

# Domestic Relations Forms

## TABLE OF CORRESPONDING FORMS

Pursuant to Supreme Court Order No. 13-8300-010, the table below lists the former form number and the corresponding new number, and the new form number and the corresponding former number.

<b>Former No.</b>	<b>Corresponding New No.</b>
4A-100	Withdrawn
4A-101	4A-101
4A-102	Recompiled as 4A-101A
4A-111	Recompiled as 4A-202
4A-112	Recompiled as 4A-201
4A-113	Recompiled as 4A-203
4A-121	Withdrawn
4A-122	Recompiled as 4A-212
4A-123	Recompiled as 4A-213
4A-131	Recompiled as 4A-214
4A-132	Recompiled as 4A-215
4A-201	Withdrawn
4A-202	Withdrawn
4A-203	Withdrawn
4A-204	Withdrawn
4A-205	Withdrawn
4A-206	Recompiled as 4A-401
4A-301	Withdrawn
4A-302	Withdrawn
4A-311	Withdrawn
4A-312	Withdrawn
4A-313	Withdrawn
4A-321	Withdrawn
4A-322	Withdrawn
4A-331	Recompiled as 4A-402
4A-332	Recompiled as 4A-403
4A-341	Withdrawn
<b>New No.</b>	<b>Corresponding Former No.</b>
4A-100	New

4A-101	4A-101
4A-101A	Former 4A-102
4A-102	New
4A-103	New
4A-104	New
4A-105	New
4A-200	New
4A-201	Former 4A-112
4A-202	Former 4A-111
4A-203	Former 4A-113
4A-204	New
4A-205	New
4A-206	New
4A-207	New
4A-208	New
4A-209	New
4A-210	New
4A-211	New
4A-212	Former 4A-122
4A-213	Former 4A-123
4A-214	Former 4A-131
4A-215	Former 4A-132
4A-300	New
4A-301	New
4A-302	New
4A-303	New
4A-304	New
4A-305	New
4A-310	New
4A-311	New
4A-312	New
4A-313	New
4A-401	Former 4A-206
4A-402	Former 4A-331
4A-403	Former 4A-332

## Stage One (1) Divorce Forms

## **4A-100. Domestic relations forms; instructions and cautions regarding use of forms.**

A. **Short title.** These forms, compiled as Forms 4A-100 through 4A-403 NMRA, shall be known as the Domestic Relations Forms and shall be cited by their New Mexico Rules Annotated set and form number, as in "Form 4A-\_\_\_\_ NMRA."

B. **Mandatory acceptance of forms by district court.** The New Mexico Supreme Court has approved these Domestic Relations Forms for use in domestic relations actions by self-represented litigants and attorneys appearing in the district courts. As provided by Rule 1-120 NMRA, these forms supersede conflicting local district court domestic relations forms and shall be accepted by the district courts.

C. **Responsibility of self-represented parties.** A self-represented person shall abide by the same rules of procedure and rules of evidence as lawyers. It is the responsibility of a self-represented person to determine what needs to be done and to take the necessary action. A self-represented person involved in a divorce proceeding may need the advice of an attorney or other appropriate professional during the process and is responsible for finding an attorney or other appropriate professional for advice or representation.

D. **Definitions.** The following definitions apply to the terms used in the Domestic Relations Forms:

(1) "contested divorce proceeding" means a divorce proceeding in which the parties cannot reach an agreement on one or more decisions that must be made to finalize a divorce, including but not limited to the division of property, debts, spousal support, child custody, time sharing, visitation, or child support;

(2) "creditor" means a person, agency, bank, or business to whom a debt is owed;

(3) "debt" means separate or community debt as defined in Section 40-3-9 NMSA 1978. Debt is an amount of money owed to a creditor that may include, but is not limited to: loans (signature, car, school, payday), mortgages, credit card balances, balances owed on bills (utilities, phone, cell phone, cable television), and federal and state tax bills. The party whose name is on the debt may not be the only party responsible for payment of the debt in a domestic relations proceeding;

(4) "default" means the process to get relief from the court in the form of an order when a party fails to respond or defend a case (either party is subject to a default judgment for failure to respond). See Rule 1-055 NMRA for more information;

(5) "dissolution of marriage" means a divorce;

(6) "divorce proceeding" means the judicial process used to get a divorce;

(7) "minor child" means a child who is under eighteen (18) years of age and who is the child of both parties to a divorce. For the purposes of support only, a child who is under the age of nineteen (19) and attending high school full time may be considered a minor child;

(8) "parenting plan" means a plan as defined by Section 40-4-9.1 NMSA 1978;

(9) "party" means a husband or wife in a divorce proceeding;

(10) "petition for dissolution of marriage" means the document that requests a divorce;

(11) "petitioner" means the first party named on a petition for dissolution of marriage. This person is referred to as a "petitioner" solely for purposes of identifying the parties in the court system;

(12) "property" means the types of property the parties to a divorce may own, including community, separate, or quasi-community as defined in Section 40-3-8 NMSA 1978. Property includes, but is not limited to: homes, land, livestock, cars/vehicles, furniture, savings and checking accounts, retirement accounts, jewelry, inheritances, tools, and art. The name of the party on the title to the property may not be the sole owner of the property in a domestic relations proceeding. Questions about whether property is separate or community should be referred to a private attorney or the court, as appropriate;

(13) "respondent" means the second person named on a petition in a domestic relations proceeding;

(14) "service" or "service of process" means having a person eighteen (18) years or older, who is not a party to the action, give papers to a named party in a case by personally handing the paperwork to the person, or having the papers delivered to a named party in a case by some other way as described in Rule 1-004 NMRA;

(15) "summons" means a notice to the served party that a lawsuit has started. The summons notifies the party served to answer or respond to the divorce petition within the specified deadline. Either party may have a default judgment entered against him or her for a failure to respond.

The original summons is a double-sided, one-page form. The front of the summons has information about the case caption, the parties, the deadline for a response, and notice that a default may happen for failure to respond. The back side is the affidavit of service. A copy of the original summons is served on the respondent. Once the respondent is served, the affidavit of service must be filled out by the person who did the service of process. When the original summons is completely filled out, you must file the original summons with the district court. See Form 4-206 NMRA for an example;

(16) "summons packet" means **a copy of the original summons**, petition for dissolution of marriage, temporary domestic order, and a blank copy of the Domestic Relations Information Sheet. See Paragraph E (1) below for more information. The summons packet is served on the respondent;

(17) "temporary domestic order" means an order issued by the court when a divorce proceeding is filed that instructs the parties on how to conduct themselves regarding interactions with each other, finances, children, and property during the divorce process. See Form 4A-201 NMRA for an example;

(18) "time sharing and order for support and care of children" means one or more orders of the court to include a parenting plan as defined in Paragraph L of Section 40-4-9.1 NMSA 1978 containing the duties of the parents of minor children relating to child custody, time sharing, visitation, and support, including support of a child under nineteen (19) years of age who is attending high school;

(19) "uncontested divorce proceeding" means a divorce proceeding in which the parties are in complete agreement as to all the decisions that must be made to finalize a divorce, including but not limited to decisions regarding the division of property, debts, spousal support, child custody, timesharing, visitation, and child support; and

(20) "wage withholding order" means an order that requires child support to be withheld from the wages of the named parent.

**E. STARTING THE DIVORCE PROCESS. These are the first forms that must be filed with the court.** When starting this process, each person must be named as a party on the forms. One person is a petitioner and the other is a respondent. The person starting the lawsuit is the named petitioner. The claims or rights of either party are not determined on the basis of being named as the petitioner or respondent. See Paragraph F of this rule for instructions on completing forms and next steps after these forms are filled out. In a divorce proceeding, the case is started by filing the following completed forms with the court:

(1) ***Domestic Relations Cover and Information Sheet.*** Form 4A-101 NMRA shall be submitted to the court in all cases. This form is used to provide the court with essential information about the parties to the divorce proceeding, such as addresses, social security numbers, dates of birth, and the names and ages of the children of both parties. Although this form is required to be turned into the court, it is not a public record and is not part of the court file; and

(2) ***Divorce Petition (Petition for Dissolution of Marriage).*** Depending on whether there are minor children of both parties, one of the following two forms are used to request a divorce:

(a) Form 4A-102 NMRA is used if the parties do not have any minor children together; or

(b) Form 4A-103 NMRA is used if the parties have minor children together.

(3) **Summons.** The Summons Form is located at Form 4-206 NMRA. If you are filing for a divorce or legal separation, you must complete the form to include the name and address of the respondent and your name and address for the response to be sent to you. Once this form is completed by you with the contact information, the court will fill in additional information to complete the Summons and return the original summons to you. A copy of the completed original summons shall be served on the respondent as part of the Summons Packet. See Paragraph J of this rule for serving the Summons Packet. It is the responsibility of the petitioner to file the original summons with a completed affidavit of service with the court.

(4) **Temporary Domestic Order (TDO).** The TDO is located at Form 4A-201 NMRA. Each judicial district has different procedures about who provides the standard form and how a TDO is issued. Some courts provide the form when the lawsuit is filed and others require the party starting the lawsuit to complete the form. Check with the court where you are filing your lawsuit to find out if you need to bring a TDO form with you. The contents of the TDO form shall not be changed by any person. The form requires only the completion of the court caption on the first page. If the court where you are filing your lawsuit does not issue its own TDO, bring additional copies of the TDO with you when filing your lawsuit.

F. **Completion of forms.** When filling out any forms, please do the following:

(1) **Type or print.** You must type or print all of the information required to be completed on forms filed with the court. If a pre-printed form is being used and there is not enough room on the form to provide all of the information required, add a separate page for the information and include the page with the pre-printed form before making copies and filing the form with the court. Your handwriting should be clear and easy to read.

(2) **Signing the forms and other papers.** Your signature on a form or other paper filed with the court means the following:

(a) you have read and understand the form or paperwork;

(b) the information provided by you on the form is factually correct to the best of your knowledge; and

(c) the information in the paperwork is accurate and true. Some forms may need to be signed in front of a notary public and notarized.

**G. Required number of copies to file with the court.** After completing and signing any required forms, the original, a copy for you, and a copy for all other parties in the case must be filed with the court clerk.

**H. Pay the filing fee.** A filing fee must be paid to the court clerk in cash or money order at the time the domestic relations information sheet, divorce petition, and summons are filed. If you cannot afford to pay the filing fee, you may ask the court to allow you to file for free or a reduced rate by filing an application for free process. See Form 4-222 NMRA for further information.

**I. Filing the first forms with the court.** After completing the forms described in Paragraph E, take the original and two (2) copies of each completed form to file in the district court. The court clerk will sign and stamp the original summons and give the original and two (2) copies of it back to you with a copy of your filed divorce petition so that a copy of the summons can be served on your spouse. The clerk may also give you two (2) copies of the TDO or will endorse (stamp) copies of a TDO provided by you. One copy of the temporary domestic order must be served on your spouse as part of the summons packet.

**J. Serving the summons packet.**

(1) After a divorce petition and summons and TDO are filed with the court, copies of all papers must be served on the person named as the respondent in the divorce petition (this is known as service of process). Attach the divorce petition, temporary domestic order, and blank Domestic Relations Cover Sheet to a copy of the original summons to assemble a **summons packet** (see definition in Subparagraph (16) of Paragraph D of this rule).

(2) The summons packet may be served by hand-delivery to your spouse by a person who is over the age of eighteen (18) and is not a party to the divorce proceeding. The petitioner cannot be the person who serves the respondent. Have someone deliver the summons packet to the respondent as required by Paragraph F of Rule 1-004 NMRA. It is the sole responsibility of the petitioner to have the summons packet served on the respondent (your spouse) and to provide proof that the service was completed. The court is not responsible for serving documents on any party.

(a) If you and your spouse are not living together and you know your spouse's current mailing address, the summons packet may also be served by certified mail, return receipt requested. If served by certified mail, your spouse must sign a receipt indicating that he or she received the summons packet for service to be completed. The return receipt from the certified mailing must be filed with the district court.

(b) There are other ways of serving the summons packet on your spouse. You should read Rule 1-004 NMRA to learn more about those methods.

(c) Service of process may be done by a private process server, law enforcement, or any other person who is over eighteen (18) and not a party to the lawsuit. You may have to pay a fee to someone to do the service of process for you. Check with your local law enforcement or look in the phone book for resources for service of process.

(3) If you cannot find your spouse after reasonable attempts to find him or her to serve the summons packet, you may file a motion with the court asking permission to serve the summons packet by publication in a newspaper. If you need to serve the summons packet for publication in a newspaper, use Forms 4-209 and 4-209A NMRA.

(4) After successful service on your spouse, you must file the original summons with completed affidavit of service with the court showing that your spouse (respondent) was served.

**K. Responding to the petition.** In a contested divorce proceeding, the person named in the petition as the respondent must file a written response, also known as an answer to the divorce petition. Form 4A-104 NMRA may be used to respond to the divorce petition. The response or answer must be filed with the court and a copy mailed to the petitioner within thirty (30) days after the summons packet was served on the respondent. Failure to file a response to the divorce petition within the thirty (30) days can result in serious consequences, including the entry of a default judgment against the respondent.

**L. Issues not addressed by the forms.** The Domestic Relations Forms do not include all domestic relations issues that may be relevant to you. The forms include only the most common issues that people face. If there are issues that are not included in the forms, you are responsible for bringing those issues to the attention of the court or you should seek the assistance of an attorney. You may need to get other forms that are not provided in these rules to finish the transfer of property, businesses, etc. For example, the forms do not include the following:

(1) federal and state tax treatment of income, expenses, and deductions both before and after a divorce, or as a result of a child support order, for claiming children as dependents, or for paying or receiving alimony;

(2) how to transfer title to property or assets;

(3) how to divide a business or retirement income;

(4) how to divide or transfer other complicated assets; or

(5) how to divide or transfer debts.

**M. Keeping Records.** Any party to an action should make copies of all documents, paperwork, or forms filed with the court for his or her own records.



N. **Paying Creditors.** These forms, including the final decree of dissolution of marriage, do not change the legal responsibility of a husband and wife to pay their creditors.

O. **Role of judge, clerk, and court.** Court clerks can only help you with filing forms with the court; they cannot help you complete them. The judge makes decisions in your case, but neither the judge nor the judge's staff can give advice to either party, including how to fill out the forms. If you need assistance or have questions about how to complete the forms, you may seek help from an attorney. The court clerks may give you information about community resources for legal assistance. See Rule 23-113 NMRA, which provides more guidance on what information and assistance court staff may give to self-represented litigants. You may also want to use your local library to get information about the forms or legal citations in these rules, which may include internet searches of New Mexico court websites ([www.nmcourts.gov](http://www.nmcourts.gov)) and the New Mexico compilation commission ([www.nmcompcomm.us](http://www.nmcompcomm.us)).

[Approved by Supreme Court Order No. 13-8300-010, 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.]

## ANNOTATIONS

**Compiler's note.** — Pursuant to Supreme Court Order No. 13-8300-010, a new 4A-100 NMRA was adopted effective May 31, 2013.

**Withdrawals.** — Pursuant to Supreme Court Order No. 13-8300-010, former 4A-100 NMRA, relating to the purpose and use of domestic relations forms, was withdrawn effective May 31, 2013.

### 4A-101. Domestic relations cover sheet.

#### DOMESTIC RELATIONS COVER SHEET<sup>1</sup>

*Type or print responses. Required in all domestic relations cases.  
(Do not use in domestic violence cases.)*

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#### THIS SECTION FOR OFFICIAL USE ONLY<sup>2</sup>

Case number: \_\_\_\_\_ Assigned judge: \_\_\_\_\_ Free process: Y N

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#### Information for court clerk's use.

##### A. Parties' names and petitioner's attorney information.

##### Petitioner's information

Petitioner's name: \_\_\_\_\_

Attorney's name: \_\_\_\_\_

Attorney address: \_\_\_\_\_

City: \_\_\_\_\_  
State: \_\_\_\_\_  
Zip code: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Respondent's name: \_\_\_\_\_

**B. Case tracking** (select codes from page 3)<sup>3</sup>

Primary case type (Insert three letter code) \_\_\_\_\_

Primary claim for relief (cause of action) (Insert three letter code) \_\_\_\_\_

Other claims for relief (cause of action) (Insert three letter codes)<sup>4</sup>: \_\_\_\_\_.

**C. Type of pleading** (mark only one)

\_\_\_\_ FIRST PLEADING for this party (*petition*)

\_\_\_\_ RE-OPENED (*Post judgment decree, motions, petitions for enforcement or modification*)

**Information for judge's use** (mark all that apply)

Has mediation or settlement facilitation been attempted? \_\_\_\_ Yes \_\_\_\_ No.

Are there any pending or closed cases, including any domestic violence or children's court cases, involving the same parties or children? \_\_\_\_ Yes \_\_\_\_ No.

**END OF COVER SHEET. GO TO INFORMATION SHEET.**<sup>5</sup>

**NOTE TO CLERK: PLACE THE COVER SHEET IN THE COURT FILE.**<sup>6</sup>

NOTE TO COURT CLERK: DO NOT FILE THE INFORMATION SHEET.<sup>6</sup>

**DOMESTIC RELATIONS INFORMATION SHEET**

Case number: \_\_\_\_\_ Assigned judge: \_\_\_\_\_

The following information is required by New Mexico law and federal law for child support enforcement. The information also is needed to identify and monitor the case.

**1. Information regarding petitioner and respondent.** (*Do not use an attorney's mailing address. Use a separate sheet if necessary.*)

**Petitioner**

Name:  
(Last name, first, middle)

Other names (e.g. maiden name):

Address:

**Respondent**

Name:  
(Last name, first, middle)

Other names (e.g. maiden name):

Address:

City: City:  
State: State:  
Zip code: Zip code:  
Date of birth: Date of birth:  
Social Security number<sup>7</sup>: Social Security number<sup>7</sup>:

**2. Parties' minor children.** (*Provide the date of birth and social security number for each minor child, if any. Use a separate sheet if necessary.*)

Name: ( <i>Last name, first, middle</i> )	Name: ( <i>Last name, first, middle</i> )
Date of birth:	Date of birth:
Social Security number:	Social Security number:
Name: ( <i>Last name, first, middle</i> )	Name: ( <i>Last name, first, middle</i> )
Date of birth:	Date of birth:
Social Security number:	Social Security number:

**3. Request to limit access to information.**

**(Optional - complete only if applicable)**

The [petitioner] [respondent] has reason to fear domestic violence or child abuse. For this reason, please limit access to information about the [petitioner] [respondent] in the Child Support & Paternity Case Registry to the extent [ ] possible. The [petitioner] [respondent] realizes that this request may make it more difficult to assist in collecting child support. The [petitioner] [respondent] understands that the other party and the public might still view information about this case under some circumstances.

I affirm that this request is legitimately made and not designed to harass or intimidate the other party or mislead the court.

**END OF INFORMATION SHEET**

*NOTE: DO NOT SUBMIT INFORMATION BELOW THIS LINE TO THE CLERK.<sup>5</sup>*

**CLAIMS FOR RELIEF (CAUSES OF ACTION)**

Select the primary case type, primary claim for relief and all other claims for relief from the following list. Primary case types are in bold print and are either underlined or appear in italics. "Claims for relief" appear in regular lettering to the left and below each "primary case type." Write the appropriate codes in the appropriate blank spaces on the cover sheet.

		<b>PRIMARY CASE TYPE</b>
<b>ESTABLISH DISSOLUTION — MINOR CHILDREN</b>		<b>DDC</b>
ANNULMENT with custody	DAC	
DIVORCE with custody	DDC	
LEGAL SEPARATION with custody	DLC	
NOT MARRIED with children	DNC	
<b>ESTABLISH DISSOLUTION -- NO MINOR CHILD</b>		<b>DDN</b>
ANNULMENT no minor child	DAN	
DIVORCE no minor child	DDN	
LEGAL SEPARATION no minor child	DLN	
NOT MARRIED no minor child	DNN	
<b>ESTABLISH CUSTODY OR VISITATION</b>		<b>DCV</b>
PARENTAL CUSTODY OR VISITATION	DCV	
GRANDPARENT VISITATION	DGC	
OTHER CUSTODY VISITATION	DOC	
<b>ENFORCE - MODIFY CUSTODY, VISITATION OR SUPPORT</b>		<b>DDC</b>
ENFORCE INCOMING RECIPROCAL	EIR	
ENFORCE OUTGOING RECIPROCAL	EOR	
ENFORCE SUPPORT - private attorney	EPV	
ENFORCE SUPPORT - state attorney	EST	
MODIFY INCOMING RECIPROCAL	EIR	
MODIFY OUTGOING RECIPROCAL	EOR	
MODIFY SUPPORT - private attorney	EPV	
ENFORCE OR MODIFY PARENTAL CUSTODY	ECV	
ENFORCE OR MODIFY GRANDPARENT VISIT	EGC	
ENFORCE, MODIFY OTHER CUSTODY OR VISIT	EOC	
<b>MISCELLANEOUS OR OTHER</b>		<b>DMS</b>
SECTION 40-4-7 PROPERTY DIVISION	DPD	
ENFORCE OR MODIFY PROPERTY DIV.	EPD	
MISC. DOMESTIC MATTERS	DMS	
ENFORCE - MODIFY MISC. DOM. REL. MATTER	EMS	
<b>ESTABLISH PARENTAGE OR PATERNITY</b>		<b>DPA</b>
ESTABLISH PARENTAGE OR PATERNITY	DPA	
<b>CHILD SUPPORT</b>		<b>DCS</b>
CHILD SUPPORT - private attorney	DPV	

## USE NOTE

1. The Domestic Relations Cover Sheet and the Domestic Relations Information Sheet are not required in domestic violence, commitment, guardianship, probate or adoption actions; or if you are filing a pleading that does not change or add to the first pleading.

