

# DOMESTIC RELATIONS FORMS

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

DOMESTIC RELATIONS COVER SHEET1

Type or print responses. Required for attorneys only.  
(Do not use in domestic violence cases.)

THIS SECTION FOR OFFICIAL USE ONLY2

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

**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)3**

**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) 4: \_\_\_\_\_.

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.5

NOTE TO CLERK: PLACE THE COVER SHEET IN THE COURT FILE.6

NOTE TO COURT CLERK: DO NOT FILE THE INFORMATION SHEET.6

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**

**Respondent**

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

Name:

\_\_\_\_\_  
(Last name, first, middle)  
middle)

\_\_\_\_\_  
(Last name, first,

Other names (e.g. maiden name):  
maiden name):

Other names (e.g.

\_\_\_\_\_  
Address: \_\_\_\_\_

Address:

\_\_\_\_\_  
City: \_\_\_\_\_

City:

\_\_\_\_\_  
State: \_\_\_\_\_

State:

\_\_\_\_\_  
Zip code: \_\_\_\_\_

Zip code:

\_\_\_\_\_  
Date of birth: \_\_\_\_\_  
birth: \_\_\_\_\_

Date of

Social Security number7: \_\_\_\_\_ Social Security number7: \_\_\_\_\_

**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: \_\_\_\_\_ Name: \_\_\_\_\_  
(Last name, first, middle) (Last name, first, middle)

Date of birth: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Social Security number: \_\_\_\_\_ Social Security number: \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_  
(Last name, first, middle) (Last name, first, middle)

Date of birth: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Social Security number: \_\_\_\_\_ 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 you answered "Yes" to either question, what state and what court issued the order? \_\_\_\_\_ State  
\_\_\_\_\_ Court.

**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<sup>8</sup> 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 TO ATTORNEYS: DO NOT SUBMIT INFORMATION BELOW THIS LINE TO THE CLERK.5*

**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.

**PRIMARY  
CASE TYPE**

<i>ESTABLISH DISSOLUTION - MINOR CHILDREN</i>			<i>DDC</i>
ANNULMENT with custody	DAC		
DIVORCE with custody	DDC		
LEGAL SEPARATION with custody		DLC	
NOT MARRIED with children	DNC		
<i>ESTABLISH DISSOLUTION - NO MINOR CHILD</i>			<i>DDN</i>
ANNULMENT no minor child	DAN		
DIVORCE no minor child	DDN		
LEGAL SEPARATION no minor child		DLN	
NOT MARRIED no minor child	DNN		
<i>ESTABLISH CUSTODY OR VISITATION</i>			<i>DCV</i>
PARENTAL CUSTODY OR VISITATION		DCV	
GRANDPARENT VISITATION	DGC		
OTHER CUSTODY VISITATION	DOC		
<i>ENFORCE - MODIFY CUSTODY, VISITATION OR SUPPORT</i>			<i>DDC</i>
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
<i>MISCELLANEOUS OR OTHER</i>			<i>DMS</i>
SECTION 40-4-7 PROPERTY DIVISION			DPD
ENFORCE OR MODIFY PROPERTY DIV.			EPD
MISC. DOMESTIC MATTERS	DMS		
ENFORCE - MODIFY MISC. DOM. REL. MATTER			EMS
<i>ESTABLISH PARENTAGE OR PATERNITY</i>			<i>DPA</i>
ESTABLISH PARENTAGE OR PATERNITY			DPA
<i>CHILD SUPPORT</i>			<i>DCS</i>
CHILD SUPPORT - private attorney			DPV
CHILD SUPPORT - state attorney			DST

USE NOTES

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 set of documents with the initial pleading, and the documents need not be served.

In all other contested domestic relations cases each attorney representing a petitioner 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. DCV 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; recompiled to 4A-101 NMRA.]

## **ANNOTATIONS**

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

**Effective dates.** - Pursuant to a court order dated October 27, 1999, this form is provisionally approved for twelve months effective November 1, 1999.

**Compiler's notes.** - Pursuant to a court order dated October 23, 2000, this form is approved, effective November 1, 2000.

## 4A-102. Domestic relations information sheet.

DOMESTIC RELATIONS INFORMATION SHEET  
(for self-represented people)

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

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 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**

**Respondent**

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

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

(Last name, first, middle)  
middle)

(Last name, first,

Other names (e.g. maiden name):  
maiden name):

Other names (e.g.

