

10-718. Sealing order.

[For use with Rule 10-262 NMRA]

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

In the Matter of _____, a Child.

No. _____

SEALING ORDER

This matter came before the court and the court FINDS as follows (*check one*):

- (1) two years have elapsed since the final release of the person from legal custody and supervision or two years have elapsed since the entry of any other judgment not involving legal custody or supervision;
- (2) within the two years immediately prior to filing the motion, the person has not been convicted of a felony or of a misdemeanor involving moral turpitude or been found delinquent by a court and there is no pending proceeding seeking such a conviction or finding; and
- (3) the person is eighteen years of age or older or the court finds that good cause exists to seal the records prior to the child's eighteenth birthday.

OR

- The children's court attorney has notified this court that the petition in this case, which is concluded, did not result in an adjudication of delinquency.

OR

- The Children, Youth and Families Department (CYFD or department) has notified this court that _____ (*insert name of child*) has been released from the court-ordered supervision or custody of the department or has otherwise completed the terms of his or her disposition or other non-custodial requirements, or that the child has reached his or her eighteenth (18th) birthday, whichever occurs later; that the department has sealed the records and files of the child in the department's possession; and that the child's records and files must be sealed.

IT IS THEREFORE ORDERED THAT the files and records in this case shall be sealed and that the clerk of this court shall deliver or mail copies of this sealing order to the Legal Administrator, Public Records Custodian, CYFD Office of General Counsel.

IT IS FURTHER ORDERED THAT the department shall notify all entities requiring notice.¹

IT IS FURTHER ORDERED THAT, upon entry of this sealing order, the proceedings in the case shall be treated as if they never occurred; the findings, orders, and judgments shall be vacated, and all index references shall be deleted.

IT IS FURTHER ORDERED THAT all persons and agencies to whom this sealing order is delivered shall immediately seal their delinquency case records, and reply to any inquiry that no record exists with respect to the delinquency case that is the subject of this sealing order.

District Judge

CERTIFICATE OF SERVICE

I certify that I delivered or mailed a copy of this order to the department.

Clerk

Date

USE NOTES

1. CYFD shall deliver this order to all entities having custody of records or files subject to this order, including but not limited to the Children's Court Attorney division of the District Attorneys Office; the law enforcement office having custody of the child's law enforcement files and records; counsel of record at the time of disposition; and the person who is the subject of this order at the person's last known address. [Approved by Supreme Court Order No. 06-8300-030, effective January 1, 2007; as amended by Supreme Court Order No. 12-8300-024, effective for all cases filed or pending on or after January 7, 2013; 10-420 recompiled and amended as 10-718 by Supreme Court Order No. 16-8300-017, effective for all cases pending or filed on or after December 31, 2016.]