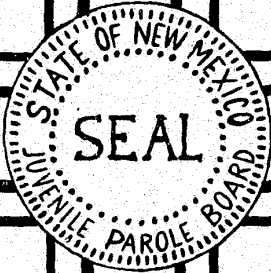


STATE OF NEW MEXICO

Juvenile Parole Board

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PAROLE SEAL BOARD



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Jerry Apodaca
GOVERNOR

Charlene Knipping
CHAIRMAN
Walter Niederberger
MEMBER
Leonard Stitelman
MEMBER

NCJRS

JUN 20 1980

ACQUISITIONS

Governor
JERRY APODACA

Chairman
CHARLENE KNIPFING

Members
WALTER V. NIEDERBERGER
LEONARD STITELMAN

STATE OF NEW MEXICO

JUVENILE PAROLE BOARD



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Telephone (505) 827-5631

Deputy Director
NICK GONZALES

In a report to the Citizens of New Mexico Governor Jerry Apodaca in 1976 released the report of a 125 member Committee on Standards and Goals to improve the Criminal Justice System in New Mexico stating that, "this is the beginning". "The Standards the Committee has recommended are the means by which we will get where we want to go."

In 1977, the thirty-third Legislature created the first independent state-wide Juvenile Parole Board for the State of New Mexico.

Under the action specifying Powers & Duties of the board the act mandated that the Newly Created Board adopt policy specifying the criteria to be considered by the board and such rules and regulations necessary for the discharge of its duties.

Board members appointed by Governor Apodaca who undertook the task of writing the rules, regulations & criteria of the Juvenile Parole Board were Walter V. Niederberger, Charlene Knipfing and Kimball Udall.

It is the hope that the enclosed policies meet the intent of both the Governor's Standards and Goals Committee and the Legislation that followed.

I am certain they will prove useful to those involved with Juvenile Justice.

A handwritten signature in cursive script that reads "Charlene Knipfing".

Charlene Knipfing
Chairperson

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BOARD PROCEDURES

Institution Staff shall present cases requiring any Board action to the full Board except cases where the full Board has delegated authority for action. Two members of the Board must agree to effect a decision. If a member dissents, he may place his dissent verbatim in the Minutes.

- A. The Board shall read and discuss the case reports, solicit the opinion of the juvenile's immediate caseworker and then interview the juvenile before making the official decision. The Board shall advise the individual of the decision at the conclusion of the hearing.
- B. The Board shall use material prepared by the Institution which in all instances shall include a summary of the case, including progress reports, delinquency history, social history, copies of psychiatric or psychological reports, and any diagnostic evaluation reports. The Board may also use the Institution Case File and secure additional information where it is deemed necessary.
- C. In all hearings the full Board cases shall be presented first on a separate Agenda. When time permits, members may hear the balance of the Institution Calendar; and, in such hearings, may sit as referees or panels or a combination thereof.

POLICY PERTAINING TO THE GRANT OR DENIAL OF PAROLE

In accordance with Section 6, Paragraphs A through D, House Bill 464, 33rd Legislature, 1st Session, Chapter 278 (1977 P.S.), the Juvenile Parole Board hereby adopts a written policy specifying the criteria to be considered by the Board in determining whether to grant or deny parole.

- A. With respect to the grant or denial of parole, the following criteria will be considered by the Juvenile Parole Board:
1. Whether the child is able and willing to fulfill the obligations of a law-abiding citizen
 2. Whether it is in the best interest of the child and community that he be paroled
 3. Whether the child has a positive homestudy, including:
 - a. An adequate place to live
 - b. Proper supervision available
 - c. A job, school, vocational training, or any combination of the three
- B. In determining whether the above criteria have been met, the following factors will be considered by the Board:
1. Child's ability and willingness to assume the obligations and responsibilities provided in the parole agreement
 2. Degree to which the child has good relationship with family and friends
 3. Degree to which the residence or community in which the child plans to live is conducive to good behavior while on parole
 4. Child's employment history, occupational skills, training and academic progress to date
 5. Child's parole plan and intended pursuits
 - a. If the plans are not acceptable to the Board, the case will be calendared for a future Board decision. The Board may continue the case for an appropriate plan either on an appearance or non-appearance basis. In a non-appearance case, the Board order will read: "Approve release on receipt of acceptable plan."
 - b. The Board must, however, specifically approve any change in placement, i.e., foster home.

