

**10-713. Advice of rights by judge.**

[For use with Rules 10-226 and 10-227 NMRA]

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

In the Matter of \_\_\_\_\_, a Child. No. \_\_\_\_\_

**ADVICE OF RIGHTS BY JUDGE (DELINQUENT OFFENDER)<sup>1</sup>**

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

**Judge’s  
Initial**

- |       |     |   |
|-------|-----|---|
| _____ | 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] [not contesting] [standing mute to] <sup>2</sup> the offenses alleged.              |
| _____ | (a) | the right to trial by jury, if any;   |
| _____ | (b) | the right to the assistance of an attorney at the adjudicatory stage 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; and   |
| _____ | (f) | the right to appeal the adjudication unless the child has reserved an issue for appeal.   |
| _____ | 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 admission of, not contesting, or standing mute to the charges may have an effect upon the child’s immigration or naturalization status and that the child has been advised by counsel of the immigration consequences.
- \_\_\_\_\_ 9. That under the circumstances, it is reasonable that the child admit, not contest, or stand mute to the charges alleged in the petition.

On the basis of these findings, I conclude that the child knowingly, voluntarily, and intelligently agrees to [admit] [plead no contest to] [stand mute to] the alleged delinquent acts as set forth and accepts the agreement. This advice of rights shall be filed in the record proper in the above-styled case.

\_\_\_\_\_  
Children’s Court Judge

\_\_\_\_\_  
Date

### **CERTIFICATE BY CHILD**

I certify that my attorney personally advised me of the matters noted above and that I understand the constitutional rights that I am giving up by admitting, not contesting, or standing mute to the allegations in the delinquency petition filed under this cause number.

\_\_\_\_\_  
Child

### **CERTIFICATE OF COUNSEL**

I have reviewed the above matters with my client and have explained the matters to my client in detail.

\_\_\_\_\_  
Defense counsel

### **USE NOTE**

1. This form shall be used with a plea agreement or a consent decree entered into by a delinquent offender.
2. Under NMSA 1978, Section 32A-2-22, when entering into a consent decree, a child is not required to admit some or all of the allegations stated in the delinquency petition.

[Approved, effective August 1, 1999; as amended by Supreme Court Order No. 10-8300-022,

effective August 30, 2010; 10-424 recompiled and amended as 10-713 by Supreme Court Order No. 16-8300-017, effective for all cases pending or filed on or after December 31, 2016.]