

# **Rules of the District Court of the Thirteenth Judicial District**

## **I. Authority, Title and Scope**

### **LR13-101. Authority.**

The following rules are hereby adopted and promulgated by the judges of the Thirteenth Judicial District of the State of New Mexico, comprised of the counties of Valencia, Sandoval and Cibola, pursuant to the authority vested in the court by Rule 1-083 of the Rules of Civil Procedure for the District Courts.

[Adopted, effective January 1, 1998.]

### **LR13-102. Title.**

These rules shall be cited as the "Local Rules of the Thirteenth Judicial District Court".

[Adopted, effective January 1, 1998.]

### **LR13-103. Supreme court rules control.**

If any local rule directly conflicts in letter or application with a rule of civil or criminal procedure adopted by the Supreme Court of New Mexico, the latter shall control.

[Adopted, effective January 1, 1998.]

### **LR13-104. Severability.**

If any local rule is invalidated either by court action or otherwise, the remainder of these rules shall continue in force unless otherwise modified or changed by further order of the court.

[Adopted, effective January 1, 1998.]

## **II. General Powers and Duties of the Court**

### **LR13-201. Terms of court.**

The following terms of court are established for each calendar year for each county of the Thirteenth Judicial District:

First Term: January 1 through June 30;

Second Term: July 1 through December 31.

[Adopted, effective January 1, 1998.]

### **LR13-202. Conflicts and priorities.**

A. **Priorities.** Unless otherwise ordered by the court, the following priorities shall govern:

- (1) criminal and juvenile matters;
- (2) all matters given preference by statute;
- (3) civil jury trials;
- (4) civil nonjury trials;
- (5) domestic relations matters; and
- (6) all other matters.

B. **Precedence.** The case or matter first set for hearing shall take precedence in each of the above categories.

[Adopted, effective January 1, 1998.]

### **LR13-203. Forum shopping.**

A. **Disclosure.** If a matter or proposition has previously been submitted or assigned to another judge, an attorney shall disclose that fact to the judge to whom it is being submitted.

B. **Sanctions.** A failure to inform the second or subsequent judge of the prior submission or submissions may be deemed contempt of court and punished accordingly.

[Adopted, effective January 1, 1998.]

### **LR13-204. Interpreters.**

A. **Civil cases.**

(1) It is the duty of each party's attorney to promptly and diligently inquire into and ascertain the need for an interpreter and to advise the clerk of the court and

assigned judge of the need for an interpreter not less than one (1) week before the hearing.

(2) The party requiring the interpreter shall arrange for the presence of the interpreter at hearing and for payment of the interpreter. Interpreter charges in civil cases may be taxed as costs.

(3) If the failure to comply with this local rule results in the postponement of a hearing, the associated costs may be imposed upon the responsible party or attorney.

#### **B. Criminal cases.**

(1) If an interpreter is needed in a criminal case involving an indigent defendant, defense counsel shall notify the district court clerk and the assigned judge at least one (1) week prior to hearing.

(2) The court, in its discretion, may waive the one-week notice requirement where the facts and circumstances merit waiver.

[Adopted, effective January 1, 1998.]

### **ANNOTATIONS**

**Cross references.** — For interpreters for the deaf, see Chapter 38, Article 9 NMSA 1978.

For court interpreters, see Chapter 38, Article 10 NMSA 1978.

### **LR13-205. Americans with Disabilities Act compliance.**

#### **A. Civil cases.**

(1) It shall be the duty of the attorney to promptly and diligently inquire into and ascertain the need for any assistance or modification of court facilities to serve special needs of parties with disabilities and to advise the clerk of the court and assigned judge of the need for such modifications or assistance not less than one (1) week before the hearing.

(2) If the failure to comply with this local rule results in the postponement of a hearing, the associated costs may be imposed upon the responsible party or attorney.

#### **B. Criminal cases.**

(1) If any modification or assistance is needed in a criminal case involving a defendant, defense counsel shall notify the district court clerk and the assigned judge at least one (1) week prior to hearing.

(2) The court, in its discretion, may waive the one (1) week notice requirement where the facts and circumstances merit waiver.

[Adopted, effective January 1, 1998.]

### **LR13-206. Payment to the clerk of the court.**

A twenty-five dollar (\$25.00) assessment shall be charged to any person submitting a check that is returned by a financial institution.

[Adopted, effective January 1, 1998.]

### **LR13-207. Control of court files.**

A. Court files shall not be removed from the vault in the office of the clerk of the court except by court personnel.

B. Court files are not to be removed from the courthouse except with written approval of a judge.

[Adopted, effective January 1, 1998.]

### **LR13-208. Copying court file contents.**

If copies of court file contents are needed, a clerk shall make copies and charge at the rate of thirty-five cents (\$0.35) per page. Title companies shall be billed for copies on a monthly basis. The clerk making copies should make a notation of the number of copies made on the tablet provided for such purpose. A separate sheet shall be used for each title company.

[Adopted, effective January 1, 1998.]

## **ANNOTATIONS**

**Cross references.** — For fees relating to district court services, see 34-6-43 NMSA 1978.

### **LR13-209. Change of venue.**

When a change of venue has been granted, the district court shall forward the court file in that case to the district court clerk of the county to which venue has been changed. Any additional pleadings or other matters shall be filed with the district court clerk of the county to which venue has been changed.

[Adopted, effective January 1, 1998.]

## **LR13-210. Courthouse security.**

A. **Deadly weapons prohibited.** All deadly weapons, such as guns or knives, are prohibited in any courthouse or judicial complex in the Thirteenth Judicial District. No law enforcement officer shall be allowed to carry firearms into any courthouse or judicial complex in the district, unless authorized to do so by a district judge.

B. **Search.** All persons entering any courthouse in the district shall be subject to search of their person and search of any items brought into a courthouse, to ensure that no deadly weapons are carried into a courthouse or judicial complex.

C. **Contempt of court.** All violators of this local rule are subject to punishment by contempt of court.

[Adopted, effective January 1, 1998.]

## **LR13-211. Disciplinary action.**

Any infraction of these rules shall, in addition to other appropriate remedies, subject the attorney or non-complying party to such disciplinary action as the judges of the district deem appropriate.

[Adopted, effective January 1, 1998.]

## **LR13-212. Courthouse library collections.**

The courthouse library collections in the Cibola County courthouse and the Valencia County courthouse have been relocated respectively to the University of New Mexico, Grants Campus and the University of New Mexico, Valencia Campus.

[Adopted, January 1, 1998; as amended by Supreme Court Order 08-8300-09, effective April 15, 2008.]

### **ANNOTATIONS**

**The 2008 amendment**, approved by Supreme Court Order 08-8300-09, effective April 15, 2008, substituted the previous rule regarding court libraries in the Thirteenth Judicial District with the current notice that the contents of the court libraries have been moved to the local University of New Mexico branch campuses.

## **LR13-213. Courthouse closures; inclement weather.**

Court closures due to inclement weather conditions shall be tied to the closure of the local school district in which the court is located or judicial business is held. If the schools have determined a delay in opening or full closure is necessary, the local court

may also have the same delay or closure. If severe weather conditions develop during the course of a day, early closure shall be at the discretion of the chief judge of the court or by a person designated by the chief judge.

It is understood that the local school district where the court or agency is located shall be the controlling factor in determining delay or closure. For example, the Sandoval County Judicial Complex shall follow the policy of the Bernalillo school district and the Valencia courts shall follow the policy of the Los Lunas school district.

[Adopted, effective January 1, 1998.]

### **III. Attorneys**

#### **LR13-301. Arrival prior to time of hearing.**

Attorneys shall be at their counsel tables at least five (5) minutes before the time set for the commencement of any trial or hearing.

[Adopted, effective January 1, 1998.]

#### **LR13-302. Mode of attire.**

All attorneys, their employees, probation officers, law clerks, law students and officers of the court shall be dressed in a dignified manner at all times in court. No attire or dress so flamboyant, disheveled or revealing as to create a distraction to the orderly conduct of court proceedings shall be permitted.

[Adopted, effective January 1, 1998.]

#### **LR13-303. Courtroom comportment.**

Attorneys shall stand when examining witnesses or when addressing the court, unless otherwise permitted by the court.

[Adopted, effective January 1, 1998.]

#### **LR13-304. Attorneys as witnesses.**

Attorneys shall not be witnesses in behalf of their own clients, or otherwise, in cases in which they appear, except in those instances permitted by Rule 16-307 of the Rules of Professional Conduct.

[Adopted, effective January 1, 1998.]

## **IV. Pleading and Practice**

### **LR13-401. Withdrawn.**

#### **ANNOTATIONS**

**Withdrawals.** — Pursuant to Supreme Court 08-8300-09, LR13-401 NMRA, relating to interrogatories, requests for production and requests for admissions, was withdrawn effective April 15, 2008.

### **LR13-402. Submission of orders, decrees and judgments.**

A. Unless otherwise ordered by the court all orders, judgments and decrees shall be submitted to the judge by the prevailing party not later than ten (10) days following the date of announcement by the judge of the decision, whether in open court or by dated letter announcing the decision.

B. Orders, judgments and decrees shall not be signed by the judge unless:

(1) the order, judgment or decree bears the signatures or initials of the attorneys for all parties or parties *pro se* to the cause or telephonic approval of the same is indicated on the order and the order is accompanied by stamped, self-addressed envelopes, sufficient in size and number, for the purposes of returning court orders to all parties. Orders shall not be held for future pick-up by attorneys or their staff; or

(2) written notice is provided to all parties or their counsel that the proposed order, judgment or decree will be presented to the court not less than five (5) days before the date set for presentment.

C. Where there is objection to an order, judgment or decree, the objecting party shall file the objections and deliver a courtesy copy to the judge, no less than one (1) day before the time set for submission of the proposed order, judgment or decree.

