

# CONTESTED LEGAL SEPARATION WITH MINOR CHILDREN

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

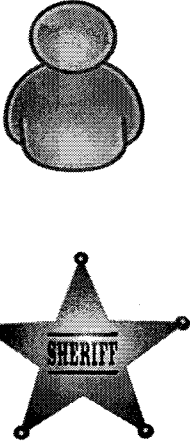


2500 Trinity Drive Suite D  
Los Alamos, NM 87544  
Telephone: 505-662-9561  
(Wednesday Only)

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
<p>Fill out your forms in <b>print</b> using <b>only blue</b> or <b>black ink</b>. Do <b>not</b> 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.</p>	
<p>After your forms are filled out, you must take them to the Self-Help office for review. The Self-Help office will give you dates for mandatory classes and hearings that both parties must attend. After your forms have been reviewed, you may take them to the clerk's office for filing. The filing fee will be collected at that time.</p>	
<p>The filing fee is \$137.00, payable in cash, cashier's check, money order, or credit/debit card. <i>Credit/debit card payments for Rio Arriba cases can only be accepted at the Rio Arriba district courthouse.</i></p>	
<p>If you cannot afford the filing fee, you may complete and submit an Application For Free Process; if approved, your filing fee may be reduced or waived. This form is available at the Self-Help office and on the First District Court's website.</p>	
<p>Once the filing fee has been paid or waived, a court clerk will open your case and submit your order(s) to the judge for review.</p>	
<p>The clerk's office will contact you after your documents have been processed and are ready for pick-up. The clerk's office charges a fee of 35 cents per page for copies and an additional \$1.50 for each certified copy requested.</p>	
<p>NM Supreme Court Forms: <a href="https://nmcourts.gov/forms-library/">https://nmcourts.gov/forms-library/</a>                      First District Court Forms: <a href="https://firstdistrict.nmcourts.gov/forms-library/">https://firstdistrict.nmcourts.gov/forms-library/</a>                      NM Interactive Child Support Worksheet: <a href="https://csw.nmcourts.gov/cswworksheet/web2024/worksheet.html">https://csw.nmcourts.gov/cswworksheet/web2024/worksheet.html</a></p>	

# LEGAL NOTICE: HOW TO SERVE

## WHAT YOU NEED TO KNOW:

- YOU are the Petitioner. THEY are the Respondent.
- YOU must *legally notify* each Respondent that you filed a petition against them. The court will not do this for you.
- Your case **will not move forward** until you have legally notified them, and YOU must file proof with the Court. Parties may seek the advice of a licensed attorney, for any questions.

<p><b>Legal Notice by Personal Service</b></p> <p>You may have someone over the age of 18, who is <i>not</i> a party to this case deliver the summons, petition, and other related documents to the respondent if you know where they live, work, or can be found.</p> <p>YOU are <i>not</i> allowed to serve them, nor can any other party to your case serve them.</p> <p>The person performing the service must complete a <i>Return of Service</i> for each party served. The Return of Service <i>must</i> be signed before a Notary Public or a court clerk and filed with the Court.</p> <p>A process server, sheriff, or their deputy may also deliver filed copies to the respondent. If the sheriff or process server does not file the signed Return of Service for you, you <i>must</i> be sure to file it.</p>	
<p><b>Legal Notice by Certified Mail</b></p> <p>If you have a valid/current mailing address for the respondent, you may have the post office deliver a copy of the Summons, Petition and related documents to the respondent by <b>Certified Mail with a Return Receipt and Restricted Delivery</b>. This method requires that the Respondent(s) sign the Return Receipt.</p> <p>The <b>signed</b> Return Receipt <i>must</i> be filed with the Court after the post office returns it to you.</p>	
<p><b>Legal Notice by Publication</b></p> <p>If you do not know where a respondent lives, works, or where they can be found <b>after you have made every reasonable effort to locate</b> them, you may file a Motion for Service by Publication with a Notice of Pendency attached. If the motion is granted, you may publish the Notice of Pendency in the newspaper(s). The notice must be published for three (3) consecutive weeks. Upon completion, you will receive an Affidavit of Publication from the newspaper. You <i>must</i> file the Affidavit of Publication with the Court.</p>	