6. Child's past use of alcohol and narcotics
7. Child's delinquency history
8. Any recommendations made by the committing court
9. Any pre-sentencing or pre-release investigative reports
10. Any reports of physical and mental examinations
11. Child's behavior and attitude
12. Availability of community resources to assist the child
13. Circumstances of the child's offense
14. Any recommendations or comments filed with the Board regarding the child's suitability for parole
15. Child's social history, including the community's attitude toward him. Moreover, each case will be considered individually, and the Board may consider other relevant factors

When the Board orders release for an employable juvenile who has no job and who is not returning to school, it is with the written assurance that the Parole Agent will provide all possible assistance to the juvenile in finding employment.

PAROLE HEARINGS

Parole Hearings will be held at regularly scheduled times at the New Mexico Boys School and the New Mexico Youth Diagnostic Center.

A. There are three types of Parole Hearings:

1. The Initial Hearing
2. Review Hearing, at which time the child's progress will be considered
3. Special Hearings, based upon recommendation by the Juvenile Parole Board, the institutions, or due to any special circumstances that would warrant the review of a case. All Special Hearings must be approved by the Board before the hearing date

B. A child may be paroled at any one of the three types of Parole Hearings.

C. Legal counsel for a prospective parolee is not permitted in a regular parole hearing. Visitors will not be permitted unless cleared by the Chairman with the approval of the Board Members. Counsel may, however, meet with the Board to discuss relevant factors in a Parole consideration. The Board has final responsibility for deciding whether such factors are relevant to the final disposition of the case.

D. Letters of recommendation concerning parole will be considered, including job offers and academic and/or vocational school arrangements, home placement (includes foster home and other available home placement), and any other correspondence pertinent to the parole of a particular child. Such recommendations should be received by the Board at least two weeks before a Parole Board hearing. A parole agenda for Board Hearings will be prepared and copies mailed to the district court Judges who committed the prospective parolees at least thirty days prior to Board hearings.

E. The child will be informed of the Parole Board's decision within a period of two days. Notice of Board Action will be mailed to the child's parents or guardian within forty-eight hours after the hearing. Reasons for a denial of parole shall be furnished in forms substantially similar to those in Appendices A and B. If a child is granted parole, he shall sign a parole agreement as set forth in Appendix C.

F. Minutes of regular parole hearings will be kept by the Deputy Director, or a person assigned by the Board in the event of the Deputy Director's absence.

G. If it appears during a Parole Hearing that a translator and/or interpreter is needed in order that the child may communicate to the Board and understand the proceedings, the Board will provide one.

H. Before ordering the parole of any child, the Board shall have personally interviewed the child.

- I. Meetings of the Parole Board held for the purpose of taking formal action upon a matter not requiring the presence of a child may be held at the office of the Parole Board or any other meeting place that is convenient in assembling the Board.

HEARING OFFICER REGULATIONS

Parole Hearings shall be conducted before two or more members of the Board, except as provided in paragraph B. below.

- A. The regular hearing procedures as set out in the Rules and Regulations of the Parole Board shall be followed.
- B. If only one Board Member presides over such hearing, he shall prepare a summary of the testimony, and other evidence, for the Board within seven working days of the hearing for a decision by the full Board.

PROCEDURES FOR SPECIAL HEARINGS

A child who has received an initial hearing, and has been denied a parole, may request a Special Hearing in the following manner.

1. Submit request through caseworker or counselor.
2. The child's request, and caseworker/counselor's recommendation, will be submitted to the Parole Board for the Board's review.
3. In all instances the request will state the compelling reason for the Special Hearing.
4. The Parole Board will advise applicant in writing of its decision to grant or deny Special Hearing. A copy of the decision will be mailed to the parents/guardian of the child as well as to the court.

REMOVING OR ADDING PAROLE CONDITIONS

Any parolee may request that a condition be removed. The request must have the recommendation of his Parole Officer and the parent/guardian.

The Parole Officer who wishes to add or remove any condition must have the Parole Board's permission to change the parolee's agreement. In some cases a personal interview may be required.

In all instances the request for addition or removal of parole conditions must state the reasons for the request.

