

**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 COURT<sup>1</sup>**

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;<sup>2</sup>
- 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 NOTES

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.]