

## PRO SE FORMS - DEFAULT DIVORCE WITH CHILDREN

If you are the Petitioner AND more than thirty (30) days have passed since you served the Respondent with the Petition AND the Respondent has failed to file a Response or to otherwise respond to the Petition, you may be granted a divorce without the agreement of the Respondent. This is called a default judgment.

### THIS PACKET CONTAINS:

1. **Instructions** [Rules 4A-310] (DO NOT COPY - NOT REQUIRED FOR FILING)
2. **Affidavit as to Respondent's Failure to Plead or Otherwise Defend**
3. **Certificate as to the State of the Record** *To be issued by the Clerk's Office.*
4. **Application for Default Judgment and Final Decree of Dissolution of Marriage**
5. **Default Judgment and Final Decree of Dissolution of Marriage**



### PLEASE READ

- **REMEMBER - As a self-represented litigant, you are responsible for your case.** The District Court Clerk's Office will not provide any information as to how you should proceed with your case nor can they fill in any blanks on forms on your behalf.
- **You must fill out the paperwork correctly, request and attend hearings, check whether the respondent is filing paperwork, keep track of deadlines, etc.**
- **Type or print your forms.**
- **Make sure the pleadings are signed.**
- **File the forms with the court.**
- **Required number of copies:** An original and at least one (1) copy of each form must be filed.
- **Pay the filing fee:** \$137 - cash, cashier's check or money order, unless free process is approved.

#### **4A-310. Domestic relations forms; instructions for default proceedings.**

If you are the Petitioner AND more than thirty (30) days have passed since you served the Respondent with the Petition AND the Respondent has failed to file a Response or to otherwise respond to the Petition, you may be granted a divorce without the agreement of the Respondent. This is called a default judgment. You may request a default judgment and final decree of dissolution of marriage by doing the following:

A. Complete and file with the Court Clerk's Office an Affidavit as to Respondent's Failure To Plead or Otherwise Defend (Form 4A-311 NMRA); your affidavit must include a certificate verifying the other party's active duty military status, which you can obtain online at [https://dmdc.osd.mil/appj/scra/single\\_record.xhtml](https://dmdc.osd.mil/appj/scra/single_record.xhtml); when you file your affidavit, bring a blank Certificate as to the State of the Record (Form 4A-312 NMRA) and a self-addressed, stamped envelope so that the Clerk can return a completed certificate to you;

B. After you receive the completed Certificate as to the State of the Record (Form 4A-312 NMRA) from the Clerk, attach the certificate to an Application for Default Judgment and Final Decree of Dissolution of Marriage (Form 4A-313 NMRA), and file the application with the Court Clerk's Office; and

C. Complete and submit to the judge a copy of the Default Judgment and Final Decree of Dissolution of Marriage (Form 4A-314 NMRA (without children) or Form 4A-315 NMRA (with children)). Check with the clerk of your district to determine if your district has additional requirements.

The Court may sign and file the Default Judgment and Final Decree of Dissolution of Marriage without further notice, or it may order you to appear for a hearing. **WARNING:** Once the Court enters the Default Judgment and Final Decree of Dissolution of Marriage, your divorce will be final, and the terms of your Default Judgment and Final Decree of Dissolution of Marriage will be legally binding on both parties.

[Approved 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; approved by Supreme Court Order No. 14-8300-011, effective for all pleadings and papers filed on or after December 31, 2014, in all cases filed or pending on or after December 31, 2014.]

**4A-311. Affidavit as to Respondent's failure to plead or otherwise defend (*domestic relations actions*).**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
SIXTH JUDICIAL DISTRICT

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

v. No. D-\_\_\_\_-DM-\_\_\_\_\_

\_\_\_\_\_,  
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 For Dissolution of Marriage 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 for Dissolution of Marriage.

(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

### USE NOTE

1. This form may be used anywhere in this state to request the clerk of the court to issue a certificate as to the state of the record (Form 4A-312 NMRA) in a domestic relations action.