[Adopted, effective January 1, 1998.]

### **LR13-403. Filing orders and other instruments.**

Every order, judgment or other instrument which has been signed by the judge shall be delivered immediately to the clerk of the court for filing. No signed order, judgment or other instrument shall be taken from the building until after it has been docketed, filed and recorded.

[Adopted, effective January 1, 1998.]

### **LR13-404. Motion practice; package procedure.**

A. **Package procedure.** At the expiration of all responsive times under Rule 1-007.1 NMRA, the movant shall submit to the judge a copy of the motion, response, any reply and the request for hearing in a package. The submission of the package alerts the court that the motion is ripe for decision.

B. **Page limitation.** A motion, response or brief shall not exceed ten (10) typewritten pages, exclusive of exhibits. A reply shall not exceed five (5) pages, exclusive of exhibits. A party seeking to file a motion in excess of the page limitation must obtain leave of the court.

C. **Motion for leave.** Motions requesting leave to file another motion after the close of motion practice shall have a copy of the proposed motion attached.

[Adopted, January 1, 1998; as amended by Supreme Court Order 08-8300-09, effective April 15, 2008.]

### **ANNOTATIONS**

**Cross references.** — For form of motions and how presented, see Rules 1-007 and 1-007.1 NMRA.

**The 2008 amendment,** approved by Supreme Court Order 08-8300-09, effective April 15, 2008, removed the previous local rule sections regarding concurrence sought for motions, briefs, responses and replies to motions, service of motions and oral argument, and added the section regarding package procedure. The page limitation and motion for leave sections were not amended except for the relettering of the section.

### **LR13-405. Consolidated cases.**

Motions to consolidate and the cases consolidated for trial shall be heard by the judge assigned to the case bearing the lowest case number. Pleadings filed after consolidation shall contain in the caption the case numbers of each case consolidated.

[Adopted, effective January 1, 1998.]

### **LR13-406. Withdrawn.**

### **ANNOTATIONS**

**Withdrawals.** — Pursuant to Supreme Court 08-8300-09, LR13-406 NMRA, relating to costs bills, was withdrawn effective April 15, 2008.

### **LR13-407. Findings and conclusions.**

Any requested findings of fact and conclusions of law shall be submitted within ten (10) days after such submission is ordered by the court, unless a different time is



ordered. The original of all requested findings of fact and conclusions of law shall be filed with the clerk of the court and a copy thereof shall be delivered to the judge.

[Adopted, effective January 1, 1998.]

#### **ANNOTATIONS**

**Cross references.** — For findings and conclusions, see Rule 1-052 NMRA.

#### **LR13-408. Judgments based on written instruments.**

A final judgment, based upon a written instrument, shall be accompanied by said instrument, which shall be filed as an exhibit in the case at the time the judgment is entered and shall be appropriately marked as having been merged into the judgment and returned to the party filing the same as in the case of other exhibits.

[Adopted, effective January 1, 1998.]

#### **ANNOTATIONS**

**Cross references.** — For judgments against the state, see Rule 1-055E NMRA.

For similar rules in other judicial districts, see LR1-309, LR3-212G and LR5-203 NMRA.

#### **LR13-409. Telephone conferences and hearings.**

A. **Telephone appearances permitted.** The court may hear any matter by telephone conference when to do so would legitimately serve justice, the economic needs of the parties and attorneys or the logistics of travel.

B. **Responsibility and cost.** When a telephone conference is conducted at the request of a party, it shall be set up by either the movant or the attorney seeking a telephone conference, at their expense, and not at the expense of the court. The costs of such telephone conferences may be taxed in accordance with the law.

C. **Record.** The record, if any, on any telephone conference will be by electronic recording device or such other method approved by the court.

[Adopted, effective January 1, 1998.]

#### **LR13-410. Pro se appearance and filings; corporations as parties.**

A. **Entry of appearance by parties pro se.** Parties who represent themselves shall enter an appearance and shall do so by filing an initial pleading, responsive motion or other paper that includes their name, address, telephone number and any fax number.

Parties *pro se* shall promptly file notice of any change of address or telephone number and serve such on all parties.

**B. Corporations as parties.** Except as otherwise provided by rule, corporations must be represented by counsel. The court may strike, by court order on its own motion, any papers filed in violation of this paragraph.

[Adopted, effective January 1, 1998.]

## ANNOTATIONS

**Cross references.** — See for appearance of a corporation as a garnishee, see Rule 1-065.2E NMRA.

### **LR13-411. Electronic filing authorized.**

In accordance with Rule 1-005.2 NMRA, electronic filing is implemented for all civil and probate actions in the Thirteenth Judicial District Court. The electronic filing of documents is mandatory for parties represented by attorneys in accordance with Rule 1-005.2 NMRA, which includes attorneys who represent themselves. Guidelines for using the electronic filing system are set forth in the court's user guide that is available in the clerk's office and on the court's website.

[Provisionally approved by Supreme Court Orders No. 10-8300-003 and No. 10-8300-021, for one year, for all cases pending or filed on or after July 1, 2010; as amended by Supreme Court Order No. 11-8300-029, provisional period extended until further order of the court with amendments effective for all cases pending or filed on or after June 13, 2011; by Supreme Court Order No. 11-8300-038, effective for all cases filed or pending on or after September 30, 2011.]

## ANNOTATIONS

**The 2010 amendment**, approved by Supreme Court Order No. 10-8300-021, effective for all cases pending or filed on or after July 1, 2010, in Paragraph A, in the first sentence after "domestic relations actions" added "probate actions, and actions sealed under Rule 1-079 NMRA", and in Subparagraphs (1), (2), and (3) of Paragraph C, at the end of each sentence, added "in any single case".

**The first 2011 amendment**, approved by Supreme Court Order No. 11-8300-029, effective June 13, 2011, in Paragraph A, required that documents filed in probate actions after the initial filing of the action be filed electronically.

**The second 2011 amendment**, approved by Supreme Court Order No. 11-8300-038, effective September 30, 2011, changed the rule to the extent that a detailed comparison would be impracticable.

## V. Case Control

### LR13-501. Settings.

The judge of each division shall determine the judge's general itinerary and schedule and shall inform the clerk of the court of the county affected thereby.

A. The judge of each division shall make trial and other settings for the division and furnish counsel and the clerk of the court with a calendar of settings as far in advance as possible. As a general rule, notice of settings shall be given to counsel at least four (4) weeks prior to the trial or hearing date but shorter notice may be given upon the consent and agreement of counsel or where, in the discretion of the judge, less notice is required.

B. If a hearing is scheduled as a "back-up" to another matter, or on a trailing docket, the court shall so advise counsel. Counsel shall be responsible for advising the court of any scheduling difficulties, such as arrangements with witnesses, which may make the matter difficult or inappropriate for hearing on a "back-up" or trailing docket basis.

C. All settings made by or with the approval of the court shall be binding upon all parties and attorneys properly notified. No setting shall be vacated except upon written motion and upon the signature of the party approving the continuance, unless this requirement is waived by the court.

D. Failure to give timely notice to the court of an inability to meet a trial setting, where such failure is willful or the result of negligence, may subject the offending party or attorney to appropriate sanctions, including, but not limited to:

- (1) dismissal of the case;
- (2) payment of jury and other costs;
- (3) payment of attorneys fees; or
- (4) sanctions as available under the inherent powers of the court.

E. Request for Settings. All requests for setting shall be in the approved form and completed except for the date and time for the setting. (LR13-Form A). Counsel requesting a setting shall provide pre-addressed, stamped envelopes for any counsel or party entitled to notice who does not have a box at the courthouse. The assigned judge's secretary will file the original of the request for setting form.

[Adopted, effective January 1, 1998.]

### **LR13-502. Vacating trials or settings.**

A. No setting involving a hearing on the merits will be vacated without prior approval of the judge assigned to the case.

B. Before counsel contacts the assigned judge to vacate a setting, counsel shall contact all parties or attorneys entitled to notice in order to inform the court of each party's position as regards the vacation. The court shall either vacate the case, refuse to vacate or schedule a hearing on the request. Request to vacate settings of hearings on the merits shall be by motion or stipulated order.

C. An order entered pursuant to this rule shall contain the reason for the vacation.

[Adopted, effective January 1, 1998.]

### **LR13-503. Pretrial conferences.**

Pretrial conferences will be held upon request of counsel or in cases in which it appears to the court that such conferences would be desirable.

[Adopted, effective January 1, 1998.]

### **ANNOTATIONS**

**Cross references.** — For pretrial conferences, see Rule 1-016 NMRA.

### **LR13-504. No change in matters filed.**

No alterations, deletions, additions or corrections will be made to any document filed unless by approval of the court.

[Adopted, effective January 1, 1998.]

### **LR13-505. Withdrawn.**

### **ANNOTATIONS**

**Withdrawals.** — Pursuant to Supreme Court 08-8300-09, LR13-505 NMRA, relating to settlement conferences, was withdrawn effective April 15, 2008.

### **LR13-506. Party's failure to appear.**

If a moving party does not appear on the date set for hearing, the motion shall be denied. If a plaintiff does not appear on the date set for trial, the cause shall be

dismissed. If a defendant does not appear on the date set for trial, a default judgment shall be entered against such defendant.

[Adopted, effective January 1, 1998.]

### **LR13-507. Dismissals for lack of prosecution.**

A. **Dismissal without prejudice.** All cases, other than domestic relations cases, may be dismissed by the court without prejudice if an examination of the file, case status report or docket sheet reveals that:

(1) the case has been tried and no judgment or order was entered within a reasonable time;

(2) counsel has indicated that the case has been settled or should be dismissed and no order has been entered within a reasonable time;

(3) there remains no justiciable issue for consideration of the court; or

(4) lack of prosecution for a six (6) month period in cases not subject to a pretrial scheduling order entered pursuant to Rule 1-016 NMRA.

