**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**1

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 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.]