2. This affidavit must include a certificate verifying the petitioner's active duty status, which you can obtain online at [https://dmhc.osd.mil/appj/scra/single\\_record.xhtml](https://dmhc.osd.mil/appj/scra/single_record.xhtml).

[Approved 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 No. 14-8300-011, effective for all pleadings and papers filed on or after December 31, 2014, in all cases filed or pending on or after December 31, 2014.]

**4A-312. Certificate as to the state of the record (*domestic relations actions*).**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
SIXTH JUDICIAL DISTRICT

Petitioner,

v.

No. D-\_\_\_\_-DM-\_\_\_\_\_

\_\_\_\_\_,  
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 for Dissolution of Marriage 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 for Dissolution of Marriage.

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

\_\_\_\_\_  
Clerk of the District Court

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

USE NOTE

1. This form may be used anywhere in this state by the clerk of the court to certify a default in a domestic relations action.

[Approved 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. 14-8300-011, effective for all pleadings and papers filed on or after December 31, 2014, in all cases filed or pending on or after December 31, 2014.]

**4A-313. Application for default judgment and final decree of dissolution of marriage.**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
SIXTH JUDICIAL DISTRICT

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

v. No. D-\_\_\_\_\_-DM-\_\_\_\_\_

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

**APPLICATION FOR DEFAULT JUDGMENT  
AND FINAL DECREE OF DISSOLUTION OF MARRIAGE<sup>1</sup>**

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 for Dissolution of Marriage, and as more specifically stated in the proposed Default Judgment and Final Decree of Dissolution of Marriage submitted with this application.

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

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

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

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

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

## USE NOTE

1. This form may be used anywhere in this state to request the court to enter a default judgment and final decree of dissolution of marriage in a domestic relations action.

[Approved 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. 14-8300-011, effective for all pleadings and papers filed on or after December 31, 2014, in all cases filed or pending on or after December 31, 2014.]



**4A-315. Default judgment and final decree of dissolution of marriage (with children).**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
SIXTH JUDICIAL DISTRICT

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

v. No. D-\_\_\_\_\_-DM-\_\_\_\_\_

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

**DEFAULT JUDGMENT AND  
FINAL DECREE OF DISSOLUTION OF MARRIAGE  
(with children)<sup>1</sup>**

\_\_\_\_\_ (*Petitioner's name*) and \_\_\_\_\_  
(*Respondent's name*) are married. Respondent failed to respond to the petition for dissolution of marriage after being served. The judge may make changes to this default decree and both parties must comply with any changes made.

**I. PROPERTY BEING DIVIDED<sup>2</sup>**

**A. Personal property** (*such as clothing, furniture, jewelry, or artwork*). Attached is a Personal Property List (Attachment A) showing all property and which party shall receive that property.

(Choose 1 or 2)

1. Each party already has possession of all the personal property each party will receive in this judgment.

(Or)

2. The parties shall get some or all of the property from the other party after this default judgment is signed by the judge and filed in the court.

**B. Real Property** (*such as a home, mobile home, condominium, lot, or commercial building*).<sup>3</sup>

(Choose all that apply)

1. Neither party has real property.

2. The parties have a marital home, which is located at \_\_\_\_\_ (street address), and with which they shall do the following:

(Complete the correct section: a. Keep the home; b. Sell the home; or c. Other plan.)

a. **Keep the home.**

\_\_\_\_\_ (name of Petitioner or Respondent) shall keep the home and shall be responsible for all debts related to the home.

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

(Choose all that apply)

i. The amount owed to the moving spouse to buy out that person’s interest is \$\_\_\_\_\_, which is included in the calculation of the Cash Payment, Section III, below.

ii. The homeowner shall apply to refinance the debt owed on the home no later than \_\_\_\_\_ (date).

iii. The homeowner shall buy out the moving spouse’s interest in the home or get the moving spouse off of the loan papers as follows:<sup>4</sup>

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. **Sell the home.** The home shall be sold and the money from the sale shall be divided as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

While the home is being sold,  Petitioner (or)  Respondent (choose one) shall stay in the home.

