

# Application For Default Judgment Parentage

FIRST JUDICIAL DISTRICT COURT  
Serving The Counties of Santa Fe, Rio Arriba, and Los Alamos  
Website: <https://firstdistrictcourt.nmcourts.gov>

225 Montezuma Ave.

Santa Fe, NM 87501

Telephone: 505-455-8250

Self-Help Office: 505-455-8166

7 Mainstreet

Tierra Amarilla, NM 87575

Telephone: 505-455-8335

2500 Trinity Drive Suite D

Los Alamos, NM 87544

Telephone: 505-662-9561

(Wednesday Only)

## Family Court

Office of Judge Shannon Broderick Bulman  
Telephone: 505-455-8165

Office of Judge Denise M. Thomas  
Telephone: 505-455-8150

Domestic Relations/Child Support Hearing Officer  
Telephone: 505-455-8140

Family Court Services  
Telephone: 505-455-8232

### Questions To Ask Yourself Before Completing This Packet:

1. Have I legally notified/served\* the Respondent?  
**Yes**, go to question #2.  
**No**, you must legally notify the Respondent that you have filed a petition against them.
2. Have I filed proof that the Respondent was properly served\* in accordance with Rule 1-004 NMRA?  
**Yes**, go to question #3.  
**No**, you must legally notify the Respondent. If the Respondent has been served, you must file proof.
3. Has it been thirty (30) days or more since I served the Respondent?  
**Yes**, go to question #4.  
**No**, you cannot request a default until thirty (30) days or more have passed, as the Respondent has thirty (30) days from the day they are served to file a Response or otherwise respond to the Petition.
4. Has the Respondent filed some sort of Response or other type of pleading in the case?  
 If **yes**, you may want to seek the advice of a licensed attorney before proceeding with this packet.

\*Please refer to the *Legal Notice/Service* page that was included in your parentage packet for more information regarding service. If you have any questions, please consult a licensed attorney.

Fill out your forms in print using only blue or black ink. Do not use whiteout or correction tape, even if you make a mistake. Make sure that the case caption, which includes the county, district court, petitioner and the respondent, are the same on all forms.

Once you have completed your forms, take them to the Self-Help office for review. After they are reviewed, you may take them to the clerk's office for filing. The Certificate As To The State of The Record will be completed by a clerk, if applicable, and then will be forwarded along with the Application, Affidavit, and Default Decree to the judge for review.

If the judge approves, the clerk's office will contact you after your documents have been processed and are ready for pick-up. The clerk's office charges \$.35 cents per page for copies and an additional \$1.50 for each certified copy requested.

NM Supreme Court Forms: <https://nmcourts.gov/forms-library/>

First District Court Forms: <https://firstdistrict.nmcourts.gov/forms-library/>

NM Interactive Child Support Worksheet: <https://csw.nmcourts.gov/csworksheet/web2024/worksheet.html>

Website To Verify Military Status: <https://scra.dmdc.osd.mil/scra#/home>

**Affidavit as to Respondent's failure to plead or otherwise defend (Parentage)**

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

Case No.: D-1 \_\_\_\_\_ -DM- \_\_\_\_\_

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

-vs.-

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

**AFFIDAVIT AS TO RESPONDENT'S  
FAILURE TO PLEAD OR OTHERWISE DEFEND  
(domestic relations actions)<sup>1</sup>**

Petitioner affirms under penalty of perjury under the laws of the State of New Mexico that the following statements are true and correct:

(1) I am the Petitioner, and I submit this Affidavit to show that Respondent has failed to file an answer or otherwise respond to the Petition To Establish Parentage, Determine Custody and Time-Sharing, and Assess Child Support that I filed on \_\_\_\_\_.

(2) Respondent was served as follows (*choose and complete one*):

As shown by the Affidavit of Service filed on \_\_\_\_\_,  
Respondent was personally served on \_\_\_\_\_.

(Or)

As shown by the Affidavit of Publication filed on \_\_\_\_\_,  
Respondent was served by publication.

(3) Respondent has not filed an answer, motion, or otherwise responded, and more than thirty (30) days have passed since Respondent was served with the Summons and Petition To Establish Parentage, Determine Custody and Time-Sharing, and Assess Child Support.

(4) Upon information and belief, Respondent is not in the military service of the United States and is not an infant or incompetent person.

**YES (required)** I have attached a certificate verifying Respondent's active duty status.<sup>2</sup>

WHEREFORE, Petitioner asks the Clerk of this Court to certify Respondent's Default.

\_\_\_\_\_  
Signature of party

\_\_\_\_\_  
Name (*printed*)

\_\_\_\_\_  
Mailing address

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

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

**VERIFICATION**

I, \_\_\_\_\_, affirm under penalty of perjury under the laws of the State of New Mexico that I am the Petitioner in the above-entitled cause, and I know and understand that the contents contained in the above Affidavit are true to the best of my knowledge and belief.

