

DOMESTIC RELATIONS FORMS

ARTICLE 1 MANDATORY FORMS

4A-100. Domestic relations forms; short title; purpose of forms; cautions regarding use of forms.

A. **Short title.** These forms may be cited by New Mexico Rules Annotated, "NMRA" form number, as "Domestic Relations Form 4A-

_____." These forms may be used in the district courts of this state. In addition to publication in the New Mexico Rules Annotated, these forms are also available in word processing format using the Supreme Court's web site, *www.supremecourt.nm.org*.

B. **Mandatory forms.** The forms compiled as 4A-111 through 4A-132 NMRA are approved for use by attorneys in representing their clients in domestic relations cases in the district courts. These forms supersede conflicting local district court domestic relations forms.

C. **Pro se forms.** The New Mexico Supreme Court has approved Domestic Relations Forms 4A-201 to 4A-363 NMRA for use in the district court by people who are representing themselves in uncontested domestic relations cases. The forms serve a useful, but limited, purpose. They will assist the parties in completing the paperwork necessary to complete most uncontested dissolution of marriage cases. These forms are available in packets in an interactive format through the Administrative Office of the Court's web site. The interactive versions are packaged depending on the complexity of the divorce. A law librarian can assist the parties in how to access and download copies of the domestic relations forms. The forms published as 4A-201 through 4A-363 NMRA are not required to be used. Parties represented by an attorney may use other forms that serve the same purpose.

[Approved, effective November 15, 2001 through November 15, 2002.]

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-101. Domestic relations cover sheet.

DOMESTIC RELATIONS COVER SHEET1

Type or print responses. Required for attorneys only.

(Do not use in domestic violence cases.)

THIS SECTION FOR OFFICIAL USE ONLY2

Case number: _____ Assigned judge: _____ Free
process: Y N

Information for court clerk's use.

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

Petitioner's information

Petitioner's name: _____

Attorney's name: _____

Attorney address: _____

City: _____

State: _____

Zip code: _____

Telephone: _____

Respondent's name: _____

B. Case tracking (select codes from page 3)3

**Primary case type (Insert three letter
code) _____.**

**Primary claim for relief (cause of action) (Insert three
letter code) _____.**

Other claims for relief (cause of action) (Insert three letter codes)4: _____.

C. Type of pleading (mark only one)

_____ FIRST PLEADING for this party (petition)

_____ RE-OPENED (Post judgment decree, motions, petitions for enforcement or modification)

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

Has mediation or settlement facilitation been attempted?

_____ Yes _____ No.

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

END OF COVER SHEET. GO TO INFORMATION SHEET.5

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

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

DOMESTIC RELATIONS INFORMATION SHEET

Case number: _____ Assigned judge: _____

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

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

Petitioner

Respondent

Name: _____

Name: _____

(Last name, first, middle)
middle)

(Last name, first,

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

Other names (e.g.

Address: _____

Address: _____

City: _____

City: _____

State: _____

State: _____

Zip code: _____

Zip code: _____

Date of birth: _____
birth: _____

Date of

Social Security number7: _____
Security number7:

Social

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

Name: _____	Name: _____
_____ (Last name, first, middle)	_____ (Last name, first, middle)
Date of birth: _____	Date of birth: _____
Social Security number: _____	Social Security number: _____
Name: _____	Name: _____
_____ (Last name, first, middle)	_____ (Last name, first, middle)
Date of birth: _____	Date of birth: _____
Social Security number: _____	Social Security number: _____
Has any court made an order for child support? _____ Yes	
_____ No	
Has any court changed the amount of child support you requested? _____ Yes _____ No	
If you answered "Yes" to either question, what state and what court issued the order? _____ State _____ Court.	

3. Request to limit access to information.

(Optional - complete only if applicable)

[] The [petitioner] [respondent] has reason to fear domestic violence or child abuse. For this reason, please limit access to information about the [petitioner] [respondent] in the Child Support & Paternity Case Registry⁸ to the extent possible. The [petitioner] [respondent] realizes that this request may make it more difficult to assist in collecting child support. The [petitioner] [respondent] understands that the other party and the public might still view information about this case under some circumstances.

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

END OF INFORMATION SHEET

NOTE TO ATTORNEYS: DO NOT SUBMIT INFORMATION BELOW THIS LINE TO THE CLERK.⁵

CLAIMS FOR RELIEF (CAUSES OF ACTION)

Select the primary case type, primary claim for relief and all other claims for relief from the following list. Primary case types are in bold print and are either underlined or appear in

italics. "Claims for relief" appear in regular lettering to the left and below each "primary case type". Write the appropriate codes in the appropriate blank spaces on the cover sheet.

PRIMARY

CASE TYPE

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

USE NOTES

1. The Domestic Relations Cover Sheet and the Domestic Relations Information Sheet are not required in domestic

violence, commitment, guardianship, probate or adoption actions; or if you are filing a pleading that does not change or add to the first pleading.

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

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

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

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

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

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

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

5. The cover sheet is to be submitted to the clerk on one page. Unless there are more than four children, the information sheet is to be submitted on a single page. The clerk will key-enter the information on the cover sheet and place it in the

court file. Only the cover sheet will be filed. The clerk will key-enter the information on the information sheet. The information sheet will not be filed in the court file.

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

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

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

[Provisionally approved as 4-211 NMRA, effective November 1, 1999 until November 1, 2000; approved, as amended, effective November 1, 2000; recompiled to 4A-101 NMRA.]

ANNOTATIONS

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

Compiler's notes. - Pursuant to a court order dated October 27, 1999, this form is provisionally approved for twelve months effective November 1, 1999. Subsequently, by a court order dated October 23, 2000, this form was approved and adopted in its final form, effective November 1, 2000.

4A-102. Domestic relations information sheet.

DOMESTIC RELATIONS INFORMATION SHEET

(for self-represented people)

THIS SECTION FOR OFFICIAL USE ONLY1

Case number: _____

Assigned judge: _____

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

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

Petitioner

Respondent

Name: _____

Name: _____

(Last name, first, middle)
middle)

(Last name, first,

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

Other names (e.g.

Address: _____

Address: _____

City: _____

City: _____

State: _____

State: _____

Zip code: _____

Zip code: _____

Date of birth: _____
birth: _____

Date of

Social Security number2: _____ Social Security number2: _____

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

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

Date of birth: _____ Date of birth: _____

Social Security number: _____ Social Security number: _____

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

Date of birth: _____ Date of birth: _____

Social Security number: _____ Social Security number: _____

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

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

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

3. Request to limit access to information.

(Optional - complete only if applicable)

[] I have reason to fear domestic violence or child abuse. For this reason, please limit access to information about me in the Child Support & Paternity Case Registry⁴ to the extent possible. I realize that this request may make it more difficult to assist me in collecting child support. I also understand that the other party and the public might still view information about my case under some circumstances.

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

NOTE TO COURT CLERK:

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

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

To Petitioner:

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

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

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

To Respondent:

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

After you fill out this form, you will need to submit the other paper work required by law.

If you choose to represent yourself in a claim, you may still wish to talk with an attorney to discuss your rights. The people who work in the court cannot give you legal advice.

Purpose:

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

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

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

USE NOTES

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

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

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

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

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

ANNOTATIONS

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

Compiler's notes. - Pursuant to a court order dated October 27, 1999, this form is provisionally approved for twelve months effective November 1, 1999. Subsequently, by a court order dated October 23, 2000, this form was approved and adopted in its final form, effective November 1, 2000.

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

STATE OF NEW MEXICO

_____ COUNTY
_____ JUDICIAL DISTRICT

_____,
Petitioner,

v.

No.

Respondent.

MOTION FOR TEMPORARY ORDER

*(domestic relations actions)***1**

I, _____ *(name of petitioner or respondent)* request the court to enter temporary orders for the purpose of:

(check all applicable alternatives)

(1) [] temporary domestic order²;

(2) [] temporary custody of minor children;

(3) [] temporary parenting time;

(4) [] temporary child support;

(5) [] temporary division of community property;

(6) [] temporary division of income and debts;

(7) [] temporary order withholding child support from (respondent's) (petitioner's) wages and having the child support paid directly to _____ *(petitioner)* *(respondent)*;

(8) [] _____ *(other)*.

Signature of party or attorney

Name *(print)*

Address *(print)*

City, state and zip code *(print)*

Telephone number

CERTIFICATE OF SERVICE

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

Signature of attorney

Date of signature

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

AFFIDAVIT OF SERVICE

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

Signature of person who made service

Subscribed and sworn to before me

this _____ day of _____, _____.

Judge, notary or other officer
authorized to administer oaths

Official title

USE NOTES

1. See Committee Commentary to Rule 1-120 NMRA for what constitutes a domestic relations action.

2. See Rule 1-121 NMRA and Domestic Relations Form 4A-112 NMRA for the Supreme Court approved Temporary Domestic Order.

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

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated October 3, 2000, this form was provisionally approved for twelve months effective November 1, 2000. Subsequently, by a court order dated October 29, 2001, this form was approved and adopted in its final form, effective November 1, 2001.

4A-112. Temporary domestic order.

[1-121]

STATE OF NEW MEXICO

_____ COUNTY

_____ JUDICIAL DISTRICT

Petitioner,

v.

No.

Respondent.

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

THE COURT ORDERS THE PARTIES AS FOLLOWS:

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

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

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

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

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

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

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

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

(6) **Do not** incur unreasonable or unnecessary debts. Any debt that does not contribute to the benefit of both spouses or the minor children of the parties which is incurred after you have separated, may be the separate debt of the party who incurs the debt.

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

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

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

(10) **Do not** close any financial institution account² or cancel any credit cards nor remove the other party from any credit card account during pendency of this case, unless the parties otherwise agree in writing.

MODIFICATION BY COURT³

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

WAIVER BY PARTIES

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

paragraph waived by the parties.

OTHER ORDERS

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

VIOLATIONS

Violation of this court order may result in the imposition of a fine or imprisonment. This order is binding on the petitioner at the time the petition is filed. This order is effective on the respondent two (2) days after it is served on the respondent. The parties are cautioned that actions taken by either party that are contrary to the terms of this order are subject to redress by the court, including costs and attorney fees.

Date District Judge

USE NOTES

1. A scheduling order may be issued at the time a domestic relations case is docketed and served with the petition, however, the scheduling order must be issued as a separate order.
2. See Section 58-1-7 NMSA 1978 for notice to any bank of an adverse claim to a bank account.
3. Within two (2) days after service of this order, a party may file a motion requesting a hearing to dissolve this order. If the court finds the motion was frivolous or was not filed in good faith it may assess the party filing the motion with costs and attorney fees.

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

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

Compiler's notes. - Pursuant to a court order dated October 3, 2000, this form was provisionally approved for twelve months effective November 1, 2000. Subsequently, by

a court order dated October 29, 2001, this form was approved and adopted in its final form, effective November 1, 2001.

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

STATE OF NEW MEXICO

_____ COUNTY
_____ JUDICIAL DISTRICT

Petitioner,
v.

No.

Respondent.

MOTION TO MODIFY TEMPORARY ORDER

(domestic relations actions)1

I, _____ *(name of petitioner or respondent)* request the court to:

(check and complete applicable alternatives)

modify paragraph _____ of the temporary domestic order as follows:

_____.

terminate the temporary domestic order because:

_____.

terminate or modify the temporary child support because:

_____.

modify the temporary division of income and debts of the parties because2:

_____.

_____ (a.m.) (p.m.) on _____ (date).]

Signature of attorney

Date of signature

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

AFFIDAVIT OF SERVICE

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

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

Judge, notary or other officer
authorized to administer oaths

Official title

Signature

Date of signature

USE NOTES

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

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

3. If you believe that your spouse may injure you or cause some other harm to you, your the children or other household member, you may file a petition for a temporary restraining order or you may file a "Petition for Order for Protection from Domestic Abuse".

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

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated October 3, 2000, this form was provisionally approved for twelve months effective November 1, 2000. Subsequently, by a court order dated October 29, 2001, this form was approved and adopted in its final form, effective November 1, 2001.

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

[1-122]

STATE OF NEW MEXICO

COUNTY OF _____

_____ JUDICIAL DISTRICT

Petitioner,

v.

No.

Respondent.

NOTICE OF HEARING

FOR INTERIM ORDER DIVIDING

INCOME AND EXPENSES

AND ORDER FOR PRODUCTION¹

1. A hearing to allocate income and expenses or set interim child support shall be held on the _____ day of

_____, _____ at _____ (a.m.) (p.m.) at _____ (location).

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

- a. the parties' completed Interim Monthly Income and Expenses Statement²;
- b. the parties' most recent state and federal income tax returns, including all schedules;
- c. each party's three (3) most recent pay stubs, unless self-employed, in which case the parties shall be required to produce the most recent profit and loss statement and a copy of CRS-1 forms for the last six (6) months and income and expense statements for the last six (6) months;
- d. all financial institution accounts, including checking and savings account statements, for the past six (6) months;
- e. documentation of all monthly fixed expenses;
- f. credit card statements for the six (6) month period preceding the date the petition was filed; and
- g. all exhibits intended to be introduced.

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

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

District Judge

USE NOTES

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

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

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

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated October 3, 2000, this form was provisionally approved for twelve months effective November 1, 2000. Subsequently, by

a court order dated October 29, 2001, this form was approved and adopted in its final form, effective November 1, 2001.

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

[1-122]

STATE OF NEW MEXICO

COUNTY OF _____
_____ JUDICIAL DISTRICT

Petitioner,
v.

No.

Respondent.

INTERIM MONTHLY INCOME AND EXPENSES STATEMENT 1

(fixed percentage for child expenses)

STATE OF NEW MEXICO)

) ss.

