

10-745. Order for evaluation of amenability to treatment for youthful offender (requested by defense counsel).

[For use with Sections 32A-2-17(A)(3) and 32A-2-20 NMSA 1978]

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

In the Matter of _____, a Child.

No. _____

**ORDER FOR EVALUATION OF AMENABILITY TO TREATMENT
FOR A YOUTHFUL OFFENDER¹**

This matter came before the court on the motion of defense counsel, and after being fully advised, the court **ORDERS** as follows:

1. An evaluation whether the child is amenable to treatment or rehabilitation as a child in available facilities and whether the child is eligible for commitment to an institution for children with developmental disabilities or mental disorders shall be performed by _____

*(insert name and address of a doctoral level licensed psychologist who will perform this evaluation)*²; the report shall contain, at a minimum, an evaluation whether the child is amenable to treatment or rehabilitation as a child in available facilities, whether the child is eligible for commitment to an institution for children with developmental disabilities or mental disorders, and a recommended course of action regarding disposition in youthful offender proceedings. The report shall address the following factors:

- (a) the seriousness of the alleged offense;
- (b) whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner;
- (c) whether a firearm was used to commit the alleged offense;
- (d) whether the alleged offense was against persons or against property, greater weight being given to offenses against persons, especially if personal injury resulted;
- (e) the maturity of the child as determined by consideration of the child's home, environmental situation, social and emotional health, pattern of living, brain development, trauma history, and disability;
- (f) the record and previous history of the child;
- (g) the prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child by the use of procedures, services, and facilities currently available; and
- (h) any other factor relevant to amenability.

2. Defense counsel shall cause this order to be served so that it is received by the evaluator no later than five (5) days from the date of entry of this order and shall file with the court a certificate of service.

3. Child is in detention at _____

or Child's address and telephone number are _____
_____.

4. If the evaluator is unable to contact the child, the evaluator shall immediately contact defense counsel, who will contact the child and set up the evaluation or notify the court that the evaluator cannot contact the child.

5. A copy of the evaluation report shall be sent to defense counsel who shall serve copies on the children's court attorney, defense counsel, and the court
 within forty-five (45) days of the date of receipt of this order if the child is in custody.
 within sixty (60) days of the date of receipt of this order if the child is not in custody.

6. If the child needs to be transported to effect the evaluation, a separate transport order needs to be obtained.

7. Defense counsel shall file a certificate of service with the court showing the date the evaluation report was received.

DISTRICT JUDGE

Children's Court Attorney

Attorney for Child

USE NOTES

1. This form is for use only in youthful offender cases.
2. The evaluator will be selected from a list supplied by the Children, Youth and Families Department.

[Adopted by Supreme Court Order No. 11-8300-030, effective September 9, 2011; 10-496D recompiled and amended as 10-745 by Supreme Court Order No. 16-8300-017, effective for all cases pending or filed on or after December 31, 2016.]