

10-742. Ex parte order for forensic evaluation.

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

In the Matter of _____, a Child.

No. _____

EX PARTE ORDER FOR FORENSIC EVALUATION

This matter came before the court on the ex parte motion of counsel for Child, pursuant to *Ake v. Oklahoma*, 470 U.S. 68 (1985), and Article II, Sections 10, 14, 15, and 18 of the New Mexico Constitution, and after being fully advised, the court **HEREBY ORDERS** as follows:

1. The forensic evaluator shall provide a confidential forensic evaluation for the benefit of the defense on such issues as defense counsel specifically raises and believes are likely to be a significant factor in the defense. The forensic evaluator may be provided by Department of Health contract or retained through the New Mexico Public Defender Department.
2. The results of the examination, including underlying data, are confidential and are not to be disclosed to anyone other than defense counsel without a court order.
3. Rules 10-232(A) and 10-241(D) NMRA govern disclosure relating to any evaluations conducted.¹
4. The forensic evaluator shall meet with Child no later than two weeks from the time of service of this order.
5. This order is to be sealed by the clerk's office upon filing and not unsealed without a court order.

DISTRICT JUDGE

Attorney for Child

USE NOTES

1. When the Rules of Criminal Procedure for the District Courts apply, use Rules 5-502, 5-602, and specifically 5-602(E) NMRA. See Rule 10-101(A) NMRA.

[Adopted by Supreme Court Order No. 11-8300-034, effective September 9, 2011; 10-496E recompiled and amended as 10-742 by Supreme Court Order No. 16-8300-017, effective for all cases pending or filed on or after December 31, 2016.]