**4A-101. Domestic relations information sheet.**

**DOMESTIC RELATIONS INFORMATION SHEET<sup>1</sup>**  
**NOTE TO CLERK: DO NOT FILE THE INFORMATION SHEET**  
*Type or print responses. Required in all domestic relations cases.<sup>2</sup>*  
*(Do not use in domestic violence cases.)*

**A. Petitioner's attorney information. (Complete only if Petitioner has an attorney.)**

Petitioner's name: \_\_\_\_\_  
Attorney's name: \_\_\_\_\_  
Attorney's address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_  
Zip code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_

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

<b>Petitioner</b>	<b>Respondent</b>
Name: _____ <i>(Last name, first, middle)</i>	Name: _____ <i>(Last name, first, middle)</i>
Other names (e.g. maiden name): _____	Other names (e.g. maiden name): _____
Address: _____	Address: _____
City: _____	City: _____
State: _____	State: _____
Zip code: _____	Zip code: _____
Date of birth: _____	Date of birth: _____
Social Security number <sup>3</sup> : _____	Social Security number <sup>3</sup> : _____
Email Address: _____	Email Address: _____

**C. 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: _____ <i>(Last name, first, middle)</i>	Name: _____ <i>(Last name, first, middle)</i>
Date of birth: _____	Date of birth: _____
Social Security number: _____	Social Security number: _____

Name: \_\_\_\_\_

(Last name, first, middle)

Date of birth: \_\_\_\_\_

Social Security number: \_\_\_\_\_

Name: \_\_\_\_\_

(Last name, first, middle)

Date of birth: \_\_\_\_\_

Social Security number: \_\_\_\_\_

**D. 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 Registry to the extent possible.<sup>4</sup> 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.

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

**END OF INFORMATION SHEET**

**USE NOTE**

1. The Domestic Relations Information Sheet is 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 Information Sheet with the initial pleading, and the documents need not be served.

In all other contested domestic relations cases each attorney representing a petitioner, or the petitioner proceeding pro se, in a contested case must submit 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](http://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. 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.

3. 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.

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 4-211 NMRA, effective November 1, 1999 until November 1, 2000; approved, as amended, effective November 1, 2000; as amended by Supreme Court Order No. 13-8300-010, effective for all pleadings and papers filed on or after May 31, 2013, in all cases pending or filed on or after May 31, 2013; as amended by Supreme Court Order No. 14-8300011, effective for all cases filed on or after December 31, 2014.]

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

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

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

-vs.-

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

**PETITION FOR LEGAL SEPARATION**  
(with minor children)

COMES NOW, \_\_\_\_\_, the Petitioner, and alleges:

1. The Petitioner is a resident of \_\_\_\_\_ County, and has been for at least six (6) months before filing this Petition.
2. Petitioner and Respondent were married on \_\_\_\_\_ in \_\_\_\_\_ (city), \_\_\_\_\_ (state), and have remained spouses since that date.
3. The parties permanently separated on \_\_\_\_\_; and no longer cohabit together.
4. Petitioner's current address is: \_\_\_\_\_.
5. Respondent's current address is: \_\_\_\_\_.
6. The parties have minor child(ren) and [ ] no more children are expected *or* [ ] they are expecting [an] additional child(ren).
7. The name(s), date(s) of birth and age(s) of the *minor* child(ren) is/are:

Name:	Date Of Birth (DOB):	Age:

**8. RESIDENCE OF CHILD(REN):**

During the past three (3) years, the minor child(ren) has/have lived with the following person(s), at the following places, for the following periods of time:

Name/Address/Dates:

**9. PRIOR OR PENDING LITIGATION:**

Petitioner knows of NO other litigations concerning custody or visitation involving the minor child(ren) of the parties in New Mexico or in any other state in which Petitioner has participated as a party, as a witness, or in any other capacity.

*or*

Petitioner knows of other litigation concerning custody or visitation involving the minor child(ren) of the parties in New Mexico or in another state in which the Petitioner has participated as a party, as a witness, or other capacity. The other litigation concerning custody or visitation involving the minor child(ren) of the parties is/are:

Case Name:	Case Number:	Name & Location of Court Proceeding:

**10. OTHER CUSTODY AND VISITATION CLAIMS:**

Petitioner has NO information of any proceeding that is pending in a court in New Mexico or in any other state involving visitation or custody with the parties' minor child(ren).

