

**10-502. Summons.**

[For use with Rule 10-103 NMRA]

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

STATE OF NEW MEXICO ex rel.  
CHILDREN, YOUTH AND FAMILIES DEPARTMENT

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

In the Matter of

\_\_\_\_\_, (a) Child(ren), and Concerning  
\_\_\_\_\_, Respondent(s).

**SUMMONS**

TO: \_\_\_\_\_, Respondent,

\_\_\_\_\_  
Address

**If you need help reading this document, you can call \_\_\_\_\_,  
and the court will appoint an interpreter for you at no charge.**

**Si usted necesita ayuda para leer este documento, puede llamar al \_\_\_\_\_,  
y el tribunal le nombrará un intérprete sin costo.**

YOU ARE SUMMONED to appear before this court. The petition served along with this summons alleges that you have neglected and/or abused the child(ren) named above in the caption. You may file a response to the abuse/neglect petition with the clerk of this court within thirty (30) days after the summons and petition are served upon you, with a copy of your response to the children's court attorney named below. Although a response is not required, the effect of failure to respond is a general denial. Any affirmative defense not set forth in a response may be deemed waived.

If you are a respondent, you have a right to be represented by an attorney in this proceeding. You may hire an attorney of your own choosing at your own expense. If you cannot afford an attorney, you may request the court to appoint an attorney to represent you. You must submit a completed affidavit of indigency to the court if you want the attorney to represent you without charge. Completion does not guarantee a free attorney and the judge will make the final decision on this.

The child(ren) will have an attorney or guardian *ad litem* appointed to represent him/her/them in this proceeding.

**THIS PROCEEDING MAY RESULT IN THE TERMINATION  
OF YOUR PARENTAL RIGHTS.**

(SEAL)

\_\_\_\_\_  
Clerk of the District Court

By \_\_\_\_\_  
Deputy

Dated: \_\_\_\_\_

Name and address of the Children's Court Attorney

\_\_\_\_\_  
\_\_\_\_\_

**RETURN OF SERVICE**

I, \_\_\_\_\_, certify that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served the within summons in said county on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by delivering a copy thereof, with a copy of the petition, affidavit for ex parte custody order, ex parte custody order, order appointing attorney for child(ren), order appointing attorney for respondent attached, in the following manner: **(check one box and fill in appropriate blanks)**

- [ ] by delivering the summons and petition to respondent \_\_\_\_\_  
(used when respondent receives copy of summons or refuses to receive summons).
- [ ] by delivering the summons and petition to \_\_\_\_\_,  
(a person of suitable age and discretion who resides at the usual place of abode of respondent \_\_\_\_\_).
- [ ] by delivering the summons and petition to \_\_\_\_\_,  
(custodial parent) (guardian) (custodian) (conservator) of \_\_\_\_\_  
(used when respondent is a minor or an incapacitated person).

Fees: \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (if any)

Children, Youth and Families Department

\_\_\_\_\_  
(Name of children's court attorney)

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

\_\_\_\_\_  
(Telephone number)

## USE NOTE

A copy of the summons and a copy of the petition must be served on each respondent.

[As amended, effective September 1, 1995; 10-403 recompiled and amended as 10-502 by Supreme Court Order No. 14-8300-009, effective for all cases filed or pending on or after December 31, 2014; as amended by Supreme Court Order No. 16-8300-017, effective for all cases pending or filed on or after December 31, 2016.]