COUNTY OF _____)

I, _____ (*petitioner*) (*respondent*) state under penalty of perjury that the following is true and correct at this time:

Combined	Husband	Wife
Column 3	Column 1	Column
1. Gross monthly income ²		
a. Gross monthly wages	\$ _____	\$ _____
\$ _____		
b. Rental income	\$ _____	\$ _____
\$ _____		
c. Self-employment income	\$ _____	\$ _____
\$ _____		
d. Dividends and interest	\$ _____	\$ _____

_____ \$ _____		
e. Other income	\$ _____	\$ _____
_____ \$ _____		
2. Total gross monthly income	\$ _____	\$ _____
_____ \$ _____		
3. Payroll deductions ³		
a. Federal withholding	\$ _____	\$ _____
_____ \$ _____		
b. State withholding	\$ _____	\$ _____
_____ \$ _____		
c. Estimated tax payments	\$ _____	\$ _____
_____ \$ _____		
d. FICA	\$ _____	\$ _____
_____ \$ _____		
e. Medicare	\$ _____	\$ _____
_____ \$ _____		
f. Health insurance	\$ _____	\$ _____
_____ \$ _____		
g. Life and disability insurance	\$ _____	\$ _____
_____ \$ _____		
h. Union dues	\$ _____	\$ _____
_____ \$ _____		
i. Mandatory retirement	\$ _____	\$ _____
_____ \$ _____		
j. Other	\$ _____	\$ _____
_____ \$ _____		
4. Total payroll deductions	\$ _____	\$ _____
_____ \$ _____		
(Add items in #3)		
5. Net monthly income	\$ _____	\$ _____
_____ \$ _____		
(Subtract Line 4 from Line 2)		
6. Monthly fixed expenses ⁴ :		
a. Residence ⁵	\$ _____	\$ _____
_____ \$ _____		
b. Utilities ⁶	\$ _____	\$ _____
_____ \$ _____		
c. Car payments	\$ _____	\$ _____
_____ \$ _____		
d. Insurance premiums	\$ _____	\$ _____
_____ \$ _____		
(1) Car or other vehicle	\$ _____	\$ _____
_____ \$ _____		
(2) Life ⁷	\$ _____	\$ _____
_____ \$ _____		
(3) Health ⁷	\$ _____	\$ _____
_____ \$ _____		

(4) Homeowners ⁸ or renters	\$ _____	\$ _____
\$ _____		
(5) Other	\$ _____	\$ _____
\$ _____		
e. Day care ⁹	\$ _____	\$ _____
\$ _____		
f. Credit card payments ¹⁰	\$ _____	\$ _____
\$ _____		
g. Loan payments	\$ _____	\$ _____
\$ _____		
h. Child support payments ¹¹	\$ _____	\$ _____
\$ _____		
i. Medical	\$ _____	\$ _____
\$ _____		
j. Other _____	\$ _____	\$ _____
\$ _____		
7. Total monthly fixed expenses	\$ _____	\$ _____
\$ _____		
<i>(Add items in #6 and #7)</i> ¹²		
8. Net spendable income	\$ _____	\$ _____
\$ _____		
<i>(Line 5 minus Line 7)</i>		
9. 1/2 of combined net spendable income <i>(1/2 of Line 8 Column 3)</i> ¹³	\$ _____	\$ _____
10. Amount transferred and received ¹⁴	\$ _____	\$ _____
11. Child support adjustment ¹⁵	\$ _____	\$ _____
<i>(see table, Use Note 15)</i>		
12. Total to be transferred ¹⁶	\$ _____	\$ _____

Signature

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

Notary Public

USE NOTES

1. This form is to be used with an Interim Order Allocating Income and Expenses, Domestic Relations Form 4A-123 NMRA. Unless, upon motion of a party, the court orders the division of separate income and expenses, only community income and expenses should be included on this form. In minimal or negative income cases, the court will have discretion to fashion an appropriate order.

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

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

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

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

5. Residence fixed expense is mortgage or rent actually paid. If a party receives free rent, e.g., by living with parents, that party's rent is imputed as zero. If residence expense is a mortgage payment for the residence of a party, unless already separately stated, include insurance and taxes.

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

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

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

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

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

filing of the petition.

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

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

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

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

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

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

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

One child	10%
-----------	-----

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

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

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

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

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

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated October 3, 2000, this form was provisionally approved for twelve months effective November 1, 2000. Subsequently, by a court order dated October 29, 2001, this form was approved and adopted in its final form, effective November 1, 2001.

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

[1-122]

STATE OF NEW MEXICO
 COUNTY OF _____

_____ JUDICIAL DISTRICT

Petitioner,

v.

No.

Respondent.

INTERIM ORDER ALLOCATING INCOME AND EXPENSES¹

This matter having come on for a hearing by the court and the court being sufficiently advised **FINDS, CONCLUDES AND ORDERS:**

1. **NOTICE AND APPEARANCES**

(check only applicable paragraphs)

- Petitioner was present.
- Petitioner was represented by counsel.
- Respondent was present.
- Respondent was represented by counsel.
- Respondent was properly served with a copy of the notice of hearing on the motion for temporary order dividing income and expenses.

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

_____.

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

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

5. Any assets obtained by either party after the entry of this order from that party's share of net spendable income are presumptively the separate property of the obtaining party.

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

7. _____ (name of party) shall pay to
_____ (name of

party) _____ dollars (\$ _____) 2 per month by check or money order, delivered or postmarked on or before the _____ of each month during the pendency of this case.

8. The medical and dental expenses of the child or children not covered by insurance shall be paid one-half by each party.

9. Notwithstanding entry of this order, all claims and defenses are preserved.

10. This order shall remain in effect during the pendency of this case except as modified by court order.

11. Disobedience of this order can constitute contempt of court and subject the violator to fine, imprisonment and other sanction, plus payment of attorney fees and costs to the other party.

District judge
Recommended by:

Hearing officer

Attorney for petitioner Attorney for respondent

CERTIFICATE OF MAILING

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

(1) _____
(Name of party)

(2) _____
(Name of party)

Attorney

1. This form is used with Domestic Relations Form 4A-122 NMRA.

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

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

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated October 3, 2000, this form was provisionally approved for twelve months effective November 1, 2000. Subsequently, by a court order dated October 29, 2001, this form was approved and adopted in its final form, effective November 1, 2001.

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

[1-123]

STATE OF NEW MEXICO

COUNTY OF _____

_____ JUDICIAL DISTRICT

_____,
Petitioner,

v.

No.

Respondent.

[PETITIONER] [AND] [RESPONDENT]'S COMMUNITY PROPERTY

AND LIABILITIES SCHEDULE

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

ASSETS

Combined

Value

Husband

Wife

Combined

1.

Cash

\$ _____ \$ _____

\$ _____

2. Financial institution accounts:1

a. _____ Account #

\$ _____ \$ _____

— \$ _____

b. _____ Account #

\$ _____ \$ _____

— \$ _____

c. _____ Account #

\$ _____ \$ _____

— \$ _____

d. _____ Account #

\$ _____ \$ _____

— \$ _____

3. Stocks, bonds and mutual funds:

a.

_____ Sh. _____ \$ _____ \$ _____ \$ _____

_____ b.

_____ Sh. _____ \$ _____ \$ _____ \$ _____

_____ c.

_____ Sh. _____ \$ _____ \$ _____ \$ _____

4. Insurance policies:

a. Company

_____ [Face amount

\$ _____]

Cash

value \$ _____ \$ _____ \$ _____

_____ Loan balance \$

\$ _____ \$ _____

— \$ _____

b. Company

_____ [Face amount

\$ _____]

Cash

value \$ _____ \$ _____ \$ _____

_____	Loan balance \$				
	_____		\$ _____	\$ _____	
_____	\$ _____				
5.	Real estate:				
	a. _____	\$ _____			
	Mortgage (\$/mo)	\$ _____			
	REC (\$/mo)	\$ _____			
	Cost of sale				
	(\$/%)	\$ _____	\$ _____	\$ _____	
_____	\$ _____				
_____	b. _____	\$ _____			
	Mortgage (\$/mo)	\$ _____			
	REC (\$/mo)	\$ _____			
	Cost of sale				
	(\$/%)	\$ _____	\$ _____	\$ _____	
_____	\$ _____				
6.	Vehicles:				
	a. _____	\$ _____			
	Lien				
	(\$/mo)	\$ _____	\$ _____	\$ _____	\$ _____

	b. _____	\$ _____			
	Lien				
	(\$/mo)	\$ _____	\$ _____	\$ _____	\$ _____
7.	Business				
	assets	\$ _____	\$ _____	\$ _____	
8.	Household furniture and				
	goods		\$ _____	\$ _____	
_____	\$ _____				
9.	Tax				
	refunds	\$ _____	\$ _____	\$ _____	
10.	IRA/Keogh/Annuity	\$ _____	\$ _____	\$ _____	\$ _____
11.	Retirement	\$ _____	\$ _____	\$ _____	\$ _____
12.	Retirement	\$ _____	\$ _____	\$ _____	\$ _____
13.	Other total				
	assets	\$ _____	\$ _____	\$ _____	
	Total				

assets \$ _____ \$ _____ \$ _____

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

ESTIMATED NET

ASSETS: \$ _____ \$ _____ \$ _____

Equalization of Assets: \$ _____ \$ _____
\$ _____

EQUAL ASSETS: \$ _____ \$ _____ \$ _____

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

Signature

Name *(print)*

Address *(print)*

City, state and zip code *(print)*

Telephone number

NOTARY PUBLIC

Signed and sworn to before me this _____ day of

My commission expires: _____.

USE NOTE

1. Include all checking, savings and money market accounts and certificate of deposits.

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

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated October 3, 2000, this form was provisionally approved for twelve months effective November 1, 2000. Subsequently, by a court order dated October 29, 2001, this form was approved and adopted in its final form, effective November 1, 2001.

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

STATE OF NEW MEXICO

COUNTY OF _____

_____ JUDICIAL DISTRICT

Petitioner,
v.

No.

Respondent.

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

ASSETS:	Husband	Wi
fe		
1. Checking & Savings Accounts:		
a. _____ Bk		
, _____ Ck.		
# _____ \$ _____	\$ _____	\$ _____
b. _____ Bk		
, _____ Sav.		
# _____ \$ _____	\$ _____	\$ _____
c. _____ CD #		
_____ \$ _____	\$ _____	\$ _____
d. _____ Cr Un		
# _____ \$ _____	\$ _____	\$ _____
2. Bonds/Stocks:		
a.		
_____ Sh. _____	\$ _____	\$ _____
b.		
_____ Sh. _____	\$ _____	\$ _____
3. Financial institution accounts: 1		
a. _____ Account #		
_____ \$ _____	\$ _____	\$ _____
b. _____ Account #		
_____ \$ _____	\$ _____	\$ _____
c. _____ Account #		
_____ \$ _____	\$ _____	\$ _____
d. _____ Account #		
_____ \$ _____	\$ _____	\$ _____
4. Stocks, bonds and mutual funds:		
a.		
_____ Sh. _____	\$ _____	\$ _____
b.		

_____	Sh. _____	\$ _____	\$ _____
c.			
_____	Sh. _____	\$ _____	\$ _____

5. Insurance policies:

a. Company

Policy No. _____

Face amount \$ _____

Cash value \$ _____

Loan

balance \$ _____ \$ _____ \$ _____

b. Company

Policy No. _____

Face amount \$ _____

Cash value \$ _____

Loan

balance \$ _____ \$ _____ \$ _____

6. Real estate:

a.

Present value \$ _____

Mortgage

(\$/mo) \$ _____

REC

(\$/mo) \$ _____ \$ _____ \$ _____

b.

Present value \$ _____

Mortgage

(\$/mo) \$ _____

REC

(\$/mo) \$ _____ \$ _____ \$ _____

7. Vehicles:

a.

_____ \$ _____ \$ _____

Lien

(\$/mo) \$ _____ \$ _____

b.

_____ \$ _____ \$ _____

Lien

(\$/mo) \$ _____ \$ _____

8. Business

assets \$ _____ \$ _____

9. Household furniture and

goods \$ _____ \$ _____

10. Tax

refunds	\$ _____	\$ _____
11. IRA/Keogh/Annuity	\$ _____	\$ _____
12. Retirement	\$ _____	\$ _____
13. Retirement	\$ _____	\$ _____
14. Other total assets	\$ _____	\$ _____
Total Separate Assets:	\$ _____	\$ _____
LIABILITIES:		
a. _____	\$ _____	\$ _____
b. _____	\$ _____	\$ _____
c. _____	\$ _____	\$ _____
d. _____	\$ _____	\$ _____
Total Separate Liabilities:	\$ _____	\$ _____
NET SEPARATE PROPERTY:	\$ _____	\$ _____

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

Signature

Name (*print*)

Address (*print*)

City, state and zip code (*print*)

Telephone number

NOTARY PUBLIC

Signed and sworn to before me this _____ day of

_____, _____.

My commission expires: _____

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

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated October 3, 2000, this form was provisionally approved for twelve months effective November 1, 2000. Subsequently, by a court order dated October 29, 2001, this form was approved and adopted in its final form, effective November 1, 2001.

ARTICLE 2 PRO SE FORMS

4A-201. Domestic relations forms for self-represented parties; limited purpose of forms; cautions regarding use of forms.

A. **Pro se forms.** Domestic Relations Forms 4A-201 to 4A-363 NMRA have been approved by the New Mexico Supreme Court for use in the district court by people who are representing themselves in uncontested domestic relations cases. The forms serve a useful, but limited, purpose. They will assist the parties in completing the paperwork necessary to complete most uncontested dissolution of marriage cases.