*or*

The following proceeding(s) is/are pending in a court in New Mexico or in any other state involving or custody with the parties' minor child(ren).

Case Name:	Case Number:	Name & Location of Court Proceeding:

Petitioner knows of NO person(s) other than the parties who have physical custody of the minor child(ren) or who claim to have custody or visitation rights to the minor child(ren).

*or*

The following person(s) other than the parties have physical custody of the minor child(ren) or claim to have custody or visitation rights to the minor child(ren):

Name/Address:

**11. CUSTODY REQUEST:** *(choose requested relief)*

Petitioner and Respondent should be awarded JOINT legal custody of the minor child(ren), with a parenting plan that is consistent with the best interest(s) of the minor child(ren).

\_\_\_\_\_ should be awarded SOLE legal and physical custody of the minor child(ren) and is able to show the Court why sole legal and physical custody is appropriate for the minor child(ren).

**12. CHILD SUPPORT:** *(choose requested relief)*

Child Support should be set according to the New Mexico Child Support Guidelines.

No child support is requested.

**13. MEDICAL INSURANCE AND EXPENSES:** *(choose all requested relief)*

\_\_\_\_\_ should provide health and dental insurance for the minor child(ren).

\_\_\_\_\_ should pay 100% of the child(ren)'s health and dental expenses not paid by insurance.

The parties should each pay one-half (1/2) of the child(ren)'s health and dental expenses not paid by insurance.

**14. SPOUSAL SUPPORT:** *(choose requested relief)*

Petitioner is in need of spousal support to be paid to him/her by the Respondent.

Both Petitioner and Respondent are able to provide financially for themselves; therefore no spousal support is requested.

15. Any community property of the parties should be equitably divided.

16. Any community debts of the parties should be equitably allocated.

17. Any sole and separate property should be confirmed by the Court.



18. Any sole and separate debts of the parties should be confirmed by the Court.

**WHEREFORE**, Petitioner asks that the Court:

- A. Grant a legal separation of the parties;
- B. Award child custody in accordance with this petition.
- C. Order child support in accordance with this petition.
- D. Confirm the separate property and separate debts of the parties;
- E. Equitably divide the community property and community debt of the parties;
- F. Order the Respondent pay spousal support (*cross out if this does not apply*);
- G. Grant such other and further relief as the Court deems just and equitable.

Submitted By:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City/State/Zip

\_\_\_\_\_  
Telephone Number

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

**VERIFICATION**

STATE OF NEW MEXICO            )  
                                                  )ss  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, affirm under penalty of perjury under the laws of the State of New Mexico that I am in the Petitioner in the above-entitled cause. I have read the PETITION FOR LEGAL SEPARATION (WITH MINOR CHILDREN) and its contents herein, affirm that they are true, and correct, to the best of my knowledge and belief.

\_\_\_\_\_  
Petitioner's Signature

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My Commission Expires:

\_\_\_\_\_  
Notary Public

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

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

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

-vs.-

**THIS FORM MUST BE FILLED OUT.**

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

**INTERPRETER FORM**

1. Do you need an interpreter?  Yes  No
  
2. An interpreter is requested for:  
 Petitioner  
 Respondent  
 Witness in matter
  
3. The type of interpreter needed:  
 Spanish  
 American Sign Language  
 \_\_\_\_\_ speaker  
(Language)

**This request is for the entire case.**

Date: \_\_\_\_\_

\_\_\_\_\_  
Name

- Petitioner *Pro Se*  
 Respondent *Pro Se*

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/State/Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
E-mail Address

**4-206 Summons.**

[For use with District Court Civil Rule 1-004 NMRA]

<b>SUMMONS</b>	
District Court: <i>First</i> County, New Mexico Court Mailing Address: <i>PO Box 2268</i> <i>Santa Fe NM, 87504</i>  Court Physical Address: <i>225 Montezuma Ave</i> <i>Santa Fe, NM 87501</i>  Court Telephone Number: <i>505-455-8250</i>	Case Number:  Judge:
Petitioner(s):  v. Respondent(s):	Respondent Name: Address: Telephone Number: Email Address:

**TO THE ABOVE NAMED RESPONDENT(S):** Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6227; or 1-505-797-6066.

Dated at \_\_\_\_\_, New Mexico, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**KATHLEEN VIGIL**  
CLERK OF COURT

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

Attorney for Petitioner *or* Petitioner pro se  
Name:  
Address:  
Telephone No.:  
Fax No.:  
Email Address:

Case Number: \_\_\_\_\_

RETURN<sup>1</sup>

STATE OF NEW MEXICO )  
 )ss  
COUNTY OF \_\_\_\_\_ )

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in \_\_\_\_\_ county on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

*(check one box and fill in appropriate blanks)*

to the defendant \_\_\_\_\_ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of defendant \_\_\_\_\_, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*).

to \_\_\_\_\_, an agent authorized to receive service of process for defendant \_\_\_\_\_.

to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (*used when defendant is a minor or an incompetent person*).