B. **Notice.** The clerk shall mail a copy of the order of dismissal to all counsel.

#### **C. Reinstatement.**

(1) Cases dismissed without prejudice by the court may be reinstated upon application being made within thirty (30) days after service of the order of dismissal

(2) In reinstated cases, the court shall enter a pretrial scheduling order pursuant to Rule 1-016 NMRA.

[Adopted, effective January 1, 1998.]

### **LR13-508. Technical violation program for adult probationers.**

A. **Program established.** This judicial district establishes a technical violation program (TVP) for adult probationers on supervised probation allowing automatic sanctions to occur for technical violations of a probation agreement.

B. **Assignment to program.** The court in its discretion, and with the approval of the probationer, shall order placement of a probationer into the TVP at any time during the probationer's period of supervised probation. A probationer in the TVP shall waive his right to any probation violation procedures and hearings, pursuant to Rule 5-805 NMRA, if found to have committed a technical violation.

**C. Technical violations defined.** Technical violations of a probation agreement consist of the probationer:

- (1) having a positive urine test for drugs or alcohol;
- (2) possessing alcohol;
- (3) missing a counseling appointment;
- (4) missing a community service appointment;
- (5) missing an educational appointment; or
- (6) failing to inform the probation officer of a traffic citation received.

**D. Sanctions.** Sanctions for violations in the TVP are as follows:

- (1) first violation - up to three (3) days in jail;
- (2) second violation - up to seven (7) days in jail;
- (3) third violation - up to fourteen (14) days in jail; and
- (4) fourth violation - up to twenty-one days in jail.

**E. Removal from the program.** After a fourth technical violation a probationer may be subject to removal from the TVP and subsequent violations may be prosecuted pursuant to Rule 5-805 NMRA.

**F. Other sanctions for technical violations precluded.** Sanctions imposed under the TVP preclude further sanctions for the probation violation.

[Adopted by Supreme Court Order 08-8300-020, effective August 4, 2008.]

## **VI. Trials**

### **LR13-601. Jury fees.**

Jury and filing fees will not be refunded.

[Adopted, effective January 1, 1998.]

### **LR13-602. Jury instructions.**

**A. Stipulated jury instructions.** Prior to commencement of the trial, plaintiff's and defendant's attorneys or any unrepresented parties shall confer between or among themselves and agree upon those jury instructions that are necessary and common to both plaintiff's and defendant's case. Instructions necessary and common to both plaintiff's and defendant's case shall be prepared by plaintiff's counsel and approved by defendant's counsel. Such stipulated instructions shall be submitted to the court at least one (1) week prior to the commencement of the trial.

**B. Contested jury instructions.** All other instructions to which the parties are unable to agree shall be submitted to the court for its consideration. Each party shall submit its contested jury instructions separately at least one (1) week prior to commencement of the case.

**C. Rule 1-051 Compliance.** All jury instructions submitted to the court, whether stipulated or contested, shall conform with the requirements of Paragraph G of Rule 1-051 of the Rules of Civil Procedure for the District Courts. In addition:

(1) all such jury instructions shall contain the following language at the top center of the page: "INSTRUCTION NO. \_\_\_\_\_." Attorneys shall write the number of the requested instruction in pencil on the lower right hand corner of the original page. The original shall not be bound together;

(2) attorneys shall prepare sufficient copies of their requested instructions for opposing counsel and the court to be furnished with one (1) copy of each;

(3) a cover sheet preceding the requested instructions shall contain the style of the case and the label of "Plaintiff's or Defendant's Requested Instructions No. \_\_\_\_\_ through \_\_\_\_\_", and a praecipe (LR13-Form D). An original shall be filed and copies are to be provided to each party and to the court;

(4) each instruction shall bear the heading "(Party's) Request Instruction No. \_\_\_\_\_", and counsel will insert consecutive numbers;

(5) at the bottom of each instruction, counsel shall list the UJI number or other citations supporting the instruction as a correct statement of the applicable law and the following:

Given \_\_\_\_\_

Denied \_\_\_\_\_

Modified \_\_\_\_\_

Withdrawn \_\_\_\_\_

(6) for each instruction submitted the party shall provide the court with a clean copy that bears the text of the instruction and the heading "Instruction No. \_\_\_\_\_", with no numbers inserted. This set is given to the court and is not filed.

**D. Settling instructions.** In settling instructions, the court's action shall be noted on the praecipe and on the filed copy of each instruction.

[Adopted, effective January 1, 1998.]

## **VII. Domestic Relations**

### **LR13-701. Deleted.**

#### **ANNOTATIONS**

**Compiler's notes.** — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

### **LR13-702. Withdrawn.**

#### **ANNOTATIONS**

**Withdrawals.** — Pursuant to Supreme Court Order 08-8300-009, LR13–702 NMRA, relating to domestic relations mediation and advisory consultation, was withdrawn effective April 15, 2008. See LR 13-804 NMRA for the new local rule regarding domestic relations mediation and advisory consultation.

### **LR13-703. Dismissal for lack of prosecution.**

Any domestic relations proceeding pending in the district may be dismissed without prejudice if, for a period of over six (6) months, no action has been taken by any of the parties to the suit to bring such proceeding to its final determination.

[Adopted, effective January 1, 1998.]

#### **ANNOTATIONS**

**Cross references.** — For dismissal for lack of prosecution, see Rule 1-041 NMRA.

### **LR13-704. Deleted.**

#### **ANNOTATIONS**



**Compiler's notes.** — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

## **LR13-705. Deleted.**

### **ANNOTATIONS**

**Compiler's notes.** — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

## **VIII. Court Alternatives**

### **LR13-801. Alternative dispute resolution programs; generally.**

A. **Administration.** These programs shall be administered by an alternative dispute resolution program director, applying the local rules and the Mediation Procedures Act [44-7B-1 NMSA 1978].

B. **Order required.** All referrals to these programs require the filing of a written court order.

C. **Compromise negotiations.** The alternative dispute resolution process will be considered to be "compromise negotiations" under Rule 11-408 NMRA for purposes of admissibility as evidence in potential future hearings.

D. **Forms.** The applicable court forms included in the local rules for alternative dispute resolution or similar forms that serve the same purpose may be used.

E. **Appointment.** The court shall appoint alternative dispute resolution professionals as stipulated to by the parties or, absent agreement among the parties, as ordered by the court.

F. **Definitions.** When used in these rules, unless the context otherwise provides:

(1) "ADR" means alternative dispute resolution by means of this district's (court-annexed) alternative dispute resolution programs, including mediation and settlement facilitation;

(2) "mediation" means a confidential process by which a neutral third party helps parties to resolve differences through negotiation and collaborative problem solving;

(3) "settlement facilitation" means a process where a neutral third party meets with parties and their attorneys in a settlement conference seeking a negotiated settlement agreement on all or some of the issues of the cases;

(4) "advisory consultation" means a brief assessment about the situation and a written report summarizing the information for the attorneys and the court, as well as suggestions regarding specific plans, general issues or requested actions.

[Adopted by Supreme Court Order 08-8300-09, effective April 15, 2008.]

## **LR13-802. Settlement facilitation.**

A. **Scope.** The court may, pursuant to Rule 1-016 NMRA, refer cases to settlement facilitation conducted by court-appointed settlement facilitators throughout the year and during periodic "settlement weeks" as scheduled by the court.

B. **Application.** This rule applies to civil cases as determined by the court.

C. **Referrals.** Any party at any time may file a motion requesting referral to ADR. The court shall determine whether to grant the motion.

D. **Referral order.** The court shall complete and file an order referring the parties to ADR, appoint a settlement facilitator, set the time period in which the ADR shall take place and mail or deliver endorsed copies of the order to all parties entitled to notice and the facilitator or mediator. The order shall not indicate whether the referral was made upon a party's request or by the court's own motion. The order may be modified only upon subsequent written court order.

E. **Assignment of facilitator.** The court or the parties may choose the settlement facilitator from a list of facilitators maintained by the court. The parties may present to the court a stipulated motion requesting that any licensed attorney or other qualified person act as the facilitator.

F. **Time, place and deadline for settlement facilitation.** The time and place of the settlement conference shall be set by the settlement facilitator within the timeline ordered by the court. Any party or facilitator may request an extension of the deadline upon motion to the court.

G. **Attendance.** Each counsel of record shall attend in person and shall ensure the attendance of all persons who have full and final settlement authority at the entire settlement conference. Other persons not of record may attend upon agreement of all parties of record. Upon motion of any party or upon its own motion, the court may

impose sanctions for failure to attend the settlement conference or have present all necessary persons, except upon a showing of good cause. All persons shall participate in good faith at settlement conferences. Good faith participation includes, but is not limited to, sufficiently preparing for the conference and engaging in meaningful negotiations during the conference. Upon motion of any party or upon its own motion, the court may impose sanctions for failure to participate in good faith.

**H. Settlement facilitation case information.** At least ten (10) days prior to the facilitation conference, all parties shall provide the facilitator with the information listed below. This information shall not be filed with court or in any way be made part of the court record, nor shall the facilitator reveal any of the information submitted to the opposing party. Upon motion of any party or upon its own motion, the court may impose sanctions for failure to provide the required information to the facilitator. The required information that shall be submitted to the facilitator is:

- (1) the case caption, number and assigned judge;
- (2) the status of the party submitting the information, such as plaintiff, defendant, third party defendant, etc.;
- (3) a brief description of the case (in domestic relations matters include the date of marriage, whether a final decree was issued, occupations, current annual income of the parties, and the names and ages of children);
- (4) a description of the relief sought;
- (5) a list of pending factual issues;
- (6) a list of pending legal issues;
- (7) a list of all remaining discovery;
- (8) a list of any pending dispositive motions;
- (9) an estimate of costs and attorney fees through trial;
- (10) the trial date and other important dates; and
- (11) any other information requested by the facilitator.

