

10-711. Waiver of first appearance and denial of delinquent act.

[For use with Rule 10-224 NMRA]

STATE OF NEW MEXICO

COUNTY OF _____

_____ JUDICIAL DISTRICT

IN THE CHILDREN'S COURT

In the Matter of _____, a Child.

No. _____

**WAIVER OF FIRST APPEARANCE AND
DENIAL OF DELINQUENT ACT**

I was given a copy of the petition, which alleges that I committed a delinquent act. I have read the petition, and it has been explained to me by my attorney. I understand the offense(s) alleged in the petition, and I understand the possible penalties that I face.

I FURTHER UNDERSTAND THAT I HAVE THE FOLLOWING RIGHTS:

1. the RIGHT to personally appear before the children's court and to admit or deny the allegations against me and to have my rights explained;
2. the RIGHT to trial in front of a judge or the RIGHT to trial by jury, as permitted by law;
3. the RIGHT to the assistance of an attorney at all stages of the proceedings and to have an attorney appointed free of charge if I cannot afford one;
4. the RIGHT to confront the witnesses against me and to cross-examine them as to the truthfulness of their testimony;
5. the RIGHT to present evidence on my own behalf and to have the State compel witnesses of my choosing to appear and testify; and
6. the RIGHT to remain silent with the understanding that any statement I make may be used against me, except any confidential statements I make to my attorney.

With this knowledge and understanding, I give up the right to personally appear before the children's court for first appearance and hereby deny the delinquent acts alleged in the above-referenced petition.

Signature of Child

Date

I have explained to the child the child's right to personally appear before the

children's court to enter a denial and to have the child's rights explained by the judge. I have explained to the child the possible penalties for the alleged offense(s), including [a commitment of up to two (2) years for a delinquent offense] [a commitment of up to the age of twenty-one (21) for a youthful offense]¹. I am satisfied that the child understands the waiver of his or her rights.

Attorney for Child

Date

APPROVED:

☐ Children's Court Judge
☐ Children's Court Hearing Officer

USE NOTES

1. Choose the appropriate language based on the alleged offenses. This may require explanation of both the penalties for a delinquent offense, as well as the penalties for a youthful offense. See NMSA 1978, §§ 32A-2-19 (2021), -20 (2023).

[Adopted, effective July 1, 1995; 10-415A recompiled and amended as 10-711 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-2023-00042, effective for all cases pending or filed on or after December 31, 2024.]