INTERVIEWS AND INVESTIGATIONS

The Board will cause to be supplied to it a complete history on each child. This information shall include:

1. Complete Delinquency History.
2. Family History.
3. Social History.
4. Academic/Vocational Training History.
5. Psychological/Psychiatric History, including any diagnostic reports.
6. Pertinent medical reports.

The Board will cause to be supplied to it the Probation Officer's personal observations of the child.

The Board will cause to be supplied to it all recommendations for program planning.

The Board considers that Juvenile Probation Departments are a suitable State Agency to supply this information and conduct investigations under Section 6, Paragraph A, Subsection (2).

PROCEDURAL INFORMATION AND PROCESSING REGULATIONS

The following rules and regulations will apply, under the Authority of House Bill 464, Section 6 (POWERS AND DUTIES OF THE BOARD), Subsections 2 and 3:

- A. The Parole Board will be provided with the following for each child during its hearings, or at any time deemed necessary by the Board.
 1. Proper facilities to hold hearings
 2. Four typed copies of Program Planning Reports
 3. Copies of updated homestudy reports as applicable
 4. A parole plan including employment, housing and schooling. Such plan should be realistic and specific and include evidence that housing, employment and/or schooling is available
 5. Specific recommendations in reference to parole conditions
 6. Updated monthly progress reports
 7. Step Level and dates of attainment
 8. Copies of commitment order
 9. A complete file on each child
 10. Copies of psychological/psychiatric reports and examinations
 11. Copies of reports containing information requested by the Board within the time frame requested
 12. A parole agenda submitted to the Board 35 days prior to its hearing date including initial Board Candidates and Special Hearing candidates
 13. A complete list of names of those cases approaching discharge of sentence so that they may be reviewed at least 90 days prior to such date
 14. A copy of all requests for homestudy investigations, such requests to be made when child reaches the institution's Step II level
 15. All pertinent information regarding or necessitating a Special Hearing, including but not limited to:
 - a. Placement in a program that will necessitate immediate action of the Board
 - b. Medical considerations

- c. Special circumstances thought by the institution to warrant a hearing
- B. The Juvenile Parole Board will cause to be conducted the following as part of its proceedings:
1. A proper parole orientation for each child paroled
 2. A parole plan for each child considered for parole
 3. The request for an initial Homestudy when the child has reached Step II at the institution or at any time the Board deems necessary
 4. The processing of the Parole Agreement Document
 5. Any examinations (social, physical, mental) the Board deems necessary in order to make a proper determination (the results of such examination to be provided in writing to the Board within the time frame requested)
- C. The Board deems that the agency responsible for the care and rehabilitation of delinquent children is the appropriate one to provide the aforementioned procedures and information, specifically the institutions responsible for carrying out the care and rehabilitation process.

SUPERVISION AND INVESTIGATION

Under the authority of House Bill 464, Section 6 (Powers and Duties of the Board), the following regulations will apply:

- A. The Juvenile Parole Board shall be supplied the following information:
1. The feasibility, practicality and advisability of the Parole Plan, which should contain specific recommendations with references to parole conditions and should include:
 - a. Employment
 - b. Housing
 - c. Schooling
 - d. Parents' and guardian's willingness to accept child
 - e. Community resources available to help child
 - f. Community's acceptance of child's re-entry
 2. Homestudy investigations and reports at discretion of the Board; such reports:
 - a. Not to exceed 45 days in their completion
 - b. To include alternatives if the homestudy is reported as negative
 - c. To commence with alternative homestudies at the point where original homestudy looks unfavorable (the Board will make the final decision in parole plans after interviewing the child)
 - d. To be in depth so that a complete picture is presented to the Board in considering a child's parole
 - e. To include any special research requested by the Parole Board and to be investigated in depth and completed in the 45-day period
 - f. To include alternate homestudies at the request of the Board even though 2(a.) above does not seem to apply in investigator's opinion
 - g. To include out-of-state parole plans and homestudy reports with information supplied as in 1. and 2. above, and any instructions for these special studies given by the Board. Efforts are to be made to accomplish these studies in the shortest time possible
 3. A complete report submitted to the Board within 30 days of the