**I. Good faith participation in ADR process.** Parties shall participate in good faith at settlement facilitation conferences. Good faith participation includes, but is not limited to, sufficiently preparing for the conference and engaging in meaningful negotiations during the conference.

**J. Cancelling settlement conferences.** Settlement facilitation may be cancelled by the parties only upon motion and written court order. Settlement facilitation may be cancelled by the facilitator by letter to the court.

**K. Replacement of settlement facilitator.** By letter to the court, copied to all parties and the facilitator, any party or the facilitator may request that the facilitator be replaced. The party or facilitator requesting replacement by letter need not provide an explanation. Upon the filing of an amended order of referral to ADR, either by stipulation of the parties or upon the court's decision, the facilitator shall be replaced.

**L. Compensation to settlement facilitator.** The court may order the parties to pay reasonable compensation to the facilitator of a settlement conference not conducted as part of settlement week. During settlement week, the parties are not responsible for compensating a facilitator conducting a settlement facilitation as part of settlement week.

Settlement facilitators may be compensated in one of the following ways:

(1) If a facilitator is selected from the court maintained facilitator list, either by the parties or the court, the court determined fee for up to four (4) hours of facilitation shall be equally shared among the parties. At the discretion of the court, the fee may be waived and the court assumes payment of the fee. If matters are not resolved within the four (4) hour time period, the parties may negotiate with the facilitator to provide further services for a fee that is mutually agreeable among the parties.

(2) The parties may select a facilitator and negotiate a fee that shall be equally shared among the parties.

**M. ADR reporting.** Upon partially or fully successful settlement facilitation, the facilitator shall assist the parties with preparation of a settlement agreement, if requested, and provide copies to the parties and their attorneys. After every settlement facilitation, the facilitator shall file a certificate of compliance with the ADR order with the court within ten (10) days after the settlement facilitation is completed. Copies of the certificate shall be sent to the parties and their attorneys.

[Adopted by Supreme Court Order 08-8300-09, effective April 15, 2008.]

### **LR13-803. Civil mediation.**

**A. Scope.** The court may, pursuant to Rule 1-016 NMRA, refer cases to mediation.

**B. Application.** This rule applies to civil cases as determined by the court. Mediation of domestic relations cases is covered by LR13-804 NMRA.

**C. Referrals.** Any party at any time may file a motion requesting referral to ADR. The court shall determine whether to grant the motion.

D. **Referral order.** The court shall complete and file an order referring the parties to ADR, appoint a mediator, set the time period in which the ADR shall take place and mail or deliver endorsed copies of the order to all parties entitled to notice and the mediator. The order shall not indicate whether the referral was made upon a party's request or by the court's own motion. The order may be modified only upon subsequent written court order.

E. **Assignment of mediator.** The court or the parties may choose the mediator from a list of mediators maintained by the court. The parties may present to the court a stipulated motion requesting that any licensed attorney or other qualified person act as the mediator.

F. **Time, place and deadline for mediation.** The time and place of the mediation shall be set by the mediator within the timeline ordered by the court. Any party or mediator may request an extension of the deadline upon motion to the court.

G. **Attendance.** Each counsel of record shall attend in person and shall ensure the attendance of all persons who have full and final settlement authority at the entire mediation conference. Other persons not of record may attend upon agreement of all parties of record. Upon motion of any party or upon its own motion, the court may impose sanctions for failure to attend the mediation or have present all necessary persons, except upon a showing of good cause.

H. **Good faith participation in mediation.** All persons shall participate in good faith at mediation conferences. Good faith participation includes, but is not limited to, sufficiently preparing for the conference and engaging in meaningful negotiations during the conference. Upon motion of any party or upon its own motion, the court may impose sanctions for failure to participate in good faith.

I. **Cancelling mediation.** Mediation may be cancelled by the parties only upon motion and written court order. Mediation may be cancelled by the mediator by letter to the court.

J. **Replacement of mediator.** By letter to the court, copied to all parties and the mediator, any party or the mediator may request that the mediator be replaced. The party or mediator requesting replacement by letter need not provide an explanation. Upon the filing of an amended order of referral to ADR, either by stipulation of the parties or upon the court's decision, the mediator shall be replaced.

K. **Compensation to mediator.** The court may order the parties to pay reasonable compensation to the mediator in one of the following ways:

(1) If a mediator is selected from the court maintained mediator list, either by the parties or the court, the court determined fee for up to four (4) hours of mediation shall be equally shared among the parties. At the discretion of the court, the fee may be waived and the court assumes payment of the fee. If matters are not resolved within the

four (4) hour time period, the parties may negotiate with the mediator to provide further services for a fee that is mutually agreeable among the parties.

(2) The parties may select a mediator and negotiate a fee that shall be equally shared among the parties.

L. **Mediation reporting.** Upon partially or fully successful mediation, the mediator shall assist the parties with preparation of a mediation agreement, if requested, and provide copies to the parties and their attorneys.

After every mediation, the mediator shall file a certificate of compliance with the ADR order with the court within ten (10) days after the mediation is completed. Copies of the certificate shall be sent to the parties and their attorneys.

[Adopted by Supreme Court Order 08-8300-09, effective April 15, 2008.]

#### **LR13-804. Domestic relations mediation; advisory consultation.**

A. **Application.** Any domestic relations case involving child custody is subject to this rule to assist the court, parents and other interested parties in determining the best interests of the child. Other related issues involved in a domestic relations case also may be subject to this rule.

B. **Referrals.** Any party at any time may file a motion requesting referral to ADR, or, at the discretion of the court, the court may order the parties to participate in mediation or an advisory consultation.

C. **Referral order.** The court shall complete and file an order referring the parties to mediation or advisory consultation, appointing the mediator or advisory consultant, set the time period in which the mediation or advisory consultation shall take place and mail or deliver endorsed copies of the order to all parties entitled to notice and the mediator or advisory consultant. The order shall not indicate whether the referral was made upon a party's request or by the court's own motion. The order may be modified only upon subsequent written court order.

D. **Appointment of mediator or advisory consultant.** The court or the parties may choose the mediator or advisory consultant from a list maintained by the court. The parties may present to the court a stipulated motion requesting that any qualified person as the mediator or advisory consultant.

E. **Fees.** Parties who proceed to mediation or advisory consultation shall each pay a fee according to the sliding fee scale set forth in Appendix A to these local rules. The mediation or the advisory consultation shall not commence until the fee owed by each party is paid full to the clerk of the court. The parties shall be responsible for providing a copy of the receipt of the required court fee to the mediator or advisory consultant

before the mediation or the advisory consultation may begin. The fee may be waived at the discretion of the court.

**F. Compensation.** The court domestic relations mediation fund or advisory consultation fund may pay up to eight (8) hours of mediation or advisory consultation at a court approved hourly rate. If the parties cannot mediate all matters within eight (8) hours of mediation, or the parties need or desire additional consultation beyond eight (8) hours, they may petition the court to make further payment to the mediator or advisory consultant or make their own arrangements with the mediator or advisory consultant.

**G. Time, place and attendance.** The time and place of the mediation or advisory consultation shall be set by the mediator or the advisory consultant. Any party, mediator or advisory consultant may request an extension of time from the date set for mediation or advisory consultation upon motion to the court. Mediation or advisory consultation may be cancelled by the parties only upon motion and written court order. Mediation or advisory consultation may be cancelled by the mediator or advisory consultant by letter to the court.

**H. Good faith participation.** All parties shall attend the mediation or the advisory consultation and engage in meaningful negotiations in good faith.

**I. Replacement of the mediator or advisory consultant.** By letter to the court, with copies to all parties and the mediator or advisory consultant, any party, mediator or advisory consultant may request that the mediator or advisory consultant be replaced. The person requesting the replacement by letter need not provide an explanation. Upon the filing of an amended order of referral to ADR, either by stipulation of the parties or upon the court's decision, the mediator or advisory consultant shall be replaced.

**J. Mediation results; advisory consultation results.** Upon partially or fully successful mediation, the mediator shall prepare a mediation agreement including a child custody plan when applicable and provide copies to the parties and their attorneys. After every mediation, the mediator shall submit a final mediation disposition report and file a certificate of compliance with the court within ten (10) days after the mediation is completed. The mediation disposition report shall state whether any agreement was reached; what issues were mediated; what issues remain unresolved; and suggestions for resolution, provided the mediator meets the confidentiality requirements of the Mediation Procedures Act [44-7B-1 NMSA 1978]. Copies of the mediation disposition report and certificate of compliance shall be sent to the parties and their attorneys.

Upon completion of an advisory consultation, the advisory consultant shall submit to the judge a written report and file a certificate of completion within ten (10) days after the consultation is completed. The written report shall contain a brief assessment summarizing the information, including the situations and relationships of family members and suggestions regarding specific plans, general issues or requested actions. Copies of the recommendations and certificate of completion shall be sent to the parties and their attorneys.

**K. Payment of mediators and advisory consultants.** When presenting a bill for mediation or advisory consultation services, the bill must have the following documents attached:

- (1) a copy of the receipt evidencing the initial total payment to the clerk of the court;
- (2) a copy of the order to mediation or advisory consultation;
- (3) a copy of the final mediation disposition report and a certificate of completion; and
- (4) an itemized billing statement of the charges submitted for payment.

[Adopted by Supreme Court Order 08-8300-09, effective April 15, 2008.]

