none"> <li>• The offense charged;</li> <li>• The penalty provided by law for the offense charged;</li> <li>• The right, if any, to bail;</li> <li>• The right, if any, to trial by jury;</li> <li>• The right to the assistance of counsel at every stage of the proceedings;</li> <li>• The right, if any, to representation by an attorney at state expense;</li> <li>• The right to remain silent, and that any statement made by the child may be used against the child; and</li> <li>• The right, if any, to a preliminary examination.</li> </ul>
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## Section 1-6: Enter Charges

### AMENDED PETITION

#### RULE 10-103 (G) NMRA

Before the adjudicatory hearing, and subject to the provisions of Rule 10-107, the court may allow the petition to be amended to charge the respondent with an additional or different offense. When the court allows the amendment and at the respondent's request, the court shall grant a continuance for more preparation time.

## Section 1-7: Admission or No Contest Advice of Rights by Judge

#### RULE 10-224 NMRA

This rule applies to admissions in delinquency and probation revocation proceedings.

**1**  
Caption

STATE OF NEW MEXICO  
CHILDREN'S COURT DIVISION  
\_\_\_\_\_ JUDICIAL DISTRICT COURT  
COUNTY OF \_\_\_\_\_

NO.:

IN THE MATTER OF

\_\_\_\_\_, a child,

**2**  
Heading

ADMISSION OR NO CONTEST  
ADVICE OF RIGHTS BY JUDGE

The child personally appearing before me, I have ascertained the following facts, noting each by initialing it.

Judge's Initials

\_\_\_\_\_ 1. The child understands the charges set forth in the petition.

\_\_\_\_\_ 2. The child understands the range of possible dispositions includes commitment to \_\_\_\_\_.

\_\_\_\_\_ 3. The child understands the following constitutional rights which the child gives up by admitting to the offenses alleged.

\_\_\_\_\_ (a) the right to trial by jury, if any;

\_\_\_\_\_ (b) the right to the assistance of an attorney at all stages of the proceeding, and to an appointed attorney, to be furnished free of charge, if the child cannot afford one;

\_\_\_\_\_ (c) the right to confront the witnesses against the child and to cross-examine them as to the truthfulness of their testimony;

\_\_\_\_\_ (d) the right to present evidence on the child's own behalf, and to have the state compel witnesses of the child's choosing to appear and testify;

\_\_\_\_\_ (e) the right to remain silent and to be presumed innocent until the allegations of criminal offenses are proven beyond a reasonable doubt.

**3**  
Understands Charges  
10-224 B. (1)

**4**  
Understands Charges  
10-224 B. (2)

**5**  
Understands Charges  
10-224 B. (3), (4)

<b>1</b>	<b>Caption</b>	<ul style="list-style-type: none"> <li>• Check that the heading has the State of New Mexico.</li> <li>• Verify that the Judicial District is correct.</li> <li>• Verify that the County is correct.</li> </ul>
----------	----------------	--

2	<b>Heading (Designation of Pleading)</b>	Check that the heading is appropriate for case category.
---	--	--

**6**  
**Factual Basis  
for Admission  
10-224 D.**

**7**  
**Voluntary  
Admission  
10-224 C.**

**8**  
**Immigration  
Status  
10-224 B. (5)**

**9**  
**Voluntary  
Admission  
10-224 C.**

\_\_\_\_\_ 4. That the child wishes to give up the constitutional rights of which the child has been advised.

\_\_\_\_\_ 5. That there exists a basis in fact for believing the child committed the offenses charged and that an independent record for such factual basis has been made.

\_\_\_\_\_ 6. That the child and the children's court attorney have entered into an agreement that the child understands and consents to its terms. (Indicate "NONE" if a plea agreement has not been signed.)

\_\_\_\_\_ 7. That the agreement is voluntary and not the result of force or threats except the promises made in the plea agreement.

\_\_\_\_\_ 8. That the child understands that this admission of the charges may have an effect upon the child's immigration or naturalization status.

\_\_\_\_\_ 9. That under the circumstances, it is reasonable that the child admit the charges alleged in the petition.

On the basis of these findings, I conclude that the child knowingly, voluntarily and intelligently agrees to committing the above charges and accepts the agreement. A copy of this affidavit shall be made a part of the record in the above-styled case.

\_\_\_\_\_  
CHILDREN'S COURT JUDGE

\_\_\_\_\_  
DATE

**CERTIFICATE BY CHILD**

I certify that the judge personally advised me of the matters noted above, that I understand the constitutional rights that I am giving up by admitting or not contesting the allegation contained in the plea and disposition agreement.

\_\_\_\_\_  
Child

**CERTIFICATE OF COUNSEL**

I have conferred with my client with reference to the execution of this certificate. I have explained to my client its contents in detail.

\_\_\_\_\_



## CLERICAL DUTIES | ADVICE OF RIGHTS

1. The Advice of Rights form will be completed when an admission is filed by the Court. The form will be returned with the court paperwork.
2. **TO DOCKET**
  - Follow in-house procedure
3. **DESCRIPTIVE TEXT:**
  - Filing Admission or No Contest Advice of Rights by Judge



## Section 1-8: Warrants

### RULE 10-206 NMRA

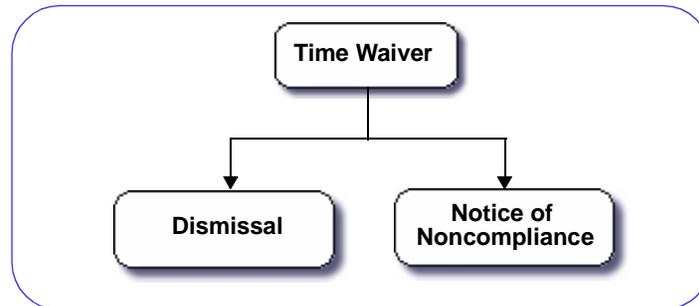
WARRANT TYPE	
<b>Arrest</b>	Warrants for the arrest of a child alleged to have committed a delinquent act or a criminal offense may be issued by a children's court or district court judge.
<b>Bench</b>	If any person who has agreed in writing to appear in court at a specified time and place or who is ordered by the court to appear at a specified time and place fails to appear at such specified time and place in person or by counsel when permitted by these rules, the court may issue a warrant for the person's arrest.
<b>Search</b>	Search warrants may be issued by the court.

## Section 1-9: Time Waiver

A Time Waiver is an agreement between the State and Child waiving the time requirements for an adjudicatory hearing. The State agrees to dismiss the case if the conditions agreed upon are met. The standard time is **six (6) months** and no referrals to the Juvenile Probation Department. Additional conditions are included such as community service, attend and/or complete a program or fulfill an educational requirement.

**CAUTION | TIME WAIVER**

- Please note that not all Children's Courts issue Time Waivers or have clerks perform scheduling.
- Follow in-house procedures for Time Waivers.

**CLERICAL DUTIES | TIME WAIVER**

1. **TO DOCKET, USE THE EVENT CODE:**
  - 8660 WAIVER OF TIME LIMIT JUV ONLY.
  - This event code will change the case status to TW-PN TIME WAIVER.
2. Verify that the waiver is for six months or add to the docket descriptive text the agreed upon time.

## NOTIFICATION OF NON-COMPLIANCE (STATE)

If the child does not comply or a referral is made to the Juvenile Probation Office, the State will file a 'Notification of Noncompliance' requesting that the matter be rescheduled by the clerk or TCAA.



### CLERICAL DUTIES | NOTIFICATION OF NONCOMPLIANCE

1. **TO DOCKET, USE THE EVENT CODE:**
  - 6565 NTC: OF NON-COMPLIANCE.
2. If applicable, the clerk or TCAA shall promptly reschedule the matter for the next hearing event on the court's next available docket and send notice to the attorneys of record.
3. If applicable, the clerk is also at this time responsible for reviewing and updating the case status i.e. PN, RO, etc.

## DOCKETING A DISMISSAL



### CLERICAL DUTIES | DISMISSAL WITH PREJUDICE

If the child completes the Time Waiver, the State will file a Dismissal With Prejudice.

1. Forward a copy of Dismissal or Notice to Calendaring Clerk or TCAA.



## CLERICAL DUTIES | DOCKETING DISMISSAL WITH PREJUDICE

Follow these steps when docketing a dismissal for a **TIME WAIVER**:

1. Research Register of Actions to determine if all outstanding petitions have been addressed.
2. If more than one petition is pending research the Charge/Disposition screen to identify the counts associated with the dismissed petition.
3. In Sentencing/Disposition by Count screen pursuant to data standards, use the most appropriate disposition code in the disposition field and enter the time waiver filed date.
4. **TO DOCKET, USE THE EVENT CODE:**
  - 3510 CLS: DISMISSAL W/ PREJUDICE.

## Section 1-10: Consent Decree

<b>Consent Decree</b>	<ul style="list-style-type: none"> <li>• After a factual basis has been established, the court may enter a consent decree that places the child under supervision for a period not to exceed six (6) months under conditions established by the court.</li> <li>• As part of a consent decree, the parties may agree to an extension of the consent decree not to exceed an additional six (6) months.</li> <li>• A consent decree and any extension may not exceed one (1) year from the date of the entry of the original consent decree.</li> </ul>
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<b>Extension</b>	<ul style="list-style-type: none"><li>• The children's court attorney may move the court for an order extending the original consent decree for a period not to exceed six (6) months from the expiration of the original decree.</li><li>• The motion for extension shall be filed prior to the expiration of the original decree. If the child objects to the extension, the court shall hold a hearing to determine if the extension is in the best interests of the child and the public.</li></ul>
<b>Revocation</b>	<ul style="list-style-type: none"><li>• If, prior to the expiration of the consent decree, the child allegedly fails to fulfill the terms of the decree, the children's court attorney may file a petition to revoke the consent decree.</li><li>• Proceedings on the petition shall be conducted in the same manner as proceedings on petitions to revoke probation.</li></ul>

\_\_\_\_\_ JUDICIAL DISTRICT COURT  
 CHILDREN'S COURT DIVISION  
 COUNTY OF \_\_\_\_\_  
 STATE OF NEW MEXICO

No. \_\_\_\_\_.

IN THE MATTER OF:

\_\_\_\_\_, a child

#### CONSENT DECREE

The court being fully advised finds:

1. The court has personal and subject matter jurisdiction.
2. The child has freely and voluntarily admitted to or declared the intention not to contest the following delinquent acts (set forth common name of delinquent acts)

\_\_\_\_\_  
 \_\_\_\_\_.

3. After personally addressing the child in open court, the court has determined that the child understands:

- a. the charges alleged in the petition filed in this case;
- b. the dispositions authorized by the Children's Code;
- c. the right to deny the allegations of the petition and have a trial.

4. The child's best interests will be served by suspending proceedings for a period of \_\_\_\_\_ months, during which the child will be on supervised probation.

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

\_\_\_\_\_  
 \_\_\_\_\_.

IT IS THEREFORE ORDERED that the child is placed on probation under the terms and conditions of the plea and disposition agreement signed by the child and the state and considered a part of this consent decree.

IT IS THEREFORE ORDERED that the child is placed on probation under the terms and conditions of the plea and disposition agreement signed by the child and the state and considered a part of this consent decree.

\_\_\_\_\_

Date

Children's court judge

\_\_\_\_\_

Children's court attorney

\_\_\_\_\_

Child's attorney

## Section 1-11: Adjudication

### RULE 10-226 NMRA



#### TIME LIMIT | ADJUDICATORY HEARING

The judge shall commence the adjudicatory hearing within the appropriate number of days listed below from whichever of the following events occurs latest:

In detention:	<b>thirty (30) days</b>
Not in detention:	<b>one hundred twenty (120) days</b>

#### \*BOLD TEXT APPLIES ONLY TO CHILD IN DETENTION

- The date the petition is served on the child;
- **\* The date the child is placed in detention;**
- If an issue is raised concerning the child's competency to participate at the adjudicatory hearing, the date an order is entered finding the child is competent to participate at the adjudicatory hearing. **\* The court may order periodic judicial reviews pending completion of the competency evaluation. At each judicial review the child's attorney shall advise the court of the status of the evaluation;**
- If the proceedings have been stayed pursuant to Rule 10-221 NMRA on a finding of incompetency to stand trial, the date an order is filed finding the child competent to participate in an adjudicatory hearing;
- If a mistrial is declared or a new adjudicatory hearing is ordered by the children's court, the date such order is filed;
- In the event of an appeal, the date the mandate or order is filed in the children's court disposing of the appeal;
- If the child fails to appear at any time set by the court, the date the child is taken into custody after the failure to appear or the date an order is entered quashing the warrant for failure to appear;
- The date the court allows the withdrawal of a plea or rejects a plea; or
- If a notice of intent has been filed alleging the child is a "youthful offender", as that term is defined in the Children's Code [Chapter 32A NMSA 1978], the return of an indictment or the filing of a bind over order that does not include a "youthful offender" offense.

**CAUTION | MULTIPLE PETITIONS**

Follow in-house procedures regarding multiple petitions.

<b>Multiple Petitions</b>	If more than one petition is pending, the time limits applicable to each petition shall be determined independently.
<b>Extension of time by Children's Court</b>	For good cause shown, the time for commencement of an adjudicatory hearing may be extended by the children's court judge provided that the aggregate of all extensions granted by the children's court judge may not exceed sixty (60) days.
<b>Effect of noncompliance</b>	If the adjudicatory hearing on any petition is not begun within the times specified in Paragraph A or B of this rule or within the period of any extension granted as provided in this rule, the petition shall be dismissed with prejudice.

**CAUTION | NONCOMPLIANCE WITHIN TIME LIMITS**

If the adjudicatory hearing on any petition has not begun within the times specified or within the period of any extension granted, the petition shall be dismissed with prejudice.

## Section 1-12: Jury Trial

### RULE 10-228 NMRA

**TIME LIMIT | DEMAND FOR JURY TRIAL**

A demand for trial by jury in delinquency proceedings shall be made in writing to the court within **ten (10) days** from the date the petition is filed or within **ten (10) days** from the appointment of an attorney for the respondent or entry of appearance by counsel for the respondent, whichever is later. If demand is not made as provided in this paragraph, trial by jury is deemed waived.

## PEREMPTORY CHALLENGES

	CHALLENGES	* ADDITIONAL CHALLENGES
<b>Defendant</b>	three (3)	two (2)
<b>State</b>	two (2)	one (1)

\* Additional challenges for two or more respondents jointly tried.

If a jury is demanded and the child is entitled to a jury trial, the jury's function is limited to that of trier of the factual issue of whether the child committed the alleged delinquent acts. If no jury is demanded, the hearing shall be by the court without a jury. Jury trials shall be conducted in accordance with rules promulgated under the provisions of Subsection B of Section 32-1-4 [32A-1-5] NMSA 1978. A delinquent child facing a juvenile disposition shall be entitled to a six-member jury. If the children's court attorney has filed a motion to invoke an adult sentence, the child is entitled to a twelve-member jury. A unanimous verdict is required for all jury trials. The proceedings shall be recorded by stenographic notes or by electronic, mechanical or other appropriate means.

## Section 1-13: Disposition

### RULE 10-229 NMRA



#### TIME LIMIT | PREDISPOSITION REPORTS

At least **five (5) days** before a hearing, copies of any social, diagnostic or other predisposition reports ordered by or submitted to the court shall be provided to the parties.

