

9-809. Order of transfer to children’s court.

[For use in magistrate, metropolitan, and municipal courts]
[Section 32A-2-6 NMSA 1978]

STATE OF NEW MEXICO
[COUNTY OF _____]
[CITY OF _____]
_____ COURT

[STATE OF NEW MEXICO]
[COUNTY OF _____]
[CITY OF _____]

v. No. _____
_____, Defendant.

ORDER OF TRANSFER TO CHILDREN’S COURT¹

THIS MATTER having come before this Court, and this Court being otherwise fully advised, this Court FINDS:

1. Based on the allegations in the complaint or citation, the above-named defendant was a child under the age of eighteen (18) at the time the crime(s) charged [is] [are] alleged to have been committed; and
2. One or more of the charges against the defendant are for “delinquent acts” as defined in Section 32A-2-3(A) NMSA 1978 of the Children’s Code.

IT IS THEREFORE ORDERED that, under Section 32A-2-6 NMSA 1978, this case and jurisdiction of this matter is hereby transferred to the Children’s Court, which shall have exclusive jurisdiction over the proceedings and the defendant.

IT IS FURTHER ORDERED that, under Section 32A-2-6(B) NMSA 1978, the defendant shall:

- [] Promptly be taken by law enforcement to the Children’s Court;
- [] Remain in the custody of or be remanded to the [_____] juvenile detention center] [_____] detention facility] if the defendant is currently under the age eighteen (18) to be brought before the Children’s Court at a time designated by that Court;²
- [] Remain in the custody of or be remanded to the _____ detention facility if the defendant currently is age eighteen (18) or older to be brought before the Children’s Court at a time designated by that Court; or

[] Released to the custody of _____, who is a parent, guardian, custodian, or other person legally responsible for the defendant to be brought before the Children's Court at a time designated by that Court.

Judge

USE NOTE

1. This transfer order should be used by the magistrate, metropolitan, or municipal court to transfer a delinquency case to the children's court. The transferring court must also provide the children's court with a copy of the complaint or citation and any other papers relating to the case. *See* NMSA 1978, § 32A-2-6.

2. *See* NMSA 1978, §§ 32A-2-4.1, 32A-2-12 (addressing the temporary detention of a child alleged to be a delinquent child pending a court hearing).

[Adopted by Supreme Court Order No. 17-8300-024, effective for all cases pending or filed on or after December 31, 2017.]