### **LR13-Form A. Deleted.**

#### **ANNOTATIONS**

**Compiler's notes.** — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

### **LR13-Form B. Deleted.**

#### **ANNOTATIONS**

**Compiler's notes.** — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

### **LR13-Form C. Deleted.**

#### **ANNOTATIONS**

**Compiler's notes.** — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.





1. My address is:

2. My age is:

3. My marital status is:

4. Number of dependents:

Self: \_\_\_\_\_

Children: \_\_\_\_\_

Other: \_\_\_\_\_

Dependents names: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. My Income: \$ \_\_\_\_\_

[ ] per week [ ] 2 weeks [ ] month [ ] year

6. Source of Income:

Employer: \_\_\_\_\_

Food stamps \$ \_\_\_\_\_ per month

General assistance \$ \_\_\_\_\_ per month

SSI \$ \_\_\_\_\_ per month

Unemployment comp. \$ \_\_\_\_\_ per month

Veterans benefits \$ \_\_\_\_\_ per month

Other \_\_\_\_\_ \$ \_\_\_\_\_ per month

7. My expenses:

Rent or mortgage payment \$ \_\_\_\_\_ per month

Utilities \$ \_\_\_\_\_ per month

Medical bills \$ \_\_\_\_\_ per month

Car payment(s) \$ \_\_\_\_\_ per month

Other living expenses  
\_\_\_\_\_ \$ \_\_\_\_\_ per month

Total expenses: \$ \_\_\_\_\_

Applicant signature

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

Notary Public

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

The petitioner is indigent.

The petitioner is not indigent.

District court judge

[Adopted, effective January 1, 1998.]

### ANNOTATIONS

**Cross references.** — For the Family Violence Protection Act, see 40-13-1 NMSA 1978.

### LR13-Form E-3. Order for free process.

THIRTEENTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO

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

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

v.

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

No. \_\_\_\_\_ -DR

## ORDER FOR FREE PROCESS

The matter was carefully considered by the court and, based upon the application for free process, the court orders that:

The application is (granted) (denied) and the applicant is permitted to maintain this limited action to conclusion without payment of filing fees or costs.

The application is (granted) (denied).

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

District court judge

[Adopted, effective January 1, 1998.]

### **LR13-Form E-4. Deleted.**

#### **ANNOTATIONS**

**Compiler's notes.** — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

### **LR13-Form E-5. Deleted.**

#### **ANNOTATIONS**

**Compiler's notes.** — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

### **LR13-Form E-6. Deleted.**

#### **ANNOTATIONS**

**Compiler's notes.** — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic

rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

**LR13-Form E-7. Order of dismissal.**

THIRTEENTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO

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

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

v.

No. \_\_\_\_\_ -DR

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

**ORDER OF DISMISSAL**

This matter having come on for hearing on the motion of the \_\_\_\_\_, \_\_\_\_\_ and good cause appearing.

It is therefore ordered, adjudged and decreed that the petition for order prohibiting domestic violence be, and the same hereby is dismissed.

Adopted as an order of this court on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ .m.

District Judge

[Adopted, effective January 1, 1998.]

**LR13-Form E-8. Release order.**

THIRTEENTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO

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

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

v.

No. \_\_\_\_\_ -DR

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

### RELEASE ORDER

This matter having come on before the court and the court being fully advised in the premises finds:

1. The respondent was arrested for violations of a domestic violence order filed herein.
2. A contempt hearing was held on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_m.
3. Respondent [ ] was [ ] was not found to be in violation of the court.
4. Respondent was purged of contempt and should be released from incarceration.

It is therefore ordered that the respondent be immediately released from the \_\_\_\_\_.

Adopted as an order of this court on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_m.

District court judge

[Adopted, effective January 1, 1998.]

**LR13-Form E-9. Deleted.**

### ANNOTATIONS

**Compiler's notes.** — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

**LR13-Form E-10. Deleted.**

### ANNOTATIONS

**Compiler's notes.** — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms.

That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

**LR13-Form F-1. Deleted.**

**ANNOTATIONS**

**Compiler's notes.** — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

**LR13-Form F-2. Order regarding parenting instructions.**

THIRTEENTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO

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

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

v.

No. \_\_\_\_\_ -DR

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

**ORDER REGARDING PARENTING INSTRUCTIONS**

THE PARTIES SHALL FOLLOW, OBEY AND CAREFULLY ABIDE BY EACH AND ALL OF THE PROVISIONS INITIALED BELOW:

Neither parent will threaten, harass, intimidate, unlawfully assault or batter or physically or mentally abuse the other parent, or a minor child. Law enforcement officers are authorized and required to enforce this provision by preparing a report of the incident, and submitting a copy of it to this court's mailing address, which is \_\_\_\_\_ or to this court's chambers at \_\_\_\_\_, New Mexico. The law enforcement officers are also authorized and encouraged to arrest any person they have probable cause to believe has committed unlawful assault (See Section 30-3-1 NMSA 1978) or battery (see Section 30-3-4 NMSA 1978) upon another. See Section 30-3-6 NMSA 1978 for authorization regarding warrantless arrests of

assailants when there is probable cause to believe such person assaulted or battered another. This provision remains in full force and effect unless and until it is modified or revoked by subsequent written order of this court.

- \_\_\_\_\_ 2. Neither parent nor any stepparent, fiancée, or grandparent will criticize, disparage, demean, insult or otherwise "bad-mouth" the other parent, step-parent, fiancée or grandparent to a child or in the presence of a child, nor allow or encourage anyone else, including relatives and friends, to do so. This prohibition applies even to information that is truthful and accurate.
- \_\_\_\_\_ 3. Neither parent will argue or fight, verbally or physically, in the presence or hearing of a child.
- \_\_\_\_\_ 4. Neither parent will align or attempt to align a child against a parent, or other relative, nor allow or encourage anyone else, including relatives and friends, to do so. This especially means that neither parent will directly or indirectly ask a child to choose between the parents, or choose to reside with one parent instead of the other, or choose one household over the other household.
- \_\_\_\_\_ 5. Both parents must encourage a positive parent-child relationship between a child and both parents, and not say or do anything, including "grimace" or put on a "long face", against the child's love for the other parent when a child is about to visit the other parent or asks or talks about the other parent.
- \_\_\_\_\_ 6. Neither parent will interfere with the parent-child relationship with the other parent, and neither parent will conceal a child from the other parent during the other parent's period of responsibility (time-sharing).
- \_\_\_\_\_ 7. Neither parent will make plans for a child that conflicts with the other parent's period of responsibility with a child, or discuss such plans with a child or make promises about such plans with a child, unless and until both parents agree in advance to the plans. Doing so creates a serious risk that a child will count on and look forward to a planned or promised activity, only to be disappointed with and distrustful of the parent who made or promised a plan with a child and then could not carry it out.
- \_\_\_\_\_ 8. If a parent asks the other parent for additional time with a child, or for an activity or plan that would conflict with the other parent's scheduled time or plans with the child, the other parent has an absolute right to say "no" and the requesting parent must accept that answer without bringing such request or negative answer of the other parent to the attention of any of the minor children.
- \_\_\_\_\_ 9. Neither parent will ask a child to pass orders or instructions or uncomplimentary messages to the other parent through a child, verbally or in writing. Complimentary messages are allowed and



encouraged.

- \_\_\_\_\_ 10. Neither parent will ask a child to keep secrets from the other parent or ask or encourage a child to lie to the other parent about events or persons the child experienced during a visit with a parent, grandparent or relative.

- \_\_\_\_\_ 11. Neither parent will ask a child to spy on the other parent or the other parent's lifestyle or household; nor ask any detailed, probing questions about the other parent or lifestyle or household of the other parent. This only puts the child in the middle, angering a parent if the question is not answered, or getting the other parent in trouble if it is answered.

- \_\_\_\_\_ 12. Children have a right to receive unlimited letters, postcards, cassette tape letters and gifts from each parent; and to write unlimited letters and postcards, including tape-recorded messages and letters, and send gifts to each parent. Homemade video tapes by parents to children (and vice-versa) are allowed and encouraged. All such letters, gifts and tapes shall be provided, read or played forthwith to the children. These letters, cards and tapes must not violate other provisions of this order (*see especially Paragraphs 1 through 11 above*). This provision shall not be justification or excuse not to provide, read or play the message to any of the children, but the improper words or sentence can be deleted during reading or playing the message to the children. If a parent deletes words, sentences, etc., the parent should keep the original letter and deletions. Children age ten (10) or over should receive the letter, card, or recording unopened and uncensored, and may allow either parent to read or see or hear the message, even if the writing or sending parent does not want the child to do so or asks the child not to do so.

- \_\_\_\_\_ 13. If the parents are not in locations requiring long-distance calls to contact the children, the children will have a right to make unlimited phone calls to the absent parent during the absent parent's normal waking hours. Also, the absent parent may make up to two 15-minute calls per week (Monday to Monday week) with the minor children, but should never force them to remain on the phone longer than the children want to. This will only cause the children to not want to receive phone calls from the absent parent. The parent having time-sharing with a child at the time of a phone call between a child and the absent parent must not listen in on both sides of the phone call, nor in any way cause a child to believe the custodial parent is intentionally listening in on the child's words or taking note of what the child said during the conversation. Also, the parent having time-sharing shall never ask, order or encourage a child not to be available to receive a phone call or not to answer the phone, or to refuse to speak with the calling parent or to hang up or terminate

the call sooner than the child wants to on the child's own initiative.

\_\_\_\_\_ 14. If the parents are in locations requiring long-distance phone calls to contact a minor child of the parties, then:

A. the absent parent will have a right to make up to two 15-minute calls each week (Monday to Monday week) with each child, at the expense of the calling parent. These calls ordinarily should be made in the evening or on weekends to enable the children to be at home to receive the call, and to reduce the costs of phone calls themselves;

B. each child shall have the right to make up to two 15-minute calls per week (Monday to Monday week) to the absent parent. The first call during that week will be at the expense of the custodial parent. Unless both parents agree otherwise before the second call, the second call will be at the expense of the parent receiving the call (i.e. collect to the receiving parent with request that the receiving parent call back station-to-station to the phone number where the child will receive the call).