## Section 1-14: Confidentiality of Records

NMSA 1978, § 32A-2-32



### CAUTION | CONFIDENTIALITY OF RECORDS

- Juvenile Delinquent cases are considered public. The following records are confidential and excluded from public review:
- Social records, diagnostic evaluations, special education evaluations, psychiatric or psychological reports, pre-parole, and supervision histories which are in possession of the court.
- These particular records shall be confidential and closed to the public and shall not be directly or indirectly disclosed to the public.
- If you have questions, refer to in-house procedure.

At the judge's discretion, confidential records shall only be available to the following people:

PERSONNEL AUTHORIZED TO REVIEW CONFIDENTIAL RECORDS
Court Personnel
Guardian Ad Litem (GALs)
(CYFD) Department Personnel
Substitute Care Review Board
Corrections Department Personnel
Any State Government Social Services Agency in Any State
Tribal Members Authorized by ICWA
Tribal Juvenile Justice and Social Services Representatives
(Potential) Foster Parent
School Personnel
Health Care and Mental Health Professionals
Person/Entities with Legitimate Interest

For more information, please see Confidentiality of Records: [NMSA 1978, § 32A-2-32](#).

**TIME LIMIT | COMMITMENT FOR DIAGNOSIS**

- The court may order a child adjudicated as a delinquent child to be committed to a facility for purposes of diagnosis and recommendations to the court as to what disposition is in the best interests of the child and the public.
- If the court enters an order transferring the child for a diagnostic commitment pursuant to the Children's Code, the dispositional proceedings shall be recommenced within **forty-five (45) days** after the filing of the court's order.

**TIME LIMIT | DISPOSITIONAL HEARINGS**

- When the child is in detention, dispositional proceedings shall begin within **thirty (30) days** from the date the court concludes the adjudicatory hearing in a delinquency proceeding or trial in a youthful offender proceeding or accepts an admission of the factual allegations of the petition.
- The dispositional proceedings shall be concluded as soon as practical. If the hearing is not begun within the time specified in this paragraph, unless the child has agreed to the delay or has been responsible for the failure to comply with the time limits, the child shall be released from detention on such conditions as appropriate until the dispositional hearing can be commenced.



## TIME LIMIT | EXTENSION OF TIME

- For good cause shown the time for commencing a disposition hearing may be extended by the Supreme Court, a justice thereof, or a judge designated by the Supreme Court. The party seeking an extension of time shall file with the clerk of the Supreme Court a verified petition for extension concisely stating the facts petitioner deems to constitute good cause for an extension of time to commence the dispositional hearing.
- The petition shall be filed within the applicable time limits prescribed by this rule, except that it may be filed within **ten (10) days** after the expiration of the applicable time limits if it is based on exceptional circumstances beyond the control of the state or children's court which justify the failure to file the petition within the applicable time limit.
- A party seeking an extension of time shall forthwith serve a copy thereof on opposing counsel. Within **five (5) days** after service of the motion, opposing counsel may file an objection to the extension setting forth the reasons for such objection. No hearing shall be held except upon order of the Supreme Court. If the Supreme Court finds that there is good cause for the granting of an extension beyond the applicable time limit, it shall fix the time limit within which the dispositional hearing must be commenced.

## Section 1-15: Judgments and Appeals

### RULE 10-230 NMRA

<b>Entry of Judgment</b>	If the child is found to have committed a delinquent act, a judgment to that effect shall be entered. If the child is found not to be a delinquent child, a judgment to that effect shall be entered. The judgment and disposition shall be rendered in open court and thereafter a written judgment and disposition shall be signed by the judge and filed. The clerk shall give notice of entry of judgment and disposition.
<b>Advisement</b>	At the time of disposition in a case which has gone to an adjudicatory hearing on a denial of the allegations of the petition, the court shall advise the child of the right to appeal and of the right of a person who is unable to pay the cost of an appeal to proceed at state expense. Failure of the court to so advise the child shall toll the time for taking an appeal.

**Appeals**

Appeals from judgments and dispositions on petitions alleging delinquency shall be governed by the Rules of Appellate Procedure.

## Section 1-16: Reopened Cases

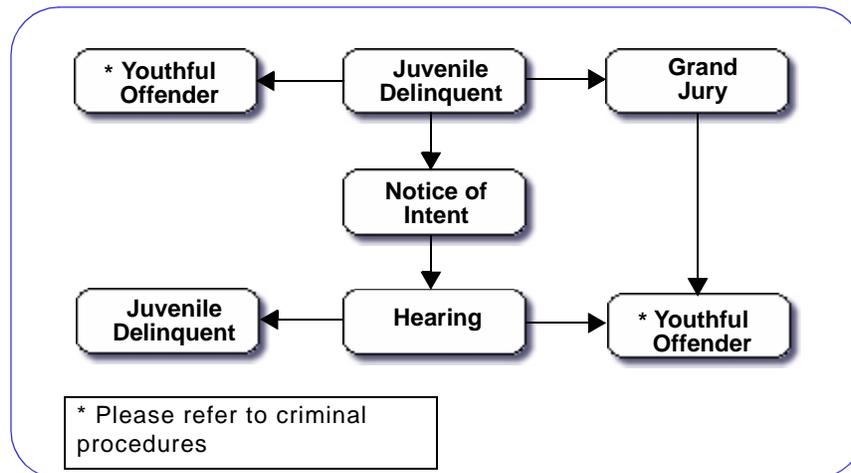


### CLERICAL DUTIES | REOPENED CASES

1. File Petition to Revoke Probation, Motion to Reconsider, Motion for Cause or a Mandate.
2. Docket Petition using the appropriate event code, such as, **2508-RPN: Probation Violation** and confirm status changes to **RO**.

## Section 1-17: Grand Jury Indictment/Information (Youthful Offender)

NMSA 1978, § 32A-2-3, § 31-18-15.2



“**Youthful offender**” means a delinquent child subject to adult or juvenile sanctions who is:

CRITERIA FOR YOUTHFUL OFFENDER	
<b>①</b>	<p>Fourteen to eighteen years of age at the time of the offense and who is adjudicated for at least one of the following offenses:</p> <ul style="list-style-type: none"> <li>• Second degree murder, as provided in Section 30-2-1 NMSA 1978;</li> <li>• Assault with intent to commit a violent felony, as provided in Section 30-3-3 NMSA 1978;</li> <li>• Kidnapping, as provided in Section 30-4-1 NMSA 1978;</li> <li>• Aggravated battery, as provided in Subsection C of Section 30-3-5 NMSA 1978;</li> <li>• Aggravated battery upon a peace officer, as provided in Subsection C of Section 30-22-25 NMSA 1978;</li> <li>• Shooting at a dwelling or occupied building or shooting at or from a motor vehicle, as provided in Section 30-3-8 NMSA 1978;</li> <li>• Dangerous use of explosives, as provided in Section 30-7-5 NMSA 1978;</li> <li>• Criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978;</li> <li>• Robbery, as provided in Section 30-16-2 NMSA 1978;</li> <li>• Aggravated burglary, as provided in Section 30-16-4 NMSA 1978;</li> <li>• Aggravated arson, as provided in Section 30-17-6 NMSA 1978; or</li> <li>• Abuse of a child that results in great bodily harm or death to the child, as provided in Section 30-6-1 NMSA 1978;</li> </ul>
<b>②</b>	<p>Fourteen to eighteen years of age at the time of the offense and adjudicated for any felony offense and who has had three prior, separate felony adjudications within a three-year time period immediately preceding the instant offense. The felony adjudications relied upon as prior adjudications shall not have arisen out of the same transaction or occurrence or series of events related in time and location. Successful completion of consent decrees is not considered a prior adjudication for the purposes of this paragraph; or</p>
<b>③</b>	<p>Fourteen years of age and adjudicated for first degree murder, as provided in Section 30-2-1 NMSA 1978.</p>

## FILING PROCEDURE

NMSA 1978, § 32A-2-20

A petition alleging delinquency will be filed by the children's court attorney.



### TIME LIMIT | ADULT SENTENCE

- The court has the discretion to invoke either an adult sentence or juvenile sanctions on a youthful offender.
- The children's court attorney shall file a notice of intent to invoke an adult sentence within **ten (10) working days** of the filing of the petition, provided that the court may extend the time for filing of the notice of intent to invoke an adult sentence, for good cause shown, prior to the adjudicatory hearing.
- A preliminary hearing by the court or a hearing before a grand jury shall be held, within **ten (10) days** after the filing of the intent to invoke an adult sentence, to determine whether probable cause exists to support the allegations contained in the petition.

A Grand Jury Indictment is a written statement ("true bill") returned by the grand jury containing the essential facts constituting:

- The offense,
- Common name of the offense and,
- If applicable, a specific section number of the New Mexico Statutes which defines the offense.

All indictments shall be signed by the foreman of the grand jury. Failure to indict is a "no bill" and are filed in the Criminal Division.

## YOUTHFUL OFFENDER PROCEEDINGS

RULE 10-222 NMRA



### TIME LIMIT | NOTICE OF INTENT

Within **ten (10) days** after the filing of a petition, the children's court attorney may file with the children's court a notice of intent to request the court to treat the child as a "youthful offender," as that term is defined in the Children's Code. At any time prior to the commencement of the adjudicatory proceeding, upon good cause shown, the court may permit the filing of a notice of intent to invoke an adult sentence.


**TIME LIMIT | PROBABLE CAUSE DETERMINATION**

Within **ten (10) days** after a notice of intent to invoke an adult sentence is filed, a preliminary examination will be conducted unless the case is presented to a grand jury or the child waives the right to a preliminary hearing or grand jury. A preliminary hearing may be conducted by the children's court judge or by a magistrate court or metropolitan court judge.

<b>Transfer for Preliminary Examination</b>	<p>If the children's court judge determines that the preliminary hearing is to be conducted by a magistrate or metropolitan court judge, upon completion of the examination, the magistrate or metropolitan court shall transfer the proceedings to the children's court with a finding that there is:</p> <ul style="list-style-type: none"> <li>• No probable cause to believe that the child has committed a youthful offender offense; or</li> <li>• Probable cause to believe that the child committed a youthful offender offense.</li> </ul>
<b>Proceedings after Transfer by Magistrate or Metropolitan Court</b>	<p>Upon transfer of a case to the children's court by a magistrate or metropolitan court judge pursuant to Paragraph B of <a href="#">RULE 10-222 NMRA</a>, the proceedings shall be reopened and the case assigned to the children's court judge who transferred the proceedings to the magistrate or metropolitan court for a probable cause determination.</p>



<b>Information</b>	<p>An information is a written statement, signed by the district attorney, containing the essential facts, common names of the offense and, if applicable, a specific section number of the New Mexico Statutes which defines the offense.</p>
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**TIME LIMIT | ADULT SENTENCE**

An information shall be filed within **thirty (30) days** after completion of a preliminary examination or waiver unless extended by the court upon motion of the district attorney.

**CASE INITIATION****TIME LIMIT | ARRAIGNMENT ON INFORMATION OR INDICTMENT**

The defendant shall be arraigned on the indictment or information **within fifteen (15) days** after the date of the filing of the indictment or information or the date of arrest, whichever is later.

**ARRAIGNMENT PROCEEDING**

At the Arraignment/Plea, the defendant is read the indictment or information unless the defendant waives such reading. The court shall then ask the defendant to plead, i.e., guilty, not guilty, no contest, etc. The court may then impose conditions of release.

An arraignment may be waived, with the consent of the court, by the defendant filing a written plea of not guilty prior to or at the time set for arraignment.

If the defendant fails to appear for arraignment, the court may order the issuance of a bench warrant for the arrest of the defendant. The court may set bond or order defendant held without bond.

## COMMENCEMENT OF TRIAL



### TIME LIMIT | COMMENCEMENT OF CASE

The trial of a criminal case shall be commenced **six (6) months** after whichever of the following events occurs latest:

- The date of arraignment or waiver of arraignment
- If the proceedings have been stayed on a finding of incompetency to stand trial, the date an order is filed finding the defendant competent to stand trial
- If a mistrial is declared or a new trial is ordered by the trial court the date such order is filed
- In the event of an appeal, including interlocutory appeals, the date the mandate or order is filed in the district court disposing of the appeal
- The date of arrest of the defendant for failure to appear
- If the defendant has been placed in a preprosecution diversion program, the date of the filing with the clerk of the district court of a notice of termination of a preprosecution diversion program for failure to comply with the terms, conditions or requirements of such program
- The date the court allows the withdrawal of a plea or the rejection of a plea



### CLERICAL DUTIES | TRIAL SETTING

1. If applicable, following one of the above, the calendar clerk or TCAA will set the indictment or information for trial on the judge's next available docket.
2. The court may request a pre-trial conference before the commencement of trial. If applicable, the calendar clerk or TCAA will set on judge's next available docket or as instructed by judge's office.
3. Notice will be sent to the attorneys of record.

## Chapter 2: Juvenile Delinquent Statutes

### Section 2-1: Jurisdiction of the Court

NMSA 1978, § 32A-1-8

### Section 2-2: Children's Court Attorney

NMSA 1978, § 32A-1-6

The office of the children's court attorney is established in each judicial district. Each district attorney is ex-officio children's court attorney for the judicial district of the district attorney.

### Section 2-3: Probable Cause Determination

RULE 10-208 A. NMRA



#### TIME LIMIT | PROBABLE CAUSE DETERMINATION

If a child is in detention, a judge, hearing officer or magistrate must determine probable cause within **forty-eight (48) hours**.

EVENT	TIME COMPUTATION
<b>How Conducted</b>	<ul style="list-style-type: none"> <li>The probable cause determination shall be non-adversarial, may be held in the absence of the child and counsel and may be conducted by telephone.</li> <li>The court does not require the presence of witnesses unless witness testimony may lead to a finding of no probable cause.</li> </ul>
<b>Amended Probable Cause Statement</b>	If the original statement did not show probable cause sufficiently, the children's court attorney may file an amended statement to justify detention.
<b>Dismissal for Failure to Show Probable Cause</b>	If the court finds no probable cause to believe that the child has committed an offense, the child shall be immediately released.

## Section 2-4: Detention Hearing

RULE 10-211 NMRA, NMSA § 32A-2-13



### TIME LIMIT | DETENTION HEARING

Detention hearing must be held within **twenty-four (24) hours** of the filing of the petition to determine if continued detention is required.



### CAUTION | SPECIAL MASTER

If a special master has been appointed by your district, s/he needs to be notified that a detention hearing needs to be held within the time limit. Follow in-house procedure.

## SPECIAL MASTERS

NMSA 1978, § 32A-2-13 B. RULE 10-111 NMRA

	SPECIAL MASTER
<b>Appointment</b>	A children's court judge (judge) may appoint a special master to assist in any children's court proceeding.
<b>Qualifications</b>	<ul style="list-style-type: none"> <li>Licensed to practice law in New Mexico for three years,</li> <li>Have familiarity with children's court matters.</li> </ul>
<b>Powers</b>	<ul style="list-style-type: none"> <li>Unless the order otherwise specifies, the special master has the power to perform any of the functions of a children's court judge pursuant to the provisions of the Children's Court Rules except that the special master shall not preside at a preliminary hearing or examination, jury trial, bench trial, adjudicatory hearing or dispositional hearing without concurrence of the parties.</li> <li>All recommendations of the special master are contingent upon the approval of the children's court judge.</li> </ul>

SPECIAL MASTER	
<b>Duties</b>	<ul style="list-style-type: none"> <li>• Prepare a report including proposed findings of fact and conclusions of law on the matters submitted to the special master by the order of appointment.</li> <li>• File report with the court and serve copies on all parties according to the Children's Court rules.</li> </ul>



### TIME LIMIT | EXCEPTIONS TO REPORT

Any party may file exceptions to the special master's proposed findings, conclusions, recommendations or proposed orders. Exceptions shall be in writing, filed with the clerk **within five (5) days** after service of the master's report and shall set forth:

- those items to which exception is taken;
- a short resume of all facts relevant to the issues presented for review with appropriate references to the pages of the record proper and pages or sequential time or counter numbers of the transcript. If reference is made to evidence the admissibility of which is in controversy, reference shall be to the place in the transcript of proceedings where the evidence was identified, offered and received or rejected;
- a citation to any authority which may assist the children's court judge in reviewing the exceptions; and
- a statement of the precise relief sought.