B. **Legal counsel advisable.** When you file court papers or appear in court as a self-represented person, you are your own lawyer. Get the help you need before you submit these forms. You may hire a lawyer to answer your specific questions or hire a lawyer to represent you through the process. One lawyer may represent only one of you. It is a conflict for one lawyer to represent both of you in a divorce.

C. **Issues not addressed.** Domestic Relations Forms 4A-201 through 4A-363 NMRA do not address many issues, including, but not limited to, the following:

(1) how to collect information regarding the debts, if any, of husband and wife;

(2) the rights and obligations of each of the parties to the proceeding;

(3) federal and state tax liability of each of the parties both before and after the dissolution of marriage; and

(4) how to transfer title to property.

D. Role of judge and clerk. Neither the judge nor the clerk of the court will assist in the completion of the forms or with the issues described in Paragraph C of this rule. It is the responsibility of those persons who decide to represent themselves to determine what needs to be done and take the necessary action. Those persons seeking the dissolution of marriage may need the advice of an attorney or other appropriate professional during the process. Court clerks can give you information about how to file these forms with the court. The judge decides the issues in your case, but cannot represent either one of you. The judge cannot and will not give you advice about how to fill out these forms.

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-202. Definitions.

As used in the the Domestic Relations Forms:

A. "dissolution of marriage" means a "divorce";

B. "parenting plan and child support agreement" means an agreement between the parties on child custody, visitation and support. This plan becomes a court order when it is approved by the judge as part of the final decree;

C. "party" means a husband or wife and, in paternity actions, includes a child;

D. "petitioner" means the party who files the disssolution of marriage proceeding. This person is required to pay the filing fee unless the court waives the fee. If a divorce is not contested, the parties will need to decide who will file the papers requesting a divorce;

E. "respondent" means the person who is responding to a petition; and

F. "wage withholding order" is an order that allows child support to be taken from the wages of one parent. This form is mandatory if the husband, wife or their children are receiving welfare, Aid to Families with Dependent Children (AFDC) or other state support.

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-203. Forms not available through courts.

A. **Other types of forms needed.** The domestic relations forms do not include forms which transfer or change legal title to property. You will need to obtain the appropriate forms to transfer title to some property.

B. **Forms you may need to transfer real property.** To transfer title to real property, such as land, a house or a lot, a deed must be completed and filed in the county clerk's office in the county where the real property is located. The laws of each state will control the transfer of real property.

C. **Forms needed to transfer a vehicle.** To transfer title to a car, truck or other vehicle registered in this state, the necessary forms and instructions may be obtained from the Motor Vehicle Division of the Taxation and Revenue Department.

D. **Forms needed to transfer retirement accounts.** To transfer a retirement account, such as an IRA or pension plan, a qualified domestic relations order must be signed by the judge. You will need a lawyer's help to draft this form for the judge's signature.

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-204. General instructions on completion of self-represented party forms.

A. **Type or print.** You must type or print all of the information on the forms that you fill out. If there is not enough room for your answer on the form, write the answer on a separate page and staple the page to the form.

B. **Sign the pleadings.** Your signature on a paper filed with the court constitutes a certificate that you have read the paper and that to the best of your knowledge, information and belief there is good grounds to support it. Your signature on some forms must be witnessed by a notary.

C. Forms required to be signed before a notary. The person named as "petitioner" on the Petition for Dissolution of Marriage, Form 4A-301 or 4A-302 NMRA, must sign the petition before a notary. In addition, both parties must sign the Verified Marital Settlement Agreement, Form 4A-311 or 4A-312 NMRA, before a notary. By signing these forms, you are swearing or affirming, under oath or affirmation and penalty of perjury, that the information in the forms is true and correct.

D. File the forms with the court. After you have filled out and signed the forms, you must file them with the court clerk. You will need to file:

- (1) two (2) copies of the Domestic Relations Information Sheet, Form 4A-102 NMRA;
- (2) original and two (2) copies of the Petition for Dissolution of Marriage, Form 4A-301 or 4A-302 NMRA;
- (3) original and two (2) copies of the Verified Marital Settlement Agreement, Form 4A-311 or 4A-312 NMRA;
- (4) original and two (2) copies of the Final Decree of Dissolution of Marriage, Forms 4A-341 and 4A-342 NMRA;
- (5) if the parties have children under the age of eighteen (18) an original and two (2) copies of parenting plan and child support agreement, Form 4A-331 NMRA;
- (6) if the parties have children, an original and two (2) copies of the Child Support Worksheet; and
- (7) if one of the parties or their children are receiving welfare or other state support, an original and two (2) copies of a wage withholding order, Form 4A-362 NMRA.

E. Pay the filing fee. Before the clerk will file the forms, you must pay the clerk a filing fee. This fee must be paid in cash or money order, unless the court has waived the fee. The court will waive the fee only if the court determines you are financially unable to pay the fee. If you are unable to pay the filing fee, you will need to comply with Domestic Relations Form 4A-211 NMRA of the instructions for self-represented parties. You will also need to file an application and order for free process, Domestic Relations Form 4A-361 NMRA. You may also be required to file additional or different forms by the court.

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-205. Domestic relations forms; required forms.

A. Required and optional forms. There are usually four forms that must be used by parties who are representing themselves in simple uncontested divorce cases. Other forms may be necessary depending on the facts of the case.

B. Required forms for a divorce case. If you are representing yourselves in a divorce proceeding, you must file the following forms with the court and pay the applicable filing fee:

(1) the Domestic Relations Information Sheet, Form 4A-102 NMRA. This form contains general information about you and your case;

(2) the Petition for Dissolution of Marriage. There are two forms provided, one for uncontested divorces with no children, Form 4A-301 NMRA and one for uncontested divorces with children, Form 4A-302 NMRA. The Petition for Dissolution of Marriage is used to petition or ask the judge for a divorce;

(3) the Verified Marital Settlement Agreement. These forms describe how you will divide your property and debt. There are two forms for uncontested divorce cases. Domestic Relations Form 4A-311 NMRA is used when there is a simple property and debt division. A complex form, Domestic Relations Form 4A-312 NMRA, is provided for use when there are more complex property and debt issues and the parties have agreed how the property and debt will be divided; and

(4) the Final Decree of Dissolution of Marriage, Form 4A-341 or 4A-342 NMRA. This form is used for the judge to grant the divorce and divide property and debts. There are two forms for uncontested divorce cases. The first form, Domestic Relations Form 4A-341 NMRA, is provided for use when there are no children. The second form, Domestic Relations Form 4A-342 NMRA, is provided when the parties have minor children and have agreed on custody and other issues relating to their children. If there are children, a parenting plan and child support agreement will also be required.

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-206. Domestic relations information sheet.

The Domestic Relations Information Sheet, Form 4A-102 NMRA, is required to start a domestic relations case. The Domestic Relations Information Sheet will not be filed in the court file created for your case. The public will not be able to get your social security number from the Domestic Relations Information Sheet. The clerk of the court will fill in the information in the case number and assigned judge spaces of the official use section. Even though your case is uncontested and you are filing together, one of you

must be the petitioner and the other must be the respondent. Each of you must fill in your name starting with your last name first, your address, date of birth and social security number. If you have more than one social security number, write in all your social security numbers. Unless the parties have children under eighteen (18) years of age, skip the section requesting information about children. If you and your spouse have minor children from this marriage, you will need to complete the information relating to children on this form.

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-207. Petition for dissolution of marriage.

The Petition for Dissolution of Marriage, no children, Form 4A-301 NMRA, tells the court that you want a divorce and that you have agreed on how you will divide all of your property and debts. Type or print your answers. When you have completed the Petition for Dissolution of Marriage, the petitioner must sign the petition in front of a notary.

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-208. Verified marital settlement agreement.

A. **General.** The Verified Marital Settlement Agreement, Domestic Relations Form, is required to be completed in uncontested divorce cases. Make sure it is complete and correct. It is recommended that you see a lawyer to make sure this form is filled out correctly. There are two Verified Marital Settlement Agreement forms, Domestic Relations Forms 4A-311 and 4A-312 NMRA.

B. **Purpose of form.** The Verified Marital Settlement Agreement describes and explains all of your agreements about your divorce. Once the judge signs the Final Decree of Dissolution of Marriage Form, you are ordered by the court to do the things that you have agreed to do in this form. Type or print your answers. Fill out all of the details of the agreement between the two of you. Fill out Attachment A if you need more space or include a separate sheet of paper.

C. **Simple form.** Domestic Relations Form 4A-311 NMRA, is used in simple property settlement cases typically where the parties do not own a home together and do not have retirement accounts.

D. **Complex form.** The second Verified Marital Settlement Agreement, Form 4A-312 NMRA, is used when:

- (1) one of the assets to be divided is a retirement or pension plan;
- (2) the parties jointly own a home, car or other vehicle; or
- (3) one of the parties will receive alimony (spousal support).

E. **Signature must be witnessed by notary.** The Verified Marital Settlement Agreement must be signed by both parties in front of a notary. By signing this form, the parties are swearing, under oath and penalty of perjury, that the information in the form is true and correct.

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-209. Final decree of dissolution of marriage.

A. **General.** The final decree is the form that grants you a divorce. This form is necessary to complete the divorce. Once this form is signed, the parties can no longer bind each other to debt. Once the judge signs the final decree, the parties are required by the court to do the things that they have agreed to do in the Verified Marital Settlement Agreement. Except for the judge's signature, this form must be completed by the parties. The parties may need a copy of this form after it is signed by the judge and filed with the clerk. If the wife wants to change her name, she may need a certified copy of the final decree to prove her name change for such purposes as social security.

B. **Final decree form without children.** In simple cases, Domestic Relations Form 4A-341 NMRA is used for the final decree.

C. **Final decree form with children.** In cases in which the parties have minor children, Domestic Relations Form 4A-342 NMRA is used for the final decree.

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ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-210. Motion for entry of final decree.

A. **Purpose.** The motion for entry of final decree may be used by a husband and wife who after the filing of the initial petition for dissolution of marriage later agree on a final disposition of the proceedings, including all issues relating to the division of property and debts, any alimony and, if there are any children, child support and custody.

B. **Types of motions.** There are two motions for entry of final decree. The first form is used when there are no children, Form 4A-321 NMRA. The second motion for entry of final decree form, Form 4A-322 NMRA, is used when the parties have minor children.

C. **Procedure.** Prior to filing a motion for final decree the parties shall fill out:

(1) the applicable Motion for Entry of Final Decree, Form 4A-321 or 4A-322 NMRA;

(2) the applicable Verified Marital Settlement Agreement, Form 4A-311 or 4A-312 NMRA;

(3) if the parties have minor children, the Parenting Plan, Form 4A-331 NMRA; and

(4) the applicable final decree form, Form 4A-341 or 4A-342 NMRA.

D. **Notary.** The signatures of both parties on the Verified Marital Settlement Agreement and parenting plan must be witnessed by a notary.

E. **Filing.** After the parties have completed and signed the forms, one party must file them with the court clerk.

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-211. Application for free process.

Domestic Relations Form 4A-361 NMRA has been provided for use by any person who qualifies for free process. The district court may require completion of another or additional form. "Free process" means that a party does not have to pay all or a part of the filing fee. A party may qualify for free process if the party has very little money and property. If you think that you qualify for free process fill out an application for free

process, Form 4A-361 NMRA, or other form available through the district court clerk's office.

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-221. Uncontested divorce without children; petition; instructions.

A. When to use the instructions in this rule. You should use the instructions in this rule if you and your spouse:

- (1) do not have children under eighteen (18) years of age from the marriage;
- (2) have not filed any other papers in this case;
- (3) agree on how you are going to divide all the property and debt from your marriage; and
- (4) are both willing to sign these forms.

B. Required forms. The following forms are required in a domestic relations case without children:

- (1) the Domestic Relations Information Sheet, Rule 4A-206 NMRA and Form 4A-102 NMRA;
- (2) the Petition for Dissolution of Marriage, Rule 4A-207 NMRA and Form 4A-301 NMRA;
- (3) the Verified Marital Settlement Agreement, Rule 4A-208 NMRA;
 - (a) use Domestic Relations Form 4A-311 NMRA if the parties have no home, vehicle or retirement plan and there will be no alimony paid; or
 - (b) use Domestic Relations Form 4A-312 NMRA for all cases other than those described in Subparagraph (3)(a) of this paragraph; and
- (4) the Final Decree of Dissolution of Marriage, Rule 4A-209 NMRA and Form 4A-341 NMRA.

C. Availability of court forms. Self represented parties may use the forms available on the Internet at *www.nmcourts.com*, family law forms. These forms are in packets prepared to assist them in uncontested divorces.

D. Filing of forms. After you have filled out and signed the forms you must file them with the court clerk. Except for the Domestic Relations Information Sheet you will need an original and two (2) copies of each form.

E. Transfer of title to property. The court provided forms do not transfer title to property such as a house, land, a vehicle or a retirement account. See Rule 4A-203 NMRA for a discussion concerning transferring title to property or obtaining a qualified domestic relations order after the judge has granted your divorce.

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ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-222. Uncontested divorce without children; motion; instructions.

A. Scope of this rule. You may use the forms described below if you or your spouse have already filed a petition for dissolution of marriage and:

- (1) do not have children under eighteen (18) years of age from this marriage;
- (2) now agree on how you are going to divide all the property and debt from your marriage; and
- (3) are both willing to sign these forms.

B. Required forms. The following forms are required to complete a pending divorce case described in Paragraph A of this rule:

- (1) the motion for entry of final decree, no children, Form 4A-321 NMRA;
- (2) the Verified Marital Settlement Agreement, Rule 4A-208 NMRA;
 - (a) use Domestic Relations Form 4A-311 NMRA if the parties have no home, vehicle or retirement plan and there will be no alimony paid;
 - (b) use Domestic Relations Form 4A-312 NMRA for all cases other than those described in Subparagraph (2)(a) of this paragraph;

(3) the Final Decree of Dissolution of Marriage, Rule 4A-209 NMRA and Form 4A-341 NMRA; and

(4) the Final Decree of Dissolution of Marriage, Rule 4A-209 NMRA and Form 4A-341 NMRA.