\_\_\_\_\_ 15. Unless there is a court order or written parenting plan providing for out-of-state time-sharing with children for more than fifteen (15) days, neither parent will remove a child from this state for more than fifteen (15) days without notifying the other parent in writing at least thirty (30) days before such removal, and must specify the purpose and destination of the trip and expected date of return. Any visitation period of the other parent that is reduced or overridden by such vacation period shall be made up in full to the other parent.

\_\_\_\_\_ 16. Each parent must notify the other parent in writing of any change of home address, mailing address, if different from home address, and all home telephone numbers no later than seven (7) calendar days from any such change, and preferably even before a change occurs. This insures that written and telephone communications between the children and absent parent can continue, and that child support payments and other written communications can be completed. This court recommends, but does not order or require, that each parent provide the parent's work telephone number to the other parent and children for use on urgent or emergency matters. Neither parent shall telephone the other parent or employer or supervisor of a parent and threaten, harass, intimidate, or mentally abuse the parent or employer or supervisor nor allow or encourage or cause anyone else, including the children or relative or friend, to do so.

\_\_\_\_\_ 17. If both parents reside within 60 miles of one another, neither parent may relocate out of state or more than 100 miles from the other parent without giving the other parent at least sixty (60) days advance written notice, and specifying therein where the planned new permanent residence will be.

\_\_\_\_\_ 18. In the event of a move or planned move as described in Paragraph

17 the parents should quickly begin discussions before the move occurs about child time-sharing or visitation. If they cannot agree on a new time-sharing plan at least thirty (30) days before the date of the move, they must engage in mediation pursuant to LR13-703. It is highly recommended that a new written parenting plan be agreed upon and signed by both parents and a district judge before the move occurs or is completed, so that the moving parent will not have to return and complete the mediation and new parenting plan.

Unless both parents agree otherwise in advance, the clothing, books and toys a child takes to the other parent shall be returned with the child at the conclusion of that parent's responsibility or visitation with the child - even if the original clothes, books, and toys are returned in a bag carried by the child. Preferably, the clothes should be washed before their return with the child.

\_\_\_\_\_ 19.

Each child shall have a right to have a photograph of each parent and grandparent in the child's room or child's private area; such photographs shall be clearly visible to the child and not hidden in drawers or turned toward a wall.

\_\_\_\_\_ 20.

Child support shall not be reduced, delayed, or cut off because of disagreements between the parents or because visitation had been reduced or cut off. *(The court can handle wrongful reduction or cutting off of visitation by contempt of court or other remedy, without penalizing a child's right to be both supported emotionally and financially by both parents.)*

\_\_\_\_\_ 21.

Time sharing or visitation shall not be reduced or cut off because of disagreements between the parents, or because child support is not being paid in full or on time. *(The court can handle wrongful reduction or cutting off of visitation by contempt of court or other remedy, without penalizing a child's right to visitation and good relationship with the other parent.)*

\_\_\_\_\_ 22.

Both parents and all others driving a child in a motor vehicle shall have the children securely fastened in child restraint devices, for younger children, and seatbelts and shoulder harnesses, for older children, whenever the engine of the vehicle is running, or the motor vehicle is moving. If the vehicle is a bicycle, motorscooter, motorcycle or three-wheel or four-wheel motorized all-terrain vehicle (ATV), parents and drivers of such vehicle shall have the child-passenger wear a securely fastened helmet approved by the federal Department of Transportation (DOT) or Snell Memorial Foundation whenever the engine of the vehicle is running or the bicycle or vehicle is moving.

\_\_\_\_\_ 23.

Neither parent, nor their spouse, fiancée or girlfriend or boyfriend may possess, use or be under the influence of any alcoholic beverages, including hang-overs, or illegal drugs in the presence of a child.

\_\_\_\_\_ 24.

District Court Judge

[Adopted, effective January 1, 1998.]

**LR13-Form G. Deleted.**

**ANNOTATIONS**

**Compiler's notes.** — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

**LR13-Form H. Order for mediation.**

THIRTEENTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO

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

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

v.

No. \_\_\_\_\_ -DR

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

**ORDER FOR MEDIATION**

It has been made to appear to the court that a controversy exists between the parties hereto regarding the custody and visitation rights affecting the parties' children.

It is, therefore, ordered by the court that:

1. This controversy regarding custody and visitation shall be referred to mediation, for the purpose of mediation, and for advisory consultation if mediation has been unsuccessfully attempted, by order of the court.

2. The clerk's office shall be paid by the parties prior to any sessions in accordance with the sliding scale fee determined by the court.

3. The mediator shall encourage and assist the parties to resolve the contested child custody and visitation matters in a way that is mutually satisfactory to the parties and beneficial to the best interests of the child or children.

4. Mediation proceedings shall be held in private and shall be confidential. All communications, verbal or written, from the parties to the mediator made pursuant to the order, shall be inadmissible in any court hearing.

5. No report of the personal content of mediation shall be made to the court, to the advisory consultant, or the counsel for either party. The mediator shall inform the court by written report the result of the mediation session. If the mediation process is successful, the agreement shall be reduced to writing on a form to be signed by the parties.

6. The parties shall make themselves and their children available for consultation with the mediator or advisory consultant, and shall participate and cooperate fully with such professionals.

7. If a mediation agreement cannot be reached, the case shall proceed for an advisory consultation.

8. After the advisory consultation has been completed, a report shall be made to counsel for each party.

9. In the event of a hearing on custody and visitation, a report shall be made to the court.

District Judge

Approvals:

\_\_\_\_\_  
Attorney for Petitioner or Petitioner

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

\_\_\_\_\_  
Attorney for Respondent or Respondent

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

[Adopted, effective January 1, 1998.]

**ANNOTATIONS**

**Cross references.** — For sliding scale fee determined by the court, see LR13-Appendix A NMRA.

For domestic relations mediation program, see Section 40-12-5 NMSA and LR3-Exhibit B, LR4-Appendix A and LR9-Appendix B NMRA.

### **LR13-Form I. Deleted.**

#### **ANNOTATIONS**

**Compiler's notes.** — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

### **LR13-Form J. Deleted.**

#### **ANNOTATIONS**

**Compiler's notes.** — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

### **LR13-Form K. Deleted.**

#### **ANNOTATIONS**

**Compiler's notes.** — The New Mexico Supreme Court entered an order effective November 1, 2000 provisionally approving statewide domestic relations rules and forms. That order provided that the "statewide rules and forms supersede all local domestic rules and forms". See 1-120 to 1-127 NMRA and 4A-111 to 4A-132 NMRA for the Supreme Court statewide domestic relations rules and forms.

### **LR13-Form M. Pre-trial order.**

STATE OF NEW MEXICO

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

THIRTEENTH JUDICIAL DISTRICT COURT

\_\_\_\_\_

Plaintiff,

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

\_\_\_\_\_

Defendant.

### PRE-TRIAL ORDER

**THIS MATTER** having come before the court on \_\_\_\_\_, 2\_\_\_\_, at a pre-trial conference held before Judge \_\_\_\_\_, pursuant to Rule 1-016 NMRA, it is hereby ordered:

1. **JURISDICTION AND PARTIES.** The jurisdiction of the court is not disputed. There is no remaining question regarding the propriety of the parties.
2. **GENERAL NATURE OF THE CLAIMS.**
  - a. Plaintiff claims: *(set out each legal theory to be argued and the elements necessary to prove the theory)*
  - b. Defendant claims: *(set out each legal theory to be argued and the elements necessary to prove the theory)*
  - c. All other parties claim: *(set out each legal theory to be argued and the elements necessary to prove the theory)*
3. **UNCONTROVERTED FACTS.** The following facts are established by admission in the pleadings or by stipulation of counsel or self-represented parties at the pre-trial conference:
4. **CONTESTED LEGAL THEORIES.** As to each legal theory provided in No. 2 of this order, the contested elements are:
5. **CONTESTED ISSUES OF FACT.** The contested issues of fact remaining for decision are:
6. **CONTESTED ISSUES OF LAW.** The contested issues of law, in addition to those implicit in Nos. 4 and 5 above, are: [OR]

There are no contested issues of law reserved other than those implicit in Nos. 4 and 5 above.

7. **LIST OF EXHIBITS.** Each party will mark its own exhibits and make a descriptive list thereof which shall be furnished to all opposing counsel and two (2) copies to the court at least [ ] **days prior to trial**. At that time, all such exhibits will be made available for examination by opposing counsel. *(Note: this rule does not apply to rebuttal exhibits that cannot be anticipated.)*

- a. Plaintiff's list of exhibits:
- b. Defendant's list of exhibits:
- c. Other parties' list of exhibits:

8. **EXHIBIT AUTHENTICATION, OBJECTIONS, USE AT TRIAL.** Any counsel requiring authentication of an exhibit must notify in writing the offering counsel within [ ] **days after the exhibit is made available for examination**. Failure to do so is an admission of an exhibit's authenticity. Any other objection to the admissibility of an exhibit must, where possible, be made at least [ ] **days before trial**, and the court shall be notified of the objections.

9. **DISCOVERY.**

[ ] Discovery has been completed.

[ ] Discovery is to be completed by \_\_\_\_\_.

[ ] The following provisions are made for discovery:

10. **WITNESSES.** A list of the names, addresses and general subject matter of the testimony of each party's witnesses must be filed with the court and must be served upon the opposing party and the court at least [ ] **days prior to trial**. After this deadline, additional witnesses will not be allowed without a showing of good cause why their disclosure did not take place in conformance with this order. *(Note: this does not apply to rebuttal witnesses who cannot be anticipated.)*

- a. Plaintiff may call the following witnesses:
- b. Plaintiff will call or have available at trial the following witnesses:
- c. Plaintiff will present the following testimony by deposition:
- d. Defendant may call the following witnesses:



- e. Defendant will call or have available at trial the following witnesses:
- f. Defendant will present the following testimony by deposition:
- g. Other parties may call the following witnesses:
- h. Other parties will call or have available at trial the following witnesses:
- i. Other parties will present the following testimony by deposition:

11. **AMENDMENTS TO PLEADINGS.**

- There are no amendments.
- This order was made with regard to the following amendments to the pleadings:

.