Until the home sells, the parties shall pay expenses, including mortgage, taxes and insurance, utility bills, and repairs for the home as follows (describe who is to pay and how much each person will pay):

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_.

The parties shall cooperate with the showing of the home and the sale of the home, including signing all paperwork needed in order to sell it and transfer title. Both parties shall preserve the home in a reasonable way including the following things:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

c. **Other plan.** Attached is a separate sheet with the plan regarding the home.

3. One or both of the parties has other real property as set forth in the attached Real Property List (Attachment B), and that property shall be divided as set forth in the attachment. If one party owes the other money for the division of the other real property, that amount is included in the calculation of the Cash Payment, Section III, below.

**C. Bank and investment accounts** (*such as checking accounts, savings accounts, stocks, bonds, certificates of deposit, mutual funds, or life insurance policies with cash value*).

(Choose 1 or 2)

1. The parties do not have any bank or investment accounts.

(Or)

2. The parties have the following bank or investment accounts and shall divide them as follows:

Petitioner shall have the following bank or investment accounts:

<b>Name of institution</b>	<b>Last four (4) digits of account number</b>
----------------------------	---

_____	_____
_____	_____
_____	_____

Respondent shall have the following bank or investment accounts:

<b>Name of institution</b>	<b>Last four (4) digits of account number</b>
----------------------------	---

_____	_____
_____	_____
_____	_____

**D. Retirement Plans (such as IRAs, retirement accounts, pension plans, or 401(k) plans).<sup>5</sup>**

(Choose 1 or 2)

1. Neither party has a retirement plan.

(Or)

2. The parties shall divide the retirement plan(s) as follows:

Petitioner has the following retirement plan(s):	(Circle one to show whether Petitioner will KEEP the entire plan, DIVIDE the plan with Respondent, or TRANSFER the	If plan will be DIVIDED, the amount or % to be given to
	[KEEP] [DIVIDE] [TRANSFER]	
	[KEEP] [DIVIDE] [TRANSFER]	
	[KEEP] [DIVIDE] [TRANSFER]	

Respondent has the following retirement plan(s):	(Circle one to show whether Respondent will KEEP the entire plan, DIVIDE the plan with Petitioner, or TRANSFER the	If plan will be DIVIDED, the amount or % to be given to
	[KEEP] [DIVIDE] [TRANSFER]	
	[KEEP] [DIVIDE] [TRANSFER]	
	[KEEP] [DIVIDE] [TRANSFER]	

If any retirement plan will be divided, a Qualified Domestic Relations Order (“QDRO”) shall be prepared and submitted to the Court by Petitioner by \_\_\_\_\_ (date).<sup>6</sup>

**E. Vehicles (such as cars, trucks, motorcycles, recreational vehicles, boats, tractors, or trailers).<sup>7</sup>**

(Choose 1 or 2)

1. The parties do not have any vehicles.

(Or)

2. The parties have vehicles and shall divide them as follows:

Petitioner shall keep the following vehicles and assume any debt relating to each vehicle (*provide the make, model, and year of each vehicle and list the vehicle identification number*):

<b>Vehicle description</b>	<b>Vehicle Identification No.</b>
_____	_____
_____	_____
_____	_____

Respondent shall keep the following vehicles and assume any debt relating to each vehicle (*provide the make, model, and year of each vehicle and list the vehicle identification number*):

<b>Vehicle description</b>	<b>Vehicle Identification No.</b>
_____	_____
_____	_____
_____	_____

Each party listed above as keeping the vehicles shall pay for the costs of the vehicles, including insurance. The parties shall transfer title by the following date:

\_\_\_\_\_ (date).