final action to revoke, in the case of a parolee's parole revocation

- B. The addition of the words "Strictly Enforced" in the Parole Certificate removes the use of discretion on the part of the Parolee's Supervisor.
- C. With respect to the criteria to be considered by the Board in determining whether to discharge a parolee, the following will be considered:
 - 1. Upon recommendation by Field Services Division to the Board, that has performed the obligations of his release for such time as will satisfy the Board that his/her final release is not incompatible with his/her welfare and that of society, the Board will make a final order of discharge to the parolee. No such order of discharge shall be made prior to six months after the date of parole release, except where the sentence expires within the six-month period.
 - 2. Parole recommendations should not be a matter of convenience to either the Parolee or Supervisor
 - 3. Parole Discharge requests should reflect a complete history of child's parole period, and recommendations from the Supervisor.
 - 4. Parole Discharge recommendations are initiated by the Parole Supervisor and should be consistent with Parole Board Rules and Regulations.
- D. Under Authority cited in this Section, the Juvenile Parole Board deems the Probation and Parole Division of the Corrections Department an appropriate agency to conduct such investigation and supervision of the children it has paroled or for whom it is considering a parole. The Board also deems the Juvenile Compact Supervisor, Field Services Division, Department of Corrections, an appropriate office to supply information and investigatory data regarding out-of-state plans and placements.

PAROLE CONDITIONS

1. I will report to my Parole Officer no later than the 10th of each month in person (unless otherwise instructed) and submit a full and truthful MONTHLY REPORT on the form provided for that purpose.
2. If paroled or transferred to the custody of another state, I will abide by any rules in effect in that state, and by the parole conditions imposed by the New Mexico Juvenile Parole Board.
3. I must secure a travel permit from my Parole Officer before:
 - a. Leaving the State of New Mexico
 - b. Leaving the County to which I have been paroled (unless otherwise determined by my Parole Officer)
4. I must consult with my Parole Officer, and secure his/her consent before:
 - a. Changing my residence
 - b. Changing my employment
 - c. Enrolling in or withdrawing from any educational or vocational institution
 - d. Entering any Branch of the U.S. Armed Services
5. I will not own, possess, carry, or purchase a weapon of any kind.
6. I will not illegally possess, use or sell any narcotic drug and/or controlled substance or paraphernalia related thereto.
7. I will not consume or possess alcoholic beverages nor will I frequent any establishment commonly known as a bar, lounge, or liquor store.
8. I will abide by all city, county, state and federal laws, ordinances and orders, including laws and rules of Indian Tribal Councils when applicable. If a student, I will comply with all school policies and regulations.
9. I will allow my Parole Officer to visit me at all reasonable times and places.
10. I will report any arrests of myself to my Parole Officer within 72 hours.
11. I will follow any special instructions that my Parole Officer may impose.

PAROLE DISCHARGES

The Juvenile Parole Board discharges children from Parole under its powers and duties in accordance with Section 5, Paragraph A-6, House Bill 464, 33rd Legislature, 1st Session, Chapter 278 (1977 P.S.).

Classification of Discharges

1. Merited

The following circumstances indicate this type of discharge:

- a. a child who has performed for a satisfactory period of time so as to give reasonable assurance that he/she is capable of being a law-abiding citizen.
- b. a positive recommendation from the child's parole officer indicating the progress made while on parole and that no serious violation of law, parole conditions or regulations has occurred for a reasonable period of time.

2. Satisfactory

The following circumstances indicate this type of discharge:

- a. death of child.
- b. commitment to a mental hospital with supervision transferred (verified).
- c. return to state of legal residence with supervision transferred to its authority (verified).
- d. released to U.S. Immigration and Naturalization Service for deportation (verified).
- e. released to U.S. Military for completion of tour of duty (verified).
- f. expiration of commitment without recommendation for merit.

3. Unsatisfactory

The following circumstances indicate this type of discharge:

- a. at expiration--Poor performance. Child has demonstrated or performed in a manner that indicates to the Board that he/she is not capable at the time of discharge to function as a law-abiding citizen. Such performance or demonstrated behavior shall be from acts of behavior documented in case file and shall be referred to at the time the discharge is requested; or child is awaiting court action on a felony and evidence is strong against him/her.
- b. at expiration--Missing from supervision. No child will be discharged as missing prior to expiration of commitment.
- c. prior to expiration--Committed to state or federal prison.

- d. prior to expiration--Placed on probation or in jail beyond Juvenile Jurisdiction with supervision or custody transferred.
- e. prior to expiration--New commitment by Juvenile Court.

