**10-704. Summons to child - Delinquency Proceeding.**

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ JUDICIAL DISTRICT

IN THE CHILDREN’S COURT

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

**SUMMONS TO CHILD**

**DELINQUENCY PROCEEDING1**

TO: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of the respondent child

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address

**If you need help reading this document, you can call \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,**

**and the court will appoint an interpreter for you at no charge.**

YOU ARE NOTIFIED that a petition, a copy of which is attached hereto, has been filed in this court alleging that you

[ ] committed the following delinquent acts \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*common name and description of each delinquent act)*.

[ ] violated your conditions of probation by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*briefly describe conditions imposed and acts violating those conditions*).

YOU ARE ORDERED TO PERSONALLY APPEAR before the Children’s Court Division of the District Court at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*set forth address of court*) on \_\_\_\_\_\_\_\_\_\_\_\_ , \_\_\_\_\_\_\_\_ at the hour of \_\_\_\_\_\_\_\_ (a.m.) (p.m.) to answer the allegations contained in the attached petition. You have the right to an attorney. If you cannot afford an attorney, the court will appoint an attorney to represent you at no charge.

If you fail to appear at such time and place, a warrant will be issued for your arrest. Service of this summons shall be by mail unless otherwise ordered by the court.

Dated this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Clerk, District Court

Children’s Court Division

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone number

**CERTIFICATE OF MAILING**

I certify that I mailed a copy of the summons and a copy of the petition filed herein to:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of child

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address

on the \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ , \_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Children’s Court Attorney

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title

**CERTIFICATE OF PROCESS SERVER2**

(*check one box and fill in appropriate blanks*)

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , certify that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served the within summons in the State of New Mexico on the \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_, by delivering a copy thereof, with a copy of petition attached, in the following manner.

(*check one box and fill in appropriate blanks*)

[ ] by delivering the summons and petition to the above-named child (*used when respondent receives copy of summons or refuses to receive summons*).

[ ] by delivering the summons and petition to \_\_\_\_\_\_\_\_\_\_\_\_\_\_ , (parent) (guardian) (custodian) (conservator) (guardian *ad litem appointed in the delinquency proceeding*3) of the above-named child.

[ ] by delivering the summons and petition to \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of person*), \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*title of person who has legal authority over the child*) (*used when the child is in the custody of a legal entity, including the Children, Youth and Families Department*).

[ ] by delivering the summons and petition to \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*if another manner of service has been ordered by the court, set forth how served*).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of person making service

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title (*if any*)

USE NOTES

1. This form is to be used for service on a child alleged to have committed a delinquent act. A copy of the summons and petition must be served on the respondent child.

2. To be completed only if personal service is ordered by the court.

3. If the summons and petition is served on a guardian ad litem, it should only be served on the guardian ad litem who was appointed in the delinquency proceeding. It would be inappropriate to serve a guardian ad litem who may have been appointed for the child in another proceeding.

[As amended, effective September 1, 1995; 10-404 recompiled and amended as 10-704 by Supreme Court Order No. 16-8300-017, effective for all cases pending or filed on or after December 31, 2016.]