

Administrative Office of the Courts

Supreme Court of New Mexico

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Judicial Information Division (JID)

Competency Procedure for Magistrate Courts

Standard Operating Procedure

Version 1.2

Updated: (11/2025)

Competency Procedures for Magistrate Courts

COURT / DEPARTMENT / DIVISION

This procedure is to be used by Magistrate Courts for Criminal Cases in which Competency is raised.

USER

This procedure is to be used by Magistrate Court staff.

PURPOSE/INTRODUCTION

To provide clerks with a statewide standardized procedure for processing Competency cases.

RELEVANT DATA STANDARDS

Data Standards were approved by the Supreme Court on May 20, 2020. Using the data standards will result in improved data collection and reporting; improved data quality; improved consistency in case processing; improved court efficiency; and improved ability to establish court staffing needs. Refer to the following data standards for any procedures that may or may not be specifically mentioned in this SOP:

General	Case Specific
1.4.0 Bonds	2.0.0 Adult Criminal Data Standards
1.7.0 Forms	3.0.0 Juvenile Delinquency/Youthful Offender Data Standards - ?
1.8.0 Hearings	10.0.0 Mental Health Data Standards - ?
1.10.0 Judge Assignments	
1.13.0 Reopenings	
1.14.0 Reports	
1.17.0 Time Standards	

VERSION HISTORY

Version #	Date	Description	Author
<i>1.0</i>	<i>10/30/25</i>	<i>Initial SOP</i>	<i>Laura Orchard</i>
<i>1.1</i>	<i>11/13/25</i>	<i>Corrections from Jinger Fiola</i>	<i>Laura Orchard</i>
<i>1.2</i>	<i>11/17/25</i>	<i>Corrections from Jinger Fiola</i>	<i>Laura Orchard</i>

NAVIGATION

This procedure begins in Odyssey Case Manager.

INTRODUCTION

Magistrate courts are required to transfer criminal cases (both misdemeanor and felony) to District court once competency has been raised.

Metropolitan court is required to transfer felony criminal cases to the 2nd Judicial District Court once competency has been raised, while continuing to process the misdemeanor case at Metro court.

- 1. Competency will no longer be processed within the underlying criminal charging case, but instead District courts are required to create a new ‘Competency – Felony’ or ‘Competency – Misdemeanor’ case for the processing of the competency evaluation, hearing, determination, dangerousness determination (for Felony cases), and restoration (if appropriate).**
- 2. The new ‘Competency – Felony’ (FI) and ‘Competency – Misdemeanor’ (MI) criminal case types will:**
 - a. Replace the use of the Lower Court Competency (SI) case type, which will no longer be available for case initiation after January 1, 2026.**
 - b. Not be auto-sealed, but specific documents within the case will continue to be sealed. Judges will still be able to seal the case via an order.**
 - c. Be included in the Tier 1 category for public access.**
 - d. Be available for subsequent e-filing through File & Serve, unless sealed by judge’s order.**
- 3. New event codes, offense codes, status codes, and other competency-specific codes have been created and identified in the standard operating procedures for Magistrate, District, and Metro courts.**
- 4. New statewide standard operating procedures for Magistrate courts, District courts, and Metro court shall be adhered to in order to supply consistent data for performance measure reporting.**

TRANSFERRING FELONY AND MISDEMEANOR CASES TO DISTRICT COURT UPON COMPETENCY BEING RAISED IN A CRIMINAL CASE

- 1. Once competency has been raised and the 'Order To Transfer to District for Competency Evaluation' has been filed using the 'ORD: To Transfer to District for Competency Evaluation' event code,**
 - a. Electronically transmit the entire court record to the appropriate District Court.**
 - Use the functionality on the Appeals tab to create the Record Proper then electronically submit documents to the District Court through the Task Queues. Follow the SOP named ‘Record Proper for Appeal Bind Over and Transfer Cases’, if needed.**

- Use 'Magistrate Court Transfer for Competency Evaluation' as the Appeal type.
 - Use the 'Magistrate Appeal/Bind Over to District Court' task queue to transfer the Record Proper
- b. The status of the criminal case will be changed automatically to 'Transferred' when the order is docketed.
 - c. Enter a due date on the 'ORD: To Transfer to District for Competency Evaluation' event in case a remand does not get filed.
 - d. Do not enter any disposition on the criminal charges until the competency determination is remanded with the finding.

WHEN THE DISTRICT COURT SENDS THE COMPETENCY FINDING TO MAGISTRATE COURT

Once the case has been transferred from the lower court, the District court will look at the criminal charges and open either a new 'Competency – Misdemeanor' (MI) case, or a 'Competency – Felony' (FI) case in Odyssey. The new FI/MI case will be related to the underlying lower court criminal charging case and will process the FI/MI case through the competency hearing and, for all FI cases where the defendant is deemed incompetent, the dangerousness hearing.

- 1) Upon receipt of the order from District Court, docket 'ORD: REMAND ORDER.' The Magistrate case status will change from 'Transferred' to 'Pending.'
 - a) if competent, docket 'District Court Finding / Competent' and proceed where the case left off prior to transfer
 - b) if incompetent, docket 'District Court Finding / Incompetent' and dismiss upon the filing of a dismissal by the DA
- 2) Once dismissal is received, use the disposition 'Dismissed - Defendant Incompetent' and close the case.

IF ADDITIONAL CRIMINAL CASES OCCUR WITH COMPETENCY RAISED FOR DEFENDANT

1. If there are multiple criminal charging cases with multiple competencies raised on the same defendant that occur within a short timeframe
 - a. Transfer each case separately for the District to create a discreet FI or MI case for each one