(Or)

when the vehicle is paid off.

**F. Other property** (*such as business interests, patents, trademarks, copyrights, royalties, manuscripts, or any other property*).

(Choose 1 or 2)

1. Neither party has any other property.

(Or)

2. One or both parties has the other property listed below, and shall divide it as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

## II. DEBTS BEING DIVIDED<sup>8</sup>

**A. Debt.** Attached is a Debt List (Attachment C) which lists all of the parties' debts, including mortgages, vehicle payments, taxes, credit cards, student loans, medical debts, judgments, and any other debts the parties may have. Any debt not listed is the responsibility of the person who created it. Each party shall pay debts created by that party prior to the marriage, unless stated differently here. Unless stated differently here, a party who takes property (such as a house or car) with a debt associated with it, shall take the debt.

*(Choose all that apply)*

The parties have no debt from the marriage.

Each party shall pay the debts as listed on Attachment C.

The amount owed from \_\_\_\_\_ to \_\_\_\_\_ for the division of the debts is \$ \_\_\_\_\_, which is included in the calculation of the Cash Payment, Section III, below.

**B. Credit cards and charge cards.** Each party shall turn in and cancel all joint credit cards, or shall have the credit card company take the other party's name off of the account.

**C. Taxes.** The parties shall share information necessary to correctly file income tax returns. Each party will get the help needed to file taxes.

**D. Problem with tax returns.** If any tax returns that the parties filed jointly are audited or contested, the parties should meet to decide what to do. If the parties cannot decide who pays the taxes owed or who gets any refund, they will ask a judge to decide at the time the problem comes up.

**E. Failure to pay debts.** If either party fails to pay the debts each is ordered to pay, the other party may end up making that payment. If that happens, the party who should have paid may have to repay the other party, including any other extra costs caused by the failure to pay, such as attorney fees, late fees, and interest charged by the creditor.

**III. CASH PAYMENT**

To equalize the division of property and debts, \_\_\_\_\_ (name) shall pay \_\_\_\_\_ (name) the amount of \$ \_\_\_\_\_ no later than \_\_\_\_\_ (date). Judgment shall enter in this amount for \_\_\_\_\_ (name). The statutory interest rate shall apply as provided in Section 56-8-4(A) NMSA 1978.

**IV. SPOUSAL SUPPORT<sup>9</sup>**

(Choose 1 or 2)

1. **No spousal support.** Each party can support himself or herself and neither shall pay spousal support to the other.

(Or)

2. **Spousal support.**  Petitioner (or)  Respondent (choose one) shall pay spousal support to the other party.

a. Spousal support shall be paid as follows:

(Choose i, ii, or iii)

i. \$ \_\_\_\_\_ per month on the \_\_\_\_\_ (date) of each month for \_\_\_\_\_ (period of time), which is not modifiable.

(Or)

ii. \$ \_\_\_\_\_ per month on the \_\_\_\_\_ (date) of each month until modified by the court.

iii. Other plan:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. For tax purposes, spousal support shall be treated as follows:

i. The person paying spousal support may deduct the payments on [his] [her] income tax return. The person receiving support shall show the support as income on [his] [her] income tax return. Spousal support shall end if the person to receive the support dies.

(Or)

- ii. The person paying spousal support shall not deduct the payments on [his] [her] income tax return. The person receiving spousal support will not include the payment as income on [his] [her] income tax return.

**V. CUSTODY PLAN<sup>12</sup>**

*(Provide identification and contact information for each parent and child)*

<b>Parent's name</b>	<b>Physical address and phone number</b>	<b>Place of employment and phone number</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

  

<b>Child's name</b>	<b>Year of birth</b>	<b>Age</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____

The parties shall advise each other of any change to this contact information within ten (10) days of new information becoming available.