In uncontested domestic relations matters, the parties may submit one Cover Sheet and Information Sheet with the initial pleading, and the documents need not be served.

In all other contested domestic relations cases each attorney representing a petitioner, or the petitioner proceeding pro se, in a contested case must submit both the cover sheet and the information sheet and serve a blank copy of the information sheet on the respondent. Respondents must submit the completed information sheet with their first responsive pleading.

The information submitted on these forms does not replace or supplement the filing and service of pleadings or other papers required by law. These forms, approved by the Supreme Court of New Mexico, are required to initiate domestic relations cases and are used by the courts for case management.

Forms are available from the court clerks and the NMRA. Electronic copies may be obtained from the Supreme Court's internet site ([www.supremecourt.nm.org](http://www.supremecourt.nm.org)) and New Mexico Law on Disc. If re-keying the form it must appear substantially in the same format as the Supreme Court approved form. Type or print only. If using a word processing system, please print your answers in bold.

2. The information contained in the "official use only" section of the domestic relations cover sheet including the case number and assigned judge, and free process information will be filled in by the court clerk. The court clerk will also fill in the case number and assigned judge information requested on the Domestic Relations Information Sheet.

3. The identification of case types, primary and other claims for relief is for court data keeping purposes only and is not binding for any purpose. There is no wrong answer as long as the codes are taken from the attached list of codes. Insert the code for the primary case type (e.g. DVC for custody or visitation) and the primary claim for relief (e.g. DGC for grandparent visitation) using the codes listed on page three (3) of the cover sheet. It is possible for the case type and case codes to be the same. Please insert both. For statistical purposes, you can list only one primary case type and one primary claim or cause of action.

4. Other claims for relief. If you have other claims, type or print the codes for those claims as indicated.

5. The cover sheet is to be submitted to the clerk on one page. Unless there are more than four children, the information sheet is to be submitted on a single page. The clerk will key-enter the information on the cover sheet and place it in the court file. Only the cover sheet will be filed. The clerk will key-enter the information on the information sheet. The information sheet will not be filed in the court file.

6. Please print and include the “notes” to the clerk on the form submitted to the clerk.

7. If the party has more than one social security number, please include it. Pursuant to Sections 27-1-10 and 27-1-11 NMSA 1978 and federal law, each party must submit the social security number of each party as well as the name, date of birth and social security number for each minor child. This information will be provided to the State Case Registry and, upon request, to child support enforcement agencies. The parties’ addresses and social security numbers are also used to accurately identify and track court users, obtain feedback from court users on a periodic basis and to issue process in contempt proceedings. Addresses provided on this page will not be made a part of the public record unless that party is or becomes self represented.

8. The Child Support & Paternity Case Registry is a required, nationwide database of child support and paternity orders. Access to registry information is strictly limited to court and child support administrative personnel. Requesting that your registry information be “nondisclosed” does not prevent authorized parties from reviewing the information. Rather, it alerts courts and child support administrative personnel to act with caution when viewing your information. However, be aware that requesting “nondisclosure” of registry information does not limit access to your official district court case file which is a public record. If you are concerned about such access, ask your lawyer, or the court clerk if you do not have a lawyer, about ways in which the court may restrict access to your court file.

[Provisionally approved as 4-211 NMRA, effective November 1, 1999 until November 1, 2000; approved, as amended, effective November 1, 2000; as amended by Supreme Court Order No. 13-8300-010, 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.]

## **ANNOTATIONS**

**The 2000 amendment**, effective November 1, 2000 added Item 3 at the end of the Information Sheet and added Use Note 8.

**The 2013 amendment**, approved by Supreme Court Order No. 13-8300-010, effective May 31, 2013, made minor formatting changes.

### **4A-101A. Domestic relations information sheet.**

**DOMESTIC RELATIONS INFORMATION SHEET**  
*(for self-represented people)*

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**THIS SECTION FOR OFFICIAL USE ONLY<sup>1</sup>**

Case number: \_\_\_\_\_

Assigned judge: \_\_\_\_\_

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*The following information is required by New Mexico law and federal law for child support enforcement. The information also is needed to identify and keep up with your case. If child support is not paid, this information will help the court get the money for your child(ren).*

**1. Information regarding petitioner and respondent.** *(Look at the paperwork you are giving to the court to see who is listed at the top as petitioner and respondent. Use a separate sheet if necessary.)*

**Petitioner**

Name:

*(Last name, first, middle)*

Other names (e.g. maiden name):

Address:

City:

State:

Zip code:

Date of birth:

Social Security number<sup>2</sup>:

**Respondent**

Name:

*(Last name, first, middle)*

Other names (e.g. maiden name):

Address:

City:

State:

Zip code:

Date of birth:

Social Security number<sup>2</sup>:

**2. Parties' minor children.** *(Provide the date of birth and social security number for each minor child, if any. Use a separate sheet if necessary.)*

Name:

*(Last name, first, middle)*

Social Security number:

Name:

*(Last name, first, middle)*

Social Security number:

Name:

*(Last name, first, middle)*

Social Security number:

Name:

*(Last name, first, middle)*

Social Security number:

Has any court made an order for child support? \_\_\_\_\_ Yes \_\_\_\_\_ No

Has any court changed the amount of child support you requested? \_\_\_\_\_ Yes  
\_\_\_\_\_ No

If your answer is "Yes" to either question, what state and what court are they located in?  
\_\_\_\_\_ State \_\_\_\_\_ Court

3. **Request to limit access to information.**

***(Optional - complete only if applicable)***

[ ] I have reason to fear domestic violence or child abuse. For this reason, please limit access to information about me in the Child Support & Paternity Case Registry to the extent possible. I realize that this request may make it more difficult to assist me in collecting child support. I also understand that the other party and the public might still view information about my case under some circumstances.

Under penalty of perjury, I affirm that this request is legitimately made and not designed to harass or intimidate the other party or mislead the court.

**NOTE TO COURT CLERK:**

**DO NOT PLACE THIS INFORMATION SHEET IN THE COURT FILE.3**

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## **DOMESTIC RELATIONS INFORMATION SHEET INSTRUCTIONS**

If you need more space to write, you can attach a separate sheet with the information.

### **To Petitioner:**

If you and your spouse or the other person who owes child support have agreed on everything before this case was filed, then you must give the *Information Sheet* to the court clerk with your petition.

If you do not agree it means the case is *contested*. If the case is contested, you **MUST** do two things:

1. give the information sheet to the court clerk; and
2. have a sheriff or process server give a blank copy of the *Information Sheet* to your spouse or other person who owes child support.

### **To Respondent:**

You must submit the information sheet when you file your first paper with the court. You must write the name of the judge and the case number on the Information Sheet. You can find that information on the papers the petitioner gave you.

After you fill out this form, you will need to submit the other paper work required by law. If you choose to represent yourself in a claim, you may still wish to talk with an attorney to discuss your rights. The people who work in the court cannot give you legal advice.



## **Purpose:**

You must give the information requested on the sheet for the State Case Registry. This information is required by federal and state law. The information is needed to identify and keep up with your case. If your child(ren) do not receive the child support ordered, this information will help the court get the money for your child(ren).

If you have more than one social security number, include all social security numbers. Social security numbers will be given to state and federal agencies which are required by law to collect the information. Social security numbers will not be given to the public.

Your addresses are used by the court to obtain feedback from both of you.

## **USE NOTE**

1. The information contained in the “official use only” section of the Domestic Relations Information Sheet, including the case number and assigned judge, will be filled in by the court clerk.

2. If the party has more than one social security number, please include it.

3. Unless there are more than four children, the information sheet is to be submitted on a single page. The clerk will key-enter the information on the information sheet. The information sheet will not be filed in the court file. **The Domestic Relations Information Sheet Instructions are not submitted to the court clerk.**

4. The Child Support & Paternity Case Registry is a required, nationwide database of child support and paternity orders. Access to registry information is strictly limited to court and child support administrative personnel. Requesting that your registry information be “nondisclosed” does not prevent authorized parties from reviewing the information. Rather, it alerts courts and child support administrative personnel to act with caution when viewing your information. However, be aware that requesting “nondisclosure” of registry information does not limit access to your official district court case file which is a public record. If you are concerned about such access, ask your lawyer, or the court clerk if you do not have a lawyer, about ways in which the court may restrict access to your court file.

[Provisionally approved as 4-211 NMRA, effective November 1, 1999 to November 1, 2000; approved, as amended, effective November 1, 2000; 4-212 NMRA recompiled as 4A-102 NMRA; 4A-102 recompiled as 4A-101A by Supreme Court Order No. 13-8300-010, 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.]

## **ANNOTATIONS**

**Compiler's note.** — Pursuant to Supreme Court Order No. 13-8300-010, former 4A-102 NMRA was recompiled as 4A-101A NMRA, effective May 31, 2013.

The **2000 amendment**, effective November 1, 2000, added Item 3 and Use Note 4.

### **4A-102. Petition for dissolution of marriage (without children).**

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT COURT

\_\_\_\_\_,  
Petitioner,

v. \_\_\_\_\_ No. \_\_\_\_\_

\_\_\_\_\_,  
Respondent.

#### **PETITION FOR DISSOLUTION OF MARRIAGE (WITHOUT CHILDREN)**

Petitioner, \_\_\_\_\_, asks this Court for a *Final Decree of Dissolution of Marriage*, and states:

1. The parties, or at least one party, is a resident of \_\_\_\_\_ County, State of New Mexico.  
At least one party has resided in the state of New Mexico for at least six (6)
2. months immediately preceding the filing of this Petition and has domicile in New Mexico as defined by Section 40-4-5 NMSA 1978.  
The parties were married on \_\_\_\_\_ (date) in
3. \_\_\_\_\_ (city), \_\_\_\_\_ (state), and have remained spouses since that date.
4. A state of incompatibility and irreconcilable differences exists and the parties are not likely to reconcile.
5. The parties do not have any children and none are expected.
6. Any sole and separate property or debts of the parties should be confirmed by the Court.
7. Any community property of the parties should be equitably divided.
8. Any community debts of the parties should be equitably divided.
9. CIRCLE ONE: My spouse [is] [is not] a member of the military.



SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ (name of Petitioner).

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_.

#### USE NOTE

1. The verification on this form must be notarized, notwithstanding the provisions of Rule 1-011(B) NMRA.

[Approved by Supreme Court Order No. 13-8300-010, 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.]

#### ANNOTATIONS

**Compiler's note.** — Pursuant to Supreme Court Order No. 13-8300-010, former 4A-102 NMRA was recompiled as 4A-101A NMRA and a new 4A-102 NMRA was adopted effective May 31, 2013.

### **4A-103. Petition for dissolution of marriage (with children).**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT COURT

\_\_\_\_\_,

Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_,

Respondent.

#### **PETITION FOR DISSOLUTION OF MARRIAGE (WITH CHILDREN)**

1. The parties, or at least one party, is a resident of \_\_\_\_\_ County, State

of New Mexico.

At least one party has resided in the state of New Mexico for at least six (6) months immediately preceding the filing of this Petition and has domicile in New Mexico as defined by Section 40-4-5 NMSA 1978.

2. The parties were married on \_\_\_\_\_ (date) in \_\_\_\_\_ (city), \_\_\_\_\_ (state), and have remained spouses since that date.

3. A state of incompatibility and irreconcilable differences exists and the parties are not likely to reconcile.

4. The parties have \_\_\_\_\_ child/children:

	Name	Year of Birth	Age
A.	_____		
B.	_____		
C.	_____		
D.	_____		

Choose only one:

5. \_\_\_\_\_ There are no more children expected.  
\_\_\_\_\_ The parties are expecting another child/children.

6. The minor child/children have been residents of the state of New Mexico for at least the past six (6) months and jurisdiction to determine custody issues is present in the state of New Mexico. New Mexico is the home state of the child/children.

7. Petitioner's current address is:

Respondent's current address is:

The current address of each child under the age of eighteen (18) is (*list name and address of each child*):

8. For the last five (5) years, list the names of the persons with whom each child under the age of eighteen (18) named in paragraph 6 above has resided, and the dates at each residence for each child:

9.

Petitioner has information about custody proceeding(s) involving the minor child/children either pending or in the past in a court in this state or any other state. (*Choose one*)

10. \_\_\_\_\_ Yes  
\_\_\_\_\_ No

If yes, provide court information:

Choose only one:

\_\_\_\_\_ Petitioner has not participated as a party, witness, or in any other capacity in any other litigation concerning the custody of the minor child/children in New Mexico or in any other jurisdiction and/or state.

OR

11. \_\_\_\_\_ Petitioner has participated as a party, witness, or in some other capacity in other litigation concerning the custody of the minor child/children. List all case names including names of parties, name of court, location of the court, and court case number:

Someone other than Respondent and me has physical custody of the minor child/children or claims to have custody or visitation rights with respect to the minor child/children. (*Choose one*)

\_\_\_\_\_ Yes

12. \_\_\_\_\_ No

If yes, list the name of any such individual(s):

Choose only one:

\_\_\_\_\_ Petitioner and Respondent are fit and proper persons to have joint legal custody of the minor child/children, with the rights and responsibilities identified in Paragraphs F and J of Section 40-4-9.1 NMSA 1978, and subject to a parenting plan that is consistent with the best interests of the child/children.

13. \_\_\_\_\_

OR

\_\_\_\_\_ Petitioner is a fit and proper person to have sole legal custody of the child/children and is able to show the Court why sole legal custody is appropriate for the child/children.

14. The parties should be ordered to contribute to the support and maintenance of the parties' child/children pursuant to the New Mexico Child Support Guidelines.
15. Any sole and separate property or debts of the parties should be confirmed by the Court.
16. Any community property of the parties should be equitably divided.
17. Any community debts of the parties should be equitably allocated.
18. CIRCLE ONE: My spouse [is] [is not] a member of the military.
19. OPTIONAL (*Cross out if this does not apply to you*): Petitioner is in need of spousal support (alimony) to be paid to him/her by Respondent.
20. OPTIONAL (*Cross out if this does not apply to you*): Petitioner wishes to be restored to his/her former name.



\_\_\_\_\_  
Name/Petitioner

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ (name of Petitioner).

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_.

**USE NOTE**

1. The verification on this form must be notarized, notwithstanding the provisions of Rule 1-011(B) NMRA.

[Approved by Supreme Court Order No. 13-8300-010, 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.]

**4A-104. Response.**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT COURT

\_\_\_\_\_ ,

Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_ ,

Respondent.

**RESPONSE**

Respondent, \_\_\_\_\_, responds to the Petition for Dissolution of Marriage, and states:

1. I admit (agree with) the statements in the following paragraphs (list the paragraph numbers below) of the Petition:



I deny (disagree with) the statements in the following paragraphs (list the paragraph numbers below) of the Petition:

2.

3. I also want a divorce and the legal remedies to which I am entitled.

4. OPTIONAL (*Cross out if this does not apply to you*): I want my name to be restored to my former name, \_\_\_\_\_.

Respondent asks that the Court:

- A. Enter a *Final Decree of Dissolution of Marriage* on the grounds of incompatibility;
- B. Confirm any separate property and separate debt of the parties;
- C. Equitably divide any community property and community debt of the parties;
- D. Enter an order for spousal support, as appropriate;
- E. Provide for the custody, support, and maintenance of the child/children. (*cross out if this does not apply*);
- F. Order that my name be restored to my former name of \_\_\_\_\_ (*cross out if this does not apply*); and
- G. Provide for such other and further relief as the Court may deem just and proper.

Submitted by:

Name

Mailing address

City, State, Zip

Physical Address (*this must be provided unless address is sealed by court order*)

City, State, Zip

Telephone number

I hereby certify that a true and correct copy of this Response was mailed to Petitioner/Petitioner's counsel at

\_\_\_\_\_ (address)

on \_\_\_\_\_ (date).

Signature of Respondent

[Approved by Supreme Court Order No. 13-8300-010, 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.]

**4A-105. Entry of appearance pro se.**

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT COURT

\_\_\_\_\_ ,

Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_ ,

Respondent.

**ENTRY OF APPEARANCE PRO SE**

I, [ ] Petitioner (or) [ ] Respondent (check one), \_\_\_\_\_ (your name), hereby enter my appearance pro se in this action. I understand that **NOTICE OF ALL HEARINGS WILL BE MAILED TO THE ADDRESS GIVEN BELOW UNLESS I PROVIDE A DIFFERENT ADDRESS IN WRITING** to the Clerk of the Court and to all parties of record.

\_\_\_\_\_  
Petitioner pro se/Respondent pro se

\_\_\_\_\_  
Mailing address

\_\_\_\_\_  
City, State, Zip

---

Telephone number

I hereby certify that a true and correct copy of this Entry of Appearance was mailed to \_\_\_\_\_ (name of other party), \_\_\_\_\_ (address of other party) on \_\_\_\_\_ (date).

\_\_\_\_\_  
Signature of person filing this Entry of Appearance

[Approved by Supreme Court Order No. 13-8300-010, 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.]

## Stage Two (2) Divorce Forms

### 4A-200. Domestic relations forms; instructions for stage two (2) forms.

A. **Temporary orders.** After your petition for dissolution of marriage has been filed but before the court issues a final decree, you may request assistance on a temporary basis using Form 4A-202 NMRA. The court may provide such assistance by issuing one of the following temporary orders:

(1) **Temporary domestic order.** See Subparagraph (17) of Paragraph D and Subparagraph (4) of Paragraph E of Form 4A-100 NMRA for an explanation of when to request a temporary domestic order from the court. For the temporary domestic order, see Form 4A-201 NMRA;

(2) **Temporary division of property.** You should request this relief when you need assistance from the court with access to property such as a home (e.g., a house, apartment, etc.) or a vehicle;

(3) **Temporary division of income and debts.** You should request this relief when you and your spouse cannot agree about how bills will be paid, or you are having trouble paying the bills with only your income. This relief will include child support if you and your spouse have minor children together;

(4) **Temporary custody of minor children.** You should request this relief when you and your spouse cannot agree on where the children should live and which parent should have the authority to make important decisions about the children. For more information about child custody, see Section 40-4-9.1 NMSA 1978;

(5) ***Temporary order establishing timesharing and a visitation schedule.***

You should request this relief when you and your spouse cannot agree on a schedule of how much time each parent will spend with the child and when the child will be with each parent;

(6) ***Temporary child support and request for wage withholding.***

If you have not already requested a temporary division of property and debts as provided in Subparagraph 3 of Paragraph A of this rule, you should request this relief when you and your spouse cannot agree on the amount of money that your spouse should pay you to help support the children. If the court grants a temporary child support order, the child support payment will be taken from your spouse's paycheck pursuant to a wage withholding order, unless there is good cause not to do so. For more information about a wage withholding order, see Sub-subparagraph (b) of Subparagraph (2) of Paragraph D of Form 4A-300 NMRA. For the wage withholding order, see Form 4A-304 NMRA; and

(7) ***Temporary allocation of community resources to permit both parties to hire an attorney.*** You should request this relief when you need money to hire an attorney and there is money or credit available from either or both of the parties.

**B. Motion to modify temporary order.** You should file this motion (Form 4A-203 NMRA) if you have a temporary order and you want to change it. In your motion, you must state specific reasons why the temporary order should be changed.

**C. Motion for referral to mediation (child custody, timesharing, or visitation).** You should file this motion (Form 4A-204 NMRA) when you believe that there is a reasonable likelihood that you and your spouse will be able to reach an agreement about child custody or visitation with the assistance of a mediator. Requesting a referral for mediation on child custody does not require the issue of child support to be resolved at the same time. In order to mediate child support, the parties must have exchanged all documentation required by Rule 1-123 NMRA, as provided by Paragraph D of this rule.

**D. Motion for referral to mediation (child support or other financial issues).** You should file this motion (Form 4A-205 NMRA) only if

(1) you and your spouse have exchanged all documentation required by Rule 1-123 NMRA (see the appendix to this Rule for more information);

(2) you believe that there is a reasonable likelihood that you and your spouse can reach a final agreement on some or all of the matters in your divorce other than child custody or visitation, such as child support, division of income and debt, or division of a retirement account. See Form 4A-202 (Motion for temporary order) for other matters that may be mediated; and

(3) the judicial district that you are filing in has a mediation program for this purpose, or you and your spouse have funds available to pay for a private mediator.