<b>Review of the Special Master's Report</b>	<p>After the time for filing exceptions has expired, the children's court may:</p> <ul style="list-style-type: none"> <li>• Adopt the report or proposed order, modify it or reject it in whole or in part; or</li> <li>• Receive evidence excluded by the special master to which exceptions have been taken.</li> </ul>
<b>Removal of Special Masters</b>	<p>In any proceeding, upon motion of any party upon good cause shown, or upon the court's own motion, the children's court may at any time remove the special master from acting in that proceeding.</p>


**TIME LIMIT | TIME LIMITS**

- No time limit set forth in these rules shall be tolled or enlarged because of the appointment of a special master.
- If a special master is assigned to make recommendations on a proposed admission or consent decree for a child who is in detention, the special master shall submit the special master's recommendations to the court within **five (5) days** after the admission or consent decree has been referred to the special master.

## Section 2-5: Entry of Appearance

### RULE 10-113 NMRA

<b>Failure to observe rules</b>	<p>A judge may hold an attorney in contempt and subject him/her to disciplinary action for failure to comply with rules, including prescribed time limitations.</p>
<b>Signing of Pleadings</b>	<ul style="list-style-type: none"> <li>• Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name, whose address and telephone number shall be stated.</li> <li>• A party who is not represented by an attorney shall sign the party's pleading and state the party's address and telephone number.</li> <li>• Except when otherwise specifically provided by rule, pleadings need not be verified or accompanied by affidavit.</li> <li>• The signature of an attorney constitutes a certificate by the signer that the signer has read the pleading; that to the best of the signer's knowledge, information and belief there is good ground to support it; and that it is not interposed for delay.</li> </ul>

## Section 2-6: Appointment of Counsel

RULE 10-205 NMRA



### TIME LIMIT | APPOINTMENT OF COUNSEL

Within **five (5) days** from the date the petition is filed, or at the conclusion of the detention hearing, whichever occurs first, unless counsel has entered an appearance on behalf of the respondent, the court shall advise the public defender that the child is not represented by counsel and the public defender shall provide a defense for the child.

#### Notice to Parents

- If the public defender is asked to represent the child, the public defender shall serve on the parents, guardian or custodian a written notice on a form approved by the Supreme Court that if they can afford an attorney to represent the child, they will be ordered to reimburse the state for public defender representation.
- The notice shall be accompanied by a copy of the eligibility determination for indigent defense services form approved by the Supreme Court and shall advise the parents, guardian or custodian that if they do not complete the eligibility determination form return it to the public defender within the prescribed time, they may be charged for all legal representation of the child.
- The notice shall also advise the parents, guardian or custodian of the duty of the public defender to assist the parents, guardian or custodian in any indigency determination proceeding.

**Court Order**

- Unless an affidavit of indigency has been returned to the public defender or satisfactory arrangements have been made for the payment of legal services performed by the public defender, the court at the conclusion of the proceedings against a respondent shall hold a hearing to determine the financial ability of the parents, guardian or custodian to reimburse the state for the costs of representation by the public defender.
- Unless the parent, guardian or custodian is found to be indigent, the court shall order the parents, guardian, or custodian to pay a reasonable fee considering the financial ability of the parents, guardian or custodian to pay.
- Upon entry of the court order, the public defender shall bill the parents, guardian or custodian for the costs of representation.

**TIME LIMIT | HEARING ON INDIGENCY, RULE 10-205 NMRA**

- Pursuant to **RULE 10-205 NMRA**, within **ten (10) days** after receipt of notice from the public defender pursuant to Paragraph B of this rule, the parents, guardian or custodian shall complete and return to the public defender the eligibility determination form or shall make satisfactory arrangements for payment for legal services performed for the child.
- Upon motion the children's court shall review the determination by the public defender that the parent, guardian or custodian is not indigent as provided by the procedures set forth in Children's Court Rule 10-408.

**CAUTION | INDIGENCY DETERMINATION**

Follow in-house procedure for indigency determination.

## CHILDREN'S COURT FORM 10-407 NMRA, RULE 10-205 NMRA

①  
Caption

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
IN THE DISTRICT COURT

CHILDREN'S COURT DIVISION  
STATE OF NEW MEXICO  
v.

No. \_\_\_\_\_

DOE (\_\_\_\_\_) (Actual name of child)

②  
Heading

NOTICE OF REQUIREMENT TO PAY ATTORNEY'S FEES

FOR LEGAL REPRESENTATION OF THE ABOVE-NAMED CHILD

TO: \_\_\_\_\_ (Name of parents, custodian or guardian)

\_\_\_\_\_  
(Address)

Please take notice that pursuant to New Mexico law if you can afford to pay, you may be required to pay for the costs of representing the above-named child. If you cannot afford to pay, you must complete the enclosed affidavit and return it to this office by the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

OFFICE OF PUBLIC DEFENDER

BY \_\_\_\_\_

\_\_\_\_\_  
Address

CERTIFICATE OF MAILING

I certify that on this date I mailed a copy of this notice to \_\_\_\_\_, (Name) at the address indicated.

Date of Mailing:

\_\_\_\_\_, \_\_\_\_\_ By: \_\_\_\_\_

## Section 2-7: Parties

### RULE 10-108 NMRA

#### Delinquency Proceeding

In proceedings on petitions alleging delinquency, the parties to the action are the child alleged to be delinquent and the state.

**Intervention**

Upon timely application the following persons may be permitted to intervene in a children's court proceeding under such terms and conditions as the judge may prescribe:

- In delinquency proceedings, the parents, guardian or custodian of the respondent;
- In a delinquency, neglect, abuse or family in need of court ordered services proceeding, any person with a statutory right to intervene in the proceedings; or
- Any person who has a constitutionally protected liberty interest in the proceedings if the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

## Section 2-8: Excusals, Recusals, and Consolidation

### RULE 10-112 NMRA



#### TIME LIMIT | EXCUSAL

A party as defined in Rule 10-108 NMRA may file a peremptory election to excuse a judge in Children's Court proceedings if done within **ten (10) days** after the latter of:

- The first appearance of the party;
- Service of the petition on the party; or
- Mailing by the clerk of notice of assignment or reassignment of the case to a judge.

**Judicial Discretion**

- No party shall excuse more than one judge.
- A party may not excuse a judge after the party has requested that judge to perform any discretionary act.
- Any action dealing with detention, custody hearing or the appointment of counsel shall not preclude the disqualification of a judge.

<b>Disability</b>	<ul style="list-style-type: none"> <li>If a judge has begun a trial or hearing and cannot continue, any other judge may proceed with it after certifying familiarity with the record and determining that the proceedings in the case may be completed without prejudice to the parties.</li> <li>The successor judge may recall any witness.</li> </ul>
<b>Recusal</b>	No children's court judge shall sit in any action in which the judge's impartiality may reasonably be questioned under the provisions of the Constitution of New Mexico or the Code of Judicial Conduct, and the judge shall file a recusal in any such action.
<b>Reassignment/Excusal</b>	<ul style="list-style-type: none"> <li>After the filing of the petition, if the case is reassigned to a different judge, the clerk shall give notice of reassignment to all parties.</li> <li>Any party electing to excuse a judge shall serve notice of such election on all parties.</li> </ul>

## Section 2-9: Probation Revocation

### RULE 10-232 NMRA

<b>Probation</b>	At the conclusion of the dispositional hearing, the court may enter an order placing the child on probation under terms and conditions as the court may prescribe.
<b>Revocation of Probation</b>	If the child fails to fulfill the terms or conditions of probation, the children's court attorney may file a petition to revoke probation.

**Revocation Procedure**

Proceedings to revoke probation shall be conducted in the same manner as proceedings on petitions alleging delinquency. The child whose probation is sought to be revoked shall be entitled to all rights that a child alleged to be delinquent is entitled to under law and these rules, except that:

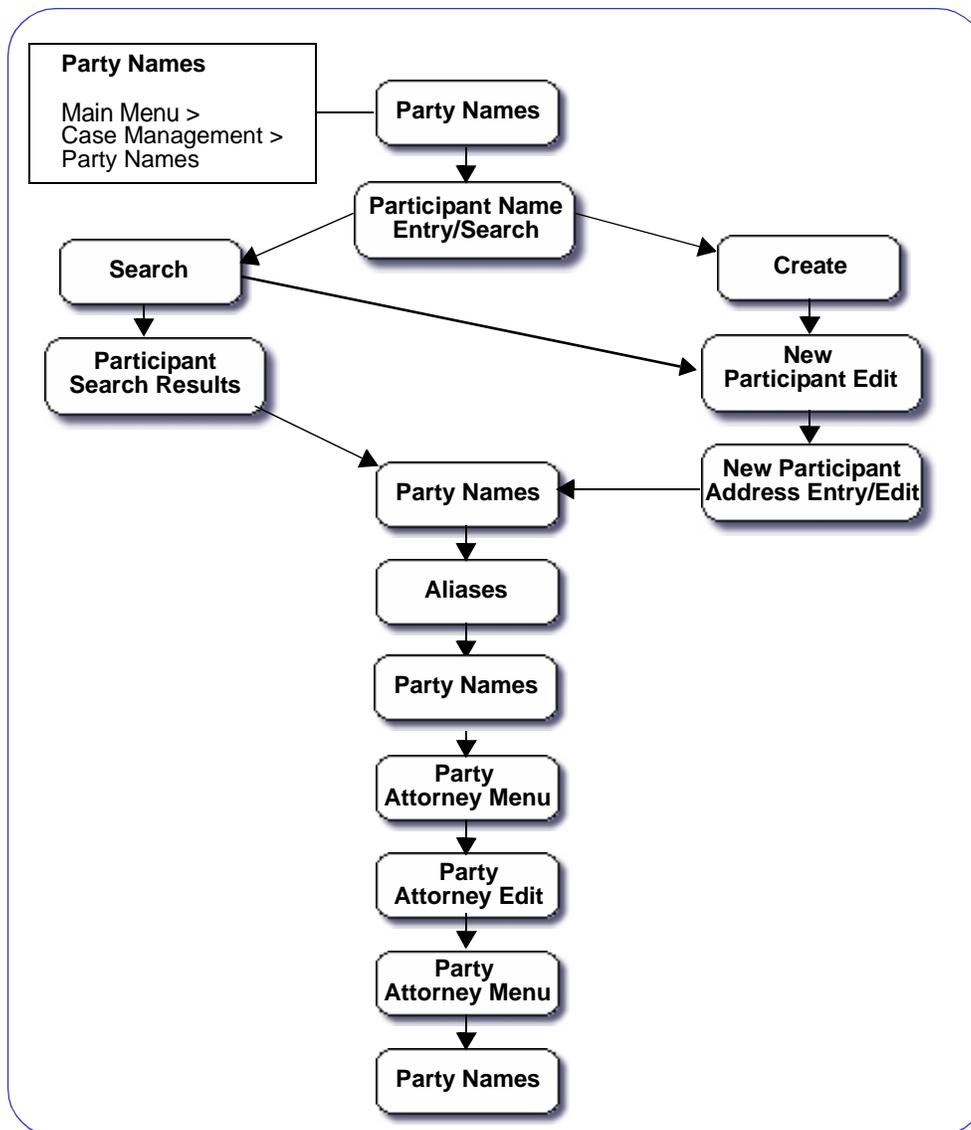
- No preliminary inquiry shall be conducted;
- The hearing on the petition shall be to the court without a jury;
- The petition shall be styled as a "Petition to Revoke Probation" and shall state the terms of probation alleged to have been violated and the factual basis for these allegations; and
- The petition may be filed any time prior to expiration of the period of probation.

# Chapter 3: Criminal Flowcharts

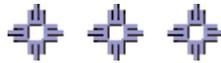
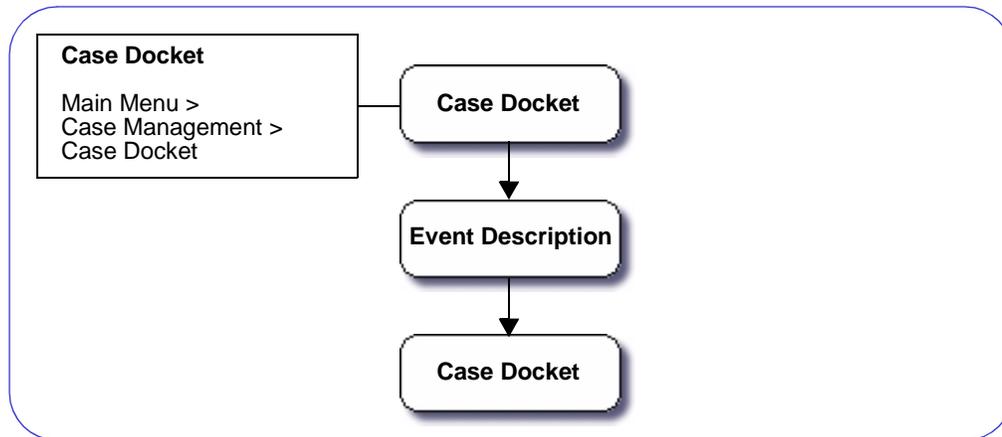
## Section 3-1: Case Initiation