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

**A. Sole legal custody and visitation plan. (Do not fill out Option B if you choose this option)**

*(Complete 1, 2, and 3)*

1. \_\_\_\_\_ *(name of parent with sole custody)* shall have sole legal custody of the children. The parent with sole custody shall make the important decisions regarding the children.

2. The reason that sole custody is in the best interest of the children is because:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. This is the visitation plan:



(Choose a, b, or c)

a. There shall be **no visitation** until further order of the Court.  
(Or)

b. \_\_\_\_\_ (name of other parent) shall have **unsupervised visitation** with the children as follows: (Fully describe visitation plan to include who shall transport the children and where and when the visitation shall occur. Attach additional sheets if necessary.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Or)

c. \_\_\_\_\_ (name of other parent) shall have **supervised visitation** with the children as follows: (Fully describe visitation plan to include who shall supervise the visitation, who shall transport the children, and where and when the visitation shall occur. Attach additional sheets if necessary.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. **Joint legal custody and parenting plan.** (Do not fill out Option A if you choose this option)

1. **Important decisions.** The parents shall share joint legal custody of the children and shall make important decisions about the children together. No change regarding any of the following shall happen unless the parents both agree to the change in writing or the court changes it:

- a. City and county of residence: \_\_\_\_\_
- b. Religion: \_\_\_\_\_
- c. Activities: \_\_\_\_\_

	Name	Address and telephone
d. Doctor	_____	_____
e. Dentist	_____	_____
f. School	_____	_____
g. Child care	_____	_____
h. Other	_____	_____

- 
2. ***Solving arguments.*** The parents shall resolve any parenting or time-sharing disputes regarding the children by talking together or communicating in writing. If a parent requests a change to the plan and gives reasons for the change, the answering parent should respond within five (5) days. If the answering parent does not agree to the change, that parent must say why, and if possible make a new proposal.
3. ***Timesharing schedule.***

(Complete "Schedule 1" or "Schedule 2" below.)

**Schedule 1. Same schedule each week or every two weeks.**

(Set out the time that each parent shall have the children for that day.)

<b>Week 1</b>	<u>                    </u> 's time (name of parent)	<u>                    </u> 's time (name of parent)
Monday	_____	_____
Tuesday	_____	_____
Wednesday	_____	_____
Thursday	_____	_____
Friday	_____	_____
Saturday	_____	_____
Sunday	_____	_____
<b>Week 2</b>	<u>                    </u> 's time (name of parent)	<u>                    </u> 's time (name of parent)
Monday	_____	_____
Tuesday	_____	_____
Wednesday	_____	_____
Thursday	_____	_____
Friday	_____	_____
Saturday	_____	_____
Sunday	_____	_____

**Schedule 2. Write your own schedule.** (Write your own schedule here or attach a separate sheet or calendar or make additions to Schedule 1.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. ***Vacation and holiday plan.***

- a. **Vacations.** The parents shall each have \_\_\_\_ [days] [weeks] (*circle one*) of uninterrupted time with the children each year. Each parent shall give the other parent at least \_\_\_\_ [days] [weeks] (*circle one*) notice of the vacation time.
- b. **Holidays.** Regardless of the day of the week, the children shall spend holidays as follows: (*Insert name of parent who will have the children on each holiday*)

<b>Holidays:</b>	<b>Even year</b>	<b>Odd year</b>	<b>Times (if split)</b>
Mother's Day	_____	_____	From _____ To _____
Father's Day	_____	_____	From _____ To _____
Child's Birthday	_____	_____	From _____ To _____
Halloween	_____	_____	From _____ To _____
Thanksgiving break	_____	_____	From _____ To _____
Winter religious holidays	_____	_____	From _____ To _____
1st 1/2 winter break	_____	_____	From _____ To _____
2nd 1/2 winter break	_____	_____	From _____ To _____
Spring Break	_____	_____	From _____ To _____
July 4th	_____	_____	From _____ To _____
Other religious holidays	_____	_____	From _____ To _____
Others:	_____	_____	From _____ To _____

The Monday of a 3-day weekend due to a school, federal, or state holiday is the same as the Sunday schedule unless the parents both agree differently in writing or the court orders a different arrangement.

