

# RESPONSE

**(to a Petition for Dissolution of Marriage)**

## PACKET H


### INSTRUCTIONS AND FORMS

**If you do not have a lawyer, you must use the forms in this packet to file a Response to a Petition for Dissolution of Marriage (Divorce)**

**THIS PACKET IS NOT A SUBSTITUTE FOR PROFESSIONAL LEGAL ADVICE**

Inside are fill-in-the-blank forms mandated by the New Mexico State Supreme Court for Self-Represented Litigants. They do not deal with every situation. **Divorce** can be complicated and using legal forms without a lawyer's help can harm your legal rights. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents.

# In this packet you will find . . .



---	Introduction (1 page)
---	Information & Rules for Self-Represented ( <i>Pro Se</i> ) Litigants (2 pages)
4A-100	Instructions (5 pages)
4A-101	Domestic Relations Information Sheet (2 pages)
4A-104	Response (2 pages)
Rule 1-121	Rule on Temporary Domestic Orders (1 page)
4A-201	Temporary Domestic Order (3 pgs)
4A-208	Notice of Compliance with Rule 1-123 NMRA (3 pages)
Rule 1-123	Mandatory Disclosure Rule (domestic relations & paternity actions) (2 pages)
Appendix	Supplement to the Notice of Hearing & Mandatory Compliance with Rule 1-123 (1 page)

# PACKET H

## CONTESTED DIVORCE (WITH OR WITHOUT CHILDREN)

### RESPONSE TO PETITION AND FORMS

Since you and your spouse DO NOT AGREE about the custody and support of your children, if any, and/or you DO NOT AGREE about the division of property or some other issue, the case is *contested* and the dissolution of marriage (“divorce”) takes place in 3 stages, as follows:

Stage 1 forms: Must be used to file a Response (to a Petition for the Dissolution of Marriage) in which issues may be raised for the judge to decide.

Stage 2 forms: OPTIONAL FORMS  
After\* the case is filed and while it is pending, these forms are used to request temporary assistance from the court **IF** you need temporary assistance. (If you do not need temporary assistance from the court, it will not be necessary for you to purchase this packet.) \*Temporary assistance may also be requested at the time you file your Response.

Stage 3 forms: Must be used to complete a dissolution of marriage case by presenting proposed final orders for court approval.

#### **Forms included in Packet H:**

---	Information and Rules for Self-Represented ( <i>Pro Se</i> ) Litigants (2 pages)
4A-100	Instructions. This rule covers both Petitioner’s and Respondent’s requirements. (5 pgs)
4A-101	Domestic Relations Information Sheet to be submitted to the Court (2 pages)
4A-104	Response-contested by Respondent (2 pages)
Rule 1-121	Rule on Temporary Domestic Orders (1 page)
4A-201	Temporary Domestic Order (3 pages)
4A-208	Notice of Compliance with Rule 1-123 (3 pages)
Rule 1-123	Mandatory Disclosures Rule (2 pages)
Appendix	Supplement to the Notice of Hearing & Mandatory Compliance with Rule 1-123 (1 page)

Forms NOT included in Packet H that you may require, are available at the Courthouse or may be obtained on line at [www.nmcompcomm.us](http://www.nmcompcomm.us). Under the “Public Access Law” tab, look for “Rules of Practice and Procedure.”

4A-212, 4A-214, 4A-215	Forms referenced in Rule 1-123
Rule 1-103	Rule on requesting (and cancelling a request for) an interpreter for a court hearing
4-115	Request for court interpreter
4-116	Cancellation of court interpreter

## INFORMATION AND RULES FOR SELF-REPRESENTED (*PRO SE*) LITIGANTS

- Although we want to be responsive to your needs, the court staff **cannot** give you **any** legal advice.
- You should attend the Court’s Self-Represented Litigants Legal Advice Clinic. At each clinic, volunteer attorneys are available to give legal advice and can help you complete your forms. The clinics are free and are held once a month. Visit our website at [eleventhdistrictcourt.nmcourts.gov](http://eleventhdistrictcourt.nmcourts.gov) for the date, time and location of the next clinic or ask court staff for a list of clinics.
- Your first choice should be to consult with an attorney. There is good reason for anyone seeking legal remedies to do so, but especially those who have been married a long time; have children; have significant property (land or retirement plans) and/or significant debts.
- If you are unable to afford an attorney, there are several sources available where you may get help. Please ask the clerk for a *Pro Se* resource list. If there is domestic violence in your relationship, you may qualify for assistance at DNA Legal Services.
- Remember that when you are appearing *pro se*, you are held to the same standards as attorneys and are expected to know the rules of evidence and courtroom procedure. The judges and hearing officer cannot help you present your case.
- **You must provide a complete mailing address** in your court case file and you must update it whenever there are changes. If you do not do so, your case may be decided without your input.
- Be timely for Court hearings. If you do not appear on time, your case may be decided without you or a bench warrant may be issued for your arrest.
- There are two District Court locations: 851 Andrea Drive, Farmington and 103 South Oliver, Aztec. Be sure to check the notice carefully for the time and location of the hearing. Allow yourself adequate travel time to appear for your hearing on time.
- Hearings are often scheduled on a “trailing docket” which means that many cases are scheduled for a hearing at the same time. If this happens in your case, please be sure to arrange to be in Court for several hours or the entire day while the judge or hearing officer deals with each case one at a time.