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Date

**Certificate as to the state of the record (*Parentage*).**

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

Case No.: D-1 \_\_\_\_\_ -DM- \_\_\_\_\_

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

-vs.-

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

**CERTIFICATE AS TO THE STATE OF THE RECORD**  
**(*domestic relations actions*)<sup>1</sup>**

I, Clerk of the District Court of this Judicial District in this County, New Mexico, pursuant to the Affidavit as to Respondent's Failure to Plead or Otherwise Defend on file herein, certify as follows:

(1) The Petition To Establish Parentage, Determine Custody and Time-Sharing, and Assess Child Support was filed on \_\_\_\_\_.

(2) Respondent was served as follows (*choose and complete one*):

As shown by the Affidavit of Service filed on \_\_\_\_\_,  
Respondent was personally served on \_\_\_\_\_.

(*or*)

As shown by the Affidavit of Publication filed on \_\_\_\_\_,  
Respondent was served by publication.

(3) Respondent has not filed an answer, motion, or otherwise responded, and more than thirty (30) days have passed since Respondent was served with the Summons and Petition To Establish Parentage, Determine Custody and Time Sharing, and Assess Child Support.

WHEREFORE, I, \_\_\_\_\_, hereby certify Respondent's default.

Kathleen Vigil  
Clerk of the District Court

By: \_\_\_\_\_  
Deputy Clerk

**Application for Default Judgment and Final Decree of Parentage.**

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

Case No.: D-1 \_\_\_\_\_ -DM- \_\_\_\_\_

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

-vs.-

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

**APPLICATION FOR DEFAULT ORDER ESTABLISHING  
PARENTAGE, CUSTODY, TIME-SHARING, AND CHILD SUPPORT**

Petitioner applies for entry of judgment by default against Respondent and in support of the application states:

- (1) The statements in the Affidavit as to Respondent's Failure to Plead or Otherwise Defend are included here by reference.
- (2) As shown by the Certificate as to the State of the Record filed in this case on \_\_\_\_\_, the Clerk of this Court has certified Respondent's default.

WHEREFORE, Petitioner applies to the Court for entry of judgment by default against the Respondent as requested in the Petition To Establish Parentage, Determine Custody and Time-Sharing, and Assess Child Support, and as more specifically stated in the proposed Default Order Establishing Parentage, Custody, Time-Sharing, and Child Support submitted with this application.

\_\_\_\_\_  
Signature of party

\_\_\_\_\_  
Name (*printed*)

\_\_\_\_\_  
Mailing address

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

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

\_\_\_\_\_  
Email Address

4A-405. Default order establishing parentage, custody, time-sharing, and child support.

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

Case No.: D-1 \_\_\_\_\_ -DM- \_\_\_\_\_

\_\_\_\_\_,  
Parent 1  
Petitioner,

v.

\_\_\_\_\_,  
Parent 2  
Respondent.

**DEFAULT ORDER ESTABLISHING PARENTAGE,  
CUSTODY, TIME-SHARING, AND CHILD SUPPORT**

**THIS MATTER** comes before the Court upon Petitioner’s Petition to Establish Parentage, Custody, Time-Sharing, and Child Support. The Court has considered the evidence before it and being fully advised in the premises, hereby enters its Finding of Fact, Conclusions of Law, and Final Order as follows:

**THE COURT FINDS and ORDERS:**

**1. BACKGROUND.**

A. Petitioner lives in the State of \_\_\_\_\_ and resides in \_\_\_\_\_ County.  
Respondent lives in the State of \_\_\_\_\_ and resides in \_\_\_\_\_ County.

Minor child(ren) subject to this proceeding:

Name	Date of birth	Present age
(a) _____	(b) _____	(c) _____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**2. PARENTAGE**

A. The Court finds that \_\_\_\_\_ (*name of Parent 1*) is the parent of 4 the minor child(ren).

This finding of parentage is based upon: (*check all that apply*)

- having given birth to the child(ren);
- named on the birth certificate;
- a court order adjudicating paternity;
- adopting the child(ren);
- genetic test(s);
- a valid Acknowledgement of Paternity
- an un rebutted presumption of paternity;
- a consent for assisted reproduction that resulted in the birth of the child(ren)

B. The Court finds that \_\_\_\_\_ (*name of Parent 2*) is the other parent of the child(ren).

This finding of parentage is based upon: (*check all that apply*)

- having given birth to the child(ren);
- named on the birth certificate;
- a court order adjudicating paternity;
- adopting the child(ren);
- genetic test(s);
- a valid Acknowledgement of Paternity
- an un rebutted presumption of paternity;
- a consent for assisted reproduction that resulted in the birth of the child(ren).