5. ***Details about the timesharing.***

a. **Communication.** Each parent may have reasonable communication with the children at all times. Neither parent shall unreasonably interfere with the children's communications with the other parent.

b. **Transfer of children.** Responsibility for transferring the children from one parent to the other shall be as follows (*write what the parents will do here*):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

c. **Long-distance transfer of children.** Responsibility for transferring the children from one parent to the other in long-distance arrangements shall be as follows (*write down what the parents will do here*):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

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

e. **Changes.** Each parent may ask the other for changes to this schedule. The other parent has the right to say "no." If the other parent says "no," the parent asking for changes shall not argue or criticize the other parent's decision.

## VI. CHILD SUPPORT OBLIGATION.<sup>13</sup>

A. **Child Support Worksheet.**<sup>14</sup> A signed child support worksheet is attached to this plan. (*Complete and sign a child support worksheet prior to completing this section.*)

**Child support:** \_\_\_\_\_ pays \_\_\_\_\_ \$  
\_\_\_\_\_ per month. Payments shall begin on \_\_\_\_\_ (date)  
and shall be paid in the amount of \$ \_\_\_\_\_ every [ ] week [ ] two weeks [ ]  
month. Payments shall continue each month until the youngest child turns eighteen (18);  
however, if the youngest child turns eighteen (18) while still attending high school,  
payments shall continue until the month the child graduates or turns nineteen (19),  
whichever occurs first.<sup>15</sup>

(Choose 1 or 2)

1. This amount is the amount shown on the worksheet;

(Or)

2. This is a deviation from the amount shown on the child support worksheet  
because (*fill in the reason here*)<sup>16</sup>

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**B. Health insurance coverage**<sup>17</sup>

*(Choose 1, 2, or 3)*

1. \_\_\_\_\_ (*name of parent*) shall keep the minor children covered by health and dental insurance under the policy of insurance available from his or her employer or other group health care insurance plan.

*(Or)*

2. Neither parent has private health or dental insurance coverage available at a reasonable cost. If the children are covered under Medicaid, the child support obligor shall pay a cash medical support payment as determined at a subsequent hearing in which the State of New Mexico, Child Support Enforcement Division (“CSED”), has been given sufficient notice, or upon the stipulation of the parties and with the agreement of CSED. The notification to and agreement of CSED is required only for cash medical support.

*(Or)*

3. Other health insurance coverage shall be provided as follows:

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**C. Additional healthcare expenses to be determined by percentage.** The parents shall split the cost of uncovered necessary healthcare expenses in proportion to their income on the child support worksheet.

**D. Wage withholding of child support.**

*(Choose and complete 1 or 2)*

1. **Withhold wages for child support.** Child support payment shall be withheld from \_\_\_\_\_’s paycheck.<sup>18</sup>

*(Choose a or b)*

- a. Attached is a completed Form 4A-304 NMRA Wage Withholding Order which directs all withheld payments to the Child Support Enforcement Division (“CSED”).

*(Or)*

b. \_\_\_\_\_ (*name of parent*) shall I take a copy of this child support obligation after it is signed by the Court to CSED to open a case and to request that CSED issue a notice of wage withholding on [his] [her] behalf.

(Or)

2. **Other plan.** Wage withholding is not appropriate at this time as the parties have made the following alternate arrangements for the payment of support (*describe alternate payment arrangements, subject to approval by the Court*):

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E. **Health and dental insurance.** The parents shall do the following:

1. follow the insurance plan in selecting a doctor or dentist;
2. use doctors and dentists who are part of the insurance plan;
3. make sure each parent has a copy of the insurance card and policy; and
4. cooperate and work together to promptly submit all insurance forms.