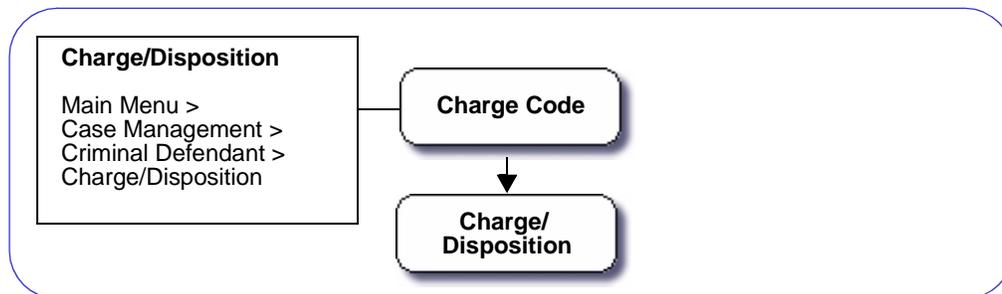
## Section 3-2: Attach Parties to Case



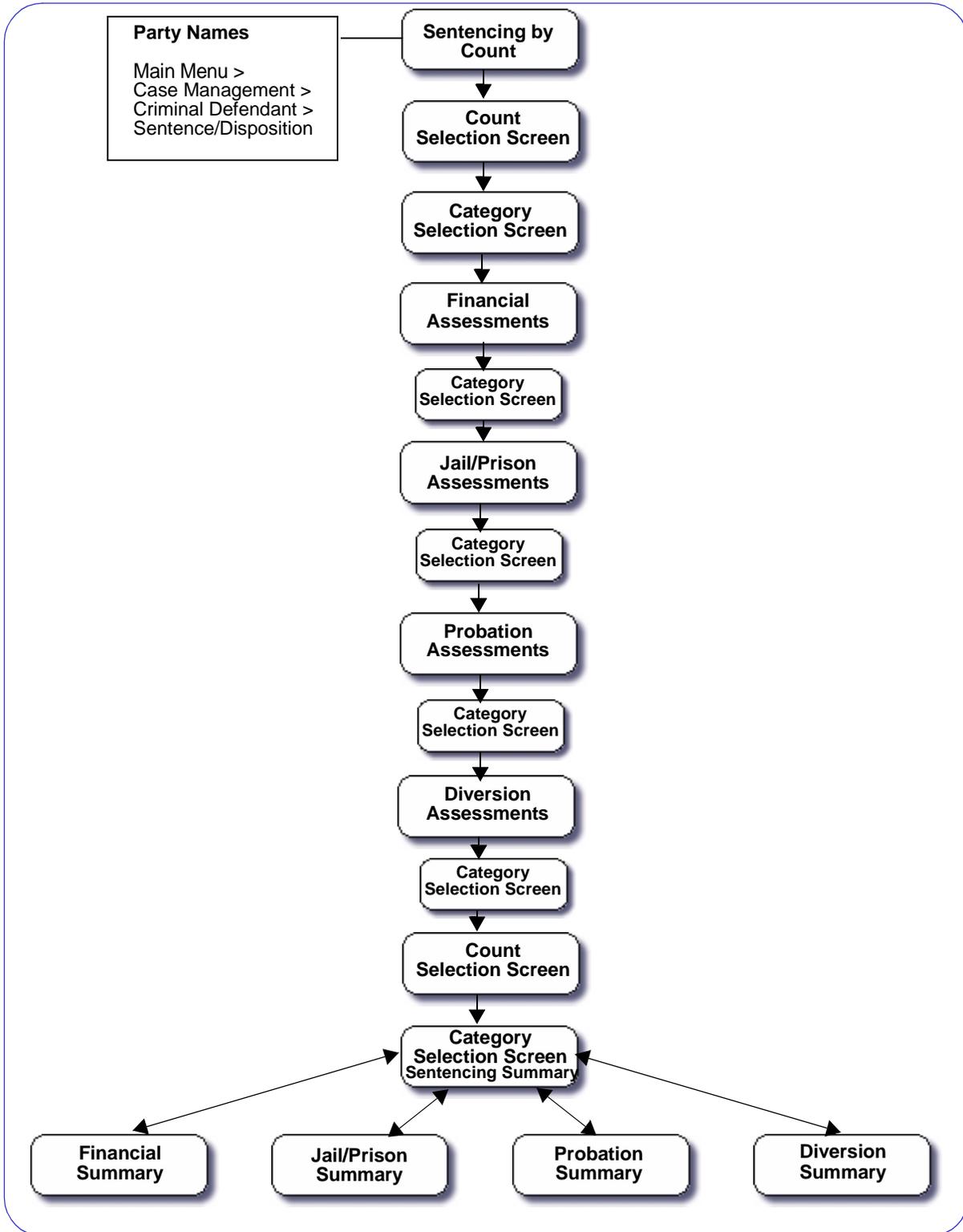
## Section 3-3: Docketing



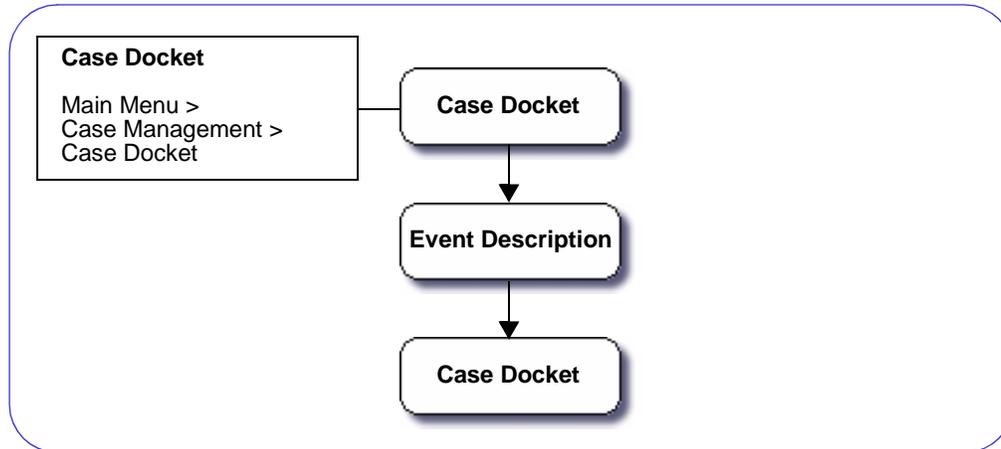
## Section 3-4: Entering/Closing Charges



## Section 3-5: Sentencing



## Section 3-6: Docketing Closing Event



## Chapter 4: Juvenile FACTS™ Procedures

### Section 4-1: Case Initiation/Reopen

Initiating a new case **WITHOUT** a filing fee.

- **MAIN MENU** >
- **CASE MANAGEMENT** >
- **CASE MASTER.** The Case Master screen will appear. (FIGURE: 4-1.1)

Figure 4-1.1: Case Master

FIELD NAME	INSTRUCTIONS
<b>Case Number:</b>	Enter through to assign a new case number, or
<b>Court</b>	Enter D for District Court.
<b>Location</b>	Enter the four-digit court location code, for example, 0101, 0202.
<b>Category</b>	<ul style="list-style-type: none"> <li>• Enter case category, JR or YR (depending on the type of case you are opening).</li> <li>• Press <b>ENTER</b>.</li> </ul>
<b>Number</b>	<ul style="list-style-type: none"> <li>• FACTS™ will ask: "Do you want to enter a new Case?"</li> <li>• Press <b>ENTER</b> or</li> <li>• Click on <b>YES</b> to indicate that you want to add a new case.</li> </ul>

FIELD NAME	INSTRUCTIONS (CONTINUED)
<b>Case Status:</b> (Default PN for Pending)	<ul style="list-style-type: none"> <li>Press <b>ENTER</b> or</li> <li>Press <b>F1</b> for a lookup table.</li> </ul>
<b>Status Date:</b>	<ul style="list-style-type: none"> <li>Press <b>ENTER</b> or</li> <li>Delete and enter appropriate date</li> </ul>
<b>Type of Filing</b> (Default N for New)	<ul style="list-style-type: none"> <li>Press <b>ENTER</b> or</li> <li>Press <b>F1</b> for a lookup table.</li> </ul>
<b>Filing Date:</b> (Default to current date)	<ul style="list-style-type: none"> <li>Press <b>ENTER</b> or</li> <li>Delete and enter appropriate date.</li> </ul>
<b>Title</b>	<ul style="list-style-type: none"> <li>Enter Case Title from Petition per in-house procedure and</li> <li>Press <b>ENTER</b>.</li> </ul>
<b>Case Type</b>	Enter Case Type from the list below.

JUVENILE DELINQUENT CODES	
<b>JDG</b>	Juvenile Drug Offenses
<b>JDW</b>	Juvenile DWI Offenses
<b>JGF</b>	Juvenile Graffiti Offenses
<b>JGM</b>	Juvenile Guardian of a Minor
<b>JHO</b>	Juvenile Homicide
<b>JVH</b>	Juvenile Vehicular Homicide
<b>JMS</b>	Juvenile Miscellaneous
<b>JMV</b>	Juvenile Motor Vehicle Offenses
<b>JPE</b>	Juvenile Crimes Against the Person
<b>JPS</b>	Juvenile Crimes Against Public Safety
<b>JSX</b>	Juvenile Sex Offenses
<b>JPP</b>	Juvenile Crimes Against Property

YOUTHFUL OFFENDER CODES	
<b>YDG</b>	Youthful Offender Drug Offenses
<b>YDW</b>	Youthful Offender DWI Offenses
<b>YHO</b>	Youthful Offender Homicide
<b>YVH</b>	Youthful Offender Vehicular Homicide
<b>YMS</b>	Youthful Offender Miscellaneous

YOUTHFUL OFFENDER CODES	
YPE	Youthful Offender Crimes Against the Person
YPS	Youthful Offender Crimes Against Public Safety
YSX	Youthful Offender Sex Offenses
YPP	Youthful Offender Crimes Against Property


**CAUTION | JR CASES PUBLIC RECORD**

Do not seal JR cases, they are public record.

**Save Button**

- Tab past the Alt. Case Ref field.
- Click **SAVE** button.
- The system will generate new case number and assign a judge;
- Screen prompt will show case number and judge assignment; press **ENTER** key to save data.
- A message box will appear that states data has been saved.
- Press **ENTER** or click **OK**. This action will take the user to the Party Names screen.
- Press the **ESC** (escape) key to return to the Case Master screen.





<b>Party Date</b>	<ul style="list-style-type: none"> <li>• <b>ENTER</b> through or delete and type correct date.</li> <li>• Press <b>ENTER</b>.</li> </ul>
<b>Participant ID:</b>	<ul style="list-style-type: none"> <li>• In this field, the user can enter a Participant ID number and tab.</li> <li>• If the user does not have a Participant ID Number for the participant, press <b>ENTER</b> and the Party Name / Entry screen will pop-up. (FIGURE: 4-2.2)</li> </ul>

Figure 4-2.2: Party Name Entry / Search

<b>Person?</b>	<ul style="list-style-type: none"> <li>• Enter <b>Y</b>, if the Participant is a person</li> <li>• Enter <b>N</b>, if the Participant is a governmental entity</li> </ul>
<b>Date of Birth:</b>	Optional
<b>Search Button</b>	<ul style="list-style-type: none"> <li>• Search first, if there is a chance that this participant is already in the database, click on this button to search.</li> <li>• A message box may appear that states: "There are participant(s) on the system who match your criteria. Would you like to choose among them?" Click on the <b>YES</b> button.</li> </ul>

## Track 1

Participant Name	P	Part. ID	SSN	DL Number	STATE TRACKING
SMITH JO JO B	Y	32157	999887777		

Figure 4-2.3: Participant Search Results

## Search Results

- Highlight the appropriate participant with the arrow keys.
- Press **ENTER** to select the matching participant.
- If search result is negative, FACTS™ defaults to the New Participant Edit screen. (FIGURE: 4-2.4)

## Track 2

Figure 4-2.4: New Participant Edit

**CAUTION | POPULATED DATA**

- Please note that the data you entered on the Participant Name / Entry Search screen will appear on this screen in the appropriate fields and does not need to be reentered.
- You may **ENTER** through the fields already populated (filled-in).

<b>Person:</b>	<ul style="list-style-type: none"> <li>• Enter <b>Y</b>, if the Participant is a person.</li> <li>• Enter <b>N</b>, if the Participant is a governmental entity.</li> </ul>
<b>Last:</b>	Enter the <b>person's last name</b> .
<b>First</b>	Enter the <b>person's first name</b> .
<b>Middle:</b>	Enter the <b>person's middle name or initial</b> .
<b>Suffix:</b>	This field supports the entry of suffixes such as: JR, SR, III, MD, PHD, etc.
<b>DOB:</b>	Enter date of birth.

<b>Sex:</b>	Enter <b>F</b> for <b>female</b> or <b>M</b> for <b>male</b> , if the data is available.
<b>SSN:</b>	Enter the <b>participant's social security number</b> , if the data is available.
<b>Drivers License No.:</b>	<b>OPTIONAL:</b> If you have a driver's license number, enter data.

Figure 4-2.5: New Participant Edit

<b>STATE TRACKING NUMBER</b>	
<b>DEFENDANT ID: # (AFIS)</b>	
<b>STATE ID # (SID)</b>	
<b>FBI NUMBER</b>	
<b>DA SEQUENCE NUMBER</b>	
<b>Correspondence Address Type:</b>	<ul style="list-style-type: none"> <li>• Enter appropriate Correspondence Address Type from the list below or</li> <li>• Press <b>F1</b> for a lookup table.</li> <li>• This field indicates the address where notices are sent.</li> </ul>

CODE	DESCRIPTION		
<b>AG</b>	Attorney Address	<b>HO</b>	Home Address
<b>BU</b>	Business Address	<b>PT</b>	Party Address
<b>EM</b>	Employer Address	<b>RL</b>	Relative's Address

<b>Delivery Method:</b>	
<b>Edit Button</b>	<ul style="list-style-type: none"> <li>Click on the <b>EDIT</b> button to type address information.</li> <li>The New Participant Address Entry / Edit will pop-up. (FIGURE: 4-2.6)</li> </ul>



**CAUTION | CURRENT ADDRESS**

Please note the information indicated under Current Address is where notices get mailed.

Figure 4-2.6: New Participant Address Entry / Edit

<b>Restricted:</b>	Enter Y for yes, or N for no.
<b>Line 1:/Line 2:</b>	Enter the Participant's street address.
<b>City:</b>	Enter the Participant's city.
<b>State:</b>	Enter the Participant's state.
<b>Zip Code:</b>	Enter the Participant's zip code.
<b>Business Phone:</b>	Enter the Participant's business phone, if available.

<b>Current From:</b>	
<b>Entry Date:</b>	
<b>Continue Button</b>	<ul style="list-style-type: none"> <li>• <b>ENTER</b> through remaining fields, and click on <b>CONTINUE</b> button.</li> <li>• FACTS™ returns to the New Participant Edit screen.</li> <li>• Click on the <b>CONTINUE</b> button.</li> <li>• FACTS™ returns to the Party Names screen. (FIGURE: 4-2.7)</li> </ul>

The screenshot shows a software window titled "Party Names". At the top, it displays "Case Number: D 0202 JR 0009800123 STATE US. SMITH JO JO". Below this, "Party Type/No.:" is "CH 1" and "Party Status/Date:" is "04-26-2001". The "Participant ID:" field is highlighted in blue and contains "SMITH JO JO B" with an "Edit" button next to it. The form is divided into sections: "Person?" with a checked "Y" box; "Last Name:" "SMITH", "First:" "JO JO", "Middle:" "B", and "Suffix:"; "Full Name:" "SMITH JO JO B"; "Birth Date:" "02-28-1987", "JUVENILE" (checked), "Juvenile?" "Y", "SSN:" "99988777"; "Height:" "Feet" and "Inches" fields, "Sex:", "Weight:" "Lbs"; "Origin:", "Eye:", "Hair:", "State:"; "Ending Date:", "Driver License:", "Date of Death:", "Filing Address:" "PT 1", "Alias Name?" "N" with an "Edit" button, "Attorney?" "Y" with an "Edit" button, and "Military?".

Figure 4-2.7: Party Names

<b>Participant ID:</b>	<ul style="list-style-type: none"> <li>• Tab twice.</li> <li>• As a result of the tabbing, FACTS™ will fill in the name and information fields.</li> <li>• Enter through these fields or fill in the information if available.</li> </ul>
<b>Alias Name? Edit Button</b>	<ul style="list-style-type: none"> <li>• If answer is no, then tab past this button,</li> <li>• If answer is yes, then press <b>ENTER</b> or click the button and the Party Aliases screen will pop-up. (FIGURE: 4-2.8)</li> </ul>

Figure 4-2.8: Party Aliases

	Press <b>F2</b> key to add a new <b>alias</b> .
<b>Doing Business As?</b>	The field is not used in JR/YR cases.
<b>Last Name:</b>	Enter the <b>alias last name</b>
<b>First Name:</b>	Enter the <b>alias first name</b> .
<b>Middle Name:</b>	Enter the <b>alias middle name</b> if there is one.
<b>Suffix:</b>	Enter the <b>alias suffix</b> if there is one.
<b>Full:</b>	If the alias is a person, this field will populate automatically.
<b>Birth Date:</b>	Enter the <b>alias birth date</b> if one exists.
<b>SSN:</b>	Enter the <b>alias social security number</b> if one exists.
<b>Driver's License No.:</b>	Enter the <b>alias driver's license number</b> if one exists.
<b>State:</b>	Enter the <b>state</b> of the alias driver's license number.
<b>Alias Type</b>	Enter the appropriate code from the following table.

