

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)**

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.
2. 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.
3. The parties were married on _____ (date) in _____ (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 have _____ child/children:

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

6. Choose only one:
_____ There are no more children expected.
_____ The parties are expecting another child/children.
7. 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.
8. 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*):

9. 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:

10. 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*)

_____ Yes

_____ No

If yes, provide court information:

11. 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

_____ 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:

12. 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

_____ No

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

13. 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.

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, _____.

Petitioner asks that the Court:

A. Enter a Final Decree of Dissolution of Marriage on the grounds of incompatibility;

B. (*Choose only one*)

_____ Award joint legal custody of the child/children and adopt a parenting plan in the child/children's best interests;

OR

- _____ Award sole legal custody of the child/children to Petitioner/Respondent (*circle one*), with visitation for the other parent that is consistent with the best interests of the child/children;
- C. Order the parties to contribute to the support and maintenance of the parties' minor child/children pursuant to the New Mexico Child Support Guidelines;
- D. Confirm the separate property and separate debts of the parties;
- E. Equitably divide the community property and community debt of the parties;
- F. Order the Respondent to pay spousal support (*cross out if this does not apply*);
- G. Order that Petitioner's name be restored to his/her former name of _____ (*cross out if this does not apply*); and
- H. Provide for such other and further relief as the Court may deem just and proper.

Submitted by:

Name

Street/mailling address

City, State, Zip

Telephone number

VERIFICATION

I, _____, affirm under penalty of perjury under the laws of the State of New Mexico that I am the Petitioner in the above-entitled cause, and I know and understand that the contents contained in the above Petition are true to the best of my knowledge and belief. I have read and understand the Temporary Domestic Order as described in Rule 1-121 NMRA. I understand that upon the filing of this Petition with the Court that I am bound by the contents of the Temporary Domestic Order.

Signature of Petitioner

Date

[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; as amended by Supreme Court Order No. 14-8300-011, effective for all pleadings and papers filed on or after December 31, 2014, in all cases filed or pending on or after December 31, 2014.]