## E. General instructions for filing motions.

(1) Either party may file a motion seeking help from the court. When you file a motion, it must be filed with the Court Clerk's Office. You must fill out and bring a Request for Hearing (Form 4A-206 NMRA) to the court to be filed at the same time as your motion. You must also bring an original, completed Notice of Hearing (Form 4A-207 NMRA) with self-addressed stamped envelopes for you and your spouse. The court will send you and your spouse a Notice of Hearing that will include your assigned hearing date and time in the self-addressed stamped envelopes you provided.

**WARNING:** Generally, this rule must be followed when filing a motion; however, many courts have special rules when the parties need a hearing. You should inquire at the Court Clerk's Office to determine if special rules apply when you request a hearing.

(2) If the motion relates to money (see Subparagraphs (1), (2), (3), (6) and (7) of Paragraph A, above), you must take the steps required by Rule 1-123 NMRA and file a Notice of Compliance with Rule 1-123 (Form 4A-208 NMRA), with the Court Clerk's Office. For further information on Rule 1-123, please refer to the appendix to this rule.

(3) There may be other motions that you want to file. You should follow these general instructions with all motions. Any response to a motion should be served on the other party as set forth in Paragraph J of Form 4A-100 NMRA.

(4) **WARNING:** Your motion cannot be heard by the court unless you have properly served a copy on the other party. All forms include a certificate of service.

**F. Special instructions; verified motion for order to show cause.** You should file a verified motion for order to show cause (Form 4A-209 NMRA) when you want to tell the court that the other person is not following an **existing court order** and to ask the court for help. You should be very specific when completing the motion; tell the court what the court order says and what the other person is doing or not doing that is violating the order. State only serious violations and be as complete as possible. Together with the Verified Motion for an Order To Show Cause, you must submit a proposed Order To Appear and Show Cause (Form 4A-210 NMRA) at the same time.

Take the original signed motion and at least two copies to the court for filing. The clerk will file the original motion and give you at least one endorsed copy back for your records. You will also submit the Order To Appear and Show Cause to the clerk after the Verified Motion for Order To Show Cause is filed.

You will later receive a copy of an Order To Appear and Show Cause sent to you from the court, or it may be available to be picked up from the court. This will contain the date, time, and place of your hearing. You should ask the clerk when you file your motion if the papers will be mailed to you or if you will need to pick them up from the court.

**WARNING:** You are responsible for serving a copy of the Verified Motion for Order To Show Cause and the Order To Appear and Show Cause on the other party at least five (5) days prior to the hearing. Refer to Paragraph J of Rule 4A-100 NMRA for instructions about service of process. The court may not be able to help you if you cannot get the papers personally served on the other party. After the motion and order to show cause are served on the other party, the person who served these documents must fill out an affidavit of service. Keep at least one copy of the original affidavit of service. You must file the original affidavit of service with the court.

You must appear at any hearing that you request. Be prepared to show the court how the other party is not following the court order by bringing all evidence with you, such as papers, pictures, or witnesses.

**G. Hearings.** You will receive a notice of hearing from the court mailed to you in the self-addressed stamped envelope that you or your spouse provided to the court when filing the motion. See the appendix to this rule for instructions about how to prepare for the hearing. If a person whom you need to be your witness does not want to go to court, you will need to go to the court to request a subpoena. If a subpoena is issued by the court, the person will be ordered to appear at the court at the date, time, and place of your hearing. You are responsible for getting the subpoena served on the witness and for filing the return of service with the Clerk of the Court. For further information about subpoenas, see Rule 1-045 NMRA.

**H. Hearing officers.** From time to time, the judge may appoint a hearing officer to preside over your hearing. The hearing officer is required to prepare a Hearing Officer Report within thirty (30) days after your hearing, which contains findings of fact and recommendations to the judge on how the court should rule. The court will mail each party a copy of the Hearing Officer Report and a Notice of Filing. If you do not agree with the hearing officer's recommendations, you must complete and file written objections within ten (10) days after service of the recommendations using Form 4A-211 NMRA. You must send a copy of the written objections to your spouse. If no written objections are received by the district court, then the recommendations of the hearing officer may be adopted by the court without further notice to you. If the court receives written objections to the recommendations, the court will decide whether to set a hearing or to enter its own order. The court will notify you of the action that it has taken. For further information about hearing officers in domestic relations actions, see Rule 1-053.2 NMRA.

[Approved by Supreme Court Order No. 13-8300-010, 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.]

**4A-200 APPENDIX. Supplement to the notice of hearing and mandatory compliance with rule 1-123.**

**SUPPLEMENT TO THE NOTICE OF HEARING AND MANDATORY COMPLIANCE  
WITH RULE 1-123**

<b>If your case involves a pending dissolution of marriage with a division of property, income, and/or debt</b>	
Complete Rule 1-123 discovery forms and file your certificate of compliance with this rule in the District Court. With the other party, exchange a list of your community property and debts (using Form 4A-214 NMRA) and a list of separate property and debts (using Form 4A-215 NMRA) and include all supporting documents. Bring copies of the lists and supporting documents to the court for your hearing.	
If either party is seeking <i>interim division of income and expenses</i> , then the parties should complete the interim monthly income and expenses statement (Form 4A-212 NMRA) and provide the form and all supporting documentation to the other party before the hearing. Bring copies of any supporting documents (e.g., pay stubs, tax returns, mortgage statements, credit card statements, utility bills, etc.) and forms to the hearing. Each party must file a notice of compliance with Rule 1-123 (Form 4A-208 NMRA) before a hearing on interim division of income and expenses.	
The parties can obtain copies of the court-approved Marital Settlement Agreement (Form 4A-301 NMRA) from the court where your case is filed or from <a href="http://www.nmcourts.gov">www.nmcourts.gov</a> . The parties should exchange drafts of the Marital Settlement Agreement before the hearing. Bring a copy of your draft Marital Settlement Agreement and of the Final Decree of Dissolution of Marriage (Form 4A-305 NMRA) to your hearing.	
<b>If your case involves establishing, modifying, or enforcing child support</b>	
<b>Employed by a company or individual</b>	<b>Self employed</b>
Exchange with the other party and bring to the court copies of current year-to-date earnings statement or pay stubs.	Exchange with the other party and bring to the court copies of Profit & Loss Statements with supporting documents.
Exchange tax returns, including your W-2 & 1099 Statements with all schedules for the prior two years.	Business tax returns with supporting documents and verification of income and expenses for the prior two years.
Exchange and bring to the court receipts for current daycare expenses.	
Exchange and bring to the court documentation of health insurance costs for the child(ren). Most Human Resources Offices can provide you with payroll deduction information for "employee"/"employee plus one" or "employee plus family" coverage.	
Bring proof of payment of child support (i.e. canceled checks, money orders or receipts) to the hearing.	
If you are seeking a wage withholding order (Form 4A-303 NMRA) or child support enforcement services, contact CSED at 1-800-288-7207 to apply for services and obtain a CSED case number. If CSED has an interest in the case, the parties are responsible for notifying CSED of the hearing.	

<b>If your case involves child custody, timesharing, or visitation issues</b>
Obtain a copy of the court-approved Custody Plan (Form 4A-302) at <i>www.nmcourts.gov</i> . Each party should develop a proposed temporary, age appropriate timesharing or visitation plan and exchange the proposal with the other party prior to the hearing.
Bring a copy of your proposed Custody Plan to the hearing.
<b>If your case involves spousal support or alimony</b>
Bring documentation of your income and the income of the other party (e.g., pay stubs, personal and business tax returns, along with supporting documentation such as bank records, business expenses, etc.). In addition you should bring documentation of monthly recurring expenses such as rent, mortgage, vehicle costs, insurance, utilities, credit card statements, payments, loans, health insurance, and/or medical care costs to the hearing.
<b>If your case involves an issue not addressed above, bring copies of any proposed document to support your case to any hearing scheduled or hearing that you are requesting.</b>

[Approved by Supreme Court Order No. 13-8300-010, 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.]

**4A-201. Temporary domestic order.**

[For use with Rule 1-121 NMRA]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_,

Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_,

Respondent.

**TEMPORARY DOMESTIC ORDER<sup>1</sup>**



This order is issued pursuant to Rule 1-121 NMRA. This is not an order of protection under federal or state law. It is otherwise fully enforceable. It applies to both parties. This order will continue in effect until modified. The procedure for modification of this order is described below.

### **THE COURT ORDERS THE PARTIES AS FOLLOWS:**

(1) **Do not** injure or physically or mentally abuse, molest, intimidate, threaten or harass the other party or any child of either party.

(2) **Do not** interfere with the relationship of your spouse with any child of either party. If you are living apart, you shall each continue to have frequent contact and communication with any minor child of both parties, personally and by telephone. A party shall notify the other party of any change of address or telephone number within twenty-four (24) hours of the change.

(3) **Do not** change a child's school, religion, child care, doctor, dentist, physical or mental treatment or recreational activities in which the child has been participating.

(4) **Do not** remove, cause or permit the removal of any minor child of both parties from the State of New Mexico without court order or written consent of the other party.

(5) **Do not** make the other party leave the family home, whether it be community or separate property, without court order. You should attempt to resolve the question of who leaves the home in a fair manner. If you cannot agree, you must ask the court to decide.

(a) Whoever moves from the family home may return to pick up personal belongings at a reasonable time as you may agree. Personal belongings do not include furniture unless you agree or the court permits. If an order prohibiting domestic violence has been entered, you must arrange to have a law enforcement officer present to monitor the removal of personal belongings. The party moving out of the residence is not prejudiced by reason of the move in any way with respect to custody of any minor child, with respect to a claim of any interest in the family residence or the personal property in or on the premises.

(b) Whoever leaves the family residence shall notify the other party, within twenty-four (24) hours of an address where the vacating party can receive mail.

(c) At a reasonable time, you are entitled to examine the contents of the marital residence and to have access to all properties owned by either of you, for inspection, valuation or appraisal. If you ask, the other party must provide access to the home within fifteen (15) days after the date of the request.

(6) **Do not** incur unreasonable or unnecessary debts. Any debt that does not contribute to the benefit of both spouses or the minor children of the parties which is

incurred after you have separated, may be the separate debt of the party who incurs the debt.

(7) **Do not** sell, remove, transfer, dispose of, hide, encumber or damage any property, real or personal, community or separate, except in the usual course of business or for the necessities of life. Keep an accounting of any transactions to show to the court.

(8) **Do not** drop or cancel any insurance policy, including automobile or other vehicle insurance, household insurance, medical or dental insurance or life insurance.

(9) **Do not** terminate or change the beneficiaries of any existing life insurance policy.

(10) **Do not** close any financial institution account<sup>2</sup> or cancel any credit cards nor remove the other party from any credit card account during pendency of this case, unless the parties otherwise agree in writing.

### **MODIFICATION BY COURT<sup>3</sup>**

This order may be modified by the court upon request of either party. To request the court to modify this order, a motion must be filed with the clerk of the court. The motion must include reference to each paragraph number the party is requesting to be modified or terminated. The party making the request must provide the other party with a copy of the motion requesting the change. If the other party agrees with the request, an order approving the request, which has been initialed by both parties as “approved,” shall be filed with the motion.

### **WAIVER BY PARTIES**

The parties may modify a specific provision of this order by entering into a written agreement and filing it with the court. The parties may also waive a provision of this order on a specific occasion if both parties sign an agreement to waive the provision. A waiver must include the paragraph number of each paragraph waived by the parties.

### **OTHER ORDERS**

If an order of protection from a domestic violence case has been served on either party or if there is any other order in effect governing the relationship of the parties, and there is a conflict between this order and the other order, the other order controls unless the court specifically orders otherwise.

### **VIOLATIONS**

Violation of this court order may result in the imposition of a fine or imprisonment. This order is binding on the petitioner at the time the petition is filed. This order is effective on the respondent two (2) days after it is served on the respondent. The

parties are cautioned that actions taken by either party that are contrary to the terms of this order are subject to redress by the court, including costs and attorney fees.

---

Date

---

District Judge

### USE NOTE

1. A scheduling order may be issued at the time a domestic relations case is docketed and served with the petition, however, the scheduling order must be issued as a separate order.

2. See Section 58-1-7 NMSA 1978 for notice to any bank of an adverse claim to a bank account.

3. Within two (2) days after service of this order, a party may file a motion requesting a hearing to dissolve this order. If the court finds the motion was frivolous or was not filed in good faith it may assess the party filing the motion with costs and attorney fees.

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2002; 4A-112 recompiled and amended as 4A-201 by Supreme Court Order No. 13-8300-010, 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.]

**Committee Commentary.** — This form deviates from the forms used by some judicial districts, however, the changes are necessary to comply with due process requirements. See Rules 1-121 and 1-066(B) NMRA.

### ANNOTATIONS

**Compiler's note.** — Pursuant to Supreme Court Order No. 13-8300-010, 4A-112 NMRA was recompiled and amended as 4A-201 NMRA, effective May 31, 2013.

**Withdrawals.** — Pursuant to Supreme Court Order No. 13-8300-010, former 4A-201 NMRA, relating to pro se forms, was withdrawn effective May 31, 2013.

### **4A-202. Motion for temporary order (domestic relations actions).**

[For use with Rules 1-121 and 1-122 NMRA]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_,  
Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_,  
Respondent.

**MOTION FOR TEMPORARY ORDER  
(domestic relations actions)<sup>1</sup>**

I, \_\_\_\_\_ (name of Petitioner or Respondent) request the court to enter the following temporary order(s): (check all that apply)

- (1)  temporary domestic order;<sup>2</sup>
- (2)  temporary division of property;
- (3)  temporary division of income and debts;
- (4)  temporary custody of minor children;
- (5)  temporary order establishing timesharing and a visitation schedule;
- (6)  temporary child support and request for wage withholding;
- (7)  temporary allocation of community resources to permit both parties to hire an attorney;
- (8)  \_\_\_\_\_  
(other).

I have tried to talk to \_\_\_\_\_. (name of the other party or the other party's attorney if represented)

This is what happened: (You MUST check one of these boxes.)

- The other party AGREES with my motion.
- The other party DOES NOT AGREE with my motion.
- The other party WILL NOT TALK TO ME about my motion.

[ I CANNOT TALK TO THE OTHER PARTY because there is a protective order between us and  
] the other party does not have a lawyer.

[ I HAVE NOT TALKED TO THE OTHER PARTY because:  
]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of party or attorney

\_\_\_\_\_  
Name (*print*)

\_\_\_\_\_  
Address (*print*)

\_\_\_\_\_  
City, state and zip code (*print*)

\_\_\_\_\_  
Telephone number

### CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_ (*date*), I (*check the applicable item below and fill in all information*)

mailed a copy of this motion by United States mail, postage prepaid, to:

Name:

[ ] \_\_\_\_\_  
Mailing address:

\_\_\_\_\_  
City, state, and zip code:

\_\_\_\_\_;

[ ] delivered a copy of this motion to \_\_\_\_\_  
(*the other party or the other party's attorney*); or

faxed a copy of this motion to \_\_\_\_\_ (*the other party or the other party's attorney*) using the following fax number:

[ ] \_\_\_\_\_ . The transmission was reported as complete and without error. The time and date of the transmission was \_\_\_\_\_ (a.m) (p.m) on \_\_\_\_\_ (*date*).

\_\_\_\_\_  
Signature of attorney

\_\_\_\_\_  
Date of signature

*If this notice was served by a person other than an attorney,  
the following must also be completed and filed with the court:*

### VERIFICATION OF SERVICE

I affirm under penalty of perjury under the laws of the State of New Mexico that a copy of this motion for temporary order was served by [mail] [fax] [electronic transmission] as described above on \_\_\_\_\_ (date).

\_\_\_\_\_  
Signature of person who made service

### USE NOTE

1. See Committee Commentary to Rule 1-120 NMRA for what constitutes a domestic relations action.
2. See Rule 1-121 NMRA and Form 4A-201 NMRA for the Supreme Court approved Temporary Domestic Order.

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001; 4A-111 recompiled and amended as 4A-202 by Supreme Court Order No. 13-8300-010, 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.]

### ANNOTATIONS

**Compiler's note.** — Pursuant to Supreme Court Order No. 13-8300-010, former 4A-111 NMRA was recompiled and amended as 4A-202 NMRA effective May 31, 2013.

**Withdrawals.** — Pursuant to Supreme Court Order No. 13-8300-010, former 4A-202 NMRA, relating definitions used in the Domestic Relations Forms, was withdrawn effective May 31, 2013.

### **4A-203. Motion to modify temporary order (*domestic relations actions*).**

[For use with Rules 1-121 and 1-122 NMRA]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_

Petitioner,

v.

No. \_\_\_\_\_

\_\_\_\_\_

Respondent.

**MOTION TO MODIFY TEMPORARY ORDER  
(domestic relations actions)<sup>1</sup>**

I, \_\_\_\_\_ (name of Petitioner or Respondent) request the court to: (check and complete all that apply)

modify paragraph \_\_\_\_ of the temporary domestic order as follows:  
[ ]

terminate the temporary domestic order because:  
[ ]

terminate or modify the temporary child support because:  
[ ]

modify the temporary division of income and debts of the parties because<sup>2</sup>:  
[ ]

dismiss the temporary restraining order because<sup>3</sup>:  
[ ]

terminate or modify the temporary wage withholding order because:  
[ ]

terminate or modify the temporary order establishing timesharing or visitation schedule because:  
[ ]

I have tried to talk to \_\_\_\_\_ (name of the other party or the other party's attorney if represented)

This is what happened: (You MUST check one of these boxes.)

The other party AGREES with my motion.

The other party DOES NOT AGREE with my motion.

- The other party WILL NOT TALK TO ME about my motion.
- I CANNOT TALK TO THE OTHER PARTY because there is a protective order between us and the other party does not have a lawyer.
- I HAVE NOT TALKED TO THE OTHER PARTY because:
- \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Name (*printed*)

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 Telephone number

**CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ (*date*), I (*check the applicable item below and fill in all information*)

- mailed a copy of this motion by United States mail, postage prepaid, to:
  - Name: \_\_\_\_\_
  - Mailing address: \_\_\_\_\_
  - City, state, and zip code: \_\_\_\_\_;
- delivered a copy of this motion to \_\_\_\_\_ (*the other party or the other party's attorney*); or
- faxed a copy of this motion to \_\_\_\_\_ (*the other party or the other party's attorney*) using the following fax number: \_\_\_\_\_. The transmission was reported as complete and without error. The time and date of the transmission was \_\_\_\_\_ (a.m) (p.m) on \_\_\_\_\_ (*date*).

\_\_\_\_\_  
 Signature of attorney

\_\_\_\_\_  
 Date of signature

*If this notice was served by a person other than an attorney, the following must also be completed and filed with the court:*

**VERIFICATION OF SERVICE**

I affirm under penalty of perjury under the laws of the State of New Mexico that a copy of this motion was served by [mail] [fax] [electronic transmission] as described above on \_\_\_\_\_ (*date*).



---

Signature of person who made service

### USE NOTE

1. This form may be used anywhere in this state to request the court to modify a temporary order entered by the court in a domestic relations action.
2. If a court order of temporary division of income and debts is being challenged, you must complete an Interim Monthly Income and Expenses Statement (Form 4A-212 NMRA) and file it with the court at the time you file this motion.
3. If you believe that your spouse may injure you or cause some other harm to you, your children, or other household member, you may file a petition for a temporary restraining order or you may file a "Petition for Order for Protection from Domestic Abuse." See Form 4-961 NMRA.

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001; 4A-113 recompiled and amended as 4A-203 by Supreme Court Order No. 13-8300-010, 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.]

### ANNOTATIONS

**Compiler's note.** — Pursuant to Supreme Court Order No. 13-8300-010, 4A-113 NMRA was recompiled and amended as 4A-203 NMRA effective May 31, 2013.

**Withdrawals.** — Pursuant to Supreme Court Order No. 13-8300-010, former 4A-203 NMRA, relating to forms not available through the courts, was withdrawn effective May 31, 2013.

### **4A-204. Motion for referral to mediation (child custody, timesharing, or visitation) (*domestic relations actions*).**

[For use with Rules 1-124 and 1-125 NMRA]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_

Petitioner,

v.

No. \_\_\_\_\_

\_\_\_\_\_

Respondent.

**MOTION FOR REFERRAL TO MEDIATION  
(CHILD CUSTODY, TIMESHARING, OR VISITATION)  
(domestic relations actions)<sup>1</sup>**

I, \_\_\_\_\_ (*name of Petitioner or Respondent*), request the Court to refer the custody, timesharing, or visitation matters in this case to mediation.

1. The minor children of the parties are:

Name	Age	Year of Birth
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. I have tried to talk to \_\_\_\_\_. (*name of the other party or the other party's attorney if represented*)

This is what happened: (*You MUST check one of the boxes below.*)

- The other party AGREES with my motion.
- The other party DOES NOT AGREE with my motion.
- The other party WILL NOT TALK WITH ME about my motion.
- I CANNOT TALK TO THE OTHER PARTY because there is a protective order between the other party and me, and the other party does not have an attorney.
- I HAVE NOT TALKED TO THE OTHER PARTY because:

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Name (printed)*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*Telephone number*

**CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ (date), I (check the applicable item below and fill in all information)

mailed a copy of this motion by United States mail, postage prepaid, to:

Name: \_\_\_\_\_

Mailing address: \_\_\_\_\_

City, state, and zip code: \_\_\_\_\_;

delivered a copy of this motion to \_\_\_\_\_ (the other party or the other party's attorney); or

faxed a copy of this motion to \_\_\_\_\_ (the other party or the other party's attorney) using the following fax number: \_\_\_\_\_.