C. Availability of court forms. Self-represented parties may use the forms available on the Internet at *www.nmcourts.com*, family law forms. These forms are in packets prepared to assist in uncontested divorces.

D. Filing of forms. After you have filled out and signed the forms you must file them with the court clerk. Except for the Domestic Relations Information Sheet you will need an original and two (2) copies of each form.

E. Transfer of title to property. The court provided forms do not transfer title to property such as a house, land, a vehicle or a retirement account. See Rule 4A-203 NMRA for a discussion concerning transferring title to property or obtaining a qualified domestic relations order after the judge has granted your divorce.

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ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-223. Uncontested divorce with children; petition; instructions.

A. When to use the instructions in this rule. You should use the instructions in this rule if you and your spouse:

- (1) have children under eighteen (18) years of age from this marriage;
- (2) have not filed any other papers in this case;
- (3) agree on how you are going to divide all the property and debt from your marriage; and
- (4) are both willing to sign these forms.

B. Required forms. The following forms are required in a domestic relations case with children:

- (1) the Domestic Relations Information Sheet, Rule 4A-206 NMRA and Form 4A-102 NMRA;

(2) the Petition for Dissolution of Marriage, Rule 4A-207 NMRA and Form 4A-302 NMRA;

(3) a Parenting Plan and Child Support Agreement, Form 4A-331 NMRA. In this form you make parenting decisions about your children and the judge decides the amount of child support to be paid in your case. The court may require the use of a different parenting plan.

(4) a child support worksheet. You are required to complete and sign a child support worksheet before the judge will decide the amount of child support to be paid in your case. This form is a statutory form and not one approved by the Supreme Court. It is recommended that self-represented parties use the form that is available on the Internet at www.nmcourts.com, family law forms. See also Section 40-4-9.1 NMSA 1978 for the child support worksheet. If you are not using the child support amount from the Child Support Worksheet you must explain why. The judge will decide if you can use a child support amount that is different than the child support amount from the Child Support Worksheet.

(5) the Verified Marital Settlement Agreement, Rule 4A-208 NMRA;

(a) use Domestic Relations Form 4A-311 NMRA if the parties have no home, vehicle, retirement plan and there will be no alimony paid;

(b) use Domestic Relations Form 4A-312 NMRA for all cases other than those described in Subparagraph (5)(a) of this paragraph; and

(6) the Final Decree of Dissolution of Marriage, Rule 4A-209 NMRA and Form 4A-342 NMRA.

C. Filing of forms. After you have filled out and signed the forms you must file them with the court clerk. Except for the Domestic Relations Information Sheet you will need an original and two (2) copies of each form.

D. Parenting plan. A Parenting Plan and Child Support Agreement, Form 4A-331 NMRA, must be completed. In this form, the parties make parenting decisions about their children and the judge decides the amount of child support to be paid. The court may require the use of a different parenting plan. Before you fill in the child support information in Part C of the Parenting Plan and Child Support Agreement, Domestic Relations Form 4A-331 NMRA, you will need to fill out the child support worksheet. A copy of the child support worksheet must be attached to the completed Parenting Plan and Child Support Agreement.

E. Child support worksheet. You are required to complete and sign a Child Support Worksheet before the judge will decide the amount of child support to be paid in your case. This form is available on the Internet at www.nmcourts.com, family law forms. See also Section 40-4-9.1 NMSA 1978 for the child support worksheet.

F. Wage withholding order. The Wage Withholding Order, Form 4A-362 NMRA, is mandatory if either you or your spouse has received welfare, Aid to Families with Dependent Children (AFDC) or other state support. This order provides for wages to be withheld from a parent's paycheck for payment of child support. Instead of paying the money directly to the parent who will receive child support, the check is first sent to the Child Support Enforcement Division of the Human Services Department. The Child Support Enforcement Division will pay the child support as provided in the Final Decree of Dissolution of Marriage, Domestic Relations Form 4A-342 NMRA. If you do not want child support to be taken out of your paycheck you must tell the judge how child support will be paid. If you do not pay child support for one month, the judge can order the child support taken out of your paycheck. The judge can also require that you pay interest on any unpaid child support. When you finish filling out the Parenting Plan and Child Support Agreement, both parties must sign it before a notary under oath or affirmation and penalty of perjury. Make sure that the information is true and correct before signing.

G. Availability of court forms. Self-represented parties may use the forms available on the Internet at www.nmcourts.com, family law forms. These forms are in packets prepared to assist them in uncontested divorces.

H. Transfer of title to property. The court provided forms do not transfer title to property such as a house, land, a vehicle or a retirement account. See Rule 4A-203 NMRA for a discussion concerning transferring title to property or obtaining a qualified domestic relations order after the judge has granted your divorce.

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-224. Uncontested divorce with children; motion; instructions.

A. Scope of this rule. You may use the forms described below if you or your spouse have already filed a Petition for Dissolution of Marriage and have children under eighteen (18) years of age from this marriage and you and your spouse:

(1) now agree on how you are going to divide all the property and debt from your marriage; and

(2) are both willing to sign these forms.

B. Required forms. The following forms are required to complete a pending divorce case described in Paragraph A of this rule:

(1) the Motion for Entry of Final Decree, with children, Form 4A-322 NMRA;

(2) a Parenting Plan and Child Support Agreement, Form 4A-331 NMRA. In this form you make parenting decisions about your children and the judge decides the amount of child support to be paid in your case. The court may require the use of a different parenting plan.

(3) a Child Support Worksheet. You are required to complete and sign a Child Support Worksheet before the judge will decide the amount of child support to be paid in your case. This form is a statutory form and not one approved by the Supreme Court. It is recommended that self represented parties use the form that is available on the Internet at www.nmcourts.com, family law forms. See also Section 40-4-9.1 NMSA 1978 for the Child Support Worksheet. If you are not using the child support amount from the Child Support Worksheet, you must explain why. The judge will decide if you can use a child support amount that is different than the child support amount from the Child Support Worksheet.

(4) the Verified Marital Settlement Agreement, Rule 4A-208 NMRA;

(a) use Domestic Relations Form 4A-311 NMRA if the parties have no home, vehicle or retirement plan and there will be no alimony paid;

(b) use Domestic Relations Form 4A-312 NMRA for all cases other than those described in Subparagraph (4)(a) of this paragraph; and

(5) the Final Decree of Dissolution of Marriage, Rule 4A-209 NMRA and Form 4A-342 NMRA.

C. Availability of court forms. Self-represented parties may use the forms available on the Internet at www.nmcourts.com, family law forms. These forms are in packets prepared to assist them in uncontested divorces.

D. Filing of forms. After you have filled out and signed the forms you must file them with the court clerk. Except for the Domestic Relations Information Sheet you will need an original and two (2) copies of each form.

E. Transfer of title to property. The court provided forms do not transfer title to property such as a house, land, a vehicle or a retirement account. See Rule 4A-203 NMRA for a discussion concerning transferring title to property or obtaining a qualified domestic relations order after the judge has granted your divorce.

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-231. Uncontested petition for paternity.

A. **Purpose.** Domestic Relations Forms 4A-351, 4A-352 and 4A-353 NMRA are used to establish paternity and Form 4A-331 NMRA is used for a parenting plan and child support. These forms are not exclusive. They are provided to assist those persons who represent themselves in a paternity action.

B. **Who may use forms.** These forms may be used by either or both parents of a child if:

- (1) the child is under eighteen (18) years of age;
- (2) neither parent has filed any other papers in this case;
- (3) the parents agree on a parenting plan for the child;
- (4) the parents agree on the amount of child support they will recommend to the judge; and
- (5) the parents are both willing to sign these forms.

C. **Required forms.** The following forms are required in a domestic relations case with children:

- (1) the Domestic Relations Information Sheet, Domestic Relations Forms 4A-206 and 4A-102 NMRA;
- (2) the Petition to Establish Parentage, Domestic Relations Form 4A-351 NMRA. In an uncontested paternity case, this form is used to tell the court that both of the parties agree that they are the child's parents and would like the court to establish parentage.
- (3) a Parenting Plan and Child Support Agreement, Form 4A-331 NMRA. In this form, you make parenting decisions about your children and the judge decides the amount of child support to be paid. The court may require the use of a different parenting plan;
- (4) a Child Support Worksheet. You are required to complete and sign a child support worksheet before the judge will decide the amount of child support to be paid. This form is a statutory form and not one approved by the Supreme Court. It is recommended that self-represented parties use the form that is available on the Internet at www.nmcourts.com, family law forms. See also Section 40-4-9.1 NMSA 1978 for the child support worksheet. If you are not using the child support amount from the Child Support Worksheet, you must explain why. The judge will decide if you can use a child support amount that is different than the child support amount from the Child Support Worksheet; and

(5) a Final Decree of Parentage, Form 4A-353 NMRA. This form is used to establish paternity, a parenting plan and child support and custody. Once the judge signs this form, you are ordered by the court to do the things that you have agreed to do in the parenting plan.

D. Wage withholding order. A Wage Withholding Order, Form 4A-362 NMRA, is mandatory if either you or your spouse has received welfare, Aid to Families with Dependent Children (AFDC) or other state support. This order provides for wages to be withheld from a parent's paycheck for payment of child support. Instead of paying the money directly to the parent who will receive child support, the check is first sent to the Child Support Enforcement Division of the Human Services Department. The Child Support Enforcement Division will pay the child support as provided in the Final Decree of Parentage, Domestic Relations Form 4A-353 NMRA. If you do not want child support to be taken out of your paycheck, you must tell the judge how child support will be paid. If you do not pay child support for one month, the judge can order the child support taken out of your paycheck. The judge can also require that you pay interest on any unpaid child support. When you finish filling out the Parenting Plan and Child Support Agreement, both parties must sign it before a notary under oath or affirmation and penalty of perjury. Make sure that the information is true and correct before you sign.

E. Availability of court forms. Self represented parties may use the forms available on the Internet at www.nmcourts.com, family law forms. These forms are in packets prepared to assist them in uncontested divorces.

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-232. Uncontested motion for judgment; paternity; instructions.

A. Scope of this rule. You may use the forms described below if one of the parents of a child under eighteen (18) years of age have already filed a petition to establish parentage of the child and both parties agree that they are the parents of the child and are now willing to sign all of the forms described below.

B. Who may use forms. These forms may be used by the parents of a child if:

(1) the child is under eighteen (18) years of age;

(2) the parents agree on a parenting plan for the child;

(3) the parents agree on the amount of child support they will recommend to the judge;
and

(4) the parents are both willing to sign these forms.

C. Required forms. The following forms are required in a domestic relations case with children:

(1) the Motion to Establish Parentage, Form 4A-352 NMRA;

(2) a Parenting Plan and Child Support Agreement, Form 4A-331 NMRA. In this form you make parenting decisions about your children and the judge decides the amount of child support to be paid in your case. The court may require the use of a different parenting plan;

(3) a Child Support Worksheet. You are required to complete and sign a child support worksheet before the judge will decide the amount of child support to be paid in your case. This form is a statutory form and not one approved by the Supreme Court. It is recommended that self-represented parties use the form that is available on the Internet at www.nmcourts.com, family law forms. See also Section 40-4-9.1 NMSA 1978 for the Child Support Worksheet. If you are not using the child support amount from the Child Support Worksheet you must explain why. The judge will decide if you can use a child support amount that is different than the child support amount from the Child Support Worksheet; and

(4) a Final Decree of Parentage. This form is used to establish paternity, a parenting plan and child support and custody. Once the judge signs this form, you are ordered by the court to do the things that you have agreed to do in the parenting plan.

D. Wage withholding order. The Wage Withholding Order, Form 4A-362 NMRA, is mandatory if either you or your spouse has received welfare, Aid to Families with Dependent Children (AFDC) or other state support. This order provides for wages to be withheld from a parent's paycheck for payment of child support. Instead of paying the money directly to the parent who will receive child support, the check is first sent to the Child Support Enforcement Division of the Human Services Department. The Child Support Enforcement Division will pay the child support as provided in the Final Decree of Parentage, Domestic Relations Form 4A-353 NMRA. If you do not want child support to be taken out of your paycheck you must tell the judge how child support will be paid. If you do not pay child support for one month, the judge can order the child support taken out of your paycheck. The judge can also require that you pay interest on any unpaid child support. When you finish filling out the Parenting Plan and Child Support Agreement, Form 4A-331 NMRA, both parties must sign it before a notary under oath or affirmation and penalty of perjury. Make sure that the information is true and correct before signing.

E. Availability of court forms. Self-represented parties may use the forms available on the Internet at www.nmcourts.com, family law forms. These forms are in packets prepared to assist in uncontested divorces.

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-301. Petition for dissolution of marriage (*no children*).

STATE OF NEW MEXICO

_____ COUNTY
_____ JUDICIAL DISTRICT

Petitioner,

v.

No.

Respondent.

PETITION FOR DISSOLUTION OF MARRIAGE

(No Children)

I, _____, *(person listed as petitioner above)*
am the Petitioner in this case and I am married to
_____ *(person listed as respondent)*. We are married
and wish to get a divorce. We ask the court for a Final Decree
of Dissolution of Marriage ("final decree") granting us the
divorce.

(use applicable alternatives and complete)

1. [One of us has] [Both of us have] been living in New
Mexico for at least the past six (6) months. Husband lives in
_____ County. Wife lives in _____
County. Venue is proper because one of us lives in the county
listed in the case caption above.