Address: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

State: \_\_\_\_\_

Zip code: \_\_\_\_\_

Zip code: \_\_\_\_\_

Date of birth: \_\_\_\_\_  
birth: \_\_\_\_\_

Date of

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

Social

Security number2:

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: _____	Name: _____
_____	_____
(Last name, first, middle)	(Last name, first, middle)

Date of birth: _____	Date of birth: _____
----------------------	----------------------

Social Security number: _____	Social Security number: _____
-------------------------------	-------------------------------

Name: _____	Name: _____
_____	_____
(Last name, first, middle)	(Last name, first, middle)

Date of birth: _____	Date of birth: _____
----------------------	----------------------

Social Security number: _____	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<sup>4</sup> 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.<sup>3</sup>

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 NOTES

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 4-212 NMRA, effective November 1, 1999 to November 1, 2000; approved, as amended, effective November 1, 2000; recompiled as 4A-102 NMRA.]

**ANNOTATIONS**

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

**Effective dates.** - Pursuant to a court order dated October 27, 1999, this form is provisionally approved for twelve months effective November 1, 1999.

**Compiler's notes.** - Pursuant to a court order dated October 23, 2000, this form is approved, effective November 1, 2000.

**4A-111. Motion for temporary order (domestic relations actions).**

STATE OF NEW MEXICO

\_\_\_\_\_  
COUNTY  
\_\_\_\_\_  
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 temporary orders for the purpose of:

(check all applicable alternatives)

- (1) [ ] temporary domestic order<sup>2</sup>;
- (2) [ ] temporary custody of minor children;
- (3) [ ] temporary parenting time;
- (4) [ ] temporary child support;
- (5) [ ] temporary division of community property;
- (6) [ ] temporary division of income and debts;
- (7) [ ] temporary order withholding child support from (respondent's) (petitioner's) wages and having the child support paid directly to \_\_\_\_\_ (petitioner) (respondent);
- (8) [ ] \_\_\_\_\_ (other).

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

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

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

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

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

CERTIFICATE OF SERVICE

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ this motion was

[mailed by United States mail, postage prepaid, and addressed to:

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

Address: \_\_\_\_\_

City, state \_\_\_\_\_

and zip code: \_\_\_\_\_]

[faxed by \_\_\_\_\_ (name of person who faxed) to \_\_\_\_\_ (defendant or defendant's attorney). The transmission was reported as complete and without error. The time and date of the transmission was \_\_\_\_\_ (a.m.) (p.m.) on \_\_\_\_\_ (date).]

[e-mailed by \_\_\_\_\_ (name of person who transmitted) to \_\_\_\_\_ at \_\_\_\_\_ (electronic address of recipient) who agreed to service in this manner. The transmission was successful. 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:*

AFFIDAVIT OF SERVICE

I declare under penalty of perjury that a copy of this motion for temporary order was served by [mail] [fax] [electronic transmission] as described above on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

\_\_\_\_\_  
Official title

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 Domestic Relations Form 4A-112 NMRA for the Supreme Court approved Temporary Domestic Order. [Approved, effective November 1, 2000 until November 1, 2001.]

### ANNOTATIONS

**Effective dates.** - Pursuant to a court order dated October 3, 2000, this form is provisionally approved for twelve months effective November 1, 2000 until November 1, 2001.

### 4A-112. Temporary domestic order.

[1-121]

STATE OF NEW MEXICO

\_\_\_\_\_ COUNTY

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

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

v.

No.

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

#### TEMPORARY DOMESTIC ORDER1

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 which 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**

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<sup>3</sup>**

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.]

**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.

**Effective dates.** - Pursuant to a court order dated October 3, 2000, this form is provisionally approved for twelve months effective November 1, 2000 until November 1, 2001.

**4A-113. Motion to modify temporary order (domestic realtions actions).**

STATE OF NEW MEXICO

\_\_\_\_\_  
COUNTY

\_\_\_\_\_  
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 applicable alternatives)

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:

\_\_\_\_\_

\_\_\_\_\_.

\_\_\_\_\_.

\_\_\_\_\_.