CODE	TYPE	DESCRIPTION
A	AKA	Also known as
F	FKA	Formerly known as
N	NKA	Now known as
O	OBO	On behalf of
X	Ex Rel	Ex relatione

**DEFINITION(S) |****ex rel (ex relatione)**

By or on the information of; refers to information or action taken that is not based on first-hand experience but is based on the statement or account of another person. For example, a criminal charge "ex rel" simply means that the attorney general of a state is prosecuting on the basis of a statement of a person other than the attorney general himself (or herself.) For example, State ex rel CYFD.

Doing Business As?  N Last Name: SMITH

First: JODY Middle: Suffix:

Full: SMITH JODY

Birth Date: -- SSN:

Driver License No.: State:

Alias Type: A A.K.A.

Save Aliases Done Editing

Figure 4-2.9: Party Aliases

<b>Done Editing Button</b>	<ul style="list-style-type: none"> <li>Click on the <b>DONE EDITING</b> button when you have entered <b>ALL</b> the data for that alias.</li> <li>Verify that the data entered on the grid is correct.</li> <li>Press <b>F2</b> to enter another alias.</li> </ul>
<b>Save Alias Button</b>	<ul style="list-style-type: none"> <li>Click the <b>SAVE ALIASES</b> button to save the data.</li> <li>You will return to the Party Names screen. <b>(FIGURE: 4-2.10)</b></li> </ul>

Alias Name?  N       6 Attorney?  Y       Military?

In Custody?       Security Required?       Interpreter:

Restricted?  Y

     This is a new party

Figure 4-2.10: Party Names

<b>Alias Name? Edit Button</b>	Tab past this button
<b>Attorney? Edit Button</b>	<ul style="list-style-type: none"> <li>To <b>add</b> an attorney for this party, click this button.</li> <li>The Party Attorney Menu screen will pop-up. (FIGURE: 4-2.11)</li> </ul>

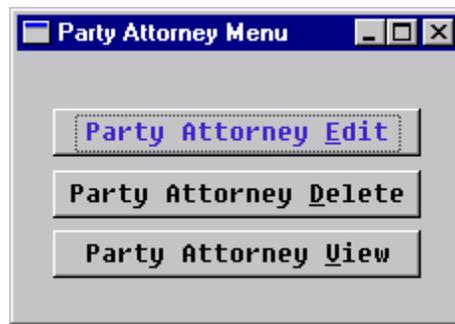


Figure 4-2.11: Party Attorney Menu

<b>Party Attorney Edit</b>	<ul style="list-style-type: none"> <li>Click this button to enter a party attorney.</li> <li>The Party Attorney Edit screen will then pop-up. (FIGURE: 4-2.12)</li> </ul>
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**Party Attorney Edit**

Case Data

Case Number: **D 0202 JR 0009800123 STATE US. SMITH JO JO**

Party Type: **CH**

Party Number: **1 SMITH JO JO B**

Attorney Data

Attorney Code: **73157** **DOMINIC E DUTTON**

Attorney Type: **PA PRIVATE ATTORNEY**

Attorney Status:

Attorney Inactive (Y/N)? **N** Party/Attorney Status Date: **04-26-2001**

Contact Attorney (Y/N)? **Y**

This is a new case

Figure 4-2.12: Party Attorney Edit

Case Number	You <b>MUST ENTER</b> through this field.
Party Type	You <b>MUST ENTER</b> through this field.
Party Number	You <b>MUST ENTER</b> through this field.
Attorney Code	<ul style="list-style-type: none"> <li>Enter <b>attorney code</b>.</li> <li>Press <b>F1</b> for the <b>attorney names and codes</b>.</li> </ul>

**Attorney Select**

Attorney Starting Code:

Name to Search For: **DOM**

Attorney Code	Name	Bin No.
58001	PETE V. DOMENICI	
<b>73157</b>	<b>DOMINIC E DUTTON</b>	<b>021099</b>

Figure 4-2.13: Attorney Select

**TIP** | FASTER SEARCHING

- Tab through the **ATTORNEY STARTING CODE** field.
- Type the attorney's last name in the **NAME TO SEARCH FOR:** field and press **ENTER**.
- Highlight the appropriate attorney with the arrow keys and press **ENTER**.

Attorney Code:

Attorney Type:

Figure 4-2.14: Party Attorney Edit 2

**Attorney Type:**

- Enter the appropriate code from the following list of choices:
- **PD** is the code for public defender.
- **PA** is the code for private attorney.

ATTORNEY TYPES	
AC	Accounting
CA	Contract Attorney
CC	Court Clinician
CO	County Attorney
CS	Special Assistant AG
CY	City Attorney
DA	District Attorney
MH	Mental Health Professional
PA	Private Attorney
PD	Public Defender
PS	Psychologist
SP	Special Prosecutor

Attorney Inactive (Y/N)?	<input type="text" value="N"/>	Party/Attorney Status Date:	<input type="text" value="04-26-2001"/>
Contact Attorney (Y/N)?	<input type="text" value="Y"/>		

This is a new case

Figure 4-2.15: Party Attorney Edit

<b>Attorney Inactive (Y/N)?</b>	<b>ONLY</b> enter Y, if when attorney becomes an inactive member of the bar.
<b>Party/Attorney Status Date:</b>	
<b>Contact Attorney(N)?</b>	<ul style="list-style-type: none"> <li>Enter <b>Y</b> if notices are to be sent to this attorney or</li> <li><b>N</b> if nothing is to be sent to this attorney.</li> </ul>
<b>Press Enter Key</b>	<ul style="list-style-type: none"> <li>Press <b>ENTER</b>, while cursor is in the Contact Attorney field to save the data on this screen.</li> <li>A Message box will pop-up that says: "GOOD JOB. DATA SAVED."</li> </ul>
<b>Enter Other Attorneys</b>	<ul style="list-style-type: none"> <li>To enter another attorney, press the <b>ESC</b> key once to be taken to the top of the screen.</li> </ul>
<b>Go Back to Party Names Screen</b>	<ul style="list-style-type: none"> <li>To exit the Attorney Names screen, press the <b>ESC</b> key twice.</li> <li>You will return to the Party Attorney Menu screen.</li> <li>To close this screen, press the <b>ESC</b> key or click on the "X" in the upper right-hand corner.</li> <li>You will return to the Party Names screen. <a href="#">(FIGURE: 4-2.16)</a></li> </ul>

**CAUTION | ESCAPE (ESC) KEY**

- Do not press the **ESC** key four times in a row from the Party Attorney Edit screen.
- You will lose the data you entered on the Party Names screen.

Alias Name? <input type="checkbox"/> N	<input type="button" value="Edit"/>	Attorney? <input type="checkbox"/> Y	<input type="button" value="Edit"/>	Military? <input type="checkbox"/>
In Custody? <input type="checkbox"/>	Security Required? <input type="checkbox"/>	Interpreter: <input type="text"/>	<input type="text"/>	
	Restricted? <input type="checkbox"/> Y	<input type="button" value="Save"/>		This is a new party

Figure 4-2.16: Party Names

<b>Attorney Edit? Button</b>	Tab past this button to continue.
<b>Restricted?</b>	Leave blank.
<b>Save Button</b>	Tab to <b>SAVE</b> button and click button.



## Section 4-3: Entering Charges for Juvenile Delinquent Cases

- If you are in the Case Docket screen, press **F2** or
- **MAIN MENU >**
- **CASE MANAGEMENT >**
- **CRIMINAL DEFENDANT MENU >**
- **CHARGE/DISPOSITION** or (FIGURE: 4-3.1)
- **SCREENS >**
- **CASE MANAGEMENT >**
- **CRIMINAL DEFENDANT >**
- **CHARGE/DISPOSITION.**

Figure 4-3.1: Charge Disposition

FIELD NAMES	INSTRUCTIONS
<b>Case Number:</b> (Default-last case number you worked in)	Enter the data as follows if you start a new session or enter data from a different case.
<b>Court</b>	Enter D for District Court.
<b>Location</b>	Enter the four-digit court location code, for example, 0101, 0202.
<b>Category</b>	Enter category, JR or YR.

FIELD NAMES	INSTRUCTIONS
<b>Number</b>	Enter case number.
<b>Party</b> (Default-current date)	<ul style="list-style-type: none"> <li>• Enter CH 1 for a JR case or D 1 for a YR case.</li> <li>• Press <b>ENTER</b>.</li> <li>• Upon entry of CH 1, data will populate the Participant ID, Party Status, and Status Date fields and advance the cursor to the Party Status field.</li> <li>• A message will pop up that says, “<b>NO Defendant Record for Party ‘CH 1’ found! Create Record (Y/N)?</b>”</li> <li>• Default is yes, press <b>ENTER</b> or click on <b>YES</b>.</li> <li>• Cursor will return to Party Status field.</li> </ul>
<b>Party Status</b>	<ul style="list-style-type: none"> <li>• FACTS™ will populate this field</li> <li>• Press <b>ENTER</b> to advance to the next field.</li> </ul>
<b>Status Date</b> (Default-current date)	<ul style="list-style-type: none"> <li>• Press <b>ENTER</b> or</li> <li>• delete and type in the correct date.</li> </ul>
<b>Officer</b>	Enter data if you have it.
<b>(LEA) Agency</b>	
<b>Count</b>	<ul style="list-style-type: none"> <li>• Each count is assigned a number. Sometimes a count will have alternatives or lesser included charges as part of that count.</li> <li>• These carry the same count number but receive different sequence numbers (refer to the sequence section below).</li> <li>• The system will default to the next count number.</li> <li>• If this is correct, press <b>ENTER</b> or if a charge has alternatives or lesser included charges, (more than one sequence) delete the defaulted number and enter the appropriate charge number.</li> <li>• Press <b>ENTER</b>.</li> </ul>
<b>Sequence</b>	<ul style="list-style-type: none"> <li>• This field allows the entry of alternative and lesser included charges.</li> <li>• When appropriate, the user can enter many charges as needed on each count.</li> <li>• The system will assign the sequence number based on the count field described above.</li> <li>• Press <b>ENTER</b>.</li> </ul>

FIELD NAMES	INSTRUCTIONS
<b>Charge:</b>	<ul style="list-style-type: none"> <li>Enter the statute number that the defendant is accused of breaking.</li> <li>If the statute number given does not exist in the FACTS™ charge table, press F1.</li> <li>A look-up table will pop-up.</li> </ul>

Charge Starting Code:	To	Starting Date:	To	Keyword to Search For:
		- -	- -	GRAF

Charge Code	Charge Description	From	To
30-15-1.1	UNAUTH GRAFFITI ON PROP	01-01-1875	12-31-2050
30-15-1.1(B)	UNAUTHORIZED GRAFFITI LT 1000	01-01-1875	12-31-2050
30-15-1.1(C)	UNAUTHORIZED GRAFFITI MT 1000	01-01-1875	12-31-2050
30-15-1.1(C) A	ATMPT COMMIT GRAFFITI MT 1000	01-01-1875	12-31-2050

Figure 4-3.2: Charge Code

FACTS™ provides three search criteria.

- Charge Starting Code,
- Starting Date, and
- Keyword to Search For

<b>Charge Starting Code:</b>	<ul style="list-style-type: none"> <li>FACTS™ provides three search criteria.</li> <li>You may enter a range of statute numbers.</li> <li>Make your choice on the statute number listed on the petition.</li> </ul>
<b>Starting Date</b>	<ul style="list-style-type: none"> <li>This option refers to the date the statute went into effect.</li> <li>Enter through these fields.</li> </ul>
<b>Keyword to Search For:</b>	Enter a keyword(s) which describes the crime, for example, "GRAFFITI" and the all the charges that have the word "GRAFFITI" in their description field will pop-up. (FIGURE: 4-3.2)



#### CAUTION | KEYWORD SEARCH

- Sometimes a word may be misspelled in the charge description table.
- Try partial spellings of a word. (FIGURE: 4-3.2)

**Selecting**

- The options for selecting are available on the status bar.
- Press **ENTER** to select.

Charge / Disposition

Case Number: D 0202 JR 0009800123 STATE US. SMITH JO JO

Party: CH 001 SMITH JO JO B Participant ID: 32158

Party Status: Status Date: 04-26-2001

Officer:

(LEA) Agency:

Citation Entry?  N

Cn	Sq	Charge	Date	End Date	Description	T	I/F	CHN	R	Class	CT
1	1	30-15-1.1(	08-20-2001	08-20-2001	UNAUTHORIZED GRAFFITI LT 1000					PH	

Offense Location: Count 1

This is a new case or party

Related Cases

Figure 4-3.3: Charge / Disposition

<b>Date</b>	<ul style="list-style-type: none"> <li>• Enter the offense date of the petition or grand jury indictment.</li> <li>• Press <b>ENTER</b>.</li> </ul>
<b>End Date</b> (Default-current date)	<ul style="list-style-type: none"> <li>• Enter an End Date if you have one, or</li> <li>• Delete current date and press <b>ENTER</b>.</li> </ul>
<b>Description</b>	FACTS™ will populate this field using the description of the charge that is found in the charge table.
<b>T.(Text)</b>	
<b>I/F (Initial/Final)</b>	<ul style="list-style-type: none"> <li>• Enter an "I" (for initial) on each count and press <b>ENTER</b>.</li> <li>• Final counts will not be designated at time of indictment.</li> <li>• It is likely that the case will be plead and the final counts will be determined as part of the plea.</li> </ul>
<b>CHN (Count Amended/New)</b>	

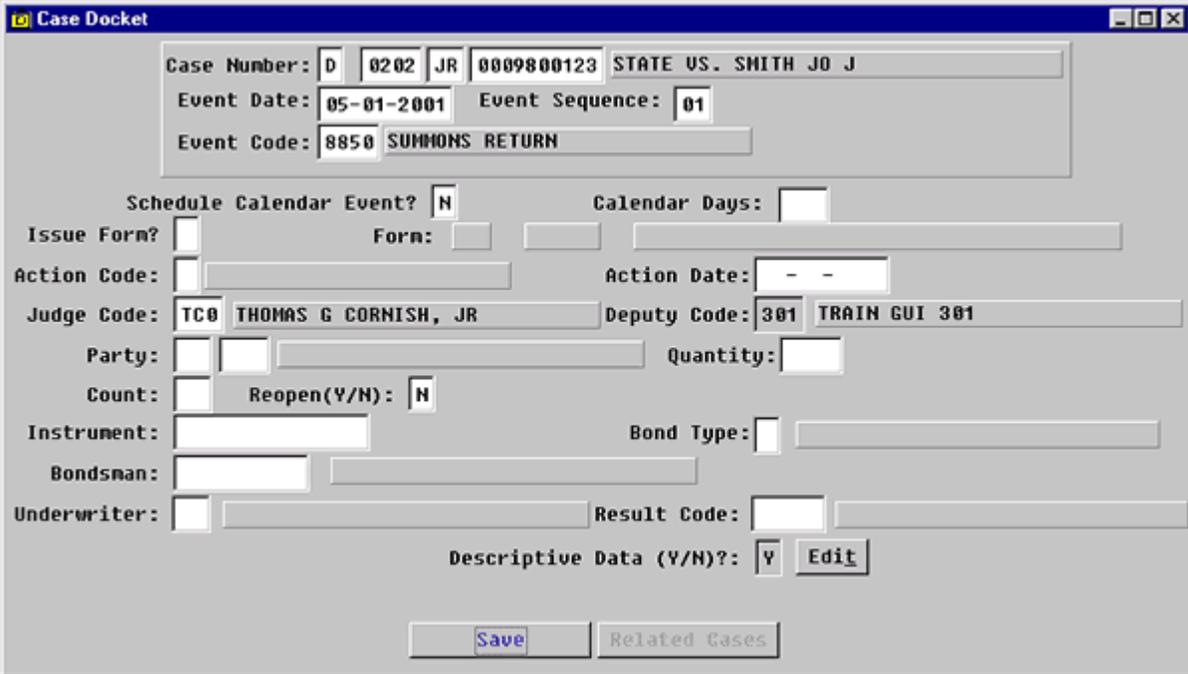
Reduction Flag	
<b>Class</b>	<ul style="list-style-type: none"><li>• FACTS™ will populate this field if there is an entry in the charge table; however, some charges can be more than one class depending upon the circumstances of the crime.</li><li>• The class designation for these charges can be manually entered if it is clear in the petition or grand jury indictment what class the charge is, otherwise enter through this field.</li><li>• Press <b>ENTER</b>.</li></ul>
<b>Additional Charges</b>	<ul style="list-style-type: none"><li>• If there are additional charges, then enter through the remaining fields to get back to the Count field column.</li></ul>
<b>Saving</b>	<ul style="list-style-type: none"><li>• If there is no more data to enter, press <b>CTRL T</b> to save.</li></ul>



## Section 4-4: Docketing of Juvenile Delinquent Cases

Use the Case Docket screen to record events that occur in a case. These events record the progression of a case.