The transmission was reported as complete and without error. The time and date of the transmission was \_\_\_\_\_ (a.m.) (p.m.) on \_\_\_\_\_ (date).

\_\_\_\_\_  
Signature of attorney

\_\_\_\_\_  
Date of signature

*If this notice was served by a person other than an attorney, the following must also be completed and filed with the court:*

### VERIFICATION OF SERVICE

I affirm under penalty of perjury under the laws of the State of New Mexico that a copy of this motion was served by [mail] [fax] [electronic transmission] as described above on \_\_\_\_\_ (date).

\_\_\_\_\_  
Signature of person who made service

### USE NOTE

1. This form may be used anywhere in this state to request the court to refer a matter to mediation regarding child custody, timesharing, or visitation in a domestic relations action.

[Approved by Supreme Court Order No. 13-8300-010, 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.]

### ANNOTATIONS

**Compiler's note.** — Pursuant to Supreme Court Order No. 13-8300-010, a new 4A-204 NMRA was adopted effective May 31, 2013.

**Withdrawals.** — Pursuant to Supreme Court Order No. 13-8300-010, former 4A-204 NMRA, relating to forms needed for divorce cases and filing fees, was withdrawn effective May 31, 2013.

**4A-205. Motion for referral to mediation (child support or other financial issues) (*domestic relations actions*).**

[For use with Rules 1-124 and 1-125 NMRA]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_ ,

Petitioner,

v. \_\_\_\_\_ No. \_\_\_\_\_

\_\_\_\_\_ ,

Respondent.

**MOTION FOR REFERRAL TO MEDIATION  
(CHILD SUPPORT OR OTHER FINANCIAL ISSUES)  
(*domestic relations actions*)<sup>1</sup>**

I, \_\_\_\_\_ (*name of Petitioner or Respondent*), request the Court to refer the following matters in this case to mediation:

- [ ] division of property;
- [ ] division of income and debts;
- [ ] child support;
- [ ] allocation of community resources to permit both parties to hire an attorney;
- [ ] spousal support; or
- [ ] other:  
\_\_\_\_\_.

I have tried to talk to \_\_\_\_\_. (name of the other party or the other party's attorney if represented)

This is what happened: (You MUST check one of the boxes below.)

- The other party AGREES with my motion.
- The other party DOES NOT AGREE with my motion.
- The other party WILL NOT TALK WITH ME about my motion.
- I CANNOT TALK TO THE OTHER PARTY because there is a protective order between the other party and me, and the other party does not have an attorney.
- I HAVE NOT TALKED TO THE OTHER PARTY because:

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Name (printed)*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*Telephone number*

### **CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ (date), I (check the applicable item below and fill in all information)

- mailed a copy of this motion by United States mail, postage prepaid, to:  
Name: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
City, state, and zip code: \_\_\_\_\_;
- delivered a copy of this motion to \_\_\_\_\_ (the other party or the other party's attorney); or
- faxed a copy of this motion to \_\_\_\_\_ (the other party or the other party's attorney) using the following fax number: \_\_\_\_\_. The transmission was reported as complete and without error. The time and date of the transmission was \_\_\_\_\_ (a.m.) (p.m.) on \_\_\_\_\_ (date).

\_\_\_\_\_  
*Signature of attorney*

Date of signature

*If this notice was served by a person other than an attorney, the following must also be completed and filed with the court:*

### VERIFICATION OF SERVICE

I affirm under penalty of perjury under the laws of the State of New Mexico that a copy of this motion was served by [mail] [fax] [electronic transmission] as described above on \_\_\_\_\_ (date).

\_\_\_\_\_  
Signature of person who made service

### USE NOTE

1. This form may be used anywhere in this state to request the court to refer a case to mediation regarding matters other than child custody, timesharing, or visitation in a domestic relations action.

[Approved by Supreme Court Order No. 13-8300-010, 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.]

### ANNOTATIONS

**Compiler's note.** — Pursuant to Supreme Court Order No. 13-8300-010, a new 4A-205 NMRA was adopted effective May 31, 2013.

**Withdrawals.** — Pursuant to Supreme Court Order No. 13-8300-010, former 4A-205 NMRA, relating to parenting plan and child support worksheet, and wage withholding orders, was withdrawn effective May 31, 2013.

### **4A-206. Request for hearing (*domestic relations actions*).**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_  
Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_,  
Respondent.

**REQUEST FOR HEARING  
(domestic relations actions)<sup>1</sup>**

Assigned judge: \_\_\_\_\_

Matters to be heard: \_\_\_\_\_

Hearings presently set: \_\_\_\_\_

Time requested: \_\_\_\_\_

(Provide names, mailing addresses, and telephone numbers of parties who need to be notified—attach a list if necessary.)

_____	_____
_____	_____
_____	_____
_____	_____

Hearing requested by:

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Name (printed)*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*Telephone number*

**CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ (date), I (check the applicable item below and fill in all information)

mailed a copy of this request by United States mail, postage prepaid, to:

Name: \_\_\_\_\_

Mailing address: \_\_\_\_\_

City, state, and zip code: \_\_\_\_\_;

delivered a copy of this request to \_\_\_\_\_ (the other party or the other party's attorney); or

faxed a copy of this request to \_\_\_\_\_ (the other party or the other party's attorney) using the following fax number: \_\_\_\_\_.

The transmission was reported as complete and without error. The time and date of the transmission was \_\_\_\_\_ (a.m.) (p.m.) on \_\_\_\_\_ (date).

\_\_\_\_\_  
Signature of attorney

\_\_\_\_\_  
Date of signature

*If this notice was served by a person other than an attorney, the following must also be completed and filed with the court:*

### VERIFICATION OF SERVICE

I affirm under penalty of perjury under the laws of the State of New Mexico that a copy of this request was served by [mail] [fax] [electronic transmission] as described above on \_\_\_\_\_ (date).

\_\_\_\_\_  
Signature of person who made service

### USE NOTE

1. This form may be used anywhere in this state to request a hearing in a domestic relations action.

[Approved by Supreme Court Order No. 13-8300-010, 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.]

### ANNOTATIONS

**Compiler's note.** — Pursuant to Supreme Court Order No. 13-8300-010, former 4A-206 NMRA was recompiled as 4A-401 NMRA and a new 4A-206 NMRA was adopted effective May 31, 2013.

### **4A-207. Notice of hearing (domestic relations actions).**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_

Petitioner,

v.

No. \_\_\_\_\_



\_\_\_\_\_,  
Respondent.

**NOTICE OF HEARING**  
**(domestic relations actions)<sup>1</sup>**

NOTICE IS HEREBY GIVEN that a hearing in this case has been set as follows:

Date of hearing: \_\_\_\_\_  
Time of hearing: \_\_\_\_\_  
Place of hearing: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Matter(s) to be heard: \_\_\_\_\_  
Comments: \_\_\_\_\_  
Length of hearing: \_\_\_\_\_  
Judicial Officer: \_\_\_\_\_

If this hearing requires more or less time than the court has designated, or if this hearing conflicts with any prior setting, please contact us immediately as continuances may not be granted on late notice. The District Court complies with the American with Disabilities Act. Counsel or self-represented litigants may notify the Clerk of the Court of the nature of the disability at least five (5) days before ANY hearing so appropriate accommodations may be made. Please contact us if an interpreter will be needed.

\_\_\_\_\_  
CLERK OF THE DISTRICT COURT

I, the undersigned Employee of the District Court of \_\_\_\_\_ County, New Mexico, do hereby certify that I served a copy of this document to all parties listed below on \_\_\_\_\_. (*list parties entitled to service*)

By: \_\_\_\_\_

**USE NOTE**

1. This form may be used anywhere in this state to give notice of a hearing in a domestic relations action.

[Approved by Supreme Court Order No. 13-8300-010, 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.]

**4A-208. Notice of compliance with Rule 1-123 NMRA (*domestic relations actions*).**

[For use with Rule 1-123 NMRA]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_

Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_

Respondent.

**NOTICE OF COMPLIANCE WITH  
RULE 1-123 NMRA  
(*domestic relations actions*)<sup>1</sup>**

In accordance with the mandatory disclosure requirement of Rule 1-123 NMRA, I certify that I served all required documents as indicated below to the opposing party on \_\_\_\_\_ (date) as required in the rule.

[ Property and Debt (*Check this box if there is property and debt to be divided, and check all boxes below for the documents that you completed and provided to the other party.*)

[ Interim monthly income and expenses statement (Form 4A-212)  
List documents used to complete this statement:  
\_\_\_\_\_

[ Community property and liabilities schedule (Form 4A-214)  
List documents used to complete this schedule:  
\_\_\_\_\_

[ Separate property and liabilities schedule (Form 4A-215)  
List documents used to complete this schedule:  
\_\_\_\_\_

[ Spousal support or child support (*Check this box if spousal support and/or child support is an issue in your case, and check all boxes below for the documents that you completed and provided to the other party.*)

Documents provided:

[ Federal and state tax returns, including all schedules, for the year preceding the request

- ]
- [ W-2 statements for the year preceding the request ]
- [ Internal Revenue Service Form 1099s for the year preceding the request ]
- [ Work related daycare statements for the year preceding the request ]
- [ Dependent medical insurance premiums for the year preceding the request ]
- [ Wage and payroll statements for four months preceding the request ]
- [ (*Spousal support only*) Interim monthly income and expenses statement (Form 4A-212) ]

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Name (printed)*

\_\_\_\_\_  
*Mailing address*

\_\_\_\_\_  
*Telephone number*

**CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ (date), I (*check the applicable item below and fill in all information*)

[ ] mailed a copy of this notice by United States mail, postage prepaid, to:

Name: \_\_\_\_\_

Mailing address: \_\_\_\_\_

City, state, and zip code: \_\_\_\_\_;

[ ] delivered a copy of this notice to \_\_\_\_\_ (*the other party or the other party's attorney*); or

faxed a copy of this notice to \_\_\_\_\_ (*the other party or the other party's attorney*) using the following fax number: \_\_\_\_\_.

[ ] The transmission was reported as complete and without error. The time and date of the transmission was \_\_\_\_\_ (a.m.) (p.m.) on \_\_\_\_\_ (date).

\_\_\_\_\_  
 Signature of attorney

\_\_\_\_\_  
 Date of signature

*If this notice was served by a person other than an attorney, the following must also be completed and filed with the court:*

**VERIFICATION OF SERVICE**

I affirm under penalty of perjury under the laws of the State of New Mexico that a copy of this notice was served by [mail] [fax] [electronic transmission] as described above on \_\_\_\_\_ (date).

\_\_\_\_\_  
Signature of person who made service

**USE NOTE**

1. This form may be used anywhere in this state to give notice of a party's compliance with Rule 1-123 NMRA in a domestic relations action.

[Approved by Supreme Court Order No. 13-8300-010, 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.]

**4A-209. Verified motion for order to show cause (*domestic relations actions*).**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_ ,

Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_ ,

Respondent.

**VERIFIED MOTION FOR ORDER TO SHOW CAUSE  
(*domestic relations actions*)<sup>1</sup>**

[ ] Petitioner (or) [ ] Respondent states:

1. The court ordered the other party on \_\_\_\_\_, (*date of the order*)

to do or not do the following: (*describe each item in detail*)

2. The other party is not following the order because: (*describe in detail how the other party is not following the order*)

3. I have tried to talk to \_\_\_\_\_ (*name of the other party or their attorney if they have one*)

This is what happened: (*You MUST check one of these boxes.*)

- The other party AGREES with my motion.
- The other party DOES NOT AGREE with my motion.
- The other party WILL NOT TALK TO ME about my motion.
- I CANNOT TALK TO THE OTHER PARTY because there is a protective order between us and the other party does not have a lawyer.
- I HAVE NOT TALKED TO THE OTHER PARTY because:

Petitioner (or  Respondent asks the Court to:

1. Order the other party to show cause, if any, why he or she should not be found in contempt of the Court because of his or her failure and refusal to comply with the order(s) of the Court. **I understand that if the other party is found in contempt of Court, he or she may be incarcerated (sent to jail).**
2. Enter judgment for any money owed to me if the violation includes a financial loss caused by the other party.
3. Order such other relief as may be deemed necessary.

\_\_\_\_\_  
*Signature of Petitioner/Respondent pro se*

\_\_\_\_\_  
*Name (printed)*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*Telephone number*

**VERIFICATION<sup>2</sup>**

STATE OF )  
NEW MEXICO )  
 ) ss.  
COUNTY OF )

I, \_\_\_\_\_, being first duly sworn upon oath, depose and state: I am the [ ] Petitioner or [ ] Respondent in the above-entitled cause and I know and understand that the contents of this Motion are true to the best of my knowledge and belief.

\_\_\_\_\_  
*Signature of Petitioner/Respondent pro se*

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ (*name of Petitioner/Respondent*).

\_\_\_\_\_  
Notary Public

My commission expires:

\_\_\_\_\_

**CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ (date), I (*check the applicable item below and fill in all information*)

[ ] mailed a copy of this notice by United States mail, postage prepaid, to:

Name: \_\_\_\_\_

Mailing address: \_\_\_\_\_

City, state, and zip code: \_\_\_\_\_;

[ ] delivered a copy of this notice to \_\_\_\_\_ (*the other party or the other party's attorney*); or

faxed a copy of this notice to \_\_\_\_\_ (*the other party or the other party's attorney*) using the following fax number: \_\_\_\_\_.

[ ] The transmission was reported as complete and without error. The time and date of the transmission was \_\_\_\_\_ (a.m.) (p.m.) on \_\_\_\_\_ (date).

\_\_\_\_\_  
Signature of attorney

\_\_\_\_\_

Date of signature

*If this notice was served by a person other than an attorney, the following must also be completed and filed with the court:*

**VERIFICATION OF SERVICE**

I affirm under penalty of perjury under the laws of the State of New Mexico that a copy of this motion was served by [mail] [fax] [electronic transmission] as described above on \_\_\_\_\_ (date).

\_\_\_\_\_  
Signature of person who made service

**USE NOTE**

1. This form may be used anywhere in this state to request the court to issue an order to show cause in a domestic relations action.

2. The verification on this form must be notarized, notwithstanding the provisions of Rule 1-011(B) NMRA.

[Approved by Supreme Court Order No. 13-8300-010, 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.]

**4A-210. Order to appear and show cause (*domestic relations actions*).**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_

Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_

Respondent.

**ORDER TO APPEAR AND SHOW CAUSE  
(domestic relations actions)<sup>1</sup>**

THIS MATTER came before the Judge/Hearing Officer/Special Commissioner on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, on [Petitioner's] [Respondent's] allegations of violation(s) of this Court's Order entered on \_\_\_\_\_.

[Petitioner] [Respondent] shall appear before \_\_\_\_\_  
(name of Judge, Hearing Officer, or Special Commissioner) at \_\_\_\_\_ (court location) on \_\_\_\_\_, (date) at \_\_\_\_\_ (time) to respond to the allegations of violation(s) of said order(s) and to determine why [Petitioner] [Respondent] should not be held in contempt of Court.

BE ADVISED:

- **Failure to appear may result in the issuance of a bench warrant for Petitioner's/Respondent's arrest;**
- **A finding of contempt may result in incarceration, a fine, or both; and**
- **Each party may retain an attorney to attend the hearing.**

REVIEWED, APPROVED, AND ADOPTED AS AN ORDER OF THE COURT:

\_\_\_\_\_  
DISTRICT COURT JUDGE

Reviewed and recommended by (if one is assigned):

\_\_\_\_\_  
HEARING OFFICER/SPECIAL  
COMMISSIONER

USE NOTE

1. This form may be used anywhere in this state to order a party to appear and show cause in a domestic relations action.

[Approved by Supreme Court Order No. 13-8300-010, 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.]



**4A-211. Objection to hearing officer recommendation (*domestic relations actions*).**

[For use with Rule 1-053.2 NMRA]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_ ,

Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_ ,

Respondent.

**OBJECTION TO HEARING OFFICER RECOMMENDATION  
(*domestic relations actions*)<sup>1</sup>**

I, \_\_\_\_\_ (*name of Petitioner or Respondent*), object to the Hearing Officer Recommendation filed on \_\_\_\_\_ (*date*) for the following reasons: (*identify the specific paragraph(s) to which you are objecting, and state the reason(s) for each objection*)

- 1. .
- 2. .
- 3. .
- 4. .
- 5. .

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Name (printed)*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*Telephone number*

### **CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ (date), I (*check the applicable item below and fill in all information*)

mailed a copy of this objection by United States mail, postage prepaid, to:

Name: \_\_\_\_\_

Mailing address: \_\_\_\_\_

City, state, and zip code: \_\_\_\_\_;

delivered a copy of this objection to \_\_\_\_\_ (*the other party or the other party's attorney*); or

faxed a copy of this objection to \_\_\_\_\_ (*the other party or the other party's attorney*) using the following fax number: \_\_\_\_\_. The transmission was reported as complete and without error. The time and date of the transmission was \_\_\_\_\_ (a.m.) (p.m.) on \_\_\_\_\_ (date).

\_\_\_\_\_  
Signature of attorney

\_\_\_\_\_  
Date of signature

*If this notice was served by a person other than an attorney, the following must also be completed and filed with the court:*

### **VERIFICATION OF SERVICE**

I affirm under penalty of perjury under the laws of the State of New Mexico that a copy of this objection was served by [mail] [fax] [electronic transmission] as described above on \_\_\_\_\_ (date).

\_\_\_\_\_  
Signature of person who made service

### **USE NOTE**

1. This form may be used anywhere in this state to object to a hearing officer's recommendation in a domestic relations action.

[Approved by Supreme Court Order No. 13-8300-010, 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.]

**4A-212. Interim monthly income and expenses statement.**

[For use with Rule 1-122 NMRA]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT  
\_\_\_\_\_

Petitioner,

v. \_\_\_\_\_ No. \_\_\_\_\_

\_\_\_\_\_

Respondent.

**INTERIM MONTHLY INCOME AND EXPENSES STATEMENT<sup>1</sup>**  
***(fixed percentage for child expenses)<sup>1</sup>***

STATE OF NEW )  
MEXICO )  
 ) ss.  
COUNTY OF )

I, \_\_\_\_\_ (*Petitioner*) (*Respondent*), state under penalty of perjury that the following is true and correct at this time:

	<b>Husband Column 1</b>	<b>Wife Column 2</b>	<b>Combined Column 3</b>
1. Gross monthly income <sup>2</sup>			
a. Gross monthly wages	\$ _____	\$ _____	\$ _____
b. Rental income	\$ _____	\$ _____	\$ _____
c. Self-employment income	\$ _____	\$ _____	\$ _____
d. Dividends and interest	\$ _____	\$ _____	\$ _____
e. Other income	\$ _____	\$ _____	\$ _____
2. Total gross monthly income	\$ _____	\$ _____	\$ _____
3. Payroll deductions <sup>3</sup>	\$ _____	\$ _____	\$ _____
a. Federal withholding	\$ _____	\$ _____	\$ _____
b. State withholding	\$ _____	\$ _____	\$ _____

c.	Estimated tax payments	\$ _____	\$ _____	\$ _____
d.	FICA	\$ _____	\$ _____	\$ _____
e.	Medicare	\$ _____	\$ _____	\$ _____
f.	Health insurance	\$ _____	\$ _____	\$ _____
g.	Life and disability insurance	\$ _____	\$ _____	\$ _____
h.	Union dues	\$ _____	\$ _____	\$ _____
i.	Mandatory retirement	\$ _____	\$ _____	\$ _____
j.	Other	\$ _____	\$ _____	\$ _____
4.	Total payroll deductions (Add items in #3)	\$ _____	\$ _____	\$ _____
5.	Net monthly income (Subtract Line 4 from Line 2)	\$ _____	\$ _____	\$ _____
6.	Monthly fixed expenses <sup>4</sup> :	\$ _____	\$ _____	\$ _____
a.	Residence <sup>5</sup>	\$ _____	\$ _____	\$ _____
b.	Utilities <sup>6</sup>	\$ _____	\$ _____	\$ _____
c.	Car payments	\$ _____	\$ _____	\$ _____
d.	Insurance premiums	\$ _____	\$ _____	\$ _____
	(1) Car or other vehicle	\$ _____	\$ _____	\$ _____
	(2) Life <sup>7</sup>	\$ _____	\$ _____	\$ _____
	(3) Health <sup>7</sup>	\$ _____	\$ _____	\$ _____
	(4) Homeowners <sup>8</sup> or renters	\$ _____	\$ _____	\$ _____
	(5) Other	\$ _____	\$ _____	\$ _____
e.	Day care <sup>9</sup>	\$ _____	\$ _____	\$ _____
f.	Credit card payments <sup>10</sup>	\$ _____	\$ _____	\$ _____
g.	Loan payments	\$ _____	\$ _____	\$ _____
h.	Child support payments <sup>11</sup>	\$ _____	\$ _____	\$ _____
i.	Medical	\$ _____	\$ _____	\$ _____
j.	Other	\$ _____	\$ _____	\$ _____
7.	Total monthly fixed expenses (Add items in #6 and #7) <sup>12</sup>	\$ _____	\$ _____	\$ _____
8.	Net spendable income (Line 5 minus Line 7)	\$ _____	\$ _____	\$ _____
9.	1/2 of combined net spendable income (1/2 of Line 8)	\$ _____	\$ _____	

Column 3)<sup>13</sup>

10.	Amount transferred and received <sup>14</sup>	\$ _____	\$ _____
11.	Child support adjustment <sup>15</sup> (see table, Use Note 15)	\$ _____	\$ _____
12.	Total to be transferred <sup>16</sup>	\$ _____	\$ _____

\_\_\_\_\_  
Signature

Subscribed to and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

#### USE NOTE

1. This form is to be used with an Interim Order Allocating Income and Expenses, Form 4A-213 NMRA. Unless, upon motion of a party, the court orders the division of separate income and expenses, only community income and expenses should be included on this form. In minimal or negative income cases, the court will have discretion to fashion an appropriate order.

