

10-714. Consent decree.

[For use with Rule 10-228 NMRA]

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

In the Matter of _____, a Child.

No. _____

CONSENT DECREE

This matter came before the court on _____, and the court finds as follows:

1. The court has made a sufficient advisement of rights¹ upon addressing the child in open court and has determined that there is a factual basis for the charges.

2. The child freely and voluntarily

() admits to; or

() declares the intention not to contest; or

() stands mute² to the following delinquent acts filed under this cause number.

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

4. The child's best interests will be served by suspending proceedings without adjudication and placing the child on supervised probation

() for a period not to exceed six (6) months

() for an agreed-upon extended period not to exceed one (1) year.

5. Upon successful completion of the above agreement, the court shall dismiss the petition with prejudice.

IT IS THEREFORE ORDERED that the child is placed on probation under the terms and conditions of the [plea and disposition agreement] [probation agreement] [and] [or] [motion for consent decree]³, which shall be signed by the child [and parents (*if made a party*)] and the state and considered a part of this consent decree.

District Judge

Children's Court Attorney

Child's Attorney

USE NOTES

1. The advice of rights form shall be used to document the advisement.
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.
3. Use applicable bracketed alternative.

[Approved, effective August 1, 1999; as amended by Supreme Court Order No. 10-8300-022, effective August 30, 2010; by Supreme Court Order No. 10-8300-025, effective August 30, 2010; 10-425 recompiled and amended as 10-714 by Supreme Court Order No. 16-8300-017, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. S-1-RCR-2023-00015, effective for all cases pending or filed on after December 31, 2023.]