- **MAIN MENU** >
- **CASE MANAGEMENT** >
- **CASE DOCKET.** The Case Docket screen will appear. (FIGURE: 4-4.1) or
- Click on the **CASE DOCKET** button  on the toolbar at the top of the screen.



The screenshot shows the 'Case Docket' window with the following fields and values:

- Case Number: D 0202 JR 0009800123 STATE US. SMITH JO J
- Event Date: 05-01-2001 Event Sequence: 01
- Event Code: 8850 SUMMONS RETURN
- Schedule Calendar Event?  N Calendar Days:
- Issue Form?  Form:
- Action Code:  Action Date: -- --
- Judge Code: TC0 THOMAS G CORNISH, JR Deputy Code: 301 TRAIN GUI 301
- Party:  Quantity:
- Count:  Reopen(Y/N):  N
- Instrument:  Bond Type:
- Bondsman:
- Underwriter:  Result Code:
- Descriptive Data (Y/N)?  Y
- 

Figure 4-4.1: Case Docket

FIELD NAMES	INSTRUCTIONS
<b>Case Number:</b> (Default-last case number you worked in)	Enter the data as follows if you start a new session or enter data from a different case.
<b>Court</b>	Enter D for District Court.
<b>Location</b>	Enter the four-digit court location code, for example, 0101, 0202.
<b>Category</b>	Enter category, JR or YR.
<b>Number</b>	Enter case number.
<b>Event Date</b> (Default-current date)	Enter file stamp date.

FIELD NAMES	INSTRUCTIONS
<b>Event Sequence</b>	<ul style="list-style-type: none"> <li>This field will default to the next sequence number or</li> <li>Press <b>F1</b> for a list that has already been entered.</li> </ul>
<b>Event Code</b>	Enter appropriate event code.
<b>Schedule Calendar Event?</b>	
<b>Calendar Days:</b>	
<b>Issue Form:</b>	
<b>Action Code:</b>	FACTS™ will input a default value based on the event code you entered.
<b>Action Date:</b>	
<b>Judge Code:</b>	<ul style="list-style-type: none"> <li>Judge will default.</li> <li>Delete if another judge presided over the event, and</li> <li>Enter correct judge.</li> </ul>
<b>Deputy Code:</b> (Default-User login)	
<b>Party</b>	<ul style="list-style-type: none"> <li>Enter Party type and number if event is party specific, such as, a warrant.</li> <li>Press <b>ENTER</b> button.</li> </ul>
<b>Enter through other Fields</b>	
<b>Descriptive Data:</b>	<ul style="list-style-type: none"> <li>Click on the <b>EDIT</b> button.</li> <li>The Event Description screen will pop-up. (<a href="#">FIGURE: 4-4.2</a>)</li> </ul>

The screenshot shows a window titled "Event Description" with a "Case Details" section containing the following fields:

- Case Number: D 0202 JR 0009800123
- Event Date: 08-20-2001
- Event Seq: 01
- Event Code: 8850
- Standard Description Code: (empty)

Below the case details is a "Comments" section with a text area containing the text: "JO JO SMITH; 04-29-2001; BY PERSONAL SERVICE".

Figure 4-4.2: Event Description



**CAUTION** | THE TEXT DOES NOT WRAP TO THE NEXT LINE. PRESS ENTER TO GO TO THE NEXT LINE.

	<ul style="list-style-type: none"> <li>• <b>ENTER</b> until you reach the comments field and type in descriptive text.</li> <li>• Press <b>CTRL T</b> to save.</li> <li>• Press <b>ENTER</b> or click <b>OK</b> to exit out.</li> </ul>
--	---

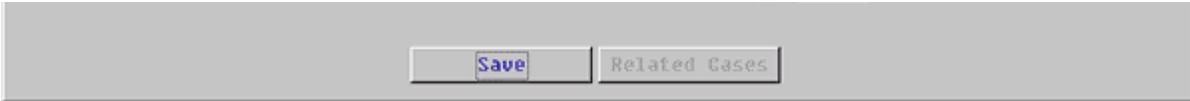


Figure 4-4.3: Case Docket

<b>Save Button</b>	<ul style="list-style-type: none"> <li>• Tab to <b>SAVE</b> button. (FIGURE: 4-4.3)</li> <li>• Click button or press <b>ENTER</b>.</li> </ul>
<b>Message Box</b>	<ul style="list-style-type: none"> <li>• Click <b>OK</b> or press <b>ENTER</b> button to get the message box to disappear.</li> </ul>

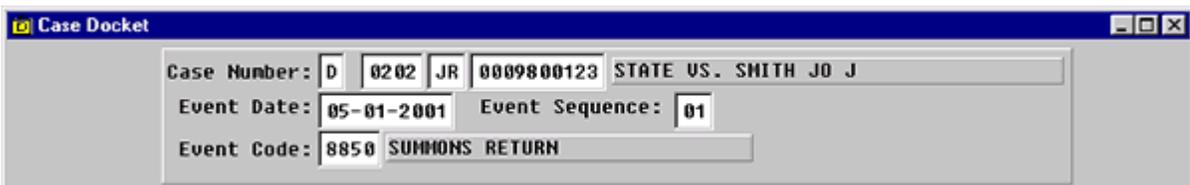


Figure 4-4.4: Case Docket

<b>Event Date:</b>	<ul style="list-style-type: none"> <li>• The cursor will return to the event date field. (FIGURE: 4-4.4)</li> <li>• Shift tab to case number to docket another event or</li> <li>• Shift tab twice to docket to another case or</li> <li>• Click on the “X” in the upper right-hand corner to exit the screen.</li> </ul>
--------------------	---



## Section 4-5: (Optional) Closing the Charge Disposition Screen

- MAIN MENU >
- CASE MANAGEMENT >
- CRIMINAL DEFENDANT MENU >
- CHARGE/DISPOSITION, or (FIGURE: 4-5.1)

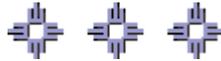
- SCREENS >
- CASE MANAGEMENT >
- CRIMINAL DEFENDANT >
- CHARGE/DISPOSITION.

The screenshot shows a software window titled "Charge / Disposition". At the top, there are several fields for case information: Case Number (D 0202 JR 0009800123 STATE US. SMITH JO JO), Party (CH 001 SMITH JO JO B), Participant ID (32158), Party Status (C CLOSED), Status Date (10-16-2001), Officer (empty), and (LEA) Agency (empty). Below these is a "Citation Entry?" field with the value "N". A table with columns Cn, Sq, Charge, Date, End Date, Description, T, I/F, CHN, R, Class, and CT is displayed. The first row contains: 1, 1, 30-15-1.1(, 04-26-2001, -, UNAUTHORIZED GRAFFITI LT 1000, N, F, empty, empty, PH, empty. At the bottom, there is an "Offense Location: Count 1" field, a timestamp "Updated 08/20/2001 By train1 At 13:32", and a "Related Cases" button.

Figure 4-5.1: Charge/Disposition

FIELD NAMES	INSTRUCTIONS
<b>Case Number:</b> (Default-last case number you worked in)	Enter the data as follows if you start a new session or enter data from a different case.
<b>Court</b>	Enter D for District Court.
<b>Location</b>	Enter the four-digit court location code, for example, 0101, 0202.
<b>Category</b>	Enter category, JR or YR.
<b>Number</b>	Enter case number.

FIELD NAMES	INSTRUCTIONS
<b>Party</b>	<ul style="list-style-type: none"> <li>• Enter the party type (CH for juvenile cases and D for Youthful offender cases) and press <b>ENTER</b> if needed.</li> <li>• Then enter the party number (usually-"1") and press <b>ENTER</b>.</li> <li>• FACTS™ will populate the screen with the name of the party.</li> </ul>
<b>I/F Column</b>	<ul style="list-style-type: none"> <li>• <b>ENTER</b> through to the I/F column and enter an F (Final) for each charge that the judge has sentenced.</li> </ul>
<b>Saving</b>	<ul style="list-style-type: none"> <li>• Press <b>CTRL T</b> to save</li> <li>• One or several boxes will pop-up in succession.</li> <li>• Press <b>ENTER</b> or click on <b>OK</b> for each box.</li> <li>• Please note the box that says that the data has been saved.</li> </ul>
<b>Close the Screen</b>	<ul style="list-style-type: none"> <li>• Close this screen by pressing the <b>ESC</b> button or by clicking on the "X" in the right-hand corner.</li> </ul>



## Section 4-6: Juvenile Sentencing

- FACTS™ may return you to the Criminal Defendant menu.
- Click on the **SENTENCING/DISPOSITION** button.
- The **Sentencing by Count** screen will pop-up (FIGURE: 4-6.1), or **SENTENCE/DISPOSITION** or
- Go to the **SCREENS MENU** >
- **CASE MANAGEMENT** >
- **CRIMINAL DEFENDANT** >
- **SENTENCE/DISPOSITION.**

**Sentencing by Count**

Case Number: **D 0202 JR 0009800128 STATE US. SMITH JO JO**

Party Type: **CH** Party Number: **01** SMITH JO JO B

Participant ID: 32157

Party Status: **C** CLOSED Status Date: 10-17-2001

Case Judge Code: TC0 THOMAS G CORNISH, JR Docket Date: 10-17-2001

Count	Seq	Charge	Sentence	Description	Date
1	1	30-15-1.1	<b>B</b>	PROBATION	10-17-2001

Updated 10/17/2001 By train1 At 10:21

Related Cases

Figure 4-6.1: Sentencing by Count

**Case Number.**  
(Default-case no. entered in Charge/Disposition Screen)

- Either enter through or
- Change it to the appropriate case number.

**Sentencing by Count**

Case Number: **D** **0202** **JR** **0009800128** **STATE US. SMITH JO JO**

Party Type: **CH** Party Number: **01** **SMITH JO JO B**

Participant ID: **32157**

Party Status: **C** **CLOSED** Status Date: **10-17-2001**

Case Judge Code: **TC0 THOMAS G CORNISH, JR** Docket Date: **10-17-2001**

Count	Seq	Charge	Sentence	Description	Date
1	1	30-15-1.1	<b>B</b>	PROBATION	10-17-2001

Updated 10/17/2001 By train1 At 10:21

[Related Cases](#)

Figure 4-6.2: Sentencing by Count

<b>Party Type and Number:</b>	<ul style="list-style-type: none"> <li>Enter the party type (CH for juvenile cases and D for Youthful offender cases) and press <b>ENTER</b> if needed.</li> <li>Then enter the party number and press <b>ENTER</b>.</li> <li>FACTS™ will populate the screen with the party name.</li> <li>Include only charges that you marked “F” for final on the <b>Charge/Disposition</b> screen.</li> </ul>
<b>Party Status:</b>	Change the party status to “C” for closed and <b>ENTER</b> .
<b>Status Date:</b>	Enter the date of the sentencing hearing from the <b>Judgment and Disposition or Judgment and Sentence (J &amp; D or J &amp; S)</b> and <b>ENTER</b> .
<b>Docket Date:</b>	Enter the file stamp date from the J & D or J & S and <b>ENTER</b> .

**Sentence.**

- Enter only the most **SEVERE** part of the sentence as shown in the table below.
- Press **F1** to view a complete list of sentencing codes.
- Enter the one-letter sentence code and **ENTER**.

**SENTENCE CODES BY SEVERITY**

<b>R</b>	Prison (most severe)
<b>J</b>	Jail
<b>P</b>	Suspended
<b>T</b>	Deferred
<b>B</b>	Probation
<b>F</b>	Fines
<b>E</b>	Fees
<b>S</b>	Restitution
<b>C</b>	Community Service
<b>O</b>	Other (least severe)

**Description.****(Default-description of plea code)****Date.**

Enter the date of the sentencing hearing from the Judgment and Disposition (J & D) or Judgment and Sentence (J & S).

**Sentence End Date.****Jdg.  
(Default-assigned judge  
3-character judge code)**

- Either **ENTER** through or
- Delete and enter the 3-character judge code of the judge who presided over the Sentencing Hearing and **ENTER**.

**Plea.**

If the J & D or J & S resulted from a plea, then enter the type of plea from the following list and **ENTER**.

<b>A</b>	Admission
<b>C</b>	No Contest
<b>G</b>	Guilty
<b>NG</b>	Not Guilty Plea

<b>Description.</b> (Default-description of plea code)	
<b>Date.</b>	Enter the plea date and press <b>ENTER</b> .
<b>Disp.</b>	<ul style="list-style-type: none"> <li>• Enter the disposition code for this charge pursuant to data standards procedures and press <b>ENTER</b>.</li> <li>• Press <b>F1</b> for a lookup table.</li> </ul>


**CAUTION | COMPATIBLE EVENT CODES**

Verify that the Disposition Code, Sentencing Code and Closing Event are compatible.