2. "Gross monthly income" is income from all sources except child support received from a prior court order. For self-employed individuals, gross monthly income means gross receipts less reasonable and ordinary business expenses. For varying income and expenses use the average of the last three (3) months' income and expenses.

Gross monthly income is to be computed by using one of the following: hourly wage x average hours worked per week x 52 divided by 12; weekly wage x 52 divided by 12; every two weeks wage x 26 divided by 12; twice monthly x 2. For varying wages, use the average of the last three months' income.

3. "Deductions" are payroll deductions for taxes, social security, health insurance, union dues, retirement and other employer-related deductions. Payroll deductions are to be computed on a monthly basis as described in Use Note 2.

4. "Monthly fixed expenses" include periodic expenses even though paid quarterly, semiannually or yearly. Fixed expenses are to be computed on a monthly basis by using one of the following: annual income or expenses divided by 12. For varying expenses, use the average of the last three months' receipts or expenses.

5. Residence fixed expense is mortgage or rent actually paid. If a party receives free rent, e.g., by living with parents, that party's rent is imputed as zero. If residence

expense is a mortgage payment for the residence of a party, unless already separately stated, include insurance and taxes.

6. Include monthly average payments for gas, electricity, water, sewer, refuse, and basic telephone bill, if not paid as part of rent. Use average for last 12 months if known.

7. Do not include medical, dental, liability, life, or other insurance that is deducted by payroll deduction.

8. Do not include homeowners insurance premiums if the premium is included as part of the residence expense, Line 6(a).

9. Day care fixed expense is work-related day care and does not include baby-sitting or occasional day care.

10. "Credit card payments" is listed as a fixed expense and includes only the minimum monthly payment as of the date of the filing of the petition.

11. Any regular monthly payment ordered by a prior order of child support or alimony, which is actually paid, is a fixed expense.

12. Line 8. "Net spendable income" and "combined net spendable income" are determined by subtracting Line 7, "total monthly fixed expenses," from Line 5, "net monthly income."

Negative combined net spendable income. If the "combined net spendable income" (Line 8, Column 3) is a negative number, and there are no children, adjust the allocations of income or expenses between the parties, or transfer an amount from one party to another so that the amount of net spendable income for the "Husband" and "Wife" on Line 9 is equal. Do not complete Lines 10, 11, and 12. If Line 8, Column 3 has a negative or minimal "combined net spendable income," and there are children, the court will need to fashion an appropriate form to divide interim income and expenses of the parties.

13 Line 9. Equalizing spendable income. If "net spendable income" on Line 8, Column 3, is a positive number, divide "combined net spendable income" by two and enter the result in each column of Line 9.

14. Line 10. Amount transferred and received. The party with the larger net spendable income will transfer an equalizing amount to the party with the smaller net spendable income. To determine the amount of the transfer or receipt, subtract Line 9 (one-half of combined net spendable income) from Line 8, "net spendable income" and enter the amount on Line 10. This is the amount to be transferred by the party with the larger net spendable income to the party with the lower net spendable income.

For example, if the husband has a net spendable income of \$1,000.00 per month and the wife has a net spendable income of \$500.00 per month, divide the total, \$1,500.00, by two. Since the husband has the larger net spendable income, enter the result, \$750.00, on Line 9, under Column 1. To determine the amount the husband transfers, subtract Line 9 of Column 1 from Line 8 of Column 1 (\$1,000.00 minus \$750.00 = \$250.00) and this amount (\$250.00) will be transferred each month by the husband to the wife.

15. Line 11. Children. If Line 8, Column 3, is a positive number, an adjustment for child support is made by multiplying the amount on Line 8, Column 3 (combined "net spendable income") by the applicable percentage in the table below and enter the amount in the party column of the party with primary custody of the child or children. Do not count children who are covered by a prior child support order.

One child	10%
Two children	15%
Three children	19%
Four children	22%
Five children	25%
Six children	28%

If more than six children, add three percent (3%) for each additional child.

For example, if the combined "net spendable income" of husband and wife (Column 3, Line 8) is \$1,500.00 and there is one child, multiply Column 3, Line 8 (\$1,500.00) by ten percent (10%) and enter the result (\$150.00) on Line 11 in the husband and wife columns.

16. Line 12. Total amount transferred. Line 11 is used to adjust the amount to be transferred by a party or received by a party on Line 10 by the parties. Using the example in Use Notes 14 and 15, if there is one child and the combined net spendable income of the parties is \$1,500.00, an adjustment of ten percent (10%) of \$1,500.00 (\$150.00) is made for child support. If the wife has primary custody, she will receive another \$150.00. If the husband has primary custody, subtract \$150.00 from the amount the wife is to receive on Line 10. Using the example in Use Notes 14 and 15, if the wife has primary custody, the husband will transfer \$400.00 to the wife. If the husband has primary custody, the husband will transfer \$100.00 to the wife.

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001; 4A-122 recompiled and amended as 4A-212 by Supreme Court Order No. 13-8300-010, 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.]

## **ANNOTATIONS**

**Compiler's note.** — Pursuant to Supreme Court Order No. 13-8300-010, former 4A-122 NMRA was recompiled and amended as 4A-212 NMRA effective May 31, 2013.

### **4A-213. Interim order allocating income and expenses.**

[For use with Rule 1-122 NMRA]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT  
\_\_\_\_\_

Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_ Respondent.

#### **INTERIM ORDER ALLOCATING INCOME AND EXPENSES<sup>1</sup>**

This matter having come on for a hearing by the court and the court being sufficiently advised

#### **FINDS, CONCLUDES, AND ORDERS:**

1. NOTICE AND APPEARANCES

*(check only applicable paragraphs)*

Petitioner was present.

Petitioner was represented by counsel.

Respondent was present.

Respondent was represented by counsel.

Respondent was properly served with a copy of the notice of hearing on the motion for temporary order dividing income and expenses.

2. The parties have agreed to the income and expenses of the parties except:

\_\_\_\_\_.

3. The parties shall receive the income and pay the expenses as listed on the Interim Monthly Income and Expense Statement.

4. Each party shall presumptively be responsible for any debts the party incurs during the pendency of this case.

5. Any assets obtained by either party after the entry of this order from that



party's share of net spendable income are presumptively the separate property of the obtaining party.

Each party shall use the party's share of the income to pay the party's respective expenses for food, clothing, telephone, utilities, gasoline, car maintenance, entertainment, meals out, haircuts, attorney fees, ordinary medical and dental expenses, and other personal expenses.

6. \_\_\_\_\_ (*name of party*) shall pay to \_\_\_\_\_ (*name of party*) \_\_\_\_\_ dollars (\$\_\_\_\_\_)<sup>2</sup> per month by check or money order, delivered or postmarked on or before the \_\_\_\_\_ of each month during the pendency of this case.
7. \_\_\_\_\_ (*name of party*) shall pay to \_\_\_\_\_ (*name of party*) \_\_\_\_\_ dollars (\$\_\_\_\_\_)<sup>2</sup> per month by check or money order, delivered or postmarked on or before the \_\_\_\_\_ of each month during the pendency of this case.
8. The medical and dental expenses of the child or children not covered by insurance shall be paid one-half by each party.
9. Notwithstanding entry of this order, all claims and defenses are preserved.
10. This order shall remain in effect during the pendency of this case except as modified by court order.
11. Disobedience of this order can constitute contempt of court and subject the violator to fine, imprisonment, and other sanction, plus payment of attorney fees and costs to the other party.

\_\_\_\_\_  
District judge

**Recommended by:**

\_\_\_\_\_  
Hearing officer

\_\_\_\_\_  
Attorney for petitioner

\_\_\_\_\_  
Attorney for respondent

**CERTIFICATE OF MAILING**

I \_\_\_\_\_, certify that I caused a copy of this report and recommendations to be served on the following persons by (delivery) (mail) on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_:

(1) \_\_\_\_\_  
(*Name of party*)

(2) \_\_\_\_\_  
(*Name of party*)

\_\_\_\_\_  
Attorney

USE NOTE

1. This form is used with Form 4A-212 NMRA.
2. For the amount to be transferred or paid, see Line 12 of Form 4A-212 NMRA.

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001; 4A-123 recompiled and amended as 4A-213 by Supreme Court Order No. 13-8300-010, 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.]

### ANNOTATIONS

**Compiler's note.** — Pursuant to Supreme Court Order No. 13-8300-010, former 4A-123 NMRA was recompiled and amended as 4A-213 NMRA effective May 31, 2013.

### 4A-214. Community property and liabilities schedule.

[For use with Rule 1-123 NMRA]

STATE OF NEW MEXICO  
 COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT  
 \_\_\_\_\_,

Petitioner,

v. \_\_\_\_\_ No. \_\_\_\_\_  
 \_\_\_\_\_,

Respondent.

### COMMUNITY PROPERTY AND LIABILITIES SCHEDULE

Neither party is required to submit a proposed distribution. Any stipulation regarding value or distribution should be indicated by an asterisk.

ASSETS	Value		
	Husband	Wife	Combined
1. Cash	\$ _____	\$ _____	\$ _____
2. Financial institution accounts: <sup>1</sup>	\$ _____	\$ _____	\$ _____
a. _____ Account# _____	\$ _____	\$ _____	\$ _____

b. Account# \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_

c. Account# \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_

d. Account# \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_

3. Stocks, bonds and mutual funds:

a. \_\_\_\_\_ Sh. \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

b. \_\_\_\_\_ Sh. \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

c. \_\_\_\_\_ Sh. \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

4. Insurance policies:

a. Company \_\_\_\_\_

[Face amount \$ \_\_\_\_\_]

Cash value \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

Loan balance \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_

b. Company \_\_\_\_\_

[Face amount \$ \_\_\_\_\_]

Cash value \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

Loan balance \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_

5. Real estate:

a. \_\_\_\_\_ \$ \_\_\_\_\_

Mortgage (\$/mo) \$ \_\_\_\_\_

REC (\$/mo) \$ \_\_\_\_\_

Cost of sale (\$/%) \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

b. \_\_\_\_\_ \$ \_\_\_\_\_

Mortgage (\$/mo) \$ \_\_\_\_\_

REC (\$/mo) \$ \_\_\_\_\_

Cost of sale (\$/%) \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

6. Vehicles:

a. \_\_\_\_\_ \$ \_\_\_\_\_

Lien (\$/mo) \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

b. \_\_\_\_\_ \$ \_\_\_\_\_

Lien (\$/mo) \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

7.	Business assets		\$ _____	\$ _____	\$ _____
8.	Household furniture and goods		\$ _____	\$ _____	\$ _____
9.	Tax refunds		\$ _____	\$ _____	\$ _____
10.	IRA/Keogh/Annuity		\$ _____	\$ _____	\$ _____
11.	Retirement		\$ _____	\$ _____	\$ _____
12.	Retirement		\$ _____	\$ _____	\$ _____
13.	Other total assets		\$ _____	\$ _____	\$ _____
	Total assets		\$ _____	\$ _____	\$ _____
	<b>LIABILITIES</b>	<b>(Mo/Pmt)</b>	<b>Value:</b>	<b>Husband:</b>	<b>Wife:</b>
1.	_____	\$ (_____)	\$ _____	\$ _____	\$ _____
2.	_____	\$ (_____)	\$ _____	\$ _____	\$ _____
3.	_____	\$ (_____)	\$ _____	\$ _____	\$ _____
4.	_____	\$ (_____)	\$ _____	\$ _____	\$ _____
5.	Tax Liability	\$ (_____)	\$ _____	\$ _____	\$ _____
	Total liabilities:	\$ (_____)	\$ _____	\$ _____	\$ _____
	<b>ESTIMATED NET ASSETS:</b>		\$ _____	\$ _____	\$ _____
	Equalization of Assets:		\$ _____	\$ _____	\$ _____
	<b>EQUAL ASSETS:</b>		\$ _____	\$ _____	\$ _____

I have read the foregoing and the amounts are true and correct. I understand that if I make a material misstatement of fact, I may be prosecuted and punished for perjury.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (*print*)

\_\_\_\_\_  
Mailing address (*print*)

\_\_\_\_\_  
City, state, and zip code (*print*)

\_\_\_\_\_  
Telephone number

**NOTARY PUBLIC**

Signed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_

My commission expires: \_\_\_\_\_.

**USE NOTE**

1. Include all checking, savings, and money market accounts and certificates of deposit.

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001; 4A-131 recompiled and amended as 4A-214 by Supreme Court Order No. 13-8300-010, 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.]

**ANNOTATIONS**

**Compiler's note.** — Pursuant to Supreme Court Order No. 13-8300-010, former 4A-131 NMRA was recompiled and amended as 4A-214 NMRA effective May 31, 2013.

**4A-215. Separate property and liabilities schedule.**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_,

Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_,

Respondent.

**SEPARATE  
PROPERTY AND LIABILITIES SCHEDULE**

**ASSETS:**

		<b>Husband</b>	<b>Wife</b>
1. Checking & Savings Accounts:			
a. _____	Bk, Ck. # _____	\$ _____	\$ _____
b. _____	Bk, Sav. # _____	\$ _____	\$ _____

- c. \_\_\_\_\_ CD # \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
- d. \_\_\_\_\_ Cr Un # \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
2. Bonds/Stocks:
- a. \_\_\_\_\_ Sh. \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
- b. \_\_\_\_\_ Sh. \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
3. Financial institution accounts:<sup>1</sup>
- a. \_\_\_\_\_ Account # \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
- b. \_\_\_\_\_ Account # \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
- c. \_\_\_\_\_ Account # \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
- d. \_\_\_\_\_ Account # \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
4. Stocks, bonds and mutual funds:
- a. \_\_\_\_\_ Sh. \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
- b. \_\_\_\_\_ Sh. \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
- c. \_\_\_\_\_ Sh. \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
5. Insurance policies:
- a. Company \_\_\_\_\_  
 Policy No. \_\_\_\_\_  
 Face amount \$ \_\_\_\_\_  
 Cash value \$ \_\_\_\_\_  
 Loan balance \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
- b. Company \_\_\_\_\_  
 Policy No. \_\_\_\_\_  
 Face amount \$ \_\_\_\_\_  
 Cash value \$ \_\_\_\_\_  
 Loan balance \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_
6. Real estate:
- a. \_\_\_\_\_

	Present value		
	\$ _____		
	Mortgage (\$/mo) \$ _____		
	REC (\$/mo) \$ _____	\$ _____	\$ _____
	b. _____		
	Present value		
	\$ _____		
	Mortgage (\$/mo) \$ _____		
	REC (\$/mo) \$ _____	\$ _____	\$ _____
7.	Vehicles:		
	a. _____	\$ _____	\$ _____
	Lien (\$/mo)	\$ _____	\$ _____
	b. _____	\$ _____	\$ _____
	Lien (\$/mo)	\$ _____	\$ _____
8.	Business assets	\$ _____	\$ _____
9.	Household furniture and goods	\$ _____	\$ _____
10.	Tax refunds	\$ _____	\$ _____
11.	IRA/Keogh/Annuity	\$ _____	\$ _____
12.	Retirement	\$ _____	\$ _____
13.	Retirement	\$ _____	\$ _____
14.	Other total assets	\$ _____	\$ _____
	Total Separate Assets:	\$ _____	\$ _____
	<b>LIABILITIES:</b>		
	a. _____	\$ _____	\$ _____
	b. _____	\$ _____	\$ _____
	c. _____	\$ _____	\$ _____
	d. _____	\$ _____	\$ _____
	Total Separate Liabilities:	\$ _____	\$ _____
	<b>NET SEPARATE PROPERTY:</b>	\$ _____	\$ _____

I have read the foregoing and the amounts are true and correct. I understand that if I make a material misstatement of fact, I may be prosecuted and punished for perjury.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (*print*)

\_\_\_\_\_  
Mailing address (*print*)

\_\_\_\_\_  
City, state, and zip code (*print*)

\_\_\_\_\_  
Telephone number

### NOTARY PUBLIC

Signed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
My commission expires: \_\_\_\_\_.

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001; 4A-132 recompiled and amended as 4A-215 by Supreme Court Order No. 13-8300-010, 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.]

### ANNOTATIONS

**Compiler's note.** — Pursuant to Supreme Court Order No. 13-8300-010, 4A-132 NMRA was recompiled and amended as 4A-215 NMRA effective May 31, 2013.

## Stage Three (3) Divorce Forms

### 4A-300. Domestic relations forms; instructions for stage three (3) forms.

A. **Stage three (3) forms; scope.** The stage three (3) forms are the last forms that you must complete to dissolve your marriage (i.e., get a "divorce"). Once approved by the Court, the agreements and promises that you have made in these forms will settle financial matters between you and your spouse, and will control your rights as a parent. When both parties sign the Marital Settlement Agreement (Form 4A-301 NMRA), the Custody Plan (Form 4A-302 NMRA), and the Child Support Obligation (Form 4A-303 NMRA), they may be enforced by either party as contracts. When the Court signs a Final Decree of Dissolution of Marriage (Form 4A-305 NMRA), you will be divorced, and the Marital Settlement Agreement, the Custody Plan, and the Child Support Obligation will become legally binding on both of you. Any important changes to these agreements should be in writing and signed by both parties. These changes should be filed with the Court. You should be careful when filling out these forms, and be as complete as possible. It is highly recommended that you consult with an attorney.

B. **Marital Settlement Agreement.** A Marital Settlement Agreement ("MSA") must be completed, signed by both parties, and filed with the Court in every dissolution of marriage case. (Use Form 4A-301 NMRA.) Although the MSA is called an "Agreement,"



if the parties do not agree on its terms, the Court may use the terms of either party's proposed MSA in its final order after a hearing. The MSA describes how you and your spouse will divide your property and debts, and how you will settle any other financial matters, including whether one party will pay spousal support or make a cash payment to the other. When the Court signs and files a Final Decree of Dissolution of Marriage, the MSA will become legally binding on both parties. See Paragraph A, above.

If you and your spouse cannot agree on some or all of the terms of the MSA, you may request the assistance of a mediator, if available, by completing and filing a Motion for Referral to Mediation (child support or other financial issues) (Form 4A-205 NMRA) with the Court. If you do not believe that a mediator will be helpful, you may complete and file a Request for Hearing (Form 4A-206 NMRA), and the Court will make a decision for you. For more information about how to request a hearing, see Subparagraph (1) of Paragraph E of Form 4A-200 NMRA.

The MSA includes the following sections:

(1) **Property we are dividing.** This is where you describe how you will divide your property, including personal property, real property, bank and investment accounts, retirement plans, vehicles, and any other property. Examples of each type of property are included on the form. Complete the Personal Property List (Attachment A) to identify any personal property that you own that is valuable to you and to show how you will divide it. If you have real property other than the home that you lived in while you were married, complete the Real Property List (Attachment B) to identify the property and to show how you will divide it;

(2) **Debts we are dividing.** This is where you describe how you will divide your debts (e.g., credit cards, loans, etc.), cancel joint credit cards, file your taxes, and handle any issues that may come up with tax returns that were filed while you were married. Complete the Debt List (Attachment C) to identify each of your debts and to show how you will divide them;

(3) **Cash payment.** This is where you show any dollar amount that you have agreed one party should pay the other to settle the division of your property and debts. This amount will be included in the Final Decree of Dissolution of Marriage as a judgment in favor of the party who is to receive the cash payment. This judgment may be enforced as provided by law;

(4) **Spousal support.** This is where you show any dollar amount that you have agreed one party should pay the other as monthly spousal support. If the Court approves this section, the amount and timing of spousal support can be modified only by a court order. For more information on spousal support, see Section 40-4-7 NMSA 1978;

(5) **Other statements by parties.** This is where you promise to do what is necessary to carry out your agreements in the MSA and promise how you will resolve any arguments that you may have about the MSA in the future; and

(6) **Verification.** This is where you affirm the truth of the statements in the MSA and sign it. You must sign the MSA in the presence of a notary.