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

\_\_\_\_\_

Name (printed)

\_\_\_\_\_  
\_\_\_\_\_  
(Address)

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

CERTIFICATE OF SERVICE

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ this motion was [mailed by United States mail, postage prepaid, and addressed to:  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State \_\_\_\_\_  
and zip code: \_\_\_\_\_]  
[faxed by \_\_\_\_\_ (name of person who faxed) to \_\_\_\_\_ (defendant or defendant's attorney). The transmission was reported as complete and without error. The time and date of the transmission was \_\_\_\_\_ (a.m.) (p.m.) on \_\_\_\_\_ (date).]  
[e-mailed by \_\_\_\_\_ (name of person who transmitted) to \_\_\_\_\_ at \_\_\_\_\_ (electronic address of recipient) who agreed to service in this manner. The transmission was successful. 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:*

AFFIDAVIT OF SERVICE

I declare under penalty of perjury that a copy of this motion was served by [mail] [fax] [electronic transmission] as described above on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Signature of person who made service  
Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

\_\_\_\_\_  
Official title

\_\_\_\_\_  
Signature

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

#### USE NOTES

1. This form may be used anywhere in this state to request the court to modify a temporary order entered by the court.

2. If a court order of temporary division of income and debts is being challenged, you must complete an "interim income and expense" form and file it with the court at the time you file this response.

3. If you believe that your spouse may injure you or cause some other harm to you, your the 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".

[Approved, effective November 1, 2000 until November 1, 2001.]

#### ANNOTATIONS

**Effective dates.** - Pursuant to a court order dated October 3, 2000, this form is provisionally approved for twelve months effective November 1, 2000 until November 1, 2001.

**4A-121. Notice of hearing for interim order dividing income and expenses and order for production.**

[1-122]

STATE OF NEW MEXICO

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

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

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

v.

No.

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

NOTICE OF HEARING  
FOR INTERIM ORDER DIVIDING  
INCOME AND EXPENSES  
AND ORDER FOR PRODUCTION<sup>1</sup>

1. A hearing to allocate income and expenses or set interim child support shall be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ (a.m.) (p.m.) at \_\_\_\_\_ (location).

2. At least five (5) days prior to the hearing, the parties shall exchange the following:

- a. the parties' completed Interim Monthly Income and Expenses Statement<sup>2</sup>;
- b. the parties' most recent state and federal income tax returns, including all schedules;
- c. each party's three (3) most recent pay stubs, unless self-employed, in which case the parties shall be required to produce the most recent profit and loss statement and a copy of CRS-1 forms for the last six (6) months and income and expense statements for the last six (6) months;
- d. all financial institution accounts, including checking and savings account statements, for the past six (6) months;
- e. documentation of all monthly fixed expenses;
- f. credit card statements for the six (6) month period preceding the date the petition was filed;
- g. all exhibits intended to be introduced.

The parties shall also bring to the hearing a copy of the information required to be exchanged and a proposed interim monthly income and expense statement.

Failure to disclose and produce information pursuant to this paragraph may result in the information being excluded and may result in the requested relief being granted or denied.

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

District Judge

USE NOTE

1. This form is required to be used when the court provides an interim allocation of income and expenses. See Rule 1-122 NMRA.

2. See Domestic Relations Form 4A-122 NMRA for the Interim Monthly Income and Expenses Statement.

[Approved, effective November 1, 2000 until November 1, 2001.]

**ANNOTATIONS**

**Effective dates.** - Pursuant to a court order dated October 3, 2000, this form is provisionally approved for twelve months effective November 1, 2000 until November 1, 2001.

**4A-122. Interim monthly income and expenses statement.**

[1-122]

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)

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:

Combined	Husband	Wife
2 Column 3	Column 1	Column
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	\$ _____	\$ _____
\$ _____		
<i>(Add items in #3)</i>		
5. Net monthly income	\$ _____	\$ _____
\$ _____		
<i>(Subtract Line 4 from Line 2)</i>		
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 below)

12. Total to be transferred<sup>16</sup>

\$ \_\_\_\_\_ \$

\_\_\_\_\_

\_\_\_\_\_  
Signature

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

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

#### USE NOTES

1. This form is to be used with an Interim Order Allocating Income and Expenses, Domestic Relations Form 4A-123 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 which 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 largest 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 8, under Column 1. To determine the amount 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 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 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 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.]

### **ANNOTATIONS**

**Effective dates.** - Pursuant to a court order dated October 3, 2000, this form is provisionally approved for twelve months effective November 1, 2000 until November 1, 2001.

