

10-704. Summons to child - Delinquency Proceeding.

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

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

**SUMMONS TO CHILD
DELINQUENCY PROCEEDING¹**

TO: _____
Name of the respondent child

Address

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

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*).

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. You have the right to an attorney. If you cannot afford an attorney, the court will appoint an attorney to represent you at no charge.

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.

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

CERTIFICATE OF PROCESS SERVER²

(check one box and fill in appropriate blanks)

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 the State of New Mexico on the _____ day of _____, _____, by delivering a copy thereof, with a copy of petition attached, in the following manner.

(check one box and fill in appropriate blanks)

by delivering the summons and petition to the above-named child *(used when respondent receives copy of summons or refuses to receive summons)*.

by delivering the summons and petition to _____, (parent) (guardian) (custodian) (conservator) (guardian *ad litem* appointed in the delinquency proceeding³) of the above-named child.

by delivering the summons and petition to _____ (name of person), _____ (title of person who has legal authority over the child) *(used when the child is in the custody of a legal entity, including the Children, Youth and Families Department)*.

by delivering the summons and petition to _____ *(if another manner of service has been ordered by the court, set forth how served)*.

Signature of person making service

Title (*if any*)

USE NOTE

1. This form is to be used for service on a child alleged to have committed a delinquent act. A copy of the summons and petition must be served on the respondent child.

2. To be completed only if personal service is ordered by the court.

3. If the summons and petition is served on a guardian *ad litem*, it should only be served on the guardian *ad litem* who was appointed in the delinquency proceeding. It would be inappropriate to serve a guardian *ad litem* who may have been appointed for the child in another proceeding.

[As amended, effective September 1, 1995; 10-404 recompiled and amended as 10-704 by Supreme Court Order No. 16-8300-017, effective for all cases pending or filed on or after December 31, 2016.]