2. We were married on _____ *(date)*. We are now
incompatible.

3. We have thought carefully about our property, debts and
our duties to each other.

4. We know that we are making very important decisions that affect our rights and obligations. Both of us have completed and signed a Verified Marital Settlement Agreement ("agreement") and ask the judge to accept our agreement. We understand that once the judge signs the final decree, we will be ordered to do the things we agree to do in the agreement.

5. We each have gotten the help we thought was needed in order to sign this document.

6. We each have copies of all documents we are filing with the court. No one needs to serve any of the documents on us. We agree that this court has power to make orders about us in this case.

7. We do not have minor children from this marriage and none are expected.

8. The agreement is a fair and complete division of our property and debts.

When I sign here, I am telling the judge that I have read this document and agree with everything in it. I state upon my oath or affirmation that this document and the statements in it are true and correct to the best of my information and belief.

Petitioner's signature
Address: _____

Telephone: _____
STATE OF NEW MEXICO)

) ss.
COUNTY OF _____)

Acknowledged, subscribed and sworn to before me this _____ day of _____, _____ by _____, the petitioner.

Notary Public

My commission expires: _____
I have read this document and agree with everything in it. This document, and the statements in it, are true and correct as far as I know and believe.

Respondent's signature
Address: _____

Telephone: _____
[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Cross references. - For an explanation of this form, see Form 4A-207 NMRA.

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-302. Petition for dissolution of marriage (*with children*).

STATE OF NEW MEXICO

_____ COUNTY
_____ JUDICIAL DISTRICT

Petitioner,

v.

No.

Respondent.

PETITION FOR DISSOLUTION OF MARRIAGE

(With Children)

I, _____, (*person listed as Petitioner above*) am the Petitioner in this case and I am married to _____ (*person listed as Respondent above*). We are married and wish to get a divorce. We ask the court for a Final Decree of Dissolution of Marriage ("final decree") granting us the divorce.

(use applicable alternatives and complete)

1. [One of us has] [Both of us have] been living in New Mexico for at least the past six (6) months. Husband lives in _____ County. Wife lives in _____ County. Venue is proper because one of us lives in the county listed in the case caption above.

2. We were married on _____ (*date*). We are

now incompatible.

3. We have thought carefully about our property, debts and our duties to each other.

4. We understand that we are making very important decisions that affect our rights and obligations. Both of us have completed and signed a Verified Marital Settlement Agreement ("Agreement") and ask the judge to accept our Agreement. We understand that once the judge signs the final decree, we will be ordered to do the things in the Agreement.

5. We each have gotten the help we thought was needed in order to sign this document.

6. We each have copies of all documents filed with the court. No one needs to serve any of the documents on us. We agree that this court has power to make orders about us in this case.

7. The Agreement is a fair and complete division of our assets and debts.

8. We have or are expecting _____ (*total number*) minor [child] [children] from this marriage. We are filing the Parenting Plan and Child Support Agreement ("Parenting Plan") at the same time as we file this Petition. The Parenting Plan is fair and complete. The following information is REQUIRED by law. *Complete fully.*

9. Our children are: (*You must include the name, the date of birth and social security number for each minor child. You must also provide each address of each child for the last five (5) years. Use a separate sheet if necessary.*)

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

Date of birth: _____

Social Security number: _____

Present address:

_____ (*street*)

_____ (*city*)

_____ (*state and zip code*)

Next previous address:

_____ (*street*)

_____ (*city*)

_____ (*state and zip code*)

Next previous address:

_____ (*street*)

_____ (city)
 _____ (state and zip code)
 Name: _____ (Last name,
 first, and middle)
 Date of birth: _____
 Social Security number: _____
 Present address:
 _____ (street)
 _____ (city)
 _____ (state and zip code)
 Next previous address (if applicable):
 _____ (street)
 _____ (city)
 _____ (state and zip code)
 Next previous address (if applicable):
 _____ (street)
 _____ (city)
 _____ (state and zip code)

10. Our [child has] [children have] lived in New Mexico since
 birth or for at least the past six (6) months.
 (complete if applicable)

11. The following divorce, separation, order of protection,
 child support, paternity, abuse or neglect cases have been
 previously filed by me, the respondent or the state:

Type of Case	Year Filed	Case
Number	Where Filed	
(if known)	(if	
known)	(city and state)	
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

12. Does anyone else other than you as parents of your
 [child[[children] have or say they have:
 Custody of your child(ren)? [] Yes [] No
 Visitation rights with your child(ren)? [] Yes [] No
 If you answered both questions "No", go to next section.
 If you answered "Yes" to either question, complete the
 following information:

_____ (Name of person)
 _____ (Address)
 _____ (Name of person)

(Address)

13. We understand that once the judge signs the final decree, we will be ordered to do the things we agreed to do in the Parenting Plan.

When I sign here, I am telling the judge that I have read this document and agree with everything in it. I state upon my oath or affirmation that this document and the statements in it are true and correct to the best of my information and belief.

Petitioner's signature

Address: _____

Telephone: _____

STATE OF NEW MEXICO)

) ss.

COUNTY OF _____)

Acknowledged, subscribed and sworn to before me this _____ day of _____, _____ by _____, the petitioner.

Notary Public

My commission expires: _____

I have read this document and agree with everything in it. This document, and the statements in it, are true and correct as far as I know and believe.

Respondent's signature

Address: _____

Telephone: _____

USE NOTE

1. The statements regarding children are required to comply with the requirements of the (UCCJA).

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Cross references. - For an explanation of this form, see Rule 4A-207 NMRA.

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-311. Verified marital settlement agreement (*simple*).

STATE OF NEW MEXICO

_____ COUNTY
_____ JUDICIAL DISTRICT

_____,
Petitioner,
v.

No.

_____,
Respondent.

VERIFIED MARITAL SETTLEMENT AGREEMENT¹

*(Simple)*²

_____ (*husband's name*) and _____
(*wife's name*) are married. We agree to this entire Agreement. We will each follow this Agreement beginning on the day we both sign it. We understand that the Judge may make changes to this Agreement and that we must comply with any changes made.

PROPERTY WE ARE DIVIDING³

Anything that one of us buys after we have both signed this Agreement will belong only to that person. Any money that one of us borrows after we have both signed this Agreement will be the debt of, and owed by, that person only. We understand that this Agreement may not bind creditors.

1. **Property.** We have divided all of our property that we know about between us. We attach a Property List (Attachment A) showing property that we are keeping so that we have a written list of the items we have divided.

(Choose either A or B)

[] A. Each of us already has possession of all the personal property (*such as clothing, furniture or artwork*) that we each expect to receive. All assets that list one of us as owner are in the name of the person who is entitled to receive them.

[] B. We will make sure that each of us has our own property by _____ (*date*).

DEBTS WE ARE DIVIDING

1. **Debt.** Any debt not listed is the responsibility of the person who created it. Each of us will pay debts we created before our marriage, unless we state differently here.

(Choose A or B)

A. We have no debt from our marriage.

B. We attach a debt list (Attachment A) showing the debts we each will pay.

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

3. **Taxes.** Each of us will file separate returns for this tax year. We will share information necessary to correctly file our income tax returns. We will get the help we need to file our taxes.⁴

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

5. **Legal promise.** Each of us makes the following legal promise: Our debts have been divided in a fair way. I will pay the debts listed under my name on the debt list. If I don't, my spouse may be forced to make that payment. I must pay back my spouse for that payment and other extra costs, such as lawyer fees, spent by my spouse because I failed to pay.

OTHER STATEMENTS BY PARTIES

1. **Good faith disclosure.** I, the husband, and I, the wife, state under oath that we have disclosed all assets and debts that we are aware of. We discussed and exchanged documents giving important information about the issues in this Agreement. Each of us has relied on that information.

2. **Documents.** We will each sign the documents we need to divide the property.

3. **Future issues.**⁵

A. **Completing the agreement.** If:

(1) one of us does not do what we said in this Agreement;
or

(2) we cannot agree on what this Agreement says, either of us may ask the judge to decide the issue. The judge may make one party pay costs such as attorney fees.

B. **Things left out of the agreement.** If we forgot or failed to list any property or debt, we will seek the help we need in order to include the property or debt in our Agreement.⁶

4. **Final agreement.** After signing this Agreement, neither of us can later claim that we agreed to something different from either

A. what is in this Agreement; or

B. a signed written change.

VERIFICATION

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

I have read this Agreement and agree with everything in it;

I have read the warnings and cautions listed in this Agreement;

I have gotten the help I needed before signing this Agreement; and

This document and the statements in it are true and correct to the best of my knowledge and belief.

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

_____		_____
Husband's signature	Wife's signature	
Address: _____		Address: _____
_____		_____

_____	_____
Telephone: _____	Telephone: _____

STATE OF NEW MEXICO)
COUNTY OF _____) ss.
Acknowledged, signed and sworn to before me this
_____ day of _____, _____ by
_____, the husband.

Notary public
My commission expires: _____.
STATE OF NEW MEXICO)
COUNTY OF _____) ss.
Acknowledged, signed and sworn to before me this
_____ day of _____, _____ by
_____, the wife.

Notary public
My commission expires: _____.

PROPERTY LIST

(Attach separate page if needed.)

Each of us lists the property we are keeping so that we have a written history of the items we have divided. (List all items over two hundred fifty dollars (\$250.00) that you own such as land, houses, cars, bank accounts, art. Do not use this form if you have a retirement account. See the court clerk for a packet that has a detailed Marital Settlement Agreement.)

Husband		Wife	
Item	Value	Item	Value
1.			
2.			
3.			
4.			

DEBT LIST

(Attach separate page if needed.)

Husband's Debt. I, the husband, will pay these debts, including credit cards:

Creditor and last four numbers of the account | **Amount**

1.	
2.	\$ _____
3.	\$ _____
4.	\$ _____
	\$ _____

Wife's debt. I, the wife, will pay these debts, including

credit cards:

**Creditor and last four numbers of the
account¹ Amount**

1.

\$ _____

2.

\$ _____

3.

\$ _____

4.

\$ _____

USE NOTES

1. This document is a public document. Do not list the full account number for any credit card or other loan information that you would not want to make public.

2. This form is not for people who have retirement accounts, such as a pension plan or an IRA. If you have a retirement account, see the court clerk for a packet of forms that includes a detailed Marital Settlement Agreement. See also Form 4A-312 NMRA for a Complex Verified Marital Settlement Agreement.

3. See an attorney if you have questions about separate and community property.

4. Warning: There can be serious tax consequences resulting from certain divisions of assets or debts and spousal support (alimony). See a tax professional for questions you may have.

5. See an attorney if difficult problems arise later.

6. Each person should see an attorney to discuss what to do in this situation.

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Cross references. - For an explanation of this form, see Rule 4A-208 NMRA.

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-312. Verified marital settlement agreement (*complex*).

STATE OF NEW MEXICO

_____ COUNTY
_____ JUDICIAL DISTRICT

_____,
Petitioner,
v.

No.

_____,
Respondent.

VERIFIED MARITAL SETTLEMENT AGREEMENT¹

*(Complex)*²

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

PROPERTY WE ARE DIVIDING³

Anything that one of us buys after we have both signed this Agreement will belong only to that person. Any money that one of us borrows after we have both signed this Agreement will be the debt of, and owed by, that person only. We understand that this Agreement may not bind creditors.

1. **Property.** We have divided all of our property that we know about between us. We attach a Property List (Attachment A) showing property that we are keeping so that we have a written list of the items we have divided.

(Choose either A or B)

A. Each of us already has possession of all the personal property (*such as clothing, furniture or artwork*) that we each expect to receive. All assets that list one of us as owner are in the name of the person who is entitled to receive them.

B. We will make sure that each of us has our own property by _____ (*date*).

Check here if one of these assets is a retirement savings

plan like an IRA, a retirement account, pension plan or 401(K) plan. If one of you has a retirement savings plan, you will need a Qualified Domestic Relations Order to divide these accounts. (See an attorney to prepare this document.)²

2. Home ownership (Choose A, B or C) 4

A. We do not own a home, mobile home or lot together. (Go to Section 4.)

B. We owned a home, mobile home or lot together but have sold it. We have divided the money from the sale like this: _____ . (Go to Section 3 "Dividing the home or lot we own".)

C. We own a home mobile home lot together. (Go to Section 3, "Dividing the home or lot we own".)

3. Dividing the home or lot we own

(Complete the correct section: A. Keep the home, B. Sell the home or C. Other plan.)

A. **Keep the home.**

(Choose 1)

Husband or

Wife shall keep the home.

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

(Check all that apply.)

Each of us has money invested in the home. The amount owed to the moving spouse to buy out that person's interest is \$_____.

The homeowner will apply to refinance the home within _____ [days] [months] [years] (Circle one).

Here is our plan for buying out the person who is moving from the home or getting that person off of the loan papers:

_____.

B. **Sell the home.**

We are going to sell the home and divide the money from the sale as follows:

_____.

While the home is being sold, husband wife will stay in the home.

Until the home sells, we will pay expenses, including utility

bills for the home as follows (who is to pay and how much each person will pay): _____

_____.

We both will cooperate with the showing of the home and the sale of the home, including signing all paperwork needed in order to sell it. Both of us will preserve the home in a reasonable way including the following things:

_____.

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

4. Vehicles.

(Choose A or B)

A. We do not have any vehicles.

B. We have vehicles and are dividing them as follows: Husband will keep the following vehicles: (describe each vehicle and list the vehicle identification number):

Vehicle No.	Vehicle Identification	Notes
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Wife will keep the following vehicles: (describe each vehicle and list the vehicle identification number):

Vehicle No.	Vehicle Identification	Notes
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Each person listed above as keeping the vehicles will pay for the costs of the vehicles, including insurance. The parties will transfer title as needed.⁵

DEBTS WE ARE DIVIDING

1. **Debt.** Any debt not listed is the responsibility of the person who created it. Each of us will pay debts we created prior to our marriage, unless we state differently here. Unless we state differently here, a person who takes property (such as

a house or car) with a debt associated with it, that person will take the debt.