F. **Exchange of information.** Once a year either parent can ask, in writing, for both parties to exchange the following information (*this paragraph is required by statute, Section 40-4-11.4 NMSA 1978*):<sup>19</sup>

1. federal and state tax returns for the prior year;
2. W-2 statements for the prior year;
3. IRS form 1099s for the prior year;
4. work related day care statements for the prior year;
5. dependent medical insurance premiums for the prior year; and
6. wage and payroll statements for the four months prior to the request.

G. **Tax issues.**<sup>20</sup> The parents shall address tax issues, such as the dependency exemption, that relate to the children as follows:

Follow IRS regulations; or

Adopt another plan as follows:

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H. **Other expenses.** Each parent shall provide the children with items that they need while they are with that parent.

The Court, having considered the evidence FINDS AND CONCLUDES:

1. The Court has jurisdiction over the subject matter of this action and over the parties and the children.

2. The parties are incompatible.
3. The division of property and debts in this Default Judgment and Final Decree of Dissolution of Marriage is fair and reasonable.
4. The Custody Plan in this Default Judgment and Final Decree of Dissolution of Marriage is fair, reasonable, and in the best interests of the children.
5. The Child Support Obligation in this Default Judgment and Final Decree of Dissolution of Marriage is fair, reasonable, and in the best interests of the children.
6. Respondent's default has been certified by the Court.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

1. The marriage of Petitioner and Respondent is dissolved on the grounds of incompatibility.
2. The parties are ordered to comply with the terms of this Default Judgment and Final Decree of Dissolution of Marriage.
3. The Court has continuing jurisdiction over issues relating to the children of the marriage until the children reach the age of majority as provided by law.

*(Select and complete the following paragraphs if applicable)*

4. The Court retains jurisdiction to enter QDROs or other orders dividing the retirement plans referenced in this Default Judgment and Final Decree of Dissolution of Marriage.
5. Judgment in favor of  Petitioner (*or*)  Respondent is awarded in the amount of \$\_\_\_\_\_, as set forth in Section III (Cash Payment) of this Default Judgment and Final Decree of Dissolution of Marriage. The statutory interest rate shall apply as provided in Section 56-8-4(A) NMSA 1978.
6. Petitioner's name is restored to the former name of \_\_\_\_\_.

SO ORDERED:

\_\_\_\_\_  
Date

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

**VERIFICATION**

I, \_\_\_\_\_, am the Petitioner, and I affirm under penalty of perjury under the laws of the State of New Mexico the following:

I am signing this document alone because Respondent is in default;

I have disclosed all assets and debts known to me;

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 document is false.

Submitted/Approved by

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
City, state, and zip code

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



**ATTACHMENT A: PERSONAL PROPERTY LIST**  
*(Attach additional pages if needed)*

List all items of value to you, such as furniture, household items, electronics, art, jewelry, and tools.

Item	Dollar Value	Will belong to <i>(check box for each item)</i> :	
		Petitioner	Respondent

**ATTACHMENT B: REAL PROPERTY LIST**  
*(Attach additional pages if needed)*

List all homes (other than the marital home), land, or other real property owned by Petitioner or Respondent.

**Other Real Property**

1. Address/Description of property: \_\_\_\_\_

The parties shall do the following with the property after the divorce:

*(Choose all that apply)*

Petitioner will keep the property;  
 Respondent will keep the property;  
 [ ] Petitioner [ ] Respondent shall pay the other party \$\_\_\_\_\_.  
 The property will be sold and the proceeds divided as follows:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Other plan:  
 \_\_\_\_\_  
 \_\_\_\_\_

2. Address/Description of property: \_\_\_\_\_

The parties shall do the following with the property after the divorce:  
 (Choose all that apply)

Petitioner will keep the property;  
 Respondent will keep the property;  
 [ ] Petitioner [ ] Respondent shall pay the other party \$\_\_\_\_\_.  
 The property will be sold and the proceeds divided as follows:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Other plan:  
 \_\_\_\_\_  
 \_\_\_\_\_