C. If either parent is not currently named on the child(ren)'s birth certificate, on the request of either parent, the Bureau of Vital Records and Health Statistics of the New Mexico Department of Health must prepare a new certificate(s) of birth reflecting the parents of the child(ren) as adjudicated herein and must substitute the new certificate(s) for the original certificate(s).

**3. CHILD CUSTODY** (*Complete one of the following:*)

Both Petitioner and Respondent are fit and proper persons to have care, custody, and control of the minor child(ren) of the parties.

**OR:**

\_\_\_\_\_ is a fit and proper person to have primary care, custody, and control of the minor child(ren) of the parties and should be awarded sole legal and physical custody of the child(ren).

4. **TIME-SHARING** (*Complete one of the following:*)

Petitioner requests that \_\_\_\_\_ (*name of other parent*) have visits with the child(ren) as follows:

**No visits;**

**Visitation at the discretion of the custodial parent;**

(*write your own plan*) \_\_\_\_\_

**OR:**

Petitioner has submitted a Parenting Plan that describes the proposed time-sharing schedule of each parent with the minor child(ren). The parenting plan is being submitted to the court at the same time as this order. (*Use Form 4A-302 NMRA, Custody Plan and Order.*)

5. **CHILD SUPPORT**

\_\_\_\_\_ is an able-bodied person, capable of paying child support in the amount of (ii) \$ \_\_\_\_\_ per month, which is the amount on the Child Support Worksheet. A Child Support Worksheet is attached to this order and signed by Petitioner.

**OR:**

\_\_\_\_\_ is an able-bodied person who is capable of paying child support and should be required to contribute (ii) \$ \_\_\_\_\_ per month for child support. A Child Support Worksheet is attached to this order and signed by Petitioner. The amount of child support is different from Child Support Guidelines.

**OR:**

The Child Support Guidelines are waived in this matter because following the Guidelines would create a substantial hardship due to these circumstances: \_\_\_\_\_

It is therefore determined that application of the Guidelines would be unjust or inappropriate.

This on-going child support obligation will continue until the court changes it in an Order of the Court or until the emancipation of the child(ren). If one of the children named in the order turns eighteen (18) years of age (or nineteen (19) years of age if they are still in high school), either party may file a motion for an order modifying child support for the remaining child(ren) or may request the court to end ongoing child support if all children are eighteen (18) years of age (or nineteen (19) years of age if the child is still in high school). Modifying or ending ongoing child support does not change unpaid child support that may still be due and owing.



**6. WAGE WITHHOLDING**

A. \_\_\_\_\_ has waived income withholding. The parent responsible for child support will make payments directly to:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

OR through direct payments via \_\_\_\_\_ (*direct deposit, smart phone app, etc.*)

Parties must keep track of all payments, and records of payment are encouraged.

B. Immediate wage withholding is ordered. The employer of the parent obligated to pay child support must make child support payments to:

HSD, Child Support Enforcement Division  
P.O. Box 200796  
Dallas, TX 75320-0796

OR online (*e-check, credit or debit cards – parents only*) using E-Bill Express, available at <https://www.e-billexpress.com/ebpp/NMHSDCED/Login/Index>.

The CSED account number must be shown on each payment and an Income Withholding for Support form must also be filled out by the parties and signed by the judge. Direct payments between parents must occur until wage withholding begins.

**7. MEDICAL SUPPORT.**

A. (*pick one of the selections below*)

\_\_\_\_\_ (*write name of parent who has/will provide insurance coverage for the child(ren)*) will ensure that the child(ren) are covered under a group health insurance policy and that parent will pay for the insurance.

OR

The child(ren) is/are covered by Medicaid.

B. Medical expenses not paid by insurance and/or Medicaid will be paid as follows:

Parent \_\_\_\_\_ is responsible for \_\_\_\_% of these expenses; and Parent \_\_\_\_\_ is responsible for \_\_\_\_% of these expenses. (*The total % must add up to 100%*).

**8. LIFE INSURANCE (*optional*)**

\_\_\_\_\_ will purchase life insurance with a benefit of \$ \_\_\_\_\_, naming the other parent as trustee for the benefit of the minor child(ren) to pay the child support upon the paying parent's death.

9.  The Department of Health, Bureau of Vital Records and Statistics shall change the birth records of the minor child(ren) to reflect this parentage determination. (*A copy of this order must be provided by the parties to Vital Records*).

**IT IS SO ORDERED:**

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

SUBMITTED AND APPROVED:

\_\_\_\_\_  
Petitioner

[Adopted by Supreme Court Order No. S-1-RCR-2024-00103, effective for all cases pending or filed on or after December 31, 2024.]