(Choose A or B)

A. We have no debt from our marriage.

B. We attach a debt list (Attachment A) showing the debts we each will pay.

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

3. **Taxes.** Each of us will file separate returns for this tax year. We will share information necessary to correctly file our income tax returns. We will get the help we need to file our taxes.⁶

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

5. **Legal promise.** Each of us makes the following legal promise: Our debts have been divided in a fair way. I will pay the debts listed under my name on the debt list. If I don't, my spouse may be forced to make that payment. I must pay back my spouse for that payment and other extra costs (like lawyer fees) spent by my spouse because I failed to pay.

SPOUSAL SUPPORT (ALIMONY)

(Choose either A or B)

A. **No Alimony.** Each of us can support ourselves and neither will pay spousal support (alimony) to the other. (Go on to Section 5.)

B. **Alimony.**

Husband Wife will pay spousal support (alimony) to the other spouse
for the following reason:

Payment Method. It will be paid as follows:

(Choose A or B)

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

B. Here is our other plan:

Tax Deduction.

(Choose A or B)

A. The person paying the support will deduct the payments on [his] [her] income tax return. The person receiving

the support will show the support as income on [his] [her] income tax return. The support will end if the person to receive the support dies.

[] B. The person paying the support will not deduct the payments on [his] [her] income tax return. The person receiving the support will include the payment as income on [his] [her] income tax return.⁷

OTHER STATEMENTS BY PARTIES

1. **Good faith disclosure.** I, the husband, and I, the wife, state under oath that we have disclosed all assets and debts that we are aware of. We discussed and exchanged documents giving important information about the issues in this Agreement. Each of us has relied on that information.

2. **Documents.** We will each sign the documents we need to divide the property.

3. **Future issues.**⁸

A. **Completing the agreement.** If:

(1) one of us does not do what we said in this Agreement;
or

(2) we cannot agree on what this Agreement says, either of us may ask the judge to decide the issue. The judge may make one party pay costs such as attorney fees.

B. **Things left out of the agreement.** If we forgot or failed to list any property or debt, we will seek the help we need in order to include the property or debt in our Agreement.⁹

4. **Final agreement.** After signing this Agreement, neither of us can later claim that we agreed to something different from either

A. what is in this Agreement; or

B. a signed written change.

VERIFICATION

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

I have read this Agreement and agree with everything in it;

I have read the warnings and cautions listed in this Agreement;

I have gotten the help I needed before signing this Agreement; and

This document and the statements in it are true and correct to the best of my knowledge and belief.

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

_____ Husband's signature Wife's signature
 Address: _____ Address: _____

 Telephone: _____ Telephone: _____

 STATE OF NEW MEXICO)
 COUNTY OF _____) ss.
 Acknowledged, signed and sworn to before me this
 _____ day of _____, _____ by
 _____, the husband.

 Notary public
 My commission expires: _____.
 STATE OF NEW MEXICO)
 COUNTY OF _____) ss.
 Acknowledged, signed and sworn to before me this
 _____ day of _____, _____ by
 _____, the wife.

 Notary public
 My commission expires: _____.

ATTACHMENT A

 PROPERTY LIST

(Attach separate page if needed.)

Each of us lists the property we are keeping so that we have a written history of the items we have divided. (List all items over two hundred fifty dollars (\$250.00) that you own such as land, houses, cars, bank accounts, art. Do not use this form if you have a retirement account. See the court clerk for a packet that has a detailed Marital Settlement Agreement.)

	Husband	Wife	
Item	Value	Item	Value
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

4. _____

DEBT LIST

(Attach separate page if needed.)

Husband's Debt. I, the husband, will pay these debts, including credit cards:

Creditor and last four numbers of the account **Amount**

1. _____
\$ _____
2. _____
\$ _____
3. _____
\$ _____
4. _____
\$ _____

Wife's debt. I, the wife, will pay these debts, including credit cards:

Creditor and last four numbers of the account **Amount**

1. _____
\$ _____
2. _____
\$ _____
3. _____
\$ _____
4. _____
\$ _____

USE NOTES

1. This document is a public document. Do not list the full account number for any credit card or other loan information that you would not want to make public.

2. It is highly recommended that you see an attorney. There can be serious consequences, including tax consequences, for not properly transferring assets, especially retirement accounts. You may need separate documents to transfer divided assets.

3. See an attorney if you have questions about separate and community property.

4. It is highly recommended that you see a professional about all property issues. Typically you must prepare, sign and record a deed in the real property records where the property is located.

5. You need to transfer the vehicles. Please contact the Motor Vehicle Division or see a professional.

6. There can be serious tax consequences resulting from certain divisions of assets or debts and spousal support (alimony). See a tax professional about questions you may have.

7. There can be serious tax consequences resulting from spousal support (alimony) decisions. See a tax professional about questions you may have. If the spousal support (alimony) exceeds \$15,000 a year, it is especially critical to seek the advice of a tax professional.

8. See an attorney if difficult problems arise later.

9. Each person should see an attorney to discuss what to do in this situation.

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Cross references. - For an explanation of this form, see Rule 4A-208 NMRA.

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-321. Motion for entry of final decree (*no children*).

STATE OF NEW MEXICO

_____ COUNTY
_____ JUDICIAL DISTRICT

Petitioner,

v.

No.

_____,
Respondent.

MOTION FOR ENTRY OF FINAL DECREE

(No Children)

(husband's name) and _____
(wife's name) are married and wish to get a divorce. We move the court for a Final Decree of Dissolution of Marriage ("final decree") granting us a divorce.

1. We have already filed the papers to start this divorce. We now have come to an agreement and want to finalize the divorce.

2. We have thought carefully about our property, debts and our duties to each other.

3. We understand that we are making very important decisions that affect our rights and obligations. Both of us have completed and signed a Verified Marital Settlement Agreement ("Agreement") and ask the judge to accept our Agreement. We understand that once the judge signs the final decree, we will be ordered to do the things in the Agreement.

4. We each have gotten the help we thought was needed in order to sign this document.

5. We each have copies of all documents filed with the court. No one needs to serve any of the documents on us. We agree that this court has power to make orders about us in this case.

6. The Agreement is a fair and complete division of our assets and debts.

When I sign here, I am telling the judge that I have read this document and agree with everything in it. I state that the statements in it are true and correct to the best of my information and belief.

Petitioner's signature

Address: _____

Telephone: _____

Respondent's signature

Address: _____

Telephone: _____

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Cross references. - For an explanation of this form, see Rule 4A-210 NMRA.

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-322. Motion for entry of final decree (*with children*).

STATE OF NEW MEXICO

_____ COUNTY
_____ JUDICIAL DISTRICT

Petitioner,

v.

No.

Respondent.

MOTION FOR ENTRY OF FINAL DECREE

(With Children)

_____ (*husband's name*) and _____
(*wife's name*) are married and wish to get a divorce. We move the court for Final Decree of Dissolution of Marriage ("final decree") granting us a divorce.

1. We have already filed the papers to start this divorce. We now have come to an agreement and want to finalize the divorce.

2. We have thought carefully about our property, debts and our duties to each other.

3. We understand that we are making very important decisions that affect our rights and obligations. Both of us have

completed and signed a Verified Marital Settlement Agreement ("agreement") and ask the judge to accept our agreement. We understand that once the judge signs the final decree, we will be ordered to do the things in the Agreement.

4. We each have gotten the help we thought was needed in order to sign this document.

5. We each have copies of all documents filed with the court. No one needs to serve any of the documents on us. We agree that this court has power to make orders about us in this case.

6. The Agreement is a fair and complete division of our assets and debts.

7. We have or are expecting _____ (*total number*) minor [child] [children] from this marriage. We are filing the Parenting Plan and Child Support Agreement ("parenting plan") at the same time as we file this motion. The parenting plan is fair and complete.

When I sign here, I am telling the judge that I have read this document and agree with everything in it. I state that the statements in it are true and correct to the best of my information and belief.

Petitioner's signature

Address: _____

Telephone: _____

Respondent's signature

Address: _____

Telephone: _____

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Cross references. - For an explanation of this form, see Rule 4A-210 NMRA.

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-331. Parenting plan and child support agreement.

STATE OF NEW MEXICO

_____ COUNTY
_____ JUDICIAL DISTRICT

Petitioner,
v.

No.

Respondent.

PARENTING PLAN

AND CHILD SUPPORT AGREEMENT

We, _____ and _____, are the parents of the children listed below. We both agree to the terms of this Parenting Plan.

Child's Name	Date of Birth	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

1. **Residence of our [child] [children].** Our [child resides] [children reside] in New Mexico. Neither of us will move our [child] [children] out of state unless we both agree or a judge allows one of us to do so.

2. **Review of plan.** We understand that the needs of our [child] [children] will change as they grow older. The plan may also change because of either parent's employment or other circumstances change. We must be flexible and cooperate in helping our [child] [children] grow and change.

We agree to meet [] every year or [] every _____ years to make sure this plan continues to work well.

CUSTODY OF THE CHILDREN

(Choose either Option A, Joint legal custody, or Option B, Sole legal custody)

[] A. **Joint legal custody.** We will share joint legal custody of our [child] [children] and will make important decisions about our [child] [children] together. No change regarding an important decision will happen unless we both agree to the change in writing or the court changes it.

Joint custody decisions regarding our [child] [children]

(Use a separate sheet if necessary.)

City and county of residence: _____

Religion: _____

Recreational activities: _____

Name	Address and Phone
Doctor	_____
Dentist	_____
School	_____
Child care	_____
Other	_____

[] B. Sole custody.

(Complete all 3 blanks.)

_____ *(name of parent with sole custody)* will have sole legal custody of our [child] [children]. The parent with sole custody will make the important decisions regarding our [child] [children]. _____ *(name of other parent)* will have visitation with our children as explained in this agreement. Sole custody is in the best interest of our [child] [children] because:

WHERE OUR CHILDREN SPEND THEIR TIME

(Complete whether you chose joint or sole custody.)

1. **Time sharing.** We will share time with the [child] [children] as we agree between ourselves. If we cannot agree, we will share time with the [child] [children] as set forth here.3

2. **Transfer of the children.** We will transfer the children as follows:

THE USUAL PLAN

(Either complete the blank lines below or write your own plan.)

[] Plan 1. Same plan each week or every two weeks.

(Set out the time that mother or father will have the [child] [children] for that day.)

Week 1	Mother's time	Father's time
Monday	_____	_____
Tuesday	_____	_____
Wednesday	_____	_____
Thursday	_____	_____
Friday	_____	_____
Saturday	_____	_____
Sunday	_____	_____

Week 2	Mother's time	Father's time
Monday	_____	_____
Tuesday	_____	_____
Wednesday	_____	_____
Thursday	_____	_____
Friday	_____	_____
Saturday	_____	_____
Sunday	_____	_____

[] **Plan 2. Write your own plan.** (Write your own plan here or attach a separate sheet or calendar or make additions to Plan 1.)

THE VACATION AND HOLIDAY PLAN

1. **Vacations.** We will each have _____ [days] [weeks] (circle one) of uninterrupted time with the [child] [children] each year. We will give each other at least _____ (days) (weeks) notice of the vacation time. Any dispute will be resolved by _____ below.

2. **Holidays.** Regardless of the day of the week, the [child] [children] will spend:

Holidays:	Even Year	Odd
Year	Times (if split)	
Mother's Day	Mother	Mother
Father's day	Father	Father
Child's Birthday	_____	_____
Halloween	_____	_____
Thanksgiving	_____	_____
break	_____	From
_____ to _____	_____	
_____ to _____	_____	From
Winter religious	_____	

holidays _____
 1st 1/2 winter _____
 break _____ From
 _____ to _____
 2nd 1/2 winter _____
 break _____ From
 _____ to _____
 Spring Break _____
 July 4th _____
 Other religious holidays _____
 Others: _____

The Monday of a 3-day weekend is the same as the Sunday schedule unless we agree differently.

3. Write in any other information regarding the plan or the vacation schedule here:

DETAILS ABOUT THE CUSTODY PLAN

1. **Telephone and mail.** The [child] [children] may call each of us and receive letters and packages from each of us. We will not interfere with the [child's] [children's] communication with the other parent.

2. **Transportation.** We will share responsibility for getting the [child] [children] to and from each other's house, day care, school, etc., as follows: *(write what you will do here)*

3. **Emergencies.** If there is a medical emergency, the parent with the child will try to call the other parent about the emergency. If the other parent cannot be reached, any decision for emergency medical treatment will be made by the available parent in the best interest of the child.

4. **Changes.** We may ask each other for changes to this schedule. The other parent has the right to say "no." If the other parent says "no", we will not argue or criticize the other parent's decision. If we don't agree, we will follow the "solving arguments" section of this agreement.

CHILD SUPPORT

1. **Child Support Worksheet.** We attach a signed worksheet to this plan. *(First complete and sign a Child Support Worksheet.)*

Child support: _____ pays _____
 \$ _____
 (Choose A or B)

[] A. This amount is the amount shown on the worksheet; or
 [] B. We ask the Judge to order an amount different from the child support amount in the worksheet because *(fill in the reason here)*

2. **Additional expenses to be determined by percentage.** We have not included the following costs on the Child Support Worksheet because we do not have actual dollar figures to include on the worksheet. We will split the following expenses by percentage of the actual cost incurred. (See Section 40-4-11.1 NMSA 1978.)