**C. Custody plan.** A Custody Plan must be completed and filed with the Court in every dissolution of marriage case when the parties are the parents of one or more children under eighteen (18) years of age or under the age of nineteen (19) and attending high school. (Use Form 4A-302 NMRA.) This document describes decisions that have been made, and how decisions will be made in the future, about which parent the children will live with. When the Court signs and files a Final Decree of Dissolution of Marriage, the Custody Plan will become legally binding on both parties. See Paragraph A, above.

If you and your spouse cannot agree on the terms of a Custody Plan, you may request the assistance of a mediator by completing and filing a Motion for Referral to Mediation (child custody, timesharing, or visitation) (Form 4A-204 NMRA) with the Court. If you do not believe that a mediator will be helpful, you may complete and file a Request for Hearing (Form 4A-206 NMRA), and the Court will make a decision for you. For more information about how to request a hearing, see Subparagraph (1) of Paragraph E of Form 4A-200 NMRA. Some courts will not set a hearing on custody matters until the parties have tried mediation but failed to reach an agreement. Check with the Court before you request a hearing to find out if mediation is required.

The Custody Plan includes the following sections:

(1) **Identification and contact information.** This is where you list the names and contact information of the parties and the children who are covered by the form;

(2) **Custody of the children.** This is where you describe the agreement you have reached about how you will make decisions and who will have custody of your children. If you choose sole legal custody, you must provide the specific reason why sole legal custody is in the best interests of the children. Also describe how often, when, and where the non-custodial parent will be allowed to visit the children, if at all. If you choose joint legal custody, you must complete the parenting plan in Subparagraphs one (1) through five (5) of Paragraph B to describe how you will share the custody of your children; and

(3) **Verification.** This is where you affirm the truth of the statements in the Custody Plan and sign it. You must sign the Custody Plan in the presence of a notary.

**D. Child support obligation.** A Child Support Obligation must be completed and filed with the Court in every dissolution of marriage case when the parties are the parents of one or more children under eighteen (18) years of age or under the age of

nineteen (19) and attending high school. (Use Form 4A-303 NMRA.) This document describes how you will divide the expenses of raising the children, including child support and health insurance, and tax issues relating to the children. When the Court signs and files a Final Decree of Dissolution of Marriage, the Child Support Obligation will become legally binding on both parties. See Paragraph A, above.

If you and your spouse cannot agree on the terms of the Child Support Obligation, you may request the assistance of a mediator by completing and filing a Motion for Referral to Mediation (child support or other financial issues) (Form 4A-205 NMRA) with the Court. If you do not believe that a mediator will be helpful, you may complete and file a Request for Hearing (Form 4A-206 NMRA), and the Court will make a decision for you. For more information about how to request a hearing, see Subparagraph (1) of Paragraph E of Form 4A-200 NMRA.

The Child Support Obligation includes the following sections:

(1) **Identification and contact information.** This is where you list the names and contact information of the parties and the children who are covered by the form;

(2) **Child support.** This is where you describe how you will share the expenses of raising your children. This portion of the form refers to these additional documents:

(a) *Child support worksheet.* To complete Paragraph A of this section, you must complete and attach a child support worksheet to your Child Support Obligation. The worksheet will help you figure out the amount of child support that is required by law. The worksheet is available at Section 40-4-11.1 NMSA 1978, or you can find an interactive version at [www.nmcourts.com](http://www.nmcourts.com) by clicking on the "Family Law Forms" link and selecting "Child Support Worksheet." The interactive worksheet will automatically calculate the monthly child support obligation. The amount shown on the child support worksheet will be awarded by the Court. If the parties need to deviate from the amount shown on the child support worksheet, they must request a different amount, explain why that amount is necessary, and the deviation must be approved by the Court; and

(b) *Wage withholding order.* Under Paragraph D of this section, you must tell the Court how you will begin wage withholding for child support. Payment of child support by wage withholding is mandatory unless otherwise agreed by the parties or ordered by the Court. Wage withholding will not take effect until the parties complete a Wage Withholding Order (Form 4A-304 NMRA) and submit it to the Court for filing, or until the Court signs and files the Child Support Obligation and the parties open a case with the New Mexico Human Services Department, Child Support Enforcement Division ("CSED"). CSED can issue a notice of wage withholding for the parties on full service cases. You may request the Court to order wage withholding by attaching a completed Wage Withholding Order to the Child Support Obligation; and

(3) **Verification.** This is where you affirm the truth of the statements in the Child Support Obligation and sign it. You must sign the Child Support Obligation in the presence of a notary.

E. **Final decree of dissolution of marriage.** When the Court signs and files a Final Decree of Dissolution of Marriage, you and your spouse will be divorced. You may request a Final Decree of Dissolution of Marriage as follows:

(1) **Uncontested.** If you and your spouse agree on the terms of your MSA (and Custody Plan and Child Support Obligation, if you have children), you may request a Final Decree of Dissolution by

(a) filing your completed MSA (and completed Custody Plan and Child Support Obligation, if you have children) with the Court Clerk's Office; and

(b) submitting a completed Final Decree of Dissolution of Marriage (Form 4A-305 NMRA) to the judge for approval. Both parties must sign the final decree in the presence of a notary before submitting it to the judge for approval.

The Court may sign the Final Decree of Dissolution of Marriage without further notice, or it may order you and your spouse to appear for a hearing. **WARNING:** Once the Court signs and files the Final Decree of Dissolution of Marriage, your divorce will be final, and the terms of the MSA (and the Custody Plan and Child Support Obligation) will be binding on both parties. See Paragraph A, above;

(2) **Contested.** If you and your spouse do not agree on the terms of your MSA (and Custody Plan and Child Support Obligation, if you have children) and you cannot submit completed forms to the Court, you should request a trial in your case by submitting a Request for Hearing (Form 4A-206 NMRA). For more information about how to request a hearing, see Subparagraph (1) of Paragraph E of Form 4A-200 NMRA.

The Court will set one or more hearings to resolve the remaining disagreements over the terms of the MSA (and the Custody Plan and Child Support Obligation, if you have children). *You must complete your own MSA (and Custody Plan and Child Support Obligation) and Final Decree of Dissolution of Marriage and bring them with you to the hearing.* Once the Court has decided the terms of the MSA (and the Custody Plan and Child Support Obligation), it will sign and file a Final Decree of Dissolution of Marriage, and you will be divorced from your spouse; or

(3) **Default.** If more than thirty (30) days have passed since you filed and served the Petition for Dissolution of Marriage and your spouse has not filed an answer or otherwise responded to your petition, you may be able to request a Final Decree of Dissolution of Marriage without your spouse's participation. This is called a default judgment. See Form 4A-310 NMRA for instructions on how to request a default judgment and Final Decree of Dissolution of Marriage.

[Approved by Supreme Court Order No. 13-8300-010, 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.]

#### 4A-301. Marital settlement agreement.

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_

Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_

Respondent.

#### MARITAL SETTLEMENT AGREEMENT<sup>1</sup>

\_\_\_\_\_ (*Husband's name*) and \_\_\_\_\_  
(*Wife's name*) are married. We agree to this entire agreement. We will each follow this agreement beginning on the day we both sign it. We understand that the judge may make changes to this agreement and that we must comply with any changes made.

#### I. PROPERTY WE ARE DIVIDING<sup>2</sup>

- A. Personal property** (*such as clothing, furniture, jewelry, or artwork*). We have agreed how we will divide our property. We have attached a Personal Property List (Attachment A) showing all our property and which of us will receive that property.

(Choose 1 or 2)

1. Each of us already has possession of all the personal property that we each expect to receive.

(or)

2. We will make sure that we each have our own property by \_\_\_\_\_ (*date*).

- B. Real Property** (*such as a home, mobile home, condominium, lot, or commercial building*).<sup>3</sup>

(Choose all that apply)

1. Neither of us has real property.  
 2. We have a marital home, which is located at

\_\_\_\_\_ (street address), and we agree to do the following:

(Complete the correct section: a. Keep the home; b. Sell the home; or c. Other plan.)

a. **Keep the home.** We agree that

(Choose i or ii)

i. Husband shall keep the home and be responsible for all debts related to the home.

(or)

ii. Wife shall keep the home and be responsible for all debts related to the home.

The person who keeps the home is called the "homeowner." The other person is called the "moving spouse."

We further agree that

(Choose all that apply)

The amount owed to the moving spouse to buy out that person's interest is \$ \_\_\_\_\_, which is included in the calculation of the Cash Payment, Section III, below.

The homeowner will apply to refinance the debt owed on the home no later than \_\_\_\_\_ (date).

This is our plan for the homeowner to buy out the moving spouse's interest in the home or to get the moving spouse off of the loan papers:<sup>4</sup>

b. **Sell the home.** We are going to sell the home and divide the money from the sale as follows:

While the home is being sold,  Husband (or)  Wife (choose one) will stay in the home.

Until the home sells, we will pay expenses, including mortgage, taxes and insurance, utility bills, and repairs for the home as follows (describe who is to pay and how much each person will pay):

c. **Other plan.** We have attached a separate sheet with our plan regarding the home.

3. One or both of us has other real property as set forth in the attached Real Property List (Attachment B), and we have agreed to divide that property as set forth in the attachment. If one party owes the other money for the division of the other real property, that amount should be included in the calculation of the Cash Payment, Section III, below.

**C. Bank and investment accounts** (*such as checking accounts, savings accounts, stocks, bonds, certificates of deposit, mutual funds, or life insurance policies with cash value*).

(Choose all that apply)

We do not have any bank or investment accounts.

Husband has the following bank or investment accounts:

<b>Name of institution</b>	<b>Last four (4) digits of account number</b>
----------------------------	---

_____	_____
_____	_____

Wife has the following bank or investment accounts:

<b>Name of institution</b>	<b>Last four (4) digits of account number</b>
----------------------------	---

_____	_____
_____	_____

We have the following joint bank or investment accounts:

<b>Name of institution</b>	<b>Last four (4) digits of account number</b>
----------------------------	---

_____	_____
_____	_____

which will be closed by \_\_\_\_\_ (date)

This is our plan for how we will divide our bank or investment accounts:

**D. Retirement Plans** (*such as IRAs, retirement accounts, pension plans, or 401(k) plans*).<sup>5</sup>

(Choose all that apply)

Neither of us has a retirement plan.

Husband has the following retirement plan(s):

Wife has the following retirement plan(s):

We will be dividing our retirement plan(s) as follows:

Husband (or)  Wife shall prepare and submit a Qualified Domestic Relations Order ("QDRO") to the Court by \_\_\_\_\_ (date).

**E. Vehicles** (such as cars, trucks, motorcycles, recreational vehicles, boats, tractors, or trailers).<sup>6</sup>

(Choose 1 or 2)

1. We do not have any vehicles.

(or)

2. We have vehicles and are dividing them as follows:

Husband will keep the following vehicles and assume any debt relating to each vehicle (provide the make, model, and year of each vehicle and list the vehicle identification number):

Vehicle description	Vehicle Identification No.
---------------------	----------------------------

_____	_____
_____	_____
_____	_____

Wife will keep the following vehicles and assume any debt relating to each vehicle (provide the make, model, and year of each vehicle and list the vehicle identification number):

Vehicle description	Vehicle Identification No.
---------------------	----------------------------

_____	_____
_____	_____
_____	_____

Each person listed above as keeping the vehicles will pay for the costs of the vehicles, including insurance. The parties will transfer title by

\_\_\_\_\_ (date).

(or)

when the vehicle is paid off.

**F. Other property** (such as business interests, patents, trademarks, copyrights, royalties, manuscripts, or any other property).

(Choose 1 or 2)

1. Neither party has any other property.



(or)

2. One or both parties has the other property listed below, and we have agreed to divide it as follows:

## II. DEBTS WE ARE DIVIDING<sup>7</sup>

**Debt.** We attach a Debt List (Attachment C) which lists all of our debts, including mortgages, vehicle payments, taxes, credit cards, student loans, medical debts, judgments, and any other debts we may have. Any debt not

- A.** listed is the responsibility of the person who created it. Each of us will pay debts we created prior to our marriage, unless we state differently here. Unless we state differently here, a person who takes property (such as a house or car) with a debt associated with it, will take the debt.

*(Choose all that apply)*

We have no debt from our marriage.

We will pay our debts as listed on Attachment C.

The amount owed from \_\_\_\_\_ to \_\_\_\_\_ for

the division of the debts is \$\_\_\_\_\_, which is included in the calculation of the Cash Payment, Section III, below.

- B.** **Credit cards and charge cards.** Each of us will turn in and cancel all joint credit cards, or we will have the credit card company take the other person's name off of the account.

- C.** **Taxes.** We will share information necessary to correctly file our income tax returns. We will get the help we need to file our taxes.

- D.** **Problem with tax returns.** If any of our returns that we filed together are audited or contested, we will meet to decide what to do. If we cannot decide who pays the taxes owed or who gets any refund, we will ask a judge to decide at the time the problem comes up.

- E.** **Legal promise.** We understand that if either of us fails to pay the debts we have promised to pay, the other party may end up making that payment. If that happens, the party who should have paid promises to repay the other party, including any other extra costs caused by the failure to pay, such as attorney fees, late fees, and interest charged by the creditor.

## III. CASH PAYMENT

*(If the parties have agreed that one party should pay money to the other in any of the preceding sections, those amounts should be included in this section.)*

In order to settle the division of property and debts, we agree that \_\_\_\_\_ (name)

shall pay \_\_\_\_\_ (name) the amount of \$ \_\_\_\_\_ no later than \_\_\_\_\_ (date). We agree that judgment shall enter in this amount for \_\_\_\_\_ (name). The statutory interest rate shall

apply as provided in Section 56-8-4(A) NMSA 1978.

#### IV. SPOUSAL SUPPORT<sup>8</sup>

A. We agree to spousal support as follows:

(Choose 1 or 2)

1. **No spousal support.** Each of us can support ourselves and neither will pay spousal support to the other.

(or)

2. **Spousal support.**  Husband (or)  Wife (choose one) will pay spousal support to the other spouse.

a. Spousal support will be paid as follows:

(Choose i or ii)

i. \$\_\_\_\_\_ per month on the \_\_\_\_\_ (date) of each month for \_\_\_\_\_ (period of time) or until the court says differently.

(or)

ii. This is our other plan:

b. For tax purposes, we will treat spousal support as follows:

(Choose i or ii)

i. The person paying the spousal support will deduct the payments on [his] [her] income tax return. The person receiving the support will show the support as income on [his] [her] income tax return. The support will end if the person to receive the support dies.

(or)

ii. The person paying the spousal support will not deduct the payments on [his] [her] income tax return. The person receiving the support will not include the payment as income on [his] [her] income tax return.

#### V. OTHER STATEMENTS BY PARTIES

**A. Documents.** We will each sign the documents we need to divide the property and debts, and each will deliver to the other party all documents related to property and debt awarded to the other.

**B. Future issues.<sup>9</sup>**

1. Either of us may ask the judge for help if

a. one of us does not do what we said in this agreement; or

b. we cannot agree on what this agreement says.

We understand that the judge may make one party pay costs such as attorney fees.

2. If we forgot or failed to list any property or debt, we will seek the help we need to divide that property or debt.<sup>10</sup>

**Final agreement.** This is the final and entire agreement of the parties.

C. Neither party is relying on other promises or statements that are not specifically included in this document.

### VERIFICATION

When I sign here, I am telling the judge under oath and penalty of perjury:

I have read this agreement and agree with everything in it; I have read the warnings and cautions listed in this agreement;

I have disclosed all assets and debts known to me, and I understand that my spouse is relying on my disclosures;

I have gotten the help I needed before signing this agreement; and this document and the statements in it are true and correct to the best of my knowledge and belief.

I understand that I can be punished both civilly and criminally if any information in this agreement is false.

\_\_\_\_\_  
Husband's signature  
Mailing address: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Wife's signature  
Mailing address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Telephone: \_\_\_\_\_

STATE OF NEW )  
MEXICO )

) ss.

COUNTY OF )

Acknowledged, subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_, the husband.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

STATE OF NEW )

MEXICO

) ss.

COUNTY OF )

Acknowledged, subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_, the wife.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**ATTACHMENT A: PERSONAL PROPERTY LIST**

*(Attach additional pages if needed)*

*List all items of value to you, such as furniture, household items, electronics, art, jewelry, and tools*

Item Husband	Dollar Value Wife	Will belong to ( <i>check box for each item</i> ):

**ATTACHMENT B: REAL PROPERTY LIST**

*(Attach additional pages if needed)*

*List all homes (other than the marital home), land, or other real property owned by Husband or Wife.*

**Other Real Property**

1. Address/Description of property: \_\_\_\_\_

We agree to do the following with the property after the divorce:

*(Chose all that apply)*

\_\_\_\_\_ Husband will keep the property;

\_\_\_\_\_ Wife will keep the property;

\_\_\_\_\_ [ ] Husband [ ] Wife shall pay the other spouse \$\_\_\_\_\_

The property will be sold and the proceeds divided as follows:

\_\_\_\_\_ \_\_\_\_\_

\_\_\_\_\_ Other plan:

2. Address/Description of property: \_\_\_\_\_  
 We agree to do the following with the property after the divorce:

*(Chose all that apply)*

- \_\_\_\_\_ Husband will keep the property;  
 \_\_\_\_\_ Wife will keep the property;  
 \_\_\_\_\_ [ ] Husband [ ] Wife shall pay the other spouse \$ \_\_\_\_\_  
 The property will be sold and the proceeds divided as follows:

\_\_\_\_\_ \_\_\_\_\_  
 \_\_\_\_\_  
 Other plan:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**ATTACHMENT C: DEBT LIST**  
*(Attach additional pages if needed)*

*(NOTE: This document is a public document. DO NOT list the full account number for any credit card or other loan information that you would not want to make public.)*

*We understand that this agreement may not bind creditors.*

Creditor	Last four (4) numbers on account		Amount owed	Will be paid by (check box):
	Husband	Wife		

**USE NOTE**

1. A verified marital settlement agreement must be filed in every dissolution of marriage cause. See Forms 4A-100, -200, and -300 NMRA for additional information about completing and filing this form.

2. It is highly recommended that you consult with an attorney. Whether property is separate or community is a complicated issue. There can be serious consequences, including tax consequences, for the division of property and for not properly transferring

property, including retirement accounts. You may need separate documents to transfer divided property.

3. To transfer land, a building or a home other than a mobile home, the parties must prepare, sign and record a deed in the real property records where the property is located. To transfer a mobile home, contact the Motor Vehicle Division or see a professional.

4. If both parties are listed on the mortgage, you must seek lender approval to remove the moving spouse from the mortgage and from responsibility for payment.

5. If the parties are going to divide a retirement plan, contact the retirement plan before completing and filing this form. Depending on the plan, a QDRO may be necessary.

6. To transfer vehicles or a mobile home, contact the Motor Vehicle Division or see a professional.

7. This agreement does not affect the rights of creditors even when approved by the Court as part of the final decree. The creditor may expect payment from you no matter who agrees to pay the debt in this agreement. See an attorney if you have questions about separate and community debts and separate and community property.

8. There can be serious consequences resulting from spousal support awards. If your agreement includes spousal support, you should consult with an attorney.

9. Consult with an attorney if problems arise later.

10. To divide property or debts left out of this agreement, see Section 40-4-20(A) NMSA 1978.

[Approved by Supreme Court Order No. 13-8300-010, 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.]

## ANNOTATIONS

**Compiler's note.** — Pursuant to Supreme Court Order No. 13-8300-010, a new 4A-301 NMRA was adopted effective May 31, 2013.

**Withdrawals.** — Pursuant to Supreme Court Order No. 13-8300-010, former 4A-301 NMRA, relating to petition for dissolution of marriage without children, was withdrawn effective May 31, 2013.

### **4A-302. Custody plan.**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_ ,

Petitioner,

v. \_\_\_\_\_ No. \_\_\_\_\_

\_\_\_\_\_ ,

Respondent.

### CUSTODY PLAN<sup>1</sup>

We, \_\_\_\_\_ and \_\_\_\_\_, are the parents of the children listed below. We agree that we are submitting this document as our custody plan and that our plan is in the best interests of the children.

#### I. IDENTIFICATION AND CONTACT INFORMATION

Parent's name	Physical address and phone number	Place of employment and phone number
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

  

Child's name	Year of birth	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

The parties will advise each other of any change to this contact information within ten (10) days of new information becoming available.

#### II. CUSTODY OF THE CHILDREN<sup>2</sup>

(Choose either Option A, Sole legal custody, or Option B, Joint legal custody)

[ A. Sole legal custody and visitation plan.

(Complete 1, 2, and 3)

1. \_\_\_\_\_ (*name of parent with sole custody*) will have sole legal custody of our children. The parent with sole custody will make the important decisions regarding our children. The reason that sole custody is in the best interest of our children is because:

2.