Governor
JERRY APODACA

STATE OF NEW MEXICO
JUVFNILE PAROLE BOARD

PH: 827-5631
1451 St. Michael's Drive
Suite No. 5
Santa Fe, New Mexico 87503



NOTICE OF ACTION

NAME _____ DATE _____

- _____ 1. Parole granted (with or without Special Conditions).
- _____ 2. Parole Denied.
- _____ 3. Not proper case for review.
- _____ 4. Parole pending positive Homestudy.
- _____ 5. Action Deferred--Action may be deferred for following reasons:
 - _____ a. Awaiting positive Homestudy.
 - _____ b. Out-of-state or other program(s) acceptance of parolee.
 - _____ c. File incomplete, Board needs more specific information in certain areas.
 - _____ d. Board feels it necessary to speak in person with parents/guardians.
 - _____ e. Board needs additional information from institution.

REASONS FOR DENIAL OF PAROLE

- _____ 1. There is a substantial risk that you will not conform to the conditions of Parole.
- _____ 2. Your Parole at this time would depreciate the seriousness of your offense.
- _____ 3. You have not maintained sufficient progress to justify your parole at this time.
- _____ 4. The Board wants to see continued self improvement.
- _____ 5. It is the decision of the Juvenile Parole Board you need to participate in the following institutional programs:
 - _____ a. _____
 - _____ b. _____
 - _____ c. _____
- _____ 6. Review File in 60 Days; continue in Step Program.
- _____ 7. Review File in 90 Days; continue in Step Program.
- _____ 8. Continue in Step Program.
- _____ 9. The Homestudy (Parole Plan) you have presented is not acceptable. An alternate study (plan) should be submitted.
- _____ 10. Awaiting positive Homestudy.
- _____ 11. Out-of-State or other program's acceptance of parolee.
- _____ 12. File incomplete, Board needs more specific information in certain areas.
- _____ 13. Board feels it necessary to speak in person with parents/guardians.
- _____ 14. Board needs additional information from institution.
- _____ 15. Other:
 - _____ a. _____
 - _____ b. _____
 - _____ c. _____
 - _____ d. _____

CHAIRMAN

Governor
JERRY APODACA

STATE OF NEW MEXICO
JUVENILE PAROLE BOARD

PH: 827-5631
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Santa Fe, New Mexico 87503



CERTIFICATE OF PAROLE

NAME

DATE

_____ Parole granted effective: _____

_____ Parole granted pending receipt of Positive Homestudy.

SPECIAL CONDITIONS

- _____ 1. I will maintain full-time employment.
- _____ 2. I will attend school full-time.
- _____ 3. I will work part-time and attend school part-time.
- _____ 4. I will remain at Foster Home of _____ until further order of the Board.
- _____ 5. Until further order of the Board, I will participate in the following program(s):

- _____ 6. I will submit to Urinalysis _____ time(s) weekly.
- _____ 7. I will refrain from the following activity:

- _____ 8. I will report to my Parole Officer in person _____ time(s) weekly, monthly.
- _____ 9. I will not associate with:

- _____ 10. Other:

CHAIRMAN

STATE OF NEW MEXICO
JUVENILE PAROLE BOARD

Certificate No. _____

PAROLE AGREEMENT

TO: _____ NO: _____

The Juvenile Parole Hearing Board of the State of New Mexico, by virtue of the authority conferred upon it by the 33rd Legislature, First Session, Laws 1977, House Bill 464, has approved your parole effective _____, 19____, or as soon thereafter as feasible. Your parole will expire upon attaining the age of 18 or earlier by special action of the Juvenile Parole Hearing Board, or it may be continued to the age of 21 if deemed necessary by the pertinent Court.

INSTRUCTIONS AND SPECIAL CONDITIONS

Paroled to:

Report to:

Given in six (6) copies this _____ day of _____, 19 _____

_____, Chairman, Juvenile Parole Hearing Board.

AGREEMENT BY PAROLEE AND BY GUARDIAN

PAROLEE:

I have read, or have had read to me, the above instructions and special conditions of my parole on the reverse side; I understand them fully and agree to abide by and strictly follow them; and I fully understand the penalties involved should I in any manner violate them.