[ ] to \_\_\_\_\_ (name of person), \_\_\_\_\_,  
(title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (if any)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.<sup>2</sup>

\_\_\_\_\_  
Judge, notary or other officer authorized to administer oaths

\_\_\_\_\_  
Official title

#### USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.
2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013; as amended by Supreme Court Order No. 13-8300-022, effective for all cases pending or filed on or after December 31, 2013; as amended by Supreme Court Order No. 14-8300-017, effective for all cases pending or filed on or after December 31, 2014.]

**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 ORDER<sup>1</sup>**

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 account<sup>2</sup> 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 COURT<sup>3</sup>**

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.



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 PRODUCTION'**

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

\_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_\_ a.m.

**This hearing will be conducted by video through Google Meet.** All parties should connect *no less than* 5 minutes *prior* to your scheduled hearing. Once connected, you must set your device to **MUTE** until the Court requests otherwise. The Hearing Officer operates on a trailing docket, so your hearing may commence later than the time listed.

To join by *video*, enter the following link into the address bar of your browser's search engine: **meet.google.com/htm-gstf-qxa**

To join by *phone* Dial: **1-605-937-6997** and enter PIN: **613 024 822#**

**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.
8. **The parties shall also submit hard copies of their documents, along with their proposed interim monthly income and expense statement to the Domestic Relations Hearing Officer at least two (2) days before the hearing in an envelope or binder clearly marked with their name, case number, hearing date, and telephone number. Copies of no more than twenty (20) pages total can be submitted by fax or email. You must include a cover page with your name, phone number, case number and hearing date if faxed (505-455-8144), and list your case number and hearing date in the subject line when sending by email (sfedcshoproposedtxt@nmcourts.gov).**

**FAILURE TO PROVIDE REQUIRED DOCUMENTS COULD RESULT IN SANCTIONS INCLUDING A MONETARY PENALTY, INFORMATION BEING EXCLUDED, AND/OR THE SOUGHT AFTER RELIEF BEING GRANTED OR DENIED.**

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DISTRICT COURT JUDGE

Domestic Relations Hearing Office

Physical address: Judge Steve Herrera Judicial Complex  
225 Montezuma Ave.  
Santa Fe, NM 87501

Mailing Address: First Judicial District Court  
Attn: Child Support Hearing Office  
P.O. Box 2268  
Santa Fe, NM 87504

Telephone: 505.455.8140  
Facsimile: 505.455.8144

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

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

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

-vs. -

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

**SCHEDULING ORDER**

(contested legal separation with minor children)

A Petition for Legal Separation has been filed in this case. The parties are the parents of [a] minor child(ren). A Custody Plan and Order regarding the care and custody of the parties' child(ren) has not been filed. A Child Support Obligation and Order with the attached Child Support Worksheet has not been filed. A Martial Settlement Agreement identifying and dividing the parties' property and debts has not been filed. **IT IS THEREFORE ORDERED:**

**1. FREE INFORMATION AND HELP SESSIONS:**

Both parties shall attend the **General Information Session on Children and Separation**, presented by Family Court Services on **Tuesday, \_\_\_\_\_, 202\_\_** from **8:45 a.m. until 10:00 a.m. at the Judge Steve Herrera Judicial Complex, 225 Montezuma Street, Santa Fe, NM 87501.**

**Children Shall NOT Attend This Session.**

Immediately following the General Information Session, at approximately 10:00 a.m., attorneys and mediators will be available to work with parties, without a fee, on an Interim Income and Debt Allocation Order, a Martial Settlement Agreement, a Parenting Plan, a Child Support Order, and a Final Decree when both parties are present and there is an agreement regarding any of the pending issues.