3. We agree to the following visitation plan:  
(Choose a, b, or c)

a. There will be **no visitation** until further order of the Court.  
(or)

b. \_\_\_\_\_ (*name of other parent*) will have **unsupervised visitation** with our children as follows: (*Fully describe visitation plan to include who will transport the children and where and when the visitation will occur. Attach additional sheets if necessary.*)

(or)

c. \_\_\_\_\_ (*name of other parent*) will have *supervised visitation* with our children as follows: (*Fully describe visitation plan to include who will supervise the visitation, who will transport the children and where and when the visitation will occur. Attach additional sheets if necessary.*)

[ B. **Joint legal custody and parenting plan.**

1. **Important decisions.** We will share joint legal custody of our children and will make important decisions about our children together. No change regarding any of the following will happen unless we both agree to the change in writing or the court changes it:

a. City and county of residence:

\_\_\_\_\_

b. Religion: \_\_\_\_\_

c. Activities: \_\_\_\_\_

**Name**

**Address and telephone**

d. Doctor \_\_\_\_\_

e. Dentist \_\_\_\_\_



- f. School \_\_\_\_\_
- g. Child care \_\_\_\_\_
- h. Other \_\_\_\_\_

2. **Solving arguments.** We will resolve any parenting or time-sharing dispute regarding our children in this way (*steps continue until problem solved*):

- a. Talk together; or
- b. Communicate in writing as follows:
  - i. parent requests change, and gives reasons for the change; and
  - ii. answering parent sends response within \_\_\_\_\_ days.  
If the answering parent does not agree to the change, that parent must say why, and, if possible, make a new proposal.

- c. Take the following steps: (*check all that apply and number them if there is a particular order*)
  - \_\_\_\_\_. Go to couple, family, or other counseling;
  - \_\_\_\_\_. Go to mediation with a neutral party;
  - \_\_\_\_\_. Other: \_\_\_\_\_;
  - \_\_\_\_\_. Go to court.

3. **Timesharing schedule.**

(Complete "Schedule 1" or "Schedule 2" below.)

**Schedule 1. Same schedule each week or every two weeks.**

(Set out the time that mother or father will have the children for that day.)

<b>Week 1</b>	<b>Mother's time</b>	<b>Father's time</b>
Monday	_____	_____
Tuesday	_____	_____
Wednesday	_____	_____
Thursday	_____	_____
Friday	_____	_____
Saturday	_____	_____
Sunday	_____	_____
<b>Week 2</b>		
Monday	_____	_____
Tuesday	_____	_____
Wednesday	_____	_____
Thursday	_____	_____
Friday	_____	_____

Saturday  
Sunday

---

---

**Schedule 2.  
Write your  
own  
schedule.**

*(Write your  
own  
schedule  
here or  
attach a  
separate  
sheet or  
calendar or  
make  
additions to  
Schedule 1.)*

[ ]

4. ***Vacation and  
holiday plan.***

**Vacations.**

We will each  
have

\_\_\_\_\_ [days]

[weeks]

*(circle one)*

of  
uninterrupted  
time with the  
children  
each year.

a.

We will give  
each other at  
least

\_\_\_\_\_ [days]

[weeks]

*(circle one)*

notice of the  
vacation  
time. Any  
dispute will  
be resolved

in the manner agreed to in the "Solving Arguments" section of this parenting plan.

Holidays. Regardless of the day of the week, the children will spend:

<b>Holidays:</b>	<b>Even year</b>	<b>Odd year</b>	<b>Times (if split)</b>
Mother's Day	Mother	Mother	
Father's Day	Father	Father	
Child's Birthday	_____	_____	From _____ To _____
Halloween	_____	_____	From _____ To _____
Thanksgiving break	_____	_____	From _____ To _____
Winter religious holidays	_____	_____	From _____ To _____
1st 1/2 winter break	_____	_____	From _____ To _____
2nd 1/2 winter break	_____	_____	From _____ To _____
Spring Break	_____	_____	From _____ To _____
July 4th	_____	_____	From _____ To _____
Other religious holidays	_____	_____	From _____

Others: \_\_\_\_\_

To \_\_\_\_\_

From \_\_\_\_\_

To \_\_\_\_\_

The Monday of a 3-day weekend due to a school, federal, or state holiday is the same as the Sunday schedule unless we agree differently.

5. **Details about the timesharing.**

**Communication.**

We each may have reasonable communication with the children at all times.

- a. Neither of us will unreasonably interfere with the children's communications with the other parent.

**Transfer of children.**

Responsibility for transferring the children from one parent to the other will be as follows (*write what you will do here*):

- b.

**Long-distance transfer of children.**

Responsibility for transferring the children from one parent to the other in long-distance arrangements will

- c.

be as follows  
(write down what  
you will do here):

- d. **Emergencies.** If there is a medical emergency, the parent with the children will try to call the other parent about the emergency. If the other parent cannot be reached, any decision for emergency medical treatment will be made by the available parent in the best interest of the children.

- e. **Changes.** We may ask each other for changes to this schedule. The other parent has the right to say "no." If the other parent says "no," we will not argue or criticize the other parent's decision.

- f. **Review of plan.** We agree to meet [ ] every year (or) [ ] every \_\_\_\_\_ years to make sure this plan continues to

work well.

**VERIFICATION**

When I sign here, I am telling the judge under oath and penalty of perjury that I have read this document, that I agree with everything in it, and that the statements in it are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Father's signature  
Mailing address: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Mother's signature  
Mailing address: \_\_\_\_\_  
\_\_\_\_\_

Physical address:  
\_\_\_\_\_  
\_\_\_\_\_

Physical address:  
\_\_\_\_\_  
\_\_\_\_\_

Telephone:  
\_\_\_\_\_

Telephone:  
\_\_\_\_\_

STATE OF NEW MEXICO )  
COUNTY ) ss  
OF \_\_\_\_\_ )

Acknowledged, signed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_ by \_\_\_\_\_, the father.

\_\_\_\_\_  
Notary public

My commission expires: \_\_\_\_\_.

STATE OF NEW MEXICO )  
COUNTY ) ss  
OF \_\_\_\_\_ )

Acknowledged, signed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_ by \_\_\_\_\_, the mother.

\_\_\_\_\_  
Notary public

My commission expires: \_\_\_\_\_.

Approved by the District Court

\_\_\_\_\_  
Date

\_\_\_\_\_  
District Court Judge

**USE NOTE**

1. A custody plan must be filed in every dissolution of marriage case if the parties have minor children or a child under nineteen years of age who is attending high school. For more information about filling out this form, see Form 4A-300 NMRA.

2. The parties should understand the difference between the rights and obligations of joint custodians and a sole custodian. Descriptions of these terms are set out in Section 40-4-9.1 NMSA 1978. See an attorney with questions you may have. Joint custody does not imply an equal division of the child's time between the parents or an equal division of financial responsibility for the child.

[Approved by Supreme Court Order No. 13-8300-010, 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.]

**ANNOTATIONS**

**Compiler's note.** — Pursuant to Supreme Court Order No. 13-8300-010, a new 4A-302 NMRA was adopted effective May 31, 2013.

**Withdrawals.** — Pursuant to Supreme Court Order No. 13-8300-010, former 4A-302 NMRA, relating to petition for dissolution of marriage with children, was withdrawn effective May 31, 2013.

**4A-303. Child support obligation.**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_

Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_

Respondent.

**CHILD SUPPORT OBLIGATION'**

We, \_\_\_\_\_ and \_\_\_\_\_, are the parents of the children listed below. We agree that we are submitting this document as our child support obligation.

**I. IDENTIFICATION AND CONTACT INFORMATION**

<b>Parent's name</b>	<b>Physical address and phone number</b>	<b>Place of employment and phone number</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

  

<b>Child's name</b>	<b>Year of birth</b>	<b>Age</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____

The parties will advise each other of any change to this contact information within ten (10) days of new information becoming available.

**II. CHILD SUPPORT<sup>2</sup>**

A. **Child Support Worksheet.**<sup>3</sup> We attach a signed worksheet to this plan. (Complete and sign a child support worksheet prior to completing this section.)

**Child support:** \_\_\_\_\_ pays \_\_\_\_\_ \$ \_\_\_\_\_ per month. Payments shall begin on \_\_\_\_\_ (date) and shall be paid in the amount of \$ \_\_\_\_\_ every [ ] week [ ] two weeks [ ] month. Payments shall continue each month until the youngest child turns eighteen (18); however, if the youngest child turns eighteen (18) while still attending high school, payments shall continue until the month the child graduates or turns nineteen (19), whichever occurs first.<sup>4</sup>

- (Choose 1 or 2)
- 1. This amount is the amount shown on the worksheet; (or)
  - 2. We ask the judge to order a deviation from the amount shown on the child support worksheet because (fill in the reason here)<sup>5</sup>

B. **Health insurance coverage**<sup>6</sup>

- (Choose 1, 2, or 3)
- 1. [Father] [Mother] agrees to keep the minor children covered by health



and dental insurance under the policy of insurance available to [Father] [Mother] from [Father's] [Mother's] employer or other group health care insurance plan.

(or)

- [ ] 2. Neither parent has private health or dental insurance coverage available at a reasonable cost. If the children are covered under Medicaid, the child support obligor shall pay a cash medical support payment as determined at a subsequent hearing in which the State of New Mexico, Child Support Enforcement Division ("CSED"), has been given sufficient notice, or upon the stipulation of the parties and with the agreement of CSED. The notification to and agreement of CSED is required only for cash medical support.

(or)

- [ ] 3. Other health insurance coverage will be provided as follows:

C. **Additional healthcare expenses to be determined by percentage.** The parties shall split the cost of uncovered necessary healthcare expenses in proportion to their income on the child support worksheet.

D. **Wage withholding of child support.**

*(Choose and complete 1 or 2)*

- [ ] 1. **Withhold wages for child support.** Child support payment will be withheld from \_\_\_\_\_'s paycheck.<sup>7</sup>

*(Choose a or b)*

- [ ] a. We attach a completed Form 4A-304 NMRA Wage Withholding Order which directs all withheld payments to the Child Support Enforcement Division ("CSED").

*(or)*

- [ ] b. We will take a copy of this child support obligation after it is signed by the Court to CSED to open a case and to request that CSED issue a notice of wage withholding on our behalf.

*(or)*

- [ ] 2. **Other plan.** Wage withholding is not appropriate at this time as the parties have made the following alternate arrangements for the payment of support (*describe alternate payment arrangements, subject to approval by the Court*):

E. **Health and dental insurance.** Unless we agree otherwise, we will:

1. follow the insurance plan in selecting a doctor or dentist;

2. use doctors and dentists who are part of the insurance plan;
3. make sure each parent has a copy of the insurance card and policy; and
4. cooperate and work together to promptly submit all insurance forms.

**Exchange of information.** Once a year either one of us can ask, in writing, for both parties to exchange the following information (*this paragraph is required by statute, Section 40-4-11.4 NMSA 1978*):<sup>8</sup>

1. federal and state tax returns for the prior year;
2. W-2 statements for the prior year;
3. IRS form 1099s for the prior year;
4. work related day care statements for the prior year;
5. dependent medical insurance premiums for the prior year; and
6. wage and payroll statements for the four months prior to the request.

G. **Tax issues.**<sup>9</sup> Here is our plan about tax issues, such as the dependency exemption, that relate to our children:

- Follow IRS regulations; or  
 Adopt another plan as follows:

H. **Other expenses.** Each of us will provide our children with items that they need while they are with us.

- (*If applicable*) We agree to pay for special activities as follows:

### VERIFICATION

When I sign here, I am telling the judge under oath and penalty of perjury that I have read this document, that I agree with everything in it, and that the statements in it are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
 Father's signature

\_\_\_\_\_  
 Mother's signature

\_\_\_\_\_  
 Mailing address:

\_\_\_\_\_  
 Mailing address:

\_\_\_\_\_  
 Telephone:

\_\_\_\_\_  
 Telephone:

STATE OF NEW MEXICO )  
 COUNTY )  
 OF \_\_\_\_\_ ) ss

Acknowledged, signed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_ by \_\_\_\_\_, the father.

\_\_\_\_\_  
Notary public

My commission expires: \_\_\_\_\_.

STATE OF NEW MEXICO )  
COUNTY )  
OF \_\_\_\_\_ ) ss

Acknowledged, signed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_ by \_\_\_\_\_, the mother.

\_\_\_\_\_  
Notary public

My commission expires: \_\_\_\_\_.

Approved by the District Court

\_\_\_\_\_  
Date

\_\_\_\_\_  
District Court Judge

#### USE NOTE

1. A child support obligation must be filed in every dissolution of marriage case if the parties have minor children or a child under nineteen years of age who is attending high school. For more information about filling out this form, see Form 4A-300 NMRA.
2. If child support is not paid in a timely manner, interest will be added to the amount owed at the rate provided by law. See Section 40-4-7.3 NMSA 1978 for accrual of interest on delinquent child support.
3. See Section 40-4-11.1 NMSA 1978 for the child support worksheet. An interactive version of this worksheet may be found at [www.nmcourts.com](http://www.nmcourts.com), click on "Family Law Forms." See *also* Form 4A-300 NMRA for a further explanation of the child support worksheet. The child support worksheet is used to determine the monthly child support obligation.
4. If child support is being paid for more than one child, the end of a child support obligation for a child may be a change of circumstances that justifies a different child support amount. A new child support worksheet must be completed and adopted by the court. If your child has an intellectual or physical disability, you should consult with an attorney.

5. The judge may or may not accept a proposed change from the worksheet amount. Proposed changes may be appropriate if application of the child support guidelines would be unjust or inappropriate, or create a substantial hardship. If child support has been ordered in another proceeding, tell the court about it here and attach that child support worksheet.

6. See Section 40-4C-4 NMSA 1978 for medical support orders. In some circumstances the court may order both parties to provide employer-provided health insurance.

7. See Form 4A-304 NMRA for the Wage Withholding Order. Wage withholding is required unless the parties show good cause and make alternate payment arrangements. Wage withholding is mandatory if the children are receiving public assistance. Payments made by wage withholding go through the Title IV-D agency (CSED) and cannot be directly sent by the employer to a party. Either party may request the court to enter a Wage Withholding Order. See *also* Form 4A-300 NMRA for a further explanation of the Wage Withholding Order.

8. You need a court order to adjust child support payments.

9. Consult with a professional about tax issues that relate to any children.

[Approved by Supreme Court Order No. 13-8300-010, 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.]

#### **4A-304. Wage withholding order (*domestic relations actions*).**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_,

Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_,

Respondent.

**WAGE WITHHOLDING ORDER**  
**(*domestic relations actions*)<sup>1</sup>**

This matter, having come before the Court for entry of a wage withholding order and the parties having submitted a completed Income Withholding for Support Form,<sup>2</sup> the Court ORDERS:

1. The provisions of the Income Withholding for Support Form, attached as Exhibit A and signed by the Court, are incorporated by reference and adopted in full.
2. Wage withholding shall be implemented as stated in Exhibit A.
3. Exhibit A, which includes personal identifier information that is necessary to include in the record, shall be protected in accordance with Rule 1-079 NMRA if requested to be sealed by the parties.

**IT IS SO ORDERED.**

_____	_____
Date	District judge
APPROVED:	_____
Mother's signature:	_____
	_____
Mailing address:	_____
	_____
Telephone:	_____
Father's signature:	_____
	_____
Mailing address:	_____
	_____
Telephone:	_____

**USE NOTE**

1. See Form 4A-300 NMRA for an explanation of the Wage Withholding Order.

2. A completed Income Withholding for Support Form (OMB 0970-0154) is required in all cases where a Wage Withholding Order is issued by the Court. A copy of the form is available at [http://www.acf.hhs.gov/sites/default/files/ocse/omb\\_0970\\_0154.pdf](http://www.acf.hhs.gov/sites/default/files/ocse/omb_0970_0154.pdf). Instructions for filling out the form are available at [http://www.acf.hhs.gov/sites/default/files/ocse/omb\\_0970\\_0154\\_instructions.pdf](http://www.acf.hhs.gov/sites/default/files/ocse/omb_0970_0154_instructions.pdf). The form and instructions also may be obtained from the New Mexico Human Services Department, Child Support Enforcement Division.

[Approved by Supreme Court Order No. 13-8300-010, 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.]

**4A-305. Final decree of dissolution of marriage.**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT  
\_\_\_\_\_

Petitioner,

v. \_\_\_\_\_ No. \_\_\_\_\_  
\_\_\_\_\_

Respondent.

**FINAL DECREE OF DISSOLUTION OF MARRIAGE<sup>1</sup>**

This matter was brought before the Court to enter a Final Decree of Dissolution of Marriage by

Petitioner and Respondent ("the parties").  
(or)

Petitioner, alone. Respondent, who was properly served with the Petition for Dissolution of Marriage, has failed to answer or otherwise respond within the time permitted by the New Mexico Rules of Civil Procedure.

The following documents are referenced in this decree:

- A Marital Settlement Agreement (*select only one*),
  - signed and filed by the parties, that settles the claims related to their marital relationship;
  - (or)
  - attached as Exhibit A, because the parties did not agree on the terms of a Marital Settlement Agreement;<sup>2</sup>

*(Select and complete the following options if the parties have children)*

- A Custody Plan (*select only one*),
  - signed and filed by the parties, that sets out the custody of their children;
  - (or)
  - attached as Exhibit \_\_\_\_\_, because the parties did not agree on the terms of a Custody Plan;<sup>2</sup>
- A Child Support Obligation, including a child support worksheet (*select only one*),

signed and filed by the parties, that sets out the child support for their children;

(or)

attached as Exhibit \_\_\_\_\_, because the parties did not agree on the terms of a Child Support Obligation.<sup>2</sup>

The Court, having considered the evidence FINDS AND CONCLUDES:

1. The Court has jurisdiction over the subject matter of this action and over

the parties;

and the children (*if applicable*).

2. The parties are incompatible.

3. As to the Marital Settlement Agreement (*select only one*),

The Marital Settlement Agreement filed by the parties is fair and reasonable and should be adopted by the Court. The parties have sworn,

under oath, that the Marital Settlement Agreement divides all of their known property and debt, settles their rights and obligations, and is fair and complete.

(or)

The Court has considered the terms of the proposed Marital Settlement Agreements submitted by the parties, or by Petitioner alone if Respondent is in default, and finds that the attached Marital Settlement

Agreement divides all of the parties' known property and debt, settles their rights and obligations, is fair and reasonable, and should be adopted.<sup>2</sup>

(*Select and complete the following findings if applicable*)

4. As to the Custody Plan (*select only one*),

The Custody Plan filed by the parties is fair and reasonable and should be adopted by the court. The parties have sworn, under oath, that the

Custody Plan is complete, true, correct, and in the best interests of the children,

(or)

The Court has considered the terms of the proposed Custody Plans submitted by the parties, or by Petitioner alone if Respondent is in

default, and finds that the attached Custody Plan is fair, reasonable, and in the best interests of the children, and should be adopted.<sup>2</sup>

5. As to the Child Support Obligation (*select only one*),

The Child Support Obligation filed by the parties is fair and reasonable and should be adopted by the Court, including the terms of child support.

The parties have sworn, under oath, that the Child Support Obligation is complete, true, correct, and in the best interests of the children.

(or)

The Court has considered the terms of the proposed Child Support Obligations submitted by the parties, or by Petitioner alone if Respondent

is in default, and finds that the attached Child Support Obligation is fair, reasonable, and in the best interests of the children, and should be adopted, including the terms of child support.<sup>2</sup>

6. Respondent's default has been certified by the Court.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

1. The marriage of Petitioner and Respondent is dissolved on the grounds of incompatibility.

2. The parties are ordered to comply with the terms of the Marital Settlement Agreement, which (*select one*)

has been filed with the Court and is incorporated here by reference.

(*or*)

is attached and adopted as the order of the Court.

(*Select and complete the following paragraphs if applicable*)

3. The parties are ordered to comply with the terms of the Custody Plan, which (*select one*)

has been filed with the Court and is incorporated here by reference.

(*or*)

is attached and adopted as the order of the Court.

4. The parties are ordered to comply with the terms of the Child Support Obligation, which (*select one*)

has been filed with the Court and is incorporated here by reference.

(*or*)

is attached and adopted as the order of the Court.

5.  Petitioner (*or*)  Respondent is ordered to pay child support in the amount of \$\_\_\_\_\_ per month to the other parent.

6. Legal custody of the children is as follows (*select one*):

The parties have joint legal custody of the children.

(*or*)

Petitioner (*or*)  Respondent has sole legal custody of the children.

7. The Court has continuing jurisdiction over issues relating to the children of the marriage until the children reach the age of majority as provided by law.

8. The Court retains jurisdiction to enter QDROs or other orders dividing the retirement plans referenced in the Marital Settlement Agreement.

9. Judgment in favor of  Petitioner (*or*)  Respondent is awarded in the amount of \$\_\_\_\_\_, as set forth in Section III of the Marital Settlement Agreement (Cash Payment). The statutory interest rate shall apply as provided in Section 56-8-4(A) NMSA 1978.



10.  Petitioner's (or)  Respondent's name is restored to the former name of \_\_\_\_\_.

SO ORDERED

\_\_\_\_\_  
District court judge

\_\_\_\_\_  
Petitioner's signature

\_\_\_\_\_  
Respondent's signature (if applicable)

\_\_\_\_\_  
Mailing address: \_\_\_\_\_

\_\_\_\_\_  
Mailing address: \_\_\_\_\_

\_\_\_\_\_  
Telephone: \_\_\_\_\_

\_\_\_\_\_  
Telephone: \_\_\_\_\_

STATE OF NEW MEXICO )  
COUNTY ) ss  
OF \_\_\_\_\_ )

Acknowledged, signed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_ by \_\_\_\_\_, the petitioner.