12. **ALTERNATIVE DISPUTE RESOLUTION.**

- The parties agree to submit to alternative dispute resolution.
- The parties agree that alternative dispute resolution is inappropriate.

13. **MOTIONS IN LIMINE.**

All motions in limine must be filed with the court and submitted to the judge's office no later than five (5) days before trial.

14. **JURY INSTRUCTIONS.** Each party shall submit proposed jury instructions by \_\_\_\_\_, 2\_\_\_\_\_.

15. **LENGTH OF TRIAL.** The estimated length of trial is \_\_\_\_\_ days.

16. **TRIAL SETTING.** This matter is set for trial on \_\_\_\_\_ 2\_\_\_\_\_, at \_\_\_\_\_ o'clock.

17. **THIS IS A**

- jury trial
- bench trial.

18. **OTHER:**

19. **AMENDMENTS.** This order will control the course of the trial. It may be amended by consent of the parties and the court, or by order of the court to prevent manifest injustice. The pleadings are deemed merged herein.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for Plaintiff

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for Defendant

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

[Adopted by Supreme Court Order 08-8300-09, effective April 15, 2008.]

**LR13-Form N-1. Motion to withdraw as counsel.**

STATE OF NEW MEXICO

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

THIRTEENTH JUDICIAL DISTRICT COURT

\_\_\_\_\_

Plaintiff,

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

\_\_\_\_\_

Defendant.

**MOTION TO WITHDRAW**

**COMES NOW** \_\_\_\_\_, and moves this Court for its order allowing movant to withdraw as counsel of record for \_\_\_\_\_, the plaintiff/defendant.

As grounds for this motion, movant states:

Hearings currently set in this case are:

Supreme Court deadlines relevant to this case are:

[ ] This motion is being filed along with an entry of appearance by \_\_\_\_\_, as a self-represented party.

[ ] I acknowledge that \_\_\_\_\_ has twenty (20) days to obtain counsel or to be deemed appearing as a self-represented party. The last known address and telephone number for \_\_\_\_\_, the plaintiff/defendant are as follows:

\_\_\_\_\_

(movant's signature)

(certificate of service)

[Adopted by Supreme Court Order 08-8300-09, effective April 15, 2008.]

**LR13-Form N-2. Order to withdraw as counsel.**

STATE OF NEW MEXICO

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

THIRTEENTH JUDICIAL DISTRICT COURT

\_\_\_\_\_

Plaintiff,

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

\_\_\_\_\_

Defendant.

**ORDER TO WITHDRAW**

**THIS MATTER** having come before the court on \_\_\_\_\_ motion to withdraw as counsel for the plaintiff/defendant, and the plaintiff/defendant understands that the plaintiff/defendant has twenty (20) days in which to obtain counsel or be deemed appearing as a self-represented party, and the court being otherwise advised in the premises, hereby orders that the motion is granted.

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

\_\_\_\_\_  
Movant's name

\_\_\_\_\_  
Plaintiff's/Defendant's name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Opposing Counsel

[Adopted by Supreme Court Order 08-8300-09, effective April 15, 2008.]

**LR13-Form O. Rule 1-099 NMRA certificate.**

STATE OF NEW MEXICO

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

THIRTEENTH JUDICIAL DISTRICT COURT

\_\_\_\_\_  
Petitioner/Plaintiff,

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

\_\_\_\_\_  
Respondent/Defendant.

**RULE 1-099 NMRA CERTIFICATE**

**COMES NOW** \_\_\_\_\_, and hereby certifies pursuant to Rule 1-099 NMRA, that no Rule 1-099 docket fee is required because:

this case is pending.

the attached pleading, motion or other paper is filed within ninety (90) days after the last disposition; the last action taken in this case was \_\_\_\_\_;

a judgment or decrees was filed on \_\_\_\_\_,  
2\_\_\_\_\_.

[ ] the attached pleading, motion or other paper is requesting action that may be performed by the clerk pursuant to these rules, [OR] the attached pleading, motion or other paper is seeking to correct a mistake in the judgment, decree or record filed on \_\_\_\_\_, 2\_\_\_\_\_, [OR] the attached motion accompanied by a signed stipulated order disposes of the issues raised by motion.

[ ] the attached pleading, motion or other paper is seeking only enforcement of a child support order filed on \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_

signature

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

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

Telephone: \_\_\_\_\_

I state that a copy of this certificate was mailed to the other party, \_\_\_\_\_, on \_\_\_\_\_.

[Adopted by Supreme Court Order 08-8300-09, effective April 15, 2008.]

**LR13-Form P. Motion requesting ADR.**

STATE OF NEW MEXICO

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

THIRTEENTH JUDICIAL DISTRICT COURT

\_\_\_\_\_

Petitioner/Plaintiff,

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

\_\_\_\_\_

Respondent/Defendant.

**MOTION REQUESTING REFERRAL TO ADR**

All parties respectfully request that this cause be referred to mediation/settlement facilitation and that a mediator/settlement facilitator be appointed.

This case is assigned to Judge \_\_\_\_\_.

The parties have agreed to (NAME, ADDRESS, PHONE NUMBER) as their mediator/settlement facilitator and will provide this information to the ADR program director within seven (7) days.

The parties cannot agree on a mediator/settlement facilitator and request that the judge shall make an appointment.

Compensation to the mediator/settlement facilitator is as follows:

\$ \_\_\_\_\_ for up to four (4) hours, to be assessed equally among the parties.

\$ \_\_\_\_\_ for up to four (4) hours, to be paid by the court.

An amount as is mutually agreeable to be assessed equally among the parties.

**PARTIES ENTITLED TO NOTICE:**

1. Mediator, address, phone and fax
2. Petitioner, address, phone and fax
3. Respondent, address, phone and fax
4. Director of ADR Programs

P.O. Box 600, 1500 Idalia Road, Bldg. A

Bernalillo, NM 87004

I hereby certify that a copy of the foregoing document was mailed to the parties listed above on the date of filing this motion.

\_\_\_\_\_

[Adopted by Supreme Court Order 08-8300-09, effective April 15, 2008.]

**LR13-Form Q. Order of referral to ADR.**

STATE OF NEW MEXICO

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

THIRTEENTH JUDICIAL DISTRICT COURT

---

Plaintiff/Petitioner,

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

---

Defendant/Respondent.

**ORDER OF REFERRAL TO ADR  
SETTLEMENT FACILITATION/MEDIATION**

**THIS MATTER** having come before this court upon a request for ADR, and the court being fully advised in the premises states the following:

**IT IS THEREFORE ORDERED** that the above captioned case is hereby referred to settlement facilitation/mediation. The assigned settlement facilitator/mediator is: (NAME, ADDRESS, PHONE NUMBER) \_\_\_\_\_.  
Each party shall contact the above settlement facilitator/mediator no later than ten (10) business days after the date of entry of this order and, if ordered to settlement facilitation, shall submit the information requested on the attached Settlement Facilitation Information Sheet.

**IT IS FURTHER ORDERED** that the ADR conference shall be scheduled at the earliest possible date, but in no event later than ninety (90) days from entry of this order. All parties shall make good faith efforts to timely schedule and attend ADR.

**IT IS FURTHER ORDERED** that the mediator/facilitator shall be paid:

- \$\_\_\_\_\_ for up to four (4) hours to be assessed equally to the parties. If the matter has not been resolved within four (4) hours, the parties may negotiate with the mediator/facilitator to provide further services for a fee as is mutually agreeable.
- \$\_\_\_\_\_ for up to four (4) hours to be paid by the court. If the matter has not been resolved within four (4) hours, the parties may negotiate with the mediator/facilitator to provide further services for a fee as is mutually agreeable.
- An amount as is mutually agreeable to be assessed equally to the parties. Payment is due within thirty (30) days of the date of ADR.

**IT IS FURTHER ORDERED** that self-represented litigants and each counsel of record shall attend in person and shall ensure the attendance of all persons who have full and final settlement authority at the settlement facilitation/mediation. Other persons not of record may attend upon agreement of all parties of record. All persons shall participate in good faith.

**IT IS FURTHER ORDERED** that within ten (10) days after ADR the facilitator/mediator shall file the completed certificate of compliance with the Court Clerk, and each party will return the participant questionnaire to the ADR program director.

---

District Court Judge

**PARTIES ENTITLED TO NOTICE:**

1. Mediator, address, phone and fax
2. Petitioner, address, phone and fax
3. Respondent, address, phone and fax
4. Director of ADR Programs

P.O. Box 600, 1500 Idalia Road, Bldg. A

Bernalillo, NM 87004

I hereby certify that a copy of the foregoing document was mailed to the parties listed above on the date of filing this motion.

---

[Adopted by Supreme Court Order 08-8300-09, effective April 15, 2008.]

**LR13-Form R. Stipulated settlement order.**

STATE OF NEW MEXICO

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

THIRTEENTH JUDICIAL DISTRICT COURT

---

Plaintiff/Petitioner,

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

---

Defendant/Respondent.



**STIPULATED SETTLEMENT ORDER**

**THIS MATTER** came before the court after parties participated in ADR attended by the parties in good faith. Upon completion of the ADR conference, the parties agree to the following terms (or the attached agreement):

**IT IS HEREBY ORDERED** that the parties comply with the above/attached settlement agreement.

\_\_\_\_\_

District Court Judge

[Adopted by Supreme Court Order 08-8300-09, effective April 15, 2008.]