**4A-123. Interim order allocating income and expenses.**

[1-122]

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 Expenses 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;

6. 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;

7. \_\_\_\_\_ (name of party) shall pay to \_\_\_\_\_ (name of party) \_\_\_\_\_ dollars (\$ \_\_\_\_\_) 2 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 Domestic Relations Form 4A-122 NMRA.

2. For the amount to be transferred or paid, see Line 12 of Domestic Relations Form 4A-122 NMRA.

[Approved, effective November 1, 2000 until November 1, 2001.]

**ANNOTATIONS**

**Effective dates.** - Pursuant to a court order dated October 3, 2000, this form is provisionally approved for twelve months effective November 1, 2000 until November 1, 2001.

**4A-131. [Petitioner] [and] [respondent]'s community property and liabilities schedule.**

[1-123]

STATE OF NEW MEXICO

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

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

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

v.

No.

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

[PETITIONER] [AND] [RESPONDENT]'S 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

Combined

Value

Husband

Wife

Combined

1.

Cash

\$ \_\_\_\_\_ \$ \_\_\_\_\_

\$ \_\_\_\_\_

2. Financial institution accounts:1

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 \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

LIABILITES	(Mo/Pmt)	Value:	Husband:	
Wife:				
1.	\$ ( _____ )	\$ _____	\$ _____	\$ _____
2.	\$ ( _____ )	\$ _____	\$ _____	\$ _____
3.	\$ ( _____ )	\$ _____	\$ _____	\$ _____
4.	\$ ( _____ )	\$ _____	\$ _____	\$ _____
5. Tax Liability	\$ ( _____ )	\$ _____	\$ _____	
Total liabilities:	\$ ( _____ )	\$ _____	\$ _____	

**ESTIMATED**

**NET ASSETS:** \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

Equalization of Assets: \$ \_\_\_\_\_ \$ \_\_\_\_\_

**EQUAL ASSETS:** \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

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*)  
\_\_\_\_\_  
\_\_\_\_\_  
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, money market and certificate of deposits.  
[Approved, effective November 1, 2000 until November 1, 2001.]

**ANNOTATIONS**

**Effective dates.** - Pursuant to a court order dated October 3, 2000, this form is provisionally approved for twelve months effective November 1, 2000 until November 1, 2001.

**4A-132. [Petitioner] [and] [respondent]'s separate property and liabilities schedule.**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT  
\_\_\_\_\_

Petitioner,  
v.

No.

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

[PETITIONER] [AND] [RESPONDENT]'S SEPARATE  
PROPERTY AND LIABILITIES SCHEDULE

ASSETS:

Husband

Wife

fe

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: 1

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*)

\_\_\_\_\_  
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.]

### ANNOTATIONS

**Effective dates.** - Pursuant to a court order dated October 3, 2000, this form is provisionally approved for twelve months effective November 1, 2000 until November 1, 2001.

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO  
NO. 00-8300  
IN THE MATTER OF THE PROVISIONAL APPROVAL  
OF DOMESTIC RELATIONS RULES AND FORMS FOR  
USE IN THE DISTRICT COURTS IN THE STATE OF NEW MEXICO

#### ORDER

WHEREAS, this matter came on for consideration by the Court upon the recommendation of the Rules of Civil Procedure Committee to require use of domestic relations rules and forms in all district courts in the State of New Mexico, and the Court being sufficiently advised, Chief Justice Pamela B. Minzner, Justice Joseph F. Baca, Justice Gene E. Franchini, Justice Patricio M. Serna, and Justice Petra Jimenez Maes, concurring;

NOW, THEREFORE, IT IS ORDERED that the domestic relations rules and forms hereby are provisionally approved for twelve months effective November 1, 2000;

IT IS FURTHER ORDERED that these rules and forms supersede all local domestic relations rules and forms; and

IT IS FURTHER ORDERED that the Clerk of the Court hereby is authorized and directed to give notice of the provisional adoption of the above-referenced rules and forms by publishing the same in the Bar Bulletin;

DONE at Santa Fe, New Mexico, this 3rd day of October, 2000.

/s/ PAMELA B. MINZNER

Chief Justice

/s/ JOSEPH F. BACA

Justice

/s/ GENE E. FRANCHINI

Justice

/s/ PATRICIO M. SERNA

Justice

/s/ PETRA JIMENEZ MAES  
Justice