

STATE OF NEW MEXICO
COUNTY OF _____
FIRST JUDICIAL DISTRICT COURT

Case No.: D-1 _____ -DM- _____

Petitioner,

-vs. -

Respondent.

SCHEDULING ORDER
(contested divorce, no minor children)

A Petition for Dissolution of Marriage has been filed in this case. The parties have no minor children. A Marital Settlement Agreement identifying and dividing the parties' property and debts has not been filed. **IT IS THEREFORE ORDERED:**

1. FREE INFORMATION AND HELP SESSIONS:

- Information regarding Family Law Tele-Clinics and Helplines may be found at:
<https://firstdistrict.nmcourts.gov/self-representation/resources/>
- Self Help Divorce Videos are also available at:
<https://languageaccess.nmcourts.gov/services-programs/self-representation/district-court-videos/>

2. INTERIM INCOME ALLOCATION HEARING.

A hearing to identify and divide the parties' income and expenses between the date the Petition for Dissolution of Marriage is filed and the date the Final Decree of Dissolution of Marriage is entered will be set by a separate order. If the parties submit a written agreement that the judge approves *before* the hearing date, the hearing will be canceled.

3. PROPERTY AND DEBT IDENTIFICATION AND DIVISION.

The parties must complete, sign, and file a Marital Settlement Agreement, Form 4A-301, identifying and dividing all their property and debts. Form 4A-301 is included in the forms packet and is available at the clerk's office and at <https://nmcourts.gov/forms-files/divorce/>.

The parties may file a Request for Referral to Settlement Conference, if they need help reaching an agreement dividing their property and debts. This form and more

information is available at the clerk's office and at the First District Court's website (<https://firstdistrict.nmcourts.gov>), in the ADR folder of the Forms & Files section.

If the parties have not filed a Marital Settlement Agreement within ninety (90) days from the date the Respondent was served or sooner, the Court may refer the parties to a settlement conference, which is conducted by an experienced settlement facilitator, who is to be paid by the parties as directed in an Order of Referral to Settlement Conference. A party who cannot afford the settlement facilitator fee may file a Motion For Free or Reduced-Cost Fee Settlement Facilitation Services. The Motion For Free Or Reduced-Cost Fee Settlement Facilitation Services is available at the Court clerk's office and on the Court's website (<https://firstdistrict.nmcourts.gov>), in the ADR folder of the Forms & Files section.

If the settlement conference results in agreement on all issues, the agreement shall be recorded on Form 4A-301 Marital Settlement Agreement, signed by the parties and filed with the clerk's office.

If the parties are able to come to an agreement on their own before a scheduled settlement conference, they shall record their agreement using the Marital Settlement Agreement Form 4A-301, sign and file it with the clerk's office, and notify the settlement facilitator to cancel the settlement conference.

4. CONFIDENTIALITY OF MEDIATION AND SETTLEMENT CONFERENCES.

Mediation proceedings and settlement conferences shall be held privately and are confidential. All communications, verbal and/or written from the parties to the mediator or settlement facilitator made pursuant to this order shall be *inadmissible* at any court hearing.

5. FINALIZING YOUR DIVORCE.

After parties have completed, signed, and filed their 4A-301 Marital Settlement Agreement, parties shall complete, sign and submit Form 4A-305 Final Decree of Dissolution of Marriage (without children) to the assigned judge for review and approval.

The divorce is **NOT FINAL UNTIL** the judge has signed and filed the Final Decree of Dissolution of Marriage. The above-mentioned forms may be located at <https://nmcourts.gov/forms-files/divorce/> .

DISTRICT COURT JUDGE

Notice of Interim Hearing and Order To Produce
(Divorce *without* Children)

STATE OF NEW MEXICO
COUNTY OF _____
FIRST JUDICIAL DISTRICT COURT

Case No.: D-1 ____ -DM- _____

Petitioner,

-vs. -

Respondent.

**NOTICE OF HEARING FOR
INTERIM ORDER DIVIDING INCOME AND EXPENSES
AND ORDER FOR PRODUCTION¹**

NOTICE IS HEREBY GIVEN that a hearing to allocate income and expenses in this case has been set before the **Honorable** _____, as follows:

_____, 20____ at _____ a.m./p.m.

**First Judicial District Court
Judge Steve Herrera Judicial Complex
225 Montezuma Ave., Santa Fe, NM 87501
Located on the _____ floor**

THE PARTIES ARE HEREBY ORDERED TO PRODUCE AND EXCHANGE the following documents with each other at least **twenty (20) days** prior to the hearing:

1. **Interim Monthly and Expenses Statement** with each party's information completed;
2. Your most recent **state and federal income tax returns**, including all schedules;
3. Your three (3) most recent **pay receipts**, unless self-employed, in which case produce your 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;
4. Copies of all statements from all **financial institution accounts**, including checking and savings account statements, for the past six (6) months;
5. Documentation of all **monthly fixed expenses**;
6. **Credit card statements** for the six (6) month period preceding the date the petition was filed; and

7. **All exhibits** you intend to introduce at the hearing.

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 COURT JUDGE

4A-201. Temporary domestic order.
[For use with Rule 1-121 NMRA]

STATE OF NEW MEXICO
COUNTY OF _____
FIRST JUDICIAL DISTRICT COURT

No. D-1 _____ -DM- _____

_____,
Petitioner,

v.

_____,
Respondent.

TEMPORARY DOMESTIC ORDER¹

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

THE COURT ORDERS THE PARTIES AS FOLLOWS:

- (1) **Do not** injure or physically or mentally abuse, molest, intimidate, threaten or harass the other party or any child of either party.
- (2) **Do not** interfere with the relationship of your spouse with any child of either party. If you are living apart, you shall each continue to have frequent contact and communication with any minor child of both parties, personally and by telephone. A party shall notify the other party of any change of address or telephone number within twenty-four (24) hours of the change.
- (3) **Do not** change a child's school, religion, childcare, 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.
- (11) **Do not** liquidate, cash out, remove funds from or take loans against any retirement account, including but not limited to PERA, pension, IRA, Roth IRA, SARSEP, SEP, profit sharing, 401(k), 403(b), defined benefit, money purchase, employee stock ownership (ESOP), or 457 or 409A accounts, unless the parties otherwise agree in writing, except in the usual course of business or for the necessities of life. Keep an accounting of any transactions to show to the court.

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

Date

District Judge

USE NOTE

1. A scheduling order may be issued at the time a domestic relations case is docketed and served with the petition, however, the scheduling order must be issued as a separate order.
2. *See* NMSA 1978, Section 58-1-7 for notice to any bank of an adverse claim to a bank account.
3. Within two (2) days after service of this order, a party may file a motion requesting a hearing to dissolve this order. If the court finds the motion was frivolous or was not filed in good faith it may assess the party filing the motion with costs and attorney fees. [Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2002; 4A-112 recompiled and amended as 4A-201 by Supreme Court Order No. 13-8300-010, effective for all pleadings and papers filed on or after May 31, 2013, in all cases pending or filed on or after May 31, 2013; as amended by Supreme Court Order No. 17-8300-017, effective for all pleadings and papers filed on or after December 31, 2017.]
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.