**LR13-Form S. Notice of hearing following ADR.**

STATE OF NEW MEXICO

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

THIRTEENTH JUDICIAL DISTRICT COURT

\_\_\_\_\_

Plaintiff/Petitioner,

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

\_\_\_\_\_

Defendant/Respondent.

**NOTICE OF HEARING FOLLOWING ADR**

**PLEASE TAKE NOTICE** that the above-entitled cause is scheduled for hearing before the Honorable \_\_\_\_\_, District Court Judge, for the date, time and place set forth below:

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

PLACE: Thirteenth Judicial District Courthouse

MATTER TO BE HEARD:

\_\_\_\_\_

TIME ALLOCATED: \_\_\_\_\_

\_\_\_\_\_

Trial Court Administrative Assistant

Parties entitled to notice:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_

[Adopted by Supreme Court Order 08-8300-09, effective April 15, 2008.]

**LR13-Form T. Certificate of Compliance.**

STATE OF NEW MEXICO

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

THIRTEENTH JUDICIAL DISTRICT COURT

\_\_\_\_\_

Plaintiff/Petitioner,

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

\_\_\_\_\_

Defendant/Respondent.

**CERTIFICATE OF COMPLIANCE WITH ADR ORDER**

In accordance with the order of referral to ADR issued in the above captioned case on \_\_\_\_\_, a settlement facilitation/mediation attended by all parties was held on \_\_\_\_\_.

The case settled fully during ADR.

The case settled in part during ADR.

OR:

No ADR was held because the case settled fully before scheduled ADR.

ADR was cancelled by the court.

ADR was not held or scheduled yet because of lack of cooperation by a party or attorney.

ADR was not held for other reasons (*describe*):

I hereby certify a copy of the certificate of compliance was mailed to all parties.

\_\_\_\_\_

Settlement Facilitator/Mediator Signature

\_\_\_\_\_

Print name

[Adopted by Supreme Court Order 08-8300-09, effective April 15, 2008.]

**LR13-Form U. Order to mediation (*domestic matters only*).**

STATE OF NEW MEXICO

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

THIRTEENTH JUDICIAL DISTRICT COURT

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

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

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

### **ORDER FOR MEDIATION**

It has been made to appear to the court that a controversy exists between the parties hereto, including custody and visitation issues affecting the parties' children.

It is therefore ordered by the court that:

1. This controversy shall be referred to mediation.
2. Each party shall pay a mediation fee according to the sliding fee scale set forth in Appendix A to the Local Rules of the Thirteenth Judicial District Court, to be paid to the clerk of the court within ten (10) days from entry of this order. Unless otherwise ordered, the mediation fund of the Thirteenth Judicial District Court will subsidize payment for the first eight (8) hours of mediation.
3. The mediator shall encourage and assist the parties to resolve the contested matters in a way that is mutually satisfactory to the parties and beneficial to the best interests of the child or children.
4. Mediation proceedings shall be held in private and shall be confidential. All communications, verbal or written, from the parties to the mediator made pursuant to the order shall be inadmissible in any court hearing.
5. No report of the personal content of mediation shall be made to the court. The mediator shall inform the court by written report of the result of the mediation session. If the mediation process is successful, the agreement shall be reduced to writing on a form to be signed by the parties.
6. The parties shall make themselves available for mediation and shall participate and cooperate fully with the mediator.

7. The parties shall refrain from discussing their respective positions in the presence of the minor child or children and shall not attempt, in any manner, to align the child or children with their respective sides.

8. \_\_\_\_\_ is hereby appointed as mediator in this case. Each party shall contact the mediator within ten (10) days from the entry of this order.

9. The mediator shall complete the mediation disposition report, file with the court clerk's office a certificate of compliance and ensure each party returns the participant questionnaire to the ADR program director.

\_\_\_\_\_  
District Court Judge

**PARTIES ENTITLED TO NOTICE:**

1. Mediator, address, phone and fax
2. Petitioner, address, phone and fax
3. Respondent, address, phone and fax
4. Director of ADR Programs

P.O. Box 600, 1500 Idalia Road, Bldg. A

Bernalillo, NM 87004

I hereby certify that a copy of the foregoing document was mailed to the parties listed on date of filing.

\_\_\_\_\_  
[Adopted by Supreme Court Order 08-8300-09, effective April 15, 2008.]

**LR13-Form V. Order for advisory consultation (*domestic matters only*).**

STATE OF NEW MEXICO

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

THIRTEENTH JUDICIAL DISTRICT COURT

---

Petitioner,

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

---

Respondent.

### **ORDER FOR ADVISORY CONSULTATION**

It has been made to appear to the court that a controversy exists between the parties hereto, including custody and visitation issues affecting the parties' child or children.

**IT IS THEREFORE ORDERED** by the court that:

1. This controversy shall be referred to advisory consultation.
2. Each party shall pay a mediation/advisory consultation fee according to the sliding fee scale set forth in Appendix A to the Local Rules of the Thirteenth Judicial District Court to be paid to the clerk of the court within ten (10) days from entry of this order. Unless otherwise ordered, the mediation/advisory consultation fund of the Thirteenth Judicial District Court will subsidize the first eight (8) hours of advisory consultation.
3. An advisory consultation shall result in written recommendations to the parties. The written recommendations shall be forwarded to the judge.
4. The parties shall make themselves and their child or children, if requested, available for consultation and shall participate and cooperate fully with the advisory consultant.
5. The parties shall refrain from discussing their respective positions in the presence of the minor children and shall not attempt, in any manner, to align the children with their respective sides.
6. \_\_\_\_\_ is hereby appointed as the advisory consultant in this case. Each party shall contact the advisory consultant within ten (10) days from the entry of this order.
7. The advisory consultant shall prepare a final disposition report, file a certificate of compliance with the court clerk's office and ensure each party returns the participant questionnaire to the ADR program director.

---

District Court Judge

**PARTIES ENTITLED TO NOTICE:**

1. Mediator, address, phone and fax
2. Petitioner, address, phone and fax
3. Respondent, address, phone and fax
4. Director of ADR Programs

P.O. Box 600, 1500 Idalia Road, Bldg. A

Bernalillo, NM 87004

I hereby certify that a copy of the foregoing document was mailed to the parties listed on the date of filing.

---

[Adopted by Supreme Court Order 08-8300-09, effective April 15, 2008.]

**LR13-Form W. Mediation disposition report.**

STATE OF NEW MEXICO

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

THIRTEENTH JUDICIAL DISTRICT COURT

---

Petitioner,

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

---

Respondent.

**MEDIATION DISPOSITION REPORT**

**The parties in this case attempted mediation. The result was as follows:**

All issues were resolved before the mediation was initiated.

Mediation was held on \_\_\_\_\_. **Agreement was reached.**  
**SEE ATTACHED.**

**SET FOR HEARING.** (*Please check all that apply.*) **NOTICE OF HEARING IS ATTACHED.**

Mediation was held on \_\_\_\_\_. **Partial agreement was reached.**  
**SEE ATTACHED.**

The remaining issues to be resolved: \_\_\_\_ Custody \_\_\_\_ Visitation \_\_\_\_ Financial  
\_\_\_\_ Other

Comments:

Mediation has been terminated because

Respondent did not want mediation or failed to respond.

Petitioner failed to appear for mediation.

Respondent failed to appear for mediation.

The parties should be referred for a psychological evaluation.

Comments:



\_\_\_\_\_  
Mediator

\_\_\_\_\_  
Date

Checklist:

\_\_\_\_ Agreement attached. Agreement sent to:      \_\_\_\_\_ Parties      \_\_\_\_\_ Attorneys      \_\_\_\_\_ Judge

\_\_\_\_ Partial agreement attached. Partial agreement sent to:      \_\_\_\_\_ Parties      \_\_\_\_\_ Attorneys      \_\_\_\_\_ Judge

\_\_\_\_ Notice of hearing attached. Notice of hearing sent to:      \_\_\_\_\_ Parties      \_\_\_\_\_ Attorneys      \_\_\_\_\_ Judge

\_\_\_\_ Certificate of compliance filed with court clerk.

[Adopted by Supreme Court Order 08-8300-09, effective April 15, 2008.]

### Appendix A. Child Custody Mediation Sliding Fee Scale.

APPENDIX A — CHILD CUSTODY MEDIATION SLIDING FEE SCALE					
	Number of Children				
Gross Income	1	2	3	4	4+
\$10,000	\$10	\$10	\$10	\$10	\$10
\$12,500	\$15	\$15	\$15	\$10	\$10
\$15,000	\$15	\$15	\$15	\$15	\$15
\$17,500	\$20	\$20	\$20	\$15	\$15
\$20,000	\$20	\$20	\$20	\$20	\$20
\$22,500	\$25	\$25	\$25	\$20	\$20
\$25,000	\$25	\$25	\$25	\$25	\$25
\$27,500	\$30	\$30	\$30	\$25	\$25
\$30,000	\$30	\$30	\$30	\$30	\$30
\$32,500	\$35	\$35	\$35	\$30	\$30
\$35,000	\$35	\$35	\$35	\$35	\$35
\$37,500	\$40	\$40	\$40	\$35	\$35
\$40,000	\$40	\$40	\$40	\$40	\$40
\$42,500	\$45	\$45	\$45	\$40	\$40
\$45,000	\$45	\$45	\$45	\$45	\$45
\$47,500	\$50	\$50	\$50	\$45	\$45
\$50,000	\$50	\$50	\$50	\$50	\$50

See LR13–Form H for “Order for Mediation”.

*The hourly fee is based on gross parental income and the number of children*

*If the petitioner paid a filing fee the petitioner is given a credit of \$30.00 towards the petitioners' half of the fee.*