- 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 Legal Separation is filed and the date the Final Decree of Legal Separation 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. CHILD CUSTODY AND TIMESHARING.

Child custody and timesharing issues are referred to Family Court Services for the purposes of developing a parenting agreement or conducting a consultation to obtain a court order resolving the custody and timesharing issues, unless a parenting agreement or plan has been prepared by parties and approved by the assigned judge prior to the parties scheduled mediation session.

Family Court Services offers Mediation, Priority Consultations and Advisory Consultations. Court Clinicians provide these services on a sliding fee scale approved by the Court. The parties shall pay for Mediation, Priority Consultations and Advisory Consultations prior to each session. Cash, cashier's checks, money orders, in-person credit/debit card (Santa Fe and Los Alamos Counties only), online credit/debit card payments are acceptable forms of payment.

The mediator shall encourage and assist the parties to resolve child custody and timesharing issues in a way that is mutually satisfactory to the parties and in the best interests of the child(ren).

If mediation results in an agreement between parties, a parenting agreement shall be prepared by Family Court Services, signed by parties and submitted to the assigned judge for review and signature.

If parties cannot reach a parenting agreement through mediation, the parties shall be scheduled for a Priority Consultation or an Advisory Consultation with Family Court Services. Parties shall make themselves and their child(ren) available for consultation, if requested. Parties shall participate and cooperate fully with the program.

In the event of a Priority Consultation or Advisory Consultation, the consultant shall make recommendations to the court and an objections hearing may be scheduled before the judge. Objections to any recommendations may be filed with the clerk's office by either party eleven (11) days from the date the recommendations are filed. The objecting party must mail a copy of the filed objections to the other party. If no objections, are filed within the eleven (11) day objection period, the recommendations will be adopted by the Court.

Parties shall not disclose or show the contents of the Sealed Addendum To Priority or Advisory Consultation Recommendations to any other person(s) without the permission of both parties or permission of the Court. Nothing in this provision shall prevent the disclosure of the report to the parties' own experts, consultants, counselors or therapists where applicable.

If the parties are able to develop a parenting agreement on their own prior to their scheduled mediation session, parties shall complete a Custody Plan and Order, Form 4A-302, sign and submit it to the assigned judge for review and approval.

The 4A-302 Custody Plan and Order form is included in the forms packet and is available at the clerk's office, and on the New Mexico Supreme Court website at <https://nmcourts.gov/forms-files/divorce/>.

#### 4. CHILD SUPPORT HEARING.

A hearing to establish child support will be set by separate order. If the parties are able to come to an agreement on their own regarding child support, they shall complete the Child Support Obligation and Order, Form 4A-303, *attach* the appropriate Child Support Worksheet, sign and submit them to the judge for approval.

Form 4A-303 is included in the forms packet and is available at the clerk's office, and on the New Mexico Supreme Court website at <https://nmcourts.gov/forms-files/divorce/>

An interactive Child Support Worksheet can be found online by googling NM Child Support Calculator or by visiting <https://csw.nmcourts.gov/csworksheet/web2024/worksheet.html>

#### 5. 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 Court 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 using Form 4A-301 Marital Settlement Agreement signed by 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.

**6. CONFIDENTIALITY OF MEDIATION AND SETTLEMENT CONFERENCES.**

Mediation proceedings and settlement conferences shall be held in private 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.

**7. FINALIZING YOUR LEGAL SEPARATION.**

After parties have completed, signed, and filed their 4A-301 Marital Settlement Agreement, parties shall complete, sign and submit either a 4A-302 Custody Plan and Order form or other parenting agreement, a 4A-303 Child Support Obligation and Order form with an attached Child Support Worksheet to the assigned judge for review and approval, as well as a Final Decree of Legal Separation (with minor children).

The separation is **NOT** finalized until the judge has signed and filed the Final Decree of Legal Separation. All of the above-mentioned forms are available at the First District Court's Self Help Office.

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**DISTRICT COURT JUDGE**

# **STOP HERE!**

**DO NOT FILL ANYTHING OUT BEYOND THIS PAGE. IF YOU WISH TO MAKE COPIES OF THESE DOCUMENTS, BE SURE TO KEEP EVERYTHING IN ORDER AND RE-STAPLE THE PACKET BEFORE RETURNING IT TO THE COURT FOR FILING.**