Signed in six (6) copies this _____ day of _____, 19 _____

Signed: _____
Juvenile

Attest: _____ Title: _____

Agency: _____

GUARDIAN:

I have read and have had explained to me the conditions under which the above-named juvenile has been paroled. I understand and agree to be fully responsible for the welfare, support, care and proper conduct of the juvenile. Additionally, I will assure compliance with the parole conditions established for the above-mentioned juvenile until the juvenile is discharged from parole.

Date: _____

Parent or Legal Guardian

PAROLE GUIDELINES

This parole is granted and accepted by you, subject to the conditions indicated below. In addition, you are subject to any other conditions which the Juvenile Parole Hearing Board may impose upon you at any time when such conditions are considered appropriate for your proper adjustment. This parole agreement is accepted by you with the full knowledge that you are under the legal jurisdiction of the Department of Corrections of New Mexico. You will be under such jurisdiction until officially discharged. You agree that the Department of Corrections has the power upon learning of any significant violation of these conditions to cause your detention and/or return to the New Mexico Boys' School or New Mexico Girls' School, as appropriate for a hearing by the Juvenile Parole Hearing Board.

The following guidelines are established to assist you in making a proper and successful adjustment into the community as a contributing and participating member of society:

1. To maintain yourself as a useful citizen, you must abide by all municipal, county, State and Federal laws, ordinances and orders, including laws and rules of Indian Tribal Councils when applicable. You must comply with all school policies and regulations.
2. To keep your parole officer informed of your whereabouts, you will be required to have written permission of your parole officer before you leave the county to which you have been paroled, or change your place of residence.
3. To assist you in any way possible, you are required to report to your parole officer immediately any time you are charged, arrested or detained by any law enforcement or juvenile authorities.
4. In order to make a successful adjustment with your parole supervision, you will at all times conduct yourself in an honorable manner as a good member of the community. You will not endanger, in any way, the person, property, rights, dignity or morals of others.
5. You will permit your parole officer to visit you at home, school, and place of employment at any time. Your parents or guardians must know where you are at all times. When not at school, or at work, you are expected to be at home unless given specific permission to be elsewhere by your parents or guardians.
6. In order to take full advantage of the resources available through your parole officer, you will be required to visit him as he may direct.
7. To assist you in avoiding violations of your parole conditions, you will abide by the curfew regulations established by your parole officer.
8. Inasmuch as the use, possession, sale or transfer of non-prescribed drugs is illegal, you shall not use, possess, sell or transfer marijuana, narcotics or any other dangerous drugs which have not been prescribed for you by an authorized physician. You further agree to participate in any examination requested by your parole officer to determine usage of narcotics.
9. Since alcohol is responsible for so many juveniles becoming involved in delinquent activities, you will not consume any alcoholic beverages under any circumstances.
10. The responsibility for driving a motor vehicle is a grave one. Before driving or buying a motor vehicle or obtaining a driver's license, you must have the permission of your parole officer.

11. Marriage is also a great responsibility. Before applying for or obtaining a marriage license, you must have the permission of your parole officer.
12. The influence of friends is very important. You must not associate with persons with whom your parole officer forbids you to associate.
13. Firearms and other deadly weapons, if not used properly, are a menace to society. You are not to own, possess, sell, use or distribute any firearms or other deadly weapons.
14. If transferred to another state for supervision, you agree to abide by the juvenile parole conditions of that state as well as those of New Mexico.
15. If, in the opinion of the Juvenile Parole Hearing Board, it would be detrimental to yourself or to the community for you to remain on parole, your parole may be revoked.

In addition to the above, the Juvenile Parole Hearing Board may establish other special conditions such as prohibiting your associating with specific individuals. Should you violate any of the above-listed conditions, the special conditions, or if significant allegations are made that you have violated them, you may be detained by your parole officer until a full investigation of these allegations is accomplished.

SPECIAL CONDITIONS

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

STATE OF NEW MEXICO
JUVENILE PAROLE BOARD



CERTIFICATE OF JUVENILE PAROLE TERMINATION

_____ No. _____

was placed on parole from the _____

on _____, 19 ____.

The Juvenile Parole Hearing Board, having been fully advised in the premises,

FINDS: said person has fulfilled the obligations of said parole. _____

Therefore, the parole and attendant conditions are hereby terminated this date.

Done at _____, New Mexico

On this ____ day of _____, 1977

JUVENILE PAROLE HEARING BOARD

By _____
Chairman, Juvenile Parole Hearing Board