Additional Expenses.	Father pays	Mother pays
<i>(List percent for each that applies to you)</i>		
Medical Co-payments and deductibles	_____ %	_____ %
Medical expenses not paid by insurance	_____ %	_____ %
Dental expenses if no insurance or co-payments and deductible	_____ %	_____ %
Dental expenses not paid by insurance	_____ %	_____ %
Counseling expenses for [child] [children]	_____ %	_____ %
Educational expenses or child care expenses, such as camp, not listed on worksheet	_____ %	_____ %
Transportation and communication expenses if child does not live in same city as one parent	_____ %	_____ %
Increase in medical premium	_____ %	_____ %
Increase in dental premium	_____ %	_____ %

Day care, school tuition or additional educational or child care expenses, such as camp, not listed on worksheet _____ % _____ %

Increase in counseling expenses _____ % _____ %

Other costs not listed on worksheet _____ % _____ %

3. **Child Support.** Payments shall begin on _____ (date) and continue until the child is eighteen (18) or graduates from high school, whichever happens last.

4. **Wage withholding of child support.**

(Choose A or B)

A. Withhold wages for child support. Child support payment will be withheld from _____'s monthly paycheck. We attach a wage withholding order.

or

B. Do not withhold wages for child support. We agree NOT to do wage withholding at this time. If child support is not paid, a judge can order wage withholding at that time to collect current and past child support and 8.75% interest on the past amount due.

5. **Health and dental insurance.** Unless we agree otherwise, we will:

- follow the insurance plan in selecting a doctor or dentist;
- not use a doctor or dentist who is not on the insurance plan;
- make sure each parent has a copy of the insurance card and policy; and
- cooperate and work together to promptly submit all insurance forms.

6. **Exchange of Information.** We agree that once a year either one of us can ask, in writing, for the other one to give us:
 federal and state tax returns for the prior year;
 W-2 statements for the prior year;
 IRS form 1099's for the prior year;
 work related day care statements for the prior year;
 dependent medical insurance premiums for the prior year; and
 wage and payroll statements for the four months prior to the request.

We agree to review and adjust, if necessary, the child support payments (*fill in your plan here*)

- Annually
- When a major change of circumstances happens
- Other: _____

7. **Tax issues.** Here is our plan about tax issues that relate

to our [child] [children] (Who will declare the [child] [children] as dependents, who will take the child care deduction, etc.6)

8. **Other expenses.** Each of us will provide our [child] [children] with items that they need while they are with us.

9. **Additional expenses.** We agree to the following support issues related to our [child] [children]:

SOLVING ARGUMENTS

1. **Dispute resolution.** We will resolve any custody, visitation or time-sharing dispute regarding our [child] [children] in this way:

2. **Solving problems.** *(steps continue until problem solved)*

(a) Talk together; or

(b) Communicate through writing:

requesting parent sends document listing the change and why;
answering parent sends response within _____ days.

If the answering parent does not agree to the change, the response must say why and, if possible, make a new proposal.

Take the following steps

(check all that apply and number them if there is a particular order)

Go to couple, family or other counseling;

Go to mediation with a neutral party;

Other: _____;

Go to court.

3. **Cost of dispute resolution.**

Mother will pay _____% and father will pay _____% of all dispute resolution costs, except legal and court costs. If we have to go to Court to solve our argument, the judge will decide how much we each must pay. If we have a disagreement, we will continue to follow the time-sharing plan until the disagreement is resolved.

GENERAL AGREEMENTS; HOW WE TREAT OUR CHILDREN

1. We will both actively be responsible for and involved in our [child's] [children's] lives.

2. As our [child grows] [children grow] their needs will change. We will talk about the changing needs.

3. We will support our [child's] [children's] relationship with the other parent and NOT interfere in it. We will be positive about that relationship.

4. We both have a right to medical and educational information

about our [child] [children]. We each may talk with our [child's] [children's] doctors and schools. If either of us learns that our [child is] [children are] involved in any other legal proceeding, we agree to notify the other parent.

5. We will consider what our [child wants] [children want] when we make decisions about the [child] [children]. We will never ask our [child] [children] to make decisions that they are not old enough or mature enough to make. We will never ask a child to choose between us.

When I sign here, I am telling the judge that I have read this document and agree with everything in it. I state, upon oath, that this document, and the statements in it, are true and correct as far as I know and believe.

_____	_____	_____
Husband's signature	Wife's signature	
Address: _____		Address: _____
_____		_____
Telephone: _____		Telephone: _____

STATE OF NEW MEXICO)
COUNTY OF _____) ss.
Acknowledged, signed and sworn to before me this
_____ day of _____, _____ by
_____, the husband.

Notary public
My commission expires: _____.
STATE OF NEW MEXICO)
COUNTY OF _____) ss.
Acknowledged, signed and sworn to before me this
_____ day of _____, _____ by
_____, the wife.

Notary public
My commission expires: _____.

USE NOTES

1. You should understand the difference between the rights and obligations of joint custodians and a sole custodian. Descriptions of these terms are set out in the Section 40-4-9.1 NMSA 1978. See an attorney with questions you may have. Joint

legal custody does NOT necessarily mean that your [child] [children] must spend fifty percent (50%) of the time with each of you. You will set out the time-sharing plan in Section B below.

2. The law prefers joint custody for most children. Many judges will require a hearing before granting sole custody.

3. In developing your plan, consider the needs of younger children. See a professional specializing in child development for a plan appropriate for your children.

4. The judge may or may not accept a proposed change from the worksheet amount.

5. You need a court order to adjust child support payments.

6. See a professional about tax issues that relate to any children.

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-341. Final decree of dissolution of marriage (*no children*).

STATE OF NEW MEXICO

_____ COUNTY

_____ JUDICIAL DISTRICT

_____,
Petitioner,

v.

No.

_____,
Respondent.

FINAL DECREE OF DISSOLUTION OF MARRIAGE

(No Children)

This matter was brought before the court by _____ (*husband's name*) and _____ (*wife's name*). They have asked the court to end their marriage and enter a Final Decree of Dissolution of Marriage. In addition, the parties have filed a Verified Marital Settlement

Agreement ("Agreement") that settles the claims related to their marital relationship. This court has considered the parties' agreement set forth here, and finds the parties' requests to be reasonable.

THIS COURT FINDS AND CONCLUDES:

1. The court has jurisdiction over the parties and the subject matter of this action. The parties are entitled to a Decree of Dissolution of Marriage on grounds of incompatibility.

2. The parties have sworn, under oath, that the Agreement is complete, true and correct.

3. The parties have sworn, under oath, that the Agreement divides all known property and debt of the parties, settles their rights and obligations and is fair.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. The marriage of husband and wife is dissolved on the grounds of incompatibility.

2. *(Wife to choose A or B)*

[] A. Wife will keep her present name.

[] B. Wife's name is changed from _____ to _____ . *(Wife must use a name previously used by her and not a new name.)*

3. The parties are ordered to comply with the terms of the Verified Marital Settlement Agreement, the terms of which are incorporated here by reference.

4. This case is now closed.

District judge

When I sign here, I am telling the judge that I have read this document and agree with everything in it. I state, upon oath, that this document, and the statements in it, are true and correct as far as I know and believe.

Husband's signature

Wife's signature

Address: _____

Address: _____

Telephone: _____

Telephone: _____

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Cross references. - For an explanation of this form, see Rule 4A-209 NMRA.

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-342. Final decree of dissolution of marriage (*with children*).

STATE OF NEW MEXICO

COUNTY

JUDICIAL DISTRICT

Petitioner,

v.

No.

Respondent.

FINAL DECREE OF DISSOLUTION OF MARRIAGE

(With Children)

This matter was brought before the court by _____ (*husband's name*) and _____ (*wife's name*). They have asked the court to end their marriage and enter a Final Decree of Dissolution of Marriage. In addition, the parties have filed a Verified Marital Settlement Agreement ("Agreement") that settles the claims related to their marital relationship. They have also entered into a Parenting Plan and Child Support Agreement ("parenting plan") that sets out the custody and child support of their [child] [children]. This Court has considered the parties' agreements, and finds the parties' requests to be reasonable. This court has considered the parties' agreement set forth here, and finds the parties' requests to be reasonable.

THIS COURT FINDS AND CONCLUDES:

1. The court has jurisdiction over the parties, the [child]

[children] and the subject matter of this action. The parties are entitled to a Decree of Dissolution of Marriage on grounds of incompatibility.

2. The parties have sworn, under oath, that the Agreement and the Parenting Plan are complete, true and correct.

3. The parties have sworn, under oath, that the agreement divides all known property and debt of the parties, settles their rights and obligations and is fair.

4. The filed parenting plan determines custody and child support of the parties' minor [child] [children]. The parties have sworn, under oath, that the Parenting Plan is in the best interest of the children.

5. *(Judge to complete.)*

The child support guidelines are appropriate in this case.
or

The child support guidelines are unjust or inappropriate in this case because they result in substantial hardship. It is appropriate to deviate from the child support guidelines in this case.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. The marriage of husband and wife is dissolved on the grounds of incompatibility.

2. *(Wife to choose A or B)*

A. Wife will keep her present name.

B. Wife's name is changed from _____ to _____ . *(Wife must use a name previously used by her and not a new name.)*

3. *(Judge to complete as appropriate.)*

Husband Wife is ordered to pay child support in the amount of _____ to the other parent.

4. *(Judge to complete as appropriate.)*

The parties have joint custody of the [child] [children].

or

Father Mother is the sole custodian of the [child] [children].

5. The parties are ordered to comply with the terms of the Verified Marital Settlement Agreement and the Parenting Plan and

Child Support Agreement, the terms of which are incorporated here by reference.

6. This case is now closed. However, the court will have continuing jurisdiction over issues relating to the [child] [children] of the marriage until the [child reaches] [children reach] the age of majority as provided by law.

District judge

When I sign here, I am telling the judge that I have read this document and agree with everything in it. I state, upon oath, that this document, and the statements in it, are true and correct as far as I know and believe.

Husband's signature

Wife's signature

Address: _____

Address: _____

Telephone: _____

Telephone: _____

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Cross references. - For an explanation of this form, see Form 4A-209 NMRA.

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-351. Petition to establish parentage.

STATE OF NEW MEXICO

COUNTY

JUDICIAL DISTRICT

Petitioner,

v.

No.

Respondent.

PETITION TO ESTABLISH PARENTAGE

I, _____, (person listed as petitioner above) am the petitioner in this case and I have a child(ren) with _____ (person listed as respondent). We ask the court for a Final Decree Establishing Parentage that establishes that we are the natural parents of the [child] [children] listed below and approving our parenting plan for our [child] [children].

1. We have [or are expecting] _____ (number) minor [child] [children] together. We are filing the Parenting Plan and Child Support Agreement, Form 4A-331 NMRA, at the same time as we file this petition that is fair and complete.

2. Father lives in _____ County. Mother lives in _____ County. Venue is proper because one of us lives in the county listed in the case caption above.

3. We each have gotten the help we thought was needed in order to sign this document.

*The following information is required by law*1. Complete fully.

4. Our [child's name] [children's names], birth date(s) and age(s) are:

Child's Name	Date of Birth	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Our [child] [children] have lived in New Mexico since birth or for at least the past six (6) months. For the past five (5) years, our children have lived:

Child's addresses residence	Dates of People in residence
Present Address: _____	_____
_____	_____
_____	_____

Past Addresses: _____

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

6. Have you either been a part of, or have any information about a custody hearing or any other court case (including a domestic violence case) discussing custody or visitation of your [child] [children] in this or in any other state? [] Yes [] No

If your answer was "No", go to paragraph 13. If your answer was "Yes", fill in the following:

Case Name	Case Number	Court
Name	Location	
_____	_____	_____
_____	_____	_____
_____	_____	_____

7. Does anyone else other than you as parents have or say they have:

Custody of your [child] [children]? [] Yes [] No

Visitation rights with your [child] [children]? [] Yes [] No

If you answered both questions "No", go to next section. If you answered "Yes" to either question, complete the following information:

_____	_____
(Name of Person)	(Address)
_____	_____
(Name of Person)	(Address)

8. The court has not appointed an attorney for the [child] [children].

9. Parentage has been established because the father has acknowledged that he is the father of the [child] [children] by:

(check all that apply)

[] He has filed a written notice with the department of vital statistics in the state in which the [child was] [children were] born.

[] He has agreed that he is the father of the [child] [children] and is named as the father on the [child] [children]'s birth certificate(s).

[] He has had a blood test which established that he is the father of the [child] [children].

[] He has treated the [child] [children] as his natural [child] [children]. He has a personal relationship with the [child] [children], or he financially supports the [child] [children], or the [child lives] [children live] with him.

10. We understand that once the judge signs the Final Decree of Parentage, we will be ordered to do the things we agreed to do in the Parenting Plan.

When I sign here, I am telling the judge that I have read this document and agree with everything in it. I state upon my oath or affirmation that this document and the statements in it are true and correct to the best of my information and belief.

Petitioner's signature

Address: _____

Telephone: _____

STATE OF NEW MEXICO)

) ss.

COUNTY OF _____)

Acknowledged, subscribed and sworn to before me this _____ day of _____, _____ by _____, the petitioner.

Notary Public

My commission expires: _____

I have read this document and agree with everything in it. This document, and the statements in it, are true and correct as far as I know and believe.

Respondent's signature

Address: _____

Telephone: _____

USE NOTE

1. Section 40-10A-209 NMSA 1978 requires the following information be disclosed:
name of the child;
the places the child has lived in the last five (5) years; and
the names and addresses of the persons with whom the child has lived in the last five (5) years.
[Approved effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Cross references. - For an explanation of this form, see Rule 4A-231 NMRA.

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-352. Motion to establish parentage.

STATE OF NEW MEXICO

_____ COUNTY
_____ JUDICIAL DISTRICT

_____,
Petitioner,
v.

No.