\_\_\_\_\_  
Notary public

My commission expires: \_\_\_\_\_.

STATE OF NEW MEXICO )  
COUNTY ) ss  
OF \_\_\_\_\_ )

Acknowledged, signed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_ by \_\_\_\_\_, the respondent.

\_\_\_\_\_  
Notary public

My commission expires: \_\_\_\_\_.

#### USE NOTE

1. This form may be used anywhere in this state by the court to enter a final decree of dissolution of marriage.

2. If the parties are not in agreement, each party (or the petitioner alone, if the respondent is in default) must complete and submit a proposed draft of this document to the court with this decree. See Form 4A-301 NMRA (Marital Settlement Agreement);

Form 4A-302 NMRA (Custody Plan); Form 4A-303 NMRA (Child Support Obligation). The court may approve some or all of the proposed terms of either party, or it may order any other terms that it deems are just and proper.

[Approved by Supreme Court Order No. 13-8300-010, 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.]

#### **4A-310. Domestic relations forms; instructions for default proceedings.**

If you are the party who filed the Petition for Dissolution of Marriage AND more than thirty (30) days have passed since you served your spouse with the Petition AND your spouse has failed to file an Answer or to otherwise respond to the Petition, you may be granted a divorce without the agreement of your spouse. This is called a default judgment. You may request a default judgment and final decree of dissolution of marriage by doing the following:

A. Complete and file with the Court Clerk's Office an Affidavit as to Respondent's Failure To Plead or Otherwise Defend (Form 4A-311 NMRA); your affidavit must include a certificate verifying your spouse's active duty military status, which you can obtain online at [https://dmdc.osd.mil/appj/scra/single\\_record.xhtml](https://dmdc.osd.mil/appj/scra/single_record.xhtml); when you file your affidavit, bring a blank Certificate as to the State of the Record (Form 4A-312 NMRA) and a self-addressed, stamped envelope so that the Clerk can return a completed certificate to you;

B. After you receive the completed Certificate as to the State of the Record (Form 4A-312 NMRA) from the Clerk, attach the certificate to an Application for Default Judgment and Final Decree of Dissolution of Marriage (Form 4A-313 NMRA), and file the application with the Court Clerk's Office; and

C. Submit a copy of the Final Decree of Dissolution of Marriage (Form 4A-305 NMRA) to the judge; you must also complete and submit to the judge a proposed Marital Settlement Agreement (Form 4A-301 NMRA) and, if you have children as defined in these forms, a proposed Custody Plan (Form 4A-302 NMRA) and a proposed Child Support Obligation (Form 4A-303 NMRA).

The Court may sign and file the Final Decree of Dissolution of Marriage without further notice, or it may order you to appear for a hearing. **WARNING:** Once the Court enters the Final Decree of Dissolution of Marriage, your divorce will be final, and the terms of your proposed Marital Settlement Agreement (and proposed Custody Plan and proposed Child Support Obligation) will be legally binding on both parties. See Form 4A-300 NMRA for more information about the Marital Settlement Agreement, Custody Plan, and Child Support Obligation.

[Approved by Supreme Court Order No. 13-8300-010, 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.]

**4A-311. Affidavit as to Respondent's failure to plead or otherwise defend (*domestic relations actions*)**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT  
\_\_\_\_\_

Petitioner,

v. \_\_\_\_\_ No. \_\_\_\_\_  
\_\_\_\_\_

Respondent.

**AFFIDAVIT AS TO RESPONDENT'S  
FAILURE TO PLEAD OR OTHERWISE DEFEND  
(*domestic relations actions*)<sup>1</sup>**

I, \_\_\_\_\_ (Petitioner), affirm under penalty of perjury under the laws of the State of New Mexico that the following statements are true and correct:

(1) I am the Petitioner, and I submit this Affidavit to show that Respondent has failed to file an answer or otherwise respond to the Petition For Dissolution of Marriage that I filed on \_\_\_\_\_.

(2) Petitioner was served as follows (*choose and complete one*):

As shown by the Affidavit of Service filed on \_\_\_\_\_,  
Respondent was personally served on \_\_\_\_\_.

(Or)

As shown by the Affidavit of Publication filed on \_\_\_\_\_,  
Respondent was served by publication.

(3) Respondent has not filed an answer, motion, or otherwise responded, and more than thirty (30) days have passed since Respondent was served with the Summons and Petition for Dissolution of Marriage.

(4) Upon information and belief, Respondent is not in the military service of the United States and is not an infant or incompetent person. I have attached a certificate verifying Respondent's active duty status.<sup>2</sup>

WHEREFORE, Petitioner asks the Clerk of this Court to certify Respondent's Default.

---

*Signature*

---

*Name (printed)*

---

*Mailing address*

---

*Telephone number*

#### USE NOTE

1. This form may be used anywhere in this state to request the clerk of the court to issue a certificate as to the state of the record (Form 4A-312 NMRA) in a domestic relations action.

2. This affidavit must include a certificate verifying the petitioner's active duty status, which you can obtain online at [https://dmdc.osd.mil/appj/scra/single\\_record.xhtml](https://dmdc.osd.mil/appj/scra/single_record.xhtml).

[Approved by Supreme Court Order No. 13-8300-010, 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.]

#### ANNOTATIONS

**Compiler's note.** — Pursuant to Supreme Court Order No. 13-8300-010, a new 4A-311 NMRA was adopted effective May 31, 2013.

**Withdrawals.** — Pursuant to Supreme Court Order No. 13-8300-010, former 4A-311 NMRA, relating to verified marital settlement agreement, simple, was withdrawn effective May 31, 2013.

**4A-312. Certificate as to the state of the record (*domestic relations actions*).**

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_,  
Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_,  
Respondent.

**CERTIFICATE AS TO THE STATE OF THE RECORD  
(domestic relations actions)<sup>1</sup>**

I, \_\_\_\_\_, Clerk of the District Court of the \_\_\_\_\_  
Judicial District in \_\_\_\_\_ County, New Mexico, pursuant to the Affidavit  
as to Respondent's Failure to Plead or Otherwise Defend on file herein, certify as  
follows:

(1) The Petition for Dissolution of Marriage was filed on \_\_\_\_\_.

(2) Petitioner was served as follows (*choose and complete one*):

As shown by the Affidavit of Service filed on \_\_\_\_\_,  
Respondent was personally served on

(Or)

As shown by the Affidavit of Publication filed on \_\_\_\_\_,  
Respondent was served by publication.

(3) Respondent has not filed an answer, motion, or otherwise responded, and more  
than thirty (30) days have passed since Respondent was served with the Summons and  
Petition for Dissolution of Marriage.

WHEREFORE, I, \_\_\_\_\_, hereby certify Respondent's default.

Clerk of the District Court

By:

\_\_\_\_\_  
Deputy Clerk

**USE NOTE**

1. This form may be used anywhere in this state by the clerk of the court to certify a  
default in a domestic relations action.

[Approved by Supreme Court Order No. 13-8300-010, 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.]

### ANNOTATIONS

**Compiler's note.** — Pursuant to Supreme Court Order No. 13-8300-010, a new 4A-312 NMRA was adopted effective May 31, 2013.

**Withdrawals.** — Pursuant to Supreme Court Order No. 13-8300-010, former 4A-312 NMRA, relating verified marital settlement agreement, complex, was withdrawn effective May 31, 2013.

### **4A-313. Application for default judgment and final decree of dissolution of marriage.**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT  
\_\_\_\_\_

Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_  
Respondent.

### **APPLICATION FOR DEFAULT JUDGMENT AND FINAL DECREE OF DISSOLUTION OF MARRIAGE<sup>1</sup>**

Petitioner applies for entry of judgment by default against Respondent and in support of the application states:

(1) The statements in the Affidavit as to Respondent's Failure to Plead or Otherwise Defend are included here by reference.

(2) As shown by the Certificate as to the State of the Record filed in this case on \_\_\_\_\_, the Clerk of this Court has certified Respondent's default.

WHEREFORE, Petitioner applies to the Court for entry of judgment by default against the Respondent as requested in the Petition for Dissolution of Marriage, and as

more specifically stated in the proposed Final Decree of Dissolution of Marriage attached to this document as Exhibit \_\_\_\_\_.

---

*Signature*

---

*Name (printed)*

---

*Mailing address*

---

*Telephone number*

#### USE NOTE

1. This form may be used anywhere in this state to request the court to enter a default judgment and final decree of dissolution of marriage in a domestic relations action.

[Approved by Supreme Court Order No. 13-8300-010, 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.]

#### ANNOTATIONS

**Compiler's note.** — Pursuant to Supreme Court Order No. 13-8300-010, a new 4A-313 NMRA was adopted effective May 31, 2013.

**Withdrawals.** — Pursuant to Supreme Court Order No. 13-8300-010, former 4A-313, relating to parenting plan and child support obligation, was withdrawn effective May 31, 2013.

## Paternity Forms

### **4A-401. Uncontested petition for paternity; forms needed; filing fee.**

A. **Forms to be filed.** In an uncontested paternity proceeding, the parties need to file the following completed forms with the court:

- (1) a Domestic Relations Cover Sheet, Form 4A-101 NMRA is required;
- (2) a Petition to Establish Parentage, Form 4A-402 NMRA is provided; and
- (3) a Final Decree of Parentage. Form 4A-403 NMRA is provided.

**B. Custody Plan and Child Support Obligation.** If child support is to be ordered, a Custody Plan (Form 4A-302 NMRA), Child Support Obligation (Form 4A-303 NMRA), and child support worksheet are required. A Wage Withholding Order (Form 4A-304 NMRA) may also be required if requested by a party. See Form 4A-300 NMRA for an explanation of the Custody Plan, Child Support Obligation, child support worksheet, and Wage Withholding Order.

**C. Type or print.** The parties must type or print all of the information required to be completed on the forms. Many forms may be downloaded and completed or completed on-line. If a pre-printed form is being used by the parties and there is not enough room on the form to provide all of the information required, use a separate page for the information and staple the page to the pre-printed form before making copies and filing the form with the court.

**D. Sign the pleadings.** A party's signature on a pleading or paper filed with the court constitutes a certificate that the party has read the paper and that to the best of the party's knowledge, information and belief there is good grounds to support it.

**E. Forms required to be signed before a notary.** Both the husband and wife must sign the following pleadings and papers before a notary:

- (1) the Petition for Parentage; and
- (2) if child support is to be ordered, the Custody Plan and Child Support Obligation.

**F. File the forms with the court.** After the parties have completed and signed the forms, the parties must file them with the court clerk.

**G. Required number of copies.** An original and two (2) copies of each form must be filed.

**H. Pay the filing fee.** A filing fee must be paid to the clerk in cash or money order at the time the petition and information sheet are filed unless free process is approved.

[Approved, effective November 15, 2002; 4A-206 recompiled as 4A-401 by Supreme Court Order No. 13-8300-010, 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. 13-8300-014, effective immediately in all cases pending or filed on or after June 24, 2013.]

## **ANNOTATIONS**

**Compiler's note.** — Pursuant to Supreme Court Order No. 13-8300-010, former 4A-206 NMRA was recompiled as 4A-401 NMRA, effective May 31, 2013.



**The 2013 amendment**, approved by Supreme Court Order No. 13-8300-014, effective June 24, 2013, changed the mandatory forms to file an uncontested paternity proceeding; in Paragraph A(1), after “a Domestic Relations”, deleted “Information” and added “Cover”, and after “Cover Sheet”, deleted “Domestic Relations Form 4A-102” and added “Form 4A-101”; in Paragraph A(2), deleted “Domestic Relations Form 4A-331” and added “Form 4A-402”; in Paragraph A(3), deleted “Domestic Relations Form 4A-332” and added “Form 4A-403”; in Paragraph B, deleted the former title “Parenting plan and child support” and added “Custody Plan and Child Support Obligation”, in the first sentence, deleted “Parenting Plan and Child Support Obligation” and added “Custody Plan (Form 4A-302 NMRA), Child Support Obligation (Form 4A-303 NMRA)”, in the second sentence, added “(Form 4A-304 NMRA)”, and in the third sentence, after “See”, deleted “Domestic Relations”, after “See Form”, deleted “4A-205” and added “4A-300” and after “explanation of the”, deleted “Parenting Plan and Child Support Obligation” and added “Custody Plan, Child Support Obligation”; in Paragraph C, deleted the former third sentence, which provided “See Domestic Relations Form 4A-100 NMRA for the availability of forms”; and in Paragraph E(2), after “to be ordered, the”, deleted “Parenting” and added “Custody”.

#### **4A-402. Petition to establish parentage.**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_

Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_

Respondent.

#### **PETITION TO ESTABLISH PARENTAGE<sup>1</sup>**

I, \_\_\_\_\_, (*person listed as petitioner above*) am the petitioner in this case and I have [a child] [children] with \_\_\_\_\_ (*person listed as respondent*), "the parties". The parties ask the court for a Final Decree Establishing Parentage that establishes that \_\_\_\_\_ (*name of father*) is the father of the [child] [children] listed below and approves the parties' parenting plan for their [child] [children].

1. The parties have [or are expecting] \_\_\_\_\_ (*number*) minor [child] [children] together.

2. The parties are filing a completed Custody Plan, Form 4A-302 NMRA, and Child Support Obligation, Form 4A-303 NMRA, at the same time as this petition.  
Father lives in \_\_\_\_\_ County. Mother lives in
3. \_\_\_\_\_ County. Venue is proper because one of us lives in the county listed in the case caption above.
4. Both parties have gotten the help needed in order to sign this document.
5. The parties are the parents of:

<b>Child's name</b>	<b>Date of birth</b>	<b>Age</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. Our [child] [children] have lived in New Mexico since birth or for at least the past six (6) months. For the past five (5) years, our children have lived:

<b>Child's addresses</b>	<b>Dates of residence</b>	<b>People in residence</b>
Present address:		
_____	_____	_____
Past addresses:		
_____	_____	_____
_____	_____	_____
_____	_____	_____

*(If applicable, check below and list each proceeding.)*

7.  The above [child has] [children have] been the subject of the following prior custody or support proceedings:

<b>Case Name</b>	<b>Case number</b>	<b>Court name</b>	<b>Location</b>
_____	_____	_____	_____

- No other custody or support proceeding has been filed in any state involving the above named [child] [children].

8. *(check applicable)*

- No person other than the parties to this proceeding has claimed custody or visitation rights for the above named [child] [children].
- The following named persons have custody or visitation rights to the above named [child] [children]:

\_\_\_\_\_  
(Name of person)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Name of person)

\_\_\_\_\_  
(Address)

9.

Parentage  
has been  
established  
because the  
father has  
acknowledged  
that he is the  
father of the  
[child]  
[children].

10.

We  
understand  
that once the  
judge signs  
the Final  
Decree of  
Parentage,  
we will be  
ordered to do  
the things we  
agreed to do  
in the  
parenting  
plan.

When I sign here, I am telling the judge that I have read this document and agree with everything in it. I state upon my oath or affirmation that this document and the statements in it are true and correct to the best of my information and belief.

\_\_\_\_\_  
Petitioner's signature <sup>3</sup>

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Respondent's signature <sup>3</sup>

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

STATE OF NEW )  
MEXICO )  
 ) ss.  
COUNTY OF )

Acknowledged, subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_ by \_\_\_\_\_, the petitioner.

My commission expires: \_\_\_\_\_  
\_\_\_\_\_ Notary Public

STATE OF NEW )  
MEXICO )  
 ) ss.  
COUNTY OF )

Acknowledged, subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_ by \_\_\_\_\_, the respondent.

My commission expires: \_\_\_\_\_  
\_\_\_\_\_ Notary Public

### USE NOTES

1. See Form 4A-401 NMRA for an explanation of an uncontested paternity proceeding and how to complete these forms.
2. Section 40-10A-209 NMSA 1978 requires the following information be disclosed:  
name of the child;  
the places the child has lived in the last five (5) years; and  
the names and addresses of the persons with whom the child has lived in the last five (5) years.
3. After completing this form the petitioner and respondent must sign their names before a notary.

[Approved, effective November 1, 2002; 4A-331 recompiled as 4A-402 by Supreme Court Order No. 13-8300-010, 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. 13-8300-014, effective immediately in all cases pending or filed on or after June 24, 2013.]

## ANNOTATIONS

**Compiler's note.** — Pursuant to Supreme Court Order No. 13-8300-010, former 4A-331 NMRA was recompiled 4A-402 NMRA, effective May 31, 2013.

**The 2013 amendment,** approved by Supreme Court Order No. 13-8300-014, effective June 24, 2013, changed the forms that are required to be filed with the Petition; in Paragraph 2, after "are filing a completed", deleted "Parenting" and added "Custody", after "Custody Plan", added "Form 4A-302 NMRA", and after "Child Support Obligation, Form", deleted "4A-313" and added "4A-303"; and in Paragraph 1 of the Use Note, deleted "Domestic Relations" and after "Form", deleted "4A-206" and added "4A-401".

### 4A-403. Final decree of parentage.

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_  
Petitioner,

v. \_\_\_\_\_ No. \_\_\_\_\_

\_\_\_\_\_  
Respondent.

### FINAL DECREE OF PARENTAGE

THIS MATTER was brought before the court by \_\_\_\_\_  
(*father's name*) and \_\_\_\_\_ (*mother's name*), "the parties".  
The parties have asked the court to enter a final decree establishing parentage. In addition, the parties have filed a Custody Plan and a Child Support Obligation that set out the custody and child support of their [child] [children].

This court has considered the parties' agreements, and finds the parties' Custody Plan, Child Support Obligation, and requests to be reasonable.

**THIS COURT FINDS AND CONCLUDES:**

1. The court has jurisdiction over the parties, the [child] [children] and the subject matter of this action.
2. \_\_\_\_\_ (*name of father*) has acknowledged in the petition filed in this case that he is the father of \_\_\_\_\_ (*name of each child*).
3. The parties have sworn, under oath, that the Custody Plan and Child Support Obligation are complete, true, and correct.  
The filed Custody Plan and Child Support Obligation determine custody and child support of the parties' minor [child] [children].
4. The parties have sworn, under oath, that the Custody Plan and Child Support Obligation are in the best interest of the [child] [children].
5. (*Judge to check applicable.*)  
 The child support guidelines are appropriate in this case.  
The child support guidelines are unjust or inappropriate in this case because  
 they result in substantial hardship. It is appropriate to deviate from the child support guidelines in this case.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:**

1. \_\_\_\_\_ is the father of \_\_\_\_\_ (*name of each minor child*).  
The parties are ordered to fully comply with all terms and provisions of the Custody Plan and Child Support Obligation, the terms of which are incorporated by reference.
2.  Father  Mother is ordered to pay child support in the amount of \_\_\_\_\_ to the other parent.
3. (check applicable alternative)  
 The parties have joint custody of the [child] [children]  
 Father  Mother is the sole custodian of the [child] [children].
4. The court will have continuing jurisdiction over issues relating to the [child] [children] while the [child is a minor] [children are minors].
5. (*Check and complete if applicable*)  
 The Department of Health, Health Services Division, Vital Statistics Bureau is ordered to change the birth record of \_\_\_\_\_ (*name of each child*) to reflect \_\_\_\_\_ (*name of father*) is the [child's] [children's] father.
6. This case is now closed. However, the court will have continuing jurisdiction over issues relating to the [child] [children] while they are minors and as provided by law.

**IT IS SO ORDERED.**

---

Date

---

District court judge

When I sign here, I am telling the judge that I have read this document and agree with everything in it. I state upon my oath or affirmation that this document and the statements in it are true and correct to the best of my information and belief.

---

Petitioner's signature

Address:

---

Telephone:

---

Respondent's signature

Address:

---

Telephone:

---

[Approved, effective November 15, 2002; 4A-332 recompiled as 4A-403 by Supreme Court Order No. 13-8300-010, 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. 13-8300-014, effective immediately in all cases pending or filed on or after June 24, 2013.]

### ANNOTATIONS

**Compiler's note.** — Pursuant to Supreme Court Order No. 13-8300-010, former 4A-332 NMRA was recompiled as 4A-403 NMRA, effective May 31, 2013.

**The 2013 amendment,** approved by Supreme Court Order No. 13-8300-014, effective June 24, 2013, changed the forms that are referenced in the Final Decree as having been filed; in the first paragraph, in the third sentence, after “the parties have filed a”, deleted “Parenting” and added “Custody” and after “Child Support Obligation”, deleted “(‘parenting plan’)”; in the court’s findings and conclusions, in Paragraph 3, after “under oath, that the”, deleted “parenting plan is” and added “Custody Plan and Child Support Obligation are”, in Paragraph 4, in the first sentence, at the beginning of the sentence, after “The filed”, deleted “parenting plan determines” and added “Custody Plan and Child Support Obligation determine”, and in the second sentence, after “under oath, that the”, deleted “parenting plan is” and added “Custody Plan and Child Support Obligation are”; and in the court’s order, in Paragraph 2, after “provisions of the”, deleted “parenting plan” and added “Custody Plan and Child Support Obligation”.