<b>Description.</b> (Default-description of disposition code)	
<b>Date.</b>	<ul style="list-style-type: none"> <li>• Enter the file stamp date of the J &amp; S or J &amp; D and <b>ENTER</b>.</li> <li>• You have entered all of the data for the first charge</li> <li>• The cursor will be in the sentence field.</li> <li>• Enter sentencing data for each charge that the defendant was adjudicated guilty.</li> <li>• After completing data entry, press <b>CTRL T</b> to save.</li> </ul>
<b>Saved Data Message Box</b>	<ul style="list-style-type: none"> <li>• A box will appear verifying that the data has been saved.</li> <li>• Press <b>ENTER</b> or click on <b>OK</b>.</li> <li>• The <b>Count Selection</b> screen will pop-up. (FIGURE: 4-6.3)</li> </ul>

Count	Seq	Charge	Charge Description	Class	Fin\$	Driv	Jail	Prob	Divr
1	1	30-15-1.1	UNAUTH GRAFFITI ON PROP	N	Y		Y	Y	Y

Summary

Figure 4-6.3: Count Selection Screen

- Highlight the charge on the **Count Selection** screen for the data you will input and press **ENTER**.
- The **Category Selection** screen will pop-up. (FIGURE: 4-6.4)

Category Selection Screen

Count: 1  
 Charge: 30-15-1.1  
 Desc: UNAUTH GRAFFITI ON PROP

Financial  
 Driving  
 Jail/Prison  
 Probation  
 Diversion  
 Close

Figure 4-6.4: Category Selection Screen

- Use the **Category Selection** screen to go to the **Sentencing** screen for the current charge.
- Press **ENTER** or click on the Financial button to go to the **Financial Assessments** screen. (FIGURE: 4-6.8)

- Answer **NO** to the questions on the following three screens:
- **Search for prior charge (Y/N)?** (FIGURE: 4-6.5)
- **Proof of correction (Y/N)?** (FIGURE: 4-6.6)
- **Is the fine amount current (Y/N)?** (FIGURE: 4-6.7)
- New Mexico does not use these functions.

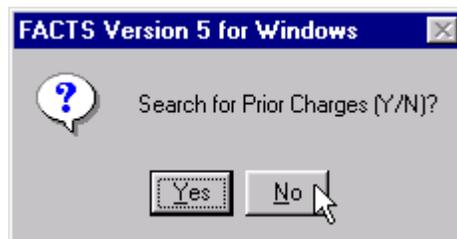


Figure 4-6.5: Prior Charges

<b>Search for Prior Charge (Y/N)?</b> (FIGURE: 4-6.5)	Click on No.
---	--------------

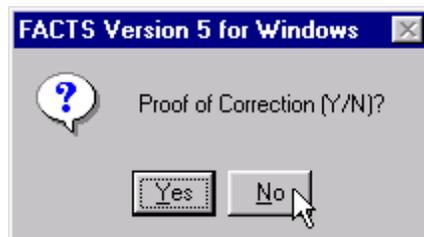


Figure 4-6.6: Proof of Correction

<b>Proof of Correction (Y/N)?</b> (FIGURE: 4-6.6)	Click on No.
---	--------------

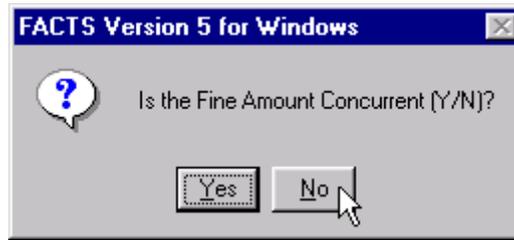


Figure 4-6.7: Fine Amount

**Is the Fine Amount  
Current (Y/N)?**  
(FIGURE: 4-6.7)

Click on No.



### CAUTION | MANDATORY FINES AND FEES

- If the charge has mandatory fines or fees attached to it, FACTS™ will populate the **Financial Assessments** screen. (FIGURE: 4-6.8)
- If the fine and/or fee is not assessed on the J & S, delete the default data and zero it out.
- Otherwise, the financial assessments will not reconcile.

Cd	Obligation	Amount	C	w	S	Sup. Amount	I	AR	Hours	Days
FN	FINE	\$0.00	N			-				
AF	AUTOMATION FEE	\$10.00	N			-				
CF	CORRECTION FEE	\$10.00	N			-				
JE	JUDICIAL EDUC. FEE	\$1.00	N			-				
FF	MAG FACILITIES FEE	\$10.00	N			-				
		-				-				
		-				-				
		-				-				

Figure 4-6.8: Financial Assessments

**Cd (Code)**

- Delete **FN** from **Cd** field on the **Financial Assessments** screen and use one of the following codes.

**CAUTION | F1 LOOKUP KEY**

In this instance, using the **F1** key will result in **ALL** the receivable types for the judiciary, not just the sentencing codes.

<b>AF</b>	Automation Fee	<b>DA</b>	DNA Identification
<b>BI</b>	Brain Injury Fund	<b>DL</b>	DWI Lab Fee
<b>BW</b>	Bench Warrant Fee	<b>DP</b>	DWI Prevention Fee
<b>CC</b>	Criminal Court Costs	<b>FN</b>	Fine
<b>CF</b>	Correction Fee		

<b>Obligation.</b> <b>Default-description of code.</b>	
<b>Amount.</b>	Enter the amount of the obligation in dollars and cents.
<b>C (Concurrent Amount).</b>	<ul style="list-style-type: none"> <li>To flag a receivable as Non-Collectible, enter an R in the C. column.</li> <li>When the user enters an R in the C column, FACTS™ will designate that receivable as non-collectible.</li> <li>The receivable will write to the Register of Actions (ROA) and show in the Financial Sentencing Summary, but the receivable will not pull up in Automatic Allocation Receipting.</li> <li>The receivables will post the same as receivables flagged concurrent are posted, with the exception of the event description.</li> <li>The event description of the receivable written to the ROA will have the words “Non-Collectible” added after the rest of the standard description.</li> </ul>
<b>Waive this obligation</b>	New Mexico does not use this function.
<b>S (Suspended?).</b>	If the judge has suspended all or a portion of the obligation, enter <b>Y</b> for yes; otherwise, enter <b>N</b> for no.
<b>Sup. Amount.</b>	If a <b>Y</b> was entered in the S field, enter the amount that has been suspended in this column or enter through this field.

(In Lieu Of).	New Mexico does not use this function.
AR.	
Hours.	
Days.	
Saving.	<ul style="list-style-type: none"> <li>• After entering all the financial obligations, press <b>CTRL T</b> to save.</li> <li>• A box will appear containing a message verifying that the data has been saved.</li> <li>• Press <b>ENTER</b> or click <b>OK</b> to close the <b>Financial Assessments</b> screen and return to the <b>Category Selection</b> screen, (FIGURE: 4-6.9)</li> </ul>

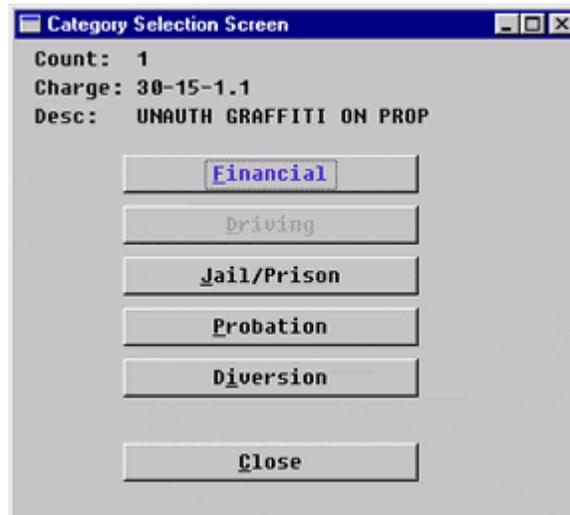


Figure 4-6.9: Category Selection Screen



Figure 4-6.10: Jail/Prison Button

Jail/Prison	<p>If the J &amp; D or J &amp; S includes jail or prison time, click on the <b>JAIL/PRISON</b> button and the <b>Jail/Prison Assessments</b> screen will pop-up. (FIGURE: 4-6.11)</p>
-------------	---

**Jail/Prison Assessments**

Charge: 30-15-1.1 UNAUTH GRAFFITI ON PROP Class: H

Obligation: JP More

Obligation: JP JAIL PRISON

Jail		Sentenced			Credit			Served							
Agency	Agency Name	C	L	Yr.	Mo.	Day	Yr.	Mo.	Day	Yr.	Mo.	Day	C	S	I

Figure 4-6.11: Jail/Prison Assessments

<b>Agency.</b>	<ul style="list-style-type: none"> <li>In the <b>Jail/Prison Assessments</b> screen, enter the code of the jail or prison to which the defendant is to be sent.</li> <li>Press the <b>F1</b> key for a lookup table.</li> </ul>
<b>Agency Name.</b> (Default - agency name of agency code).	
<b>C. (Confinement Code).</b>	Enter <b>J</b> for jail or <b>P</b> for prison.
<b>L. (Life Sentence?).</b>	Enter <b>Y</b> for yes and <b>N</b> for no.
<b>Sentenced Yr. (Year).</b>	If the jail/prison time is expressed in years, enter that number here.
<b>Sentenced Mo.</b>	If the jail/prison time is expressed in months, enter that number here.
<b>Sentenced Day.</b>	If the jail/prison time is expressed in days, enter that number here.
<b>Jail or Prison Time Suspended</b>	If part of the jail/prison time has been suspended and the suspended time is expressed in years, months or days, enter that number in the appropriate field(s) below:
<b>Credit Yr.</b>	If applicable, enter the number of years that the sentence was suspended.
<b>Credit Mo.</b>	If applicable, enter the number of years that the sentence was suspended.

<b>Credit Days.</b>	If applicable, enter the number of years that the sentence was suspended.
<b>Served Yr.</b>	
<b>Served Mo.</b>	
<b>Served Days.</b>	Enter the presentence confinement credit in this field because presentence confinement is only expressed in days.


**CAUTION | C. (CONCURRENT) FIELD**

**DO NOT** enter **Y** in the **C.** (Concurrent) field for the charge with the greatest amount of jail/prison time; otherwise, FACTS™ incorrectly calculates the sentencing.

<b>C. (Concurrent).</b>	Is this sentence concurrent to the jail/prison sentence corresponding to another charge. Enter <b>Y</b> for yes or <b>N</b> for no.
<b>S.(Suspended).</b>	<b>ONLY</b> if the entire sentence has been suspended, enter <b>Y</b> for yes.
<b>I. (In Lieu of).</b>	New Mexico does not use this function.



Figure 4-6.12: Category Selection Screen

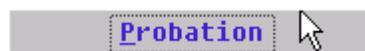


Figure 4-6.13: Probation

	<ul style="list-style-type: none"> <li>• If the J &amp; D or J &amp; S includes jail or prison time, click on the <b>PROBATION</b> button.</li> <li>• The <b>Probation Assessments</b> screen will pop-up. (FIGURE: 4-6.14)</li> </ul>
--	--

Charge: 38-15-1.1 UNAUTH GRAFFITI ON PROP Class: M

Obligation: PR

Obligation: PR PROBATION

Agency	Probation Agency Name	T	L	Sentence			Served			CR	Own
				Yr	Mo	Day	Yr	Mo	Day		
PPJUV	JUVENILE PROBATION AND PAROLE	S		0	6	0	0	0	0		

More Obligations

Figure 4-6.14: Probation Assessments

Fill out the **Probation Assessments** screen in the following manner:

**Obligation.**

Default (Default - PR for probation).

**Agency.**

Enter PPJUV for Juvenile Probation and Parole

**Probation Agency Name.**

(Default - Agency name of agency code).

**T. (Type of Probation).**

- Enter **I** for intensive,
- **S** for supervised, or
- **U** for unsupervised.

**L. (Life)**

**Sentence Yr.**

If applicable, enter the number of years here.

**Sentence Mo.**

If applicable, enter the number of months here.

**Sentence Day.**

If applicable, enter the number of days here.



**CAUTION | PRE-SENTENCE CONFINEMENT**

- If the sentence contains probation and no jail/prison time then credit for presentence confinement is recorded in the **Served Day** field.
- Presentence confinement credit is usually given in days; thus, you may never use the Served Yr. and Served Mo. fields.

Served Yr.	
Served Mo.	
Served Day.	When the sentence does not include jail/prison time, enter the amount of presentence credit given in days.
C. (Concurrent).	<ul style="list-style-type: none"> <li>Is this sentence concurrent to the probation sentence corresponding to another charge.</li> <li>Enter <b>Y</b> for yes or <b>N</b> for no.</li> </ul>



**CAUTION | C. (CONCURRENT) FIELD**

**DO NOT** enter **Y** in the **C. (Concurrent)** field for the charge with the greatest amount of jail/prison time; otherwise, FACTS™ incorrectly calculates the sentencing.

Own R. (Recognizance).	<ul style="list-style-type: none"> <li>Answer <b>Y</b> for yes when the defendant is given parole with no parole officer assigned.</li> </ul>
Saving.	<ul style="list-style-type: none"> <li>After entering all the probation obligations, press <b>CTRL T</b> to save.</li> <li>At the message box verifying that the data has been saved, press <b>ENTER</b> or click <b>OK</b>.</li> <li>Close the <b>Probation Assessments</b> screen by pressing the <b>ESC</b> key or by clicking the “<b>X</b>” in the upper right-hand corner of the screen.</li> <li>You will return to the <b>Category Selection</b> screen. (FIGURE: 4-6.15)</li> </ul>



Figure 4-6.15: Category Selection Screen

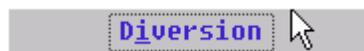


Figure 4-6.16: Diversion Button

- If the J & D or J & S includes Community Service time then click on the **DIVERSION** button.
- The **Diversion Assessments** screen will pop-up. (FIGURE: 4-6.17)

Diversion		Sentence Served Offset		
Agency	Agency Name	Hours	Hours	I
CS001	COMMUNITY SERVICE AGENCY	120	0	1

Figure 4-6.17: Diversion Assessments

<b>Obligation.</b>	<ul style="list-style-type: none"> <li>• Fill out the <b>Diversion Assessments</b> screen in the following manner:</li> <li>• This field defaults to “DV” for Diversion.</li> </ul>
<b>Agency.</b>	Enter CS 001 for Community Service.
<b>Agency Name.</b> (Default Agency name form agency code).	
<b>Sentence Hours.</b>	Enter the number of hours of community service in the defendant’s sentence.
<b>Served Hours.</b>	When it is reported to the court, enter the number of community service hours the defendant has fulfilled.
<b>Offset I. (In Lieu Of).</b>	Not used

**Saving**

- After entering all the diversion obligations, press **CTRL T** to save.
- At the message box verifying that the data has been saved, press **ENTER** or click **OK**.
- Close the **Diversion Assessments** screen by pressing the **ESC** key or by clicking the “**X**” in the upper right-hand corner of the screen.
- You will return to the **Category Selection** screen. (FIGURE: 4-6.18)



Figure 4-6.18: Category Selection Screen

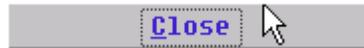


Figure 4-6.19: Close Button

**Close Button**

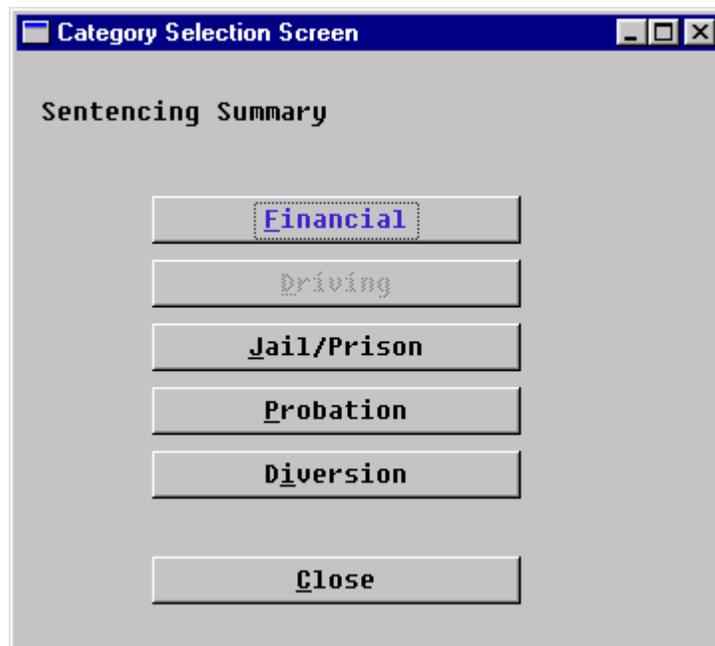
- Click the **CLOSE** button to exit the **Category Selection** screen.
  - If there is more than one charge, select the next charge and repeat the sentencing process described until you have addressed all the charges.
- 
- After addressing all the charges, summarize the sentence.
  - To began the summarization process click on the summary button on the count selection screen. (FIGURE: 4-6.20)
  - The Sentence Summary box of the **Category Selection** screen will pop-up. (FIGURE: 4-6.21)



Count	Seq	Charge
1	1	30-15-1.1

Summary

Figure 4-6.20: Summary Button on Count Selection Screen



Category Selection Screen

Sentencing Summary

Financial

Driving

Jail/Prison

Probation

Diversion

Close

Figure 4-6.21: Sentencing Summary on Category Selection Screen


**CAUTION | SAVING SUMMARY DATA**

- You **MUST** enter **CTRL T** to save the data in each of the summary screens.
- At the message box verifying that the data has been saved, press **ENTER** or click **OK**.
- FACTS™ will close the summary screen and return the user to the **Sentencing Summary-Category Selection** screen.
- Please note that the directions differ slightly for the **Probation Summary** and **Diversion Summary** screens.