_____,
Respondent.

MOTION TO ESTABLISH PARENTAGE

_____ (*person listed as petitioner above*) and
_____ (*person listed as respondent above*) have [a
child] [children] together. We move the court for a final decree
establishing parentage that establishes that we are the natural
parents of the [child] [children] listed below and approving our
Parenting Plan for our [child] [children].

1. We have (or are expecting) _____ (*number*) minor [child]
[children] together. We have already filed papers to begin this
case. We are now filing the Parenting Plan and Child Support

Agreement ("Parenting Plan") at the same time as we file this motion that is fair and complete.

2. The court has not appointed an attorney for the [child] [children].

3. We each have gotten the help we thought was needed in order to sign this document.

4. Parentage has been established because the father has acknowledged that he is the father of the [child] [children] by:
(check all that apply)

[] He has filed a written notice with the department of vital statistics in the state in which the [child was] [children were] born.

[] He has agreed that he is the father of the [child] [children] and is named as the father on the [child's birth certificate] [children's birth certificates].

[] He has had a blood test which established that he is the father of the [child] [children].

[] He has treated the [child] [children] as his natural [child] [children]. He has a personal relationship with the [child] [children], or he financially supports the [child] [children], or the [child lives] [children live] with him.

5. We understand that once the judge signs the Final Decree of Parentage, we will be ordered to do the things we agreed to do in the Parenting Plan.

When I sign here, I am telling the judge that I have read this document and agree with everything in it. I state upon my oath or affirmation that this document and the statements in it are true and correct to the best of my information and belief.

Petitioner's signature

Address: _____

Telephone: _____

STATE OF NEW MEXICO)

) ss.

COUNTY OF _____)

Acknowledged, subscribed and sworn to before me this _____ day of _____, _____ by _____, the petitioner.

Notary Public

My commission expires: _____

I have read this document and agree with everything in it. This document, and the statements in it, are true and correct as far as I know and believe.

Respondent's signature

Address: _____

Telephone: _____

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Cross references. - For an explanation of this form, see Rule 4A-232 NMRA.

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-353. Final decree of parentage.

STATE OF NEW MEXICO

_____ COUNTY
_____ JUDICIAL DISTRICT

Petitioner,

v.

No.

Respondent.

FINAL DECREE OF PARENTAGE

THIS MATTER was brought before the court by _____ (*father's name*) and _____ (*mother's name*). They have asked the court to enter a final decree of establishing parentage. In addition, the parties have filed a Parenting Plan and Child Support Agreement ("parenting plan") that sets out the custody and child support of their [child] [children]. This Court has considered the parties' agreements, and finds the parties' requests to be reasonable.

THIS COURT FINDS AND CONCLUDES:

1. The court has jurisdiction over the parties, the [child] [children] and the subject matter of this action.

2. The parties have sworn, under oath, that the parenting plan is complete, true and correct.

3. The filed parenting plan determines custody and child support of the parties' minor [child] [children]. The parties have sworn, under oath, that the parenting plan is in the best interest of the [child] [children].

4. *(Judge to check applicable alternative.)*

The child support guidelines are appropriate in this case.

The child support guidelines are unjust or inappropriate in this case because they result in substantial hardship. It is appropriate to deviate from the child support guidelines in this case.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. _____ is the father and _____ is the mother of the minor [child] [children].

2. The parties are ordered to fully comply with all terms and provisions of the parenting plan which now is made a part of this order.

3. Father Mother is ordered to pay child support in the amount of _____ to the other parent.

4. The parties have joint custody of the [child] [children]

or

Father Mother is the sole custodian of the [child] [children].

5. The court will have continuing jurisdiction over issues relating to the [child] [children] while the [child is a minor] [children are minors].

6. *(Check and complete if applicable)*

The department of vital statistics is ordered to change the birth record of _____ to reflect the parentage of the [child] [children].

7. This case is now closed. However, the court will have

continuing jurisdiction over issues relating to the [child]
[children] while they are minors and as provided by law.

IT IS SO ORDERED.

District court judge

When I sign here, I am telling the judge that I have read this document and agree with everything in it. I state upon my oath or affirmation that this document and the statements in it are true and correct to the best of my information and belief.

Petitioner's signature

Respondent's signature

Address:

Address:

Telephone:

Telephone:

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-361. Application and order for free process.

STATE OF NEW MEXICO

COUNTY

JUDICIAL DISTRICT

Petitioner,

v.

No.

Respondent.

APPLICATION AND ORDER FOR FREE PROCESS 1

Name: _____

Age: _____

Address:
Street _____
City: _____
State: _____
Telephone: _____

Dependents (including myself):
No. Of Children: _____ No. Of Adults: _____
Total: _____

Divorce cases: Number of children from this
marriage: _____

Employer: _____
Address:
Street _____
City: _____
State: _____

Income: (Before taxes & deductions) \$ _____

I receive (check applicable boxes)

- government aid
- child care
- food stamps/AFDC
- SSI/Disability
- unemployment benefits
- veterans' benefits

Total monthly income: \$ _____

Expenses: (List monthly expenses)

Rent or mortgage \$ _____

Car payments \$ _____

Utilities/telephone \$ _____

Medical bills \$ _____

Other \$ _____

Total monthly expenses: \$ _____

I am represented by a lawyer.

I am representing myself.

Signature of applicant

STATE OF NEW MEXICO)

) ss.

COUNTY OF _____)

Acknowledged, subscribed and sworn to before me this
_____ day of _____, _____ by
_____, the petitioner.

Notary Public

My commission expires: _____

_____ Original filing fee waived
_____ Free service of process
_____ Post decree filing fee waived
_____ Denied
_____ Portion of filing fee waived (*must pay mediation
fee*)

IT IS SO ORDERED.

_____ District Judge

Date: _____

USE NOTE

1. The court may require a different or additional form to be completed. Applicant should check to see if there is a local form prior to completing this form.

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Cross references. - For an explanation of this form, see Rule 4A-211 NMRA.

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-362. Wage withholding order.

STATE OF NEW MEXICO

_____ COUNTY
_____ JUDICIAL DISTRICT

_____,
Petitioner,

v.

No.

_____,
Respondent.

WAGE WITHHOLDING ORDER

This matter having come before the court because the parties to this action have [a minor child] [minor children] and child support has been ordered to be paid by _____ (name of paying parent).

A. Information on the paying parent:

Name:

Employer's Name:

Address:

Address:

Social security number: _____

B. The total support owed is \$ _____ per month.

In order to pay this child support,

IT IS ORDERED THAT:

(choose Option 1 or 2)

1. [] The paying parent's employer (including all future employers or income providers) shall withhold child support according to the following schedule.

Pay Period

Amount Withheld

Weekly Total monthly support x 0.2308

Every other week Total monthly support x 0.4615

Twice a month Total monthly support x 0.5

Monthly Total monthly support x 1.0

The employer shall mail the amount withheld within seven (7) days of the date the paying parent receives a pay check to:

Child Support Enforcement, Accounting Division

P.O. Box 25109

Santa Fe, New Mexico 87504

The employer shall show the account number _____ on each payment.

OR

2. [] Because the parent to receive child support is now receiving aid from the State of New Mexico and the parties have waived withholding by an employer, child support should be made directly to:

Child Support Enforcement, Accounting Division

P.O. Box 25109

Santa Fe, New Mexico 87504

The account number _____ shall be shown on each payment.

IT IS SO ORDERED.

District court judge

APPROVED:
 Mother's
 signature: _____
 Address: _____

 Telephone: _____
 Father's
 signature: _____
 Address: _____

 Telephone: _____
 [Approved, effective November 15, 2001 until November 15,
 2002.]

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

4A-363. Affidavit regarding children (*UCCJA requirements*).

STATE OF NEW MEXICO

_____ COUNTY
 _____ JUDICIAL DISTRICT

 Petitioner,
 v.

No.

 Respondent.

AFFIDAVIT REGARDING CHILDREN

(UCCJA1 Requirements)

_____ *(person listed as petitioner above)* and
 _____ *(person listed as respondent above)* have a
 [child] [children] together.

We provide the court with the following information about
 our [child] [children]:

The following information is required by law2. Complete fully.

1. Our [child's name] [children's names], birth date(s) and age(s) are:

Child's Name	Date of Birth	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. Our [child] [children] have lived in New Mexico since birth or for at least the past six (6) months. For the past five years, our children have lived:

Child's addresses residence	Dates of People in residence
Present Address: _____	_____
_____	_____
Past Addresses: _____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

3. Have you either been a part of, or have any information about a custody hearing or any other court case (including a domestic violence case) discussing custody or visitation of your [child] [children] in this or in any other state? [] Yes [] No

If your answer was "No", go to Paragraph 4. If your answer was "Yes", fill in the following:

Case Name Name	Case Number Location	Court
_____	_____	_____
_____	_____	_____

4. Does anyone else other than you as parents have or say they have:

Custody of your [child] [children]? [] Yes [] No

Visitation rights with your [child] [children]? [] Yes [] No

If you answered "Yes" to either question, complete the following information:

(Name of Person)

(Address)

(Name of Person)

(Address)

When I sign here, I am telling the judge that I have read this document and agree with everything in it. I state upon my oath or affirmation that this document and the statements in it are true and correct to the best of my information and belief.

Petitioner's signature

Address: _____

Telephone: _____

STATE OF NEW MEXICO)

) ss.

COUNTY OF _____)

Acknowledged, subscribed and sworn to before me this _____ day of _____, _____ by _____, the petitioner.

Notary Public

My commission expires: _____

I have read this document and agree with everything in it. This document, and the statements in it, are true and correct as far as I know and believe.

Respondent's signature

Address: _____

Telephone: _____

USE NOTES

1. Uniform Child-Custody Jurisdiction and Enforcement Act, Sections 40-10A-101 to 40-10A-403 NMSA 1978.

2. Section 40-10A-209 NMSA 1978 requires the following information be disclosed:

name of the child;

the places the child has lived in the last five (5) years; and

the names and addresses of the persons with whom the child has lived in the last five (5) years.

[Approved, effective November 15, 2001 until November 15, 2002.]

ANNOTATIONS

Compiler's notes. - Pursuant to a court order dated September 19, 2001, this form was provisionally approved and adopted for twelve months effective November 15, 2001.

COURT ORDERS

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

ORDER

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

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

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

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

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

/s/ PAMELA B. MINZNER

Chief Justice

/s/ JOSEPH F. BACA

Justice

/s/ GENE E. FRANCHINI

Justice

/s/ PATRICIO M. SERNA

Justice

/s/ PETRA JIMENEZ MAES

Justice

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

NO. 01-8300

IN THE MATTER OF THE PERMANENT ADOPTION
OF DOMESTIC RELATIONS RULES AND FORMS FOR
USE IN THE DISTRICT COURTS IN THE STATE OF NEW MEXICO

ORDER

WHEREAS, this matter came on for consideration by the Court upon the recommendation of the Rules of Civil Procedure Committee to require use of domestic relations rules and forms in all district courts in the State of New Mexico, and, on October 3, 2000, the domestic relations rules and forms were adopted and approved provisionally for twelve months; and

WHEREAS, the recommendation of the Rules of Civil Procedure Committee is to permanently adopt the domestic relations rules and forms for use in all district courts in the State of New Mexico, and the Court having considered said recommendation and being sufficiently advised, Chief Justice Patricio M. Serna, Justice Joseph F. Baca, Justice Gene E. Franchini, Justice Pamela B. Minzner, and Justice Petra Jimenez Maes, concurring;

NOW, THEREFORE, IT IS ORDERED that the domestic relations rules and forms hereby are permanently adopted effective November 1, 2001;

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

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

DONE at Santa Fe, New Mexico, this 29th day of October, 2001.

/s/ PATRICIO M. SERNA
Chief Justice
/s/ JOSEPH F. BACA
Justice
/s/ GENE E. FRANCHINI
Justice
/s/ PAMELA B. MINZNER
Justice
/s/ PETRA JIMENEZ MAES

Justice

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

NO. 01-8300

IN THE MATTER OF THE *PROVISIONAL* ADOPTION
OF DOMESTIC RELATIONS FORMS FOR USE IN THE
DISTRICT COURTS IN THE STATE OF NEW MEXICO

ORDER

WHEREAS, this matter came on for consideration by the Court upon the recommendations of the Rules of Civil Procedure Committee and Administrative Office of the Courts to adopt a uniform set of domestic relations forms for use in the district courts in the State of New Mexico, and the Court having considered said recommendations and being sufficiently advised, Chief Justice Patricio M. Serna, Justice Joseph F. Baca, Justice Gene E. Franchini, Justice Pamela B. Minzner, and Justice Petra Jimenez Maes concurring;

NOW, THEREFORE, IT IS ORDERED that the domestic relations forms hereby are *PROVISIONALLY* APPROVED and ADOPTED *until November 15, 2002*;

IT IS FURTHER ORDERED that the forms are intended to assist self-represented litigants in uncontested domestic relations cases and are *NOT* required forms that must be used by litigants. Although approved by this Court, use of the domestic relations forms in district court is optional;

IT IS FURTHER ORDERED that the Administrative Office of the Courts shall not make changes to the forms on its web site that are not approved by order of this Court;

IT IS FURTHER ORDERED that the domestic relations forms shall be effective November 15, 2001; and

IT IS FURTHER ORDERED that the Clerk of the Court hereby is authorized and directed to give notice of the *provisional* approval and adoption of the domestic relations forms by publishing the same in the Bar Bulletin and NMRA.

DONE at Santa Fe, New Mexico, this 19th day of September, 2001.

/s/ PATRICIO M. SERNA

Chief Justice

/s/ JOSEPH F. BACA

Justice

/s/ GENE E. FRANCHINI

Justice

/s/ PAMELA B. MINZNER

Justice

/s/ PETRA JIMENEZ MAES

Justice