**ATTACHMENT C: DEBT LIST**  
*(Attach additional pages if needed)*

*(NOTE: 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.)*

*This decree may not bind creditors.*

Creditor	Last four (4) numbers on account	Amount owed	Will be paid by ( <i>check box</i> ):	
			Petitioner	Respondent

USE NOTE

1. This form may be used anywhere in this state to enter a default judgment and final decree of dissolution of marriage when the parties have minor children or a child under nineteen years of age who is attending high school.
2. It is highly recommended that you consult with an attorney. Whether property is separate or community is a complicated issue. There can be serious consequences, including tax consequences, for the division of property and for not properly transferring property, including retirement accounts. You may need separate documents to transfer divided property.
3. To transfer land, a building or a home other than a mobile home, the parties must prepare, sign and record a deed in the real property records where the property is located. To transfer a mobile home, contact the Motor Vehicle Division.
4. If both parties are listed on the mortgage, you must seek lender approval to remove the moving spouse from the mortgage and from responsibility for payment.
5. If the parties are going to divide a retirement plan, contact the retirement plan before completing and filing this form. Depending on the plan, a QDRO may be necessary.

6. CAUTION: You may want to consult an attorney about your retirement, pension, deferred compensation, 401k plans, and/or benefits. If you do not see an attorney regarding these assets, you risk losing any interest you have in these plans and/or benefits. There are certain documents the plan administrator must have. Only an attorney can help you prepare these documents.

7. To transfer vehicles or a mobile home, contact the Motor Vehicle Division.

8. This default judgment may not affect the rights of creditors even when approved by the Court as part of the final decree. The creditor may expect payment from you no matter who agrees to pay the debt in this default judgment. See an attorney if you have questions about separate and community debts and separate and community property.

9. Consult with an attorney if problems arise later.

10. 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 NMSA 1978, Section 40-4-9.1. See an attorney with questions you may have. Joint custody does not imply an equal division of the child's time between the parents or an equal division of financial responsibility for the child.

11. If child support is not paid in a timely manner, interest will be added to the amount owed at the rate provided by law. See NMSA 1978, Section 40-4-7.3 for accrual of interest on delinquent child support.

12. See NMSA 1978, Section 40-4-11.1 for the child support worksheet. An interactive version of this worksheet may be found at [www.nmcourts.com](http://www.nmcourts.com), click on "Family Law Forms." See also Form 4A-300 NMRA for a further explanation of the child support worksheet. The child support worksheet is used to determine the monthly child support obligation.

13. If child support is being paid for more than one child, the end of a child support obligation for a child may be a change of circumstances that justifies a different child support amount. A new child support worksheet must be completed and adopted by the court. If your child has an intellectual or physical disability, you should consult with an attorney.

14. The judge may or may not accept a proposed change from the worksheet amount. Proposed changes may be appropriate if application of the child support guidelines would be unjust or inappropriate, or create a substantial hardship. If child support has been ordered in another proceeding, tell the court about it here and attach that child support worksheet.

15. See NMSA 1978, Section 40-4C-4 for medical support orders. In some circumstances the court may order both parties to provide employer-provided health insurance.

16. See Form 4A-304 NMRA for the Wage Withholding Order. Wage withholding is required unless the parties show good cause and make alternate payment arrangements. Wage withholding is mandatory if the children are receiving public assistance. Payments made by wage withholding go through the Title IV-D agency (CSED) and cannot be directly sent by the employer to a party. Either party may request the court to enter a Wage Withholding Order. See also Form 4A-300 NMRA for a further explanation of the Wage Withholding Order.

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

18. Consult with a professional about tax issues that relate to any children.

[Approved by Supreme Court Order No. 14-8300-011, effective for all pleadings and papers filed on or after December 31, 2014, in all cases filed or pending on or after December 31, 2014.]