- To summarize the sentencing, select each of the categories that make up the Defendant's sentence by clicking on that button.
- Begin with the **FINANCIAL** button.
- After you click the **FINANCIAL** button, the **Financial Summary** screen will pop-up.  
(FIGURE: 4-6.23)



Figure 4-6.22: Financial Button

Obligations		One Time Only Payment					
Code	Description	Total Amount	Due Date	I	AR	Total Hours	Total Days
AF	AUTOMATION FEE	\$10.00	- -				
CF	CORRECTION FEE	\$10.00	- -				
FF	MAG FACILITIES FEE	\$10.00	- -				
JE	JUDICIAL EDUC. FEE	\$1.00	- -				
FN	FINE	\$0.00	- -				
		-	- -				
		-	- -				
		-	- -				
<b>Totals:</b>		<b>\$31.00</b>					

Figure 4-6.23: Financial Summary


**CAUTION | FINANCIAL SUMMARY**

- Verify that data is correct.
- Correcting data at a later time is more complicated than checking data now.

<b>Saving</b>	<ul style="list-style-type: none"> <li>• The <b>Financial Summary</b> screen will contain all the financial assessments that you have entered for this case.</li> <li>• A total will appear at the bottom of the screen.</li> <li>• Save the data by pressing <b>CTRL T</b> and then press <b>ENTER</b> or click <b>OK</b> on the message box that indicates the data has been saved.</li> </ul>
	<ul style="list-style-type: none"> <li>• At the <b>Sentence Summary</b> screen, click the <b>JAIL/PRISON</b> button. The <b>Jail/Prison Summary</b> screen will pop-up.</li> </ul>



Figure 4-6.24: Jail/Prison Button

	<ul style="list-style-type: none"> <li>• The <b>Jail/Prison Summary</b> screen will contain the total of the jail/prison assessments that you have entered for this case.</li> </ul>
	<ul style="list-style-type: none"> <li>• If the J &amp; D or J &amp; S indicates a date that the defendant is to report to the jail/prison, enter that date in the due date column.</li> </ul>


**CAUTION | JAIL/PRISON SUMMARY**

- Verify that data is correct.
- Correcting data at a later time is more complicated than checking data now.

<b>Saving</b>	<ul style="list-style-type: none"> <li>Save the data by pressing <b>CTRL T</b> and then press <b>ENTER</b> or click <b>OK</b> on the message box that indicates the data has been saved.</li> <li>FACTS™ will return the user to the <b>Sentence Summary</b> screen.</li> </ul>
	<ul style="list-style-type: none"> <li>At the <b>Sentence Summary</b> screen, click the <b>PROBATION</b> button. (FIGURE: 4-6.25) The <b>Probation Summary</b> screen will pop-up. (FIGURE: 4-6.26)</li> </ul>

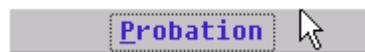


Figure 4-6.25: Probation Button

Probation		Sentence								
Code	Agency Name	J	L	Year	Mth	Day	C	Commence	End	Due Date
PPJUV	JUVENILE PROBATION AND PAROLE			0	6	0		- -	- -	- -
								- -	- -	- -
								- -	- -	- -
								- -	- -	- -
Totals:				0	6	0				

Figure 4-6.26: Probation Summary

<b>Obligation. (Default-PR Probation)</b>	<ul style="list-style-type: none"> <li>The <b>Probation Summary</b> screen will display the total probation time the defendant has been sentenced to in this case.</li> </ul>
<b>Probation Officer.</b>	New Mexico does not use this function.
<b>J. (Jurisdiction Code).</b>	New Mexico does not use this function.
<b>C. (Probation Conditions).</b>	New Mexico does not use this function.


**CAUTION | PROBATION SUMMARY**

- Verify that data is correct.
- Correcting data at a later time is more complicated than checking data now.

**Saving**

- Save the data by pressing **CTRL T** and then press **ENTER** or click **OK** on the message box that indicates the data has been saved.
- Close the **Probation Summary** screen by pressing the **ESC** key or by clicking the “**X**” in the upper right-hand corner of the screen.
- **FACTS™** will return you to the **Sentence Summary** screen.

Figure 4-6.27: Diversion Button

- Next click the **DIVERSION** button. (FIGURE: 4-6.27)
- The **Diversion Summary** screen will pop-up. (FIGURE: 4-6.28)

Code	Agency Name	Hours	Commence	End	Due Date
CS001	COMMUNITY SERVICE AGENCY	120	--	--	--
<b>Totals:</b>		<b>120</b>			

Figure 4-6.28: Diversion Summary

	<ul style="list-style-type: none"> <li>The <b>Diversion Summary</b> screen will contain the total of the Community Service hours that have been assessed to the defendant in this case.</li> <li>The total will appear at the bottom of the screen.</li> <li>In this example, the defendant has been sentenced to 120 hours of community service.</li> </ul>
<b>Obligation</b>	<ul style="list-style-type: none"> <li>This field will default to DV for Diversion.</li> <li>Enter through this field.</li> </ul>

	<p><b>CAUTION   DIVERSION SUMMARY</b></p> <ul style="list-style-type: none"> <li>Verify that data is correct.</li> <li>Correcting data at a later time is more complicated than checking data now.</li> </ul>
---	---

<b>Saving</b>	<ul style="list-style-type: none"> <li>Save the data by pressing <b>CTRL T</b> and then press <b>ENTER</b> or click <b>OK</b> on the message box that indicates the data has been saved.</li> <li>Close the <b>Diversion Summary</b> screen by pressing the <b>ESC</b> key or by clicking the “<b>X</b>” in the upper right-hand corner of the screen.</li> <li>FACTS™ will return you to the <b>Sentence Summary</b> screen.</li> </ul>
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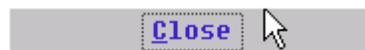


Figure 4-6.29: Close Button

	<ul style="list-style-type: none"> <li>Exit the <b>Sentencing Summary-Category Selection</b> screen by clicking on the <b>CLOSE</b> button.</li> <li>The user is now returned to the <b>Count Selection</b> screen.</li> </ul>
--	--

	<ul style="list-style-type: none"> <li>Exit the <b>Count Selection</b> screen by clicking on the “X” in the upper right-hand corner or by pressing the <b>ESC</b> key.</li> <li>FACTS™ returns the user to the <b>Sentencing by Count</b> screen.</li> </ul>
	<ul style="list-style-type: none"> <li>Exit the <b>Sentencing by Count</b> screen by clicking on the “X” in the upper right-hand corner or by pressing the <b>ESC</b> key.</li> <li>FACTS™ returns the user to the <b>Criminal Defendant Menu</b> screen.</li> </ul>
	<ul style="list-style-type: none"> <li>Exit the <b>Criminal Defendant Menu</b> screen by clicking on the “X” in the upper right-hand corner or by pressing the <b>ESC</b> key.</li> <li>The user is now returned to the <b>Case Management Menu</b> screen</li> </ul>

Figure 4-6.30: Case Docket

	<ul style="list-style-type: none"> <li>On the <b>Case Management Menu</b> screen, click on the <b>CASE DOCKET</b> button or click on the <b>DOCKET</b> button on the toolbar. <b>(FIGURE: 4-6.30)</b></li> <li>The <b>Case Docket</b> screen will pop-up.</li> </ul>
<b>Case Number.</b>	<ul style="list-style-type: none"> <li>Fill in the <b>Case Docket</b> screen as follows:</li> <li>Enter the appropriate case number.</li> </ul>
<b>Event Date.</b>	<ul style="list-style-type: none"> <li>Enter the date of the Judgment and Sentence</li> </ul>

<b>Event Sequence.</b>	<ul style="list-style-type: none"> <li>This number will default based on how many events have been entered on the event date.</li> </ul>
<b>Event Code.</b>	<ul style="list-style-type: none"> <li>Enter the closing code from the following table.</li> </ul>
<b>Action Code.</b>	
<b>Judge Code. (Default-Judge Assigned)</b>	<ul style="list-style-type: none"> <li>If a different judge sentenced the defendant, then delete the judge code and enter the code for the judge who sentenced the defendant.</li> </ul>
<b>Party.</b>	<ul style="list-style-type: none"> <li>Enter appropriate code (CH 1 for a JR case or D 1 for a YR case).</li> </ul>
<b>Count.</b>	
<b>Reopen? (Y/N).</b>	

The screenshot shows a window titled "Event Description". It contains a "Case Details" section with the following information:

- Case Number: D 0202 JR 0009800128
- Event Date: 10-17-2001
- Event Seq: 09
- Event Code: 3505
- CLS: CONSENT DECREE
- Standard Description Code: [Empty field]

Below the case details is a "Comments" section with a large text area for input.

Figure 4-6.31: Event Description

<b>Descriptive Data (Y/N)?</b>	<ul style="list-style-type: none"> <li>Click on the <b>EDIT</b> button or press <b>ENTER</b> and the <b>Event Description</b> screen will pop-up. (FIGURE: 4-6.31)</li> </ul>
<b>Result Code.</b>	
<b>Standard Description Code.</b>	<ul style="list-style-type: none"> <li>When appropriate, enter the standard description code for that event code (usually it is the same as the event code).</li> <li>Previously agreed upon text will appear in the Comments section of the screen.</li> <li>It may be edited or added to as needed.</li> </ul>



**CAUTION** | THE TEXT DOES NOT WRAP TO THE NEXT LINE. PRESS ENTER TO GO TO THE NEXT LINE.

<b>Comments</b>	<ul style="list-style-type: none"> <li>Type whatever is appropriate in this field.</li> </ul>
<b>Saving</b>	<ul style="list-style-type: none"> <li>This text must be saved by pressing <b>CTRL T</b> and then pressing <b>ENTER</b> or click <b>OK</b> on the box that pops up indicating that the data has been saved.</li> <li>Close the <b>Event Description</b> screen by pressing the <b>ESC</b> key or by clicking the “<b>X</b>” in the upper right-hand corner of the screen.</li> <li>FACTS™ returns the user to the <b>Case Docket</b> screen. (FIGURE: 4-6.32)</li> </ul>

The screenshot shows the 'Case Docket' window with the following data:

- Case Number: D 0202 JR 0009800128 STATE US. SMITH JO JO
- Event Date: 10-17-2001 Event Sequence: 09
- Event Code: 3505 CLS: CONSENT DECREE
- Schedule Calendar Event?:  N Calendar Days:
- Issue Form?  Form:
- Action Code:  Action Date: -- --
- Judge Code: TCB THOMAS G CORNISH, JR Deputy Code: 301 TRAIN GUI 301
- Party:  Quantity:
- Count:  Reopen(Y/N):  N
- Instrument:  Bond Type:
- Bondsman:
- Underwriter:  Result Code:
- Descriptive Data (Y/N)?  N
- Updated 10/17/2001 By train1 At 10:40
- 

Figure 4-6.32: Case Docket

<b>Saving</b>	<p>Click on the <b>SAVE</b> button at the bottom of the screen to save the data and then pressing <b>ENTER</b> or click <b>OK</b> on the message box that indicates that the data has been saved.</p>
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**CAUTION | OUTSTANDING RECEIVABLES**

- If there are outstanding receivables on the case (e.g. fines and/or fees) the case status will not be changed to closed and a message box indicating that will appear.
- Close this message box by pressing **ENTER** or clicking on **OK**.



# Addendum: Forms

## LOCAL RULES

- LOCAL RULES

## JUVENILE DELINQUENT FORMS

10-401	CERTIFICATE
10-402	NOTICE OF PENDENCY OF ACTION
10-403	SUMMONS
10-404	SUMMONS - DELINQUENCY PROCEEDING
10-404A.	SUMMONS - DELINQUENCY PROCEEDING
10-406	PETITION
10-407	NOTICE OF REQUIREMENT TO PAY ATTORNEY'S FEES FOR LEGAL REPRESENTATION OF THE ABOVE-NAMED CHILD
10-407.1	NOTICE OF WITHDRAWAL OF COUNSEL AND ORDER PERMITTING WITHDRAWAL
10-407.2	REQUEST TO WITHDRAW AS COUNSEL AND ORDER APPROVING SUBSTITUTION OF COUNSEL
10-407.3	NOTICE OF SUBSTITUTION OF COUNSEL FOR LEGAL REPRESENTATION OF _____
10-408.	ELIGIBILITY DETERMINATION FOR INDIGENT DEFENSE SERVICES
10-408A.	ORDER OF APPOINTMENT
10-409	AFFIDAVIT FOR ARREST WARRANT
10-410	ARREST WARRANT
10-411	AFFIDAVIT FOR SEARCH WARRANT
10-412	SEARCH WARRANT
10-413.	NOTICE OF DETENTION
10-414	DEMAND FOR RELEASE HEARING
10-415	MOTION FOR EXTENSION OF CONSENT DECREE
10-415A	DENIAL OF PETITION AND EXPLANATION OF RIGHTS
10-416	JUDGMENT AND DISPOSITION
10-417	NOTICE OF ENTRY OF JUDGMENT AND DISPOSITION
10-418	PETITION TO REVOKE PROBATION
10-422	JUDGMENT AND DISPOSITION

10-423	<a href="#">PLEA AND DISPOSITION AGREEMENT</a>
10-424	<a href="#">ADMISSION OR NO CONTEST ADVICE OF RIGHTS BY JUDGE</a>
10-425	<a href="#">CONSENT DECREE</a>
10-430	<a href="#">STATEMENT OF PROBABLE CAUSE</a>
10-431	<a href="#">PROBABLE CAUSE DETERMINATION</a>

## REFERENCE

- [FINDLAW LEGAL DICTIONARY](#)
- [MERRIAM-WEBSTER DICTIONARY](#)
- [WEBOPEDIA COMPUTER TERMS DICTIONARY](#)