

1-120. Domestic relations actions; scope; mandatory use of court-approved forms by self-represented litigants.

A. **Scope.** Rules 1-120 to 1-128.13 NMRA provide additional rules for domestic relations actions.

B. **Mandatory use of court-approved forms by self-represented litigants.**

(1) ***Dissolution of marriage forms.*** Self-represented litigants must use Forms 4A-100 through 4A-315 NMRA in dissolution of marriage cases and in any case involving child custody or child support. Upon request, all district courts must provide self-represented litigants in dissolution of marriage proceedings with the Domestic Relations Forms approved by the New Mexico Supreme Court. No court shall distribute forms for use in dissolution of marriage proceedings other than those approved by the New Mexico Supreme Court. Courts must provide Domestic Relations Forms in dissolution of marriage proceedings as follows:

- (a) Forms 4A-100 through 4A-105 NMRA must be used to file a dissolution of marriage case and to file a response;
- (b) Forms 4A-200 through 4A-215 NMRA must be used to request temporary assistance from the court after the case has been filed and while it is pending;
- (c) Forms 4A-300 through 4A-306 NMRA must be used to complete a dissolution of marriage by presenting proposed final orders for court approval; and
- (d) Forms 4A-310 through 4A-315 NMRA must be used to request a dissolution of marriage by default as provided by Rule 1-055 NMRA and Form 4A-310.

(2) ***Kinship guardianship forms.*** Self-represented litigants must use Forms 4A-501 through 4A-513 NMRA in all cases under the Kinship Guardianship Act, Sections 40-10B-1 to 40-10B-15 NMSA 1978.

C. **Notarization.** The following forms must be notarized before a self-represented litigant may file them or submit them to the court for approval:

- (1) Form 4A-301 NMRA (Marital settlement agreement);
- (2) Form 4A-302 NMRA (Custody plan and order);
- (3) Form 4A-303 NMRA (Child support obligation and order);
- (4) Form 4A-314 NMRA (Default judgment and final decree of dissolution of marriage (without children));
- (5) Form 4A-315 NMRA (Default judgment and final decree of dissolution of marriage (with children));
- (6) Form 4A-505 NMRA (Parental consent to appointment of kinship guardian and waiver of service of process);
- (7) Form 4A-507 NMRA (Ex parte motion to appoint temporary kinship guardian); and
- (8) Form 4-968 NMRA (Application to modify, terminate, or extend the order of protection from domestic abuse).

D. **Mandatory acceptance of filings in dissolution of marriage cases.**

(1) District courts must accept the forms approved by the New Mexico Supreme Court in dissolution of marriage cases.

(2) The clerk of the court must accept a filing submitted by a party in a dissolution of marriage case. The clerk shall not make a determination of whether the filing complies with the Domestic Relations Rules and Forms.

[Approved, effective, November 1, 2000 until November 1, 2001; approved, effective November

1, 2001; as amended by Supreme Court Order No. 13-8500-010, effective for all pleadings and papers filed on or after May 31, 2013, in all cases pending or filed on or after May 31, 2013; as amended by Supreme Court Order No. 15-8300-024, effective for all pleadings and papers filed after November 18, 2015; as amended by Supreme Court Order No. 16-8300-020, effective for all pleadings and papers filed on or after December 31, 2016.]

Committee commentary. —

General

This part of the Rules of Civil Procedure for the District Courts recognizes that domestic relations cases are frequently filed by pro se litigants and that supplemental statewide rules and forms are needed for the effective administration of justice.

These rules and the Domestic Relations Forms supersede local rules and forms currently required by many judicial districts. The primary goal of these rules and forms is to provide uniformity in the practice of law in this state.

The committee intends the dissolution of marriage forms to be used in contested and uncontested proceedings. To emphasize the order in which forms are filed in a typical contested proceeding, the committee has grouped the forms into three stages. The committee encourages judicial districts to guide self-represented litigants through the contested divorce process by distributing the forms in those stages. All forms may be made available as appropriate for uncontested cases or for cases that become uncontested during the proceedings.

Scope of rules

As used in this rule, “domestic relations actions” includes:

- (1) legal separations, Section 40-4-3 NMSA 1978;
- (2) dissolution of marriage, Section 40-4-5 NMSA 1978;
- (3) annulment, Section 40-1-9 NMSA 1978;
- (4) spousal support, Section 40-4-7 NMSA 1978;
- (5) child support, Sections 40-4-11 to 40-4-11.6 NMSA 1978;
- (6) division or distribution of community or separate property or debts, Sections 40-2-1 to 40-2-9, 40-3-1 to 40-3-17 and 40-4-20 NMSA 1978;
- (7) determination of paternity pursuant to the Uniform Parentage Act, Sections 40-11-1 to 40-11-23 NMSA 1978;
- (8) actions brought pursuant to the Uniform Interstate Family Support Act, Sections 40-6A-101 to 40-6A-902 NMSA 1978;
- (9) child custody actions pursuant to Sections 40-4-9 and 40-4-9.1 NMSA 1978 and actions brought pursuant to the Child Custody Jurisdiction Act, Sections 40-10-1 to 40-10-24 NMSA 1978 [repealed, now *see* Uniform Child-Custody Jurisdiction and Enforcement Act, 40-10A-101 to 40-10A-403 NMSA 1978.];
- (10) actions brought pursuant to the Mandatory Medical Support Act, Sections 40-4C-1 to 40-4C-14 NMSA 1978;
- (11) actions brought pursuant to the Support Enforcement Act, Sections 27-2-32, 37-1-29, 40-4-15 and 40-4A-1 to 40-4A-16 NMSA 1978; and
- (12) proceedings brought pursuant to the Family Violence Protection Act, Sections 40-13-1 to 40-13-7 NMSA 1978.

As used in this rule “domestic relations actions” does not include:

- (1) termination of parental rights actions brought in the children’s court;
- (2) adoption of a child pursuant to Sections 32A-5-1 to 32A-5-45 NMSA 1978;

(3) adoption of an adult pursuant to the Adult Adoption Act, Sections 40-14-1 to 40-14-15 NMSA 1978;

(4) proceedings brought pursuant to the Grandparent Visitation Privileges Act, Sections 40-9-1 to 40-9-4 NMSA 1978 except mediation and attorney fee proceedings;

(5) actions arising out of enforcement of the Parental Responsibility Act, Sections 40-5A-1 to 40-5A-13 NMSA 1978; or

(6) change of name proceedings brought pursuant to Sections 40-8-1 to 40-8-3 NMSA 1978.

[As amended by Supreme Court Order No. 13-8500-010, effective for all pleadings and papers filed on or after May 31, 2013, in cases pending or filed on or after May 31, 2013; as amended by Supreme Court Order No. 15-8300-024, effective for all pleadings and papers filed after November 18, 2015.]