- Children are not allowed in the courtroom without the judge’s permission. There are no childcare facilities at the Court. Please make other arrangement for your children for the time you will be at Court.
- You are expected to come to your Court hearings in person. Appearing by telephone is only acceptable if you ask the Court’s permission in writing ahead of time (there is a form for this) and only if the Court approves your request. (Appearing at a Court hearing by telephone is called a “telephonic appearance.”)
- Be courteous. Other than to make appropriate objections, do not interrupt anyone who is speaking during the hearing. If you are representing yourself and you have an objection to something a witness says, merely stand and say “Objection,” and the Court will allow you to state the nature of your objection.
- Do not make faces or gestures at the opposing party, his or her attorney, witnesses or the judge while in the courtroom. Speak directly to the judge, not the opposing party or a witness. You will be given an opportunity to be heard if you wait your turn.
- Treat all Court personnel with respect, including bailiffs, judicial assistants, clerks, judges and hearing officers.
- Show your respect for the Court by wearing clean, neat clothing. Wearing hats, sunglasses, shorts or pajamas in the courtroom is not allowed.
- Do not bring any food or beverage into the courtroom and do not chew gum or eat candy in the courtroom.
- Cell phones are allowed in the courtroom but only if they are turned off. If your phone rings while you are in the courtroom, the judge has the authority to fine you or to take your phone.
- Bring at least four (4) copies of any documents that you want to offer into evidence.

THANK YOU.

Karen L. Townsend, Chief District Judge  
 Daylene A. Marsh, District Judge  
 Bradford J. Dalley, District Judge  
 Sarah V. Weaver, District Judge  
 Curtis R. Gurley, District Judge  
 Kyle M. Finch, Hearing Officer and Commissioner

**4A-100. Domestic relations forms; INSTRUCTIONS FOR STAGE 1 and cautions regarding use of forms.**

A. **Short title.** These forms, compiled as Forms 4A-100 through 4A-403 NMRA, shall be known as the Domestic Relations Forms and shall be cited by their New Mexico Rules Annotated set and form number, as in “Form 4A- NMRA.”

B. **Mandatory acceptance of forms by district court.** The New Mexico Supreme Court has approved these Domestic Relations Forms for use in domestic relations actions by self-represented litigants and attorneys appearing in the district courts. As provided by Rule 1-120 NMRA, these forms supersede conflicting local district court domestic relations forms and shall be accepted by the district courts.

C. **Responsibility of self-represented parties.** A self-represented person shall abide by the same rules of procedure and rules of evidence as lawyers. It is the responsibility of a self-represented person to determine what needs to be done and to take the necessary action. A self-represented person involved in a divorce proceeding may need the advice of an attorney or other appropriate professional during the process and is responsible for finding an attorney or other appropriate professional for advice or representation.

(1) All notices from the court will be mailed to you at the last address on file with the court. If you move, you must file a Notice of change of Address so that you receive your mail from the court.

(2) Rule 1-005 NMRA requires that you provide a copy of anything you file in the court to the other party on the same day you file it. This is what the Certificate of Service confirms.

D. **Definitions.** The following definitions apply to the terms used in the Domestic Relations Forms:

(1) “contested divorce proceeding” means a divorce proceeding in which the parties cannot reach an agreement on one or more decisions that must be made to finalize a divorce, including but not limited to the division of property, debts, spousal support, child custody, time sharing, visitation, or child support, and therefore are unable to file all of the required forms at the same time;

(2) “creditor” means a person, agency, bank, or business to whom a debt is owed;

(3) “custody plan” means Form 4A-302 NMRA, which sets forth the type of legal custody and includes a parenting plan, when required by law;

(4) “debt” means separate or community debt as defined in Section 40-3-9 NMSA 1978. Debt is an amount of money owed to a creditor that may include, but is not limited to: loans (signature, car, school, payday), mortgages, credit card balances, balances owed on bills (utilities, phone, cell phone, cable television), and federal and state tax bills. The party whose name is on the debt may not be the only party responsible for payment of the debt;

(5) “default” means the process to get relief from the court in the form of an order when a party fails to respond or defend a case (either party is subject to a default judgment for failure to respond). See Rule 1-055 NMRA for more information;

(6) “dissolution of marriage” means a divorce;

(7) “divorce proceeding” means the judicial process used to get a divorce;

(8) “minor child” means a child who is under eighteen (18) years of age and who is the child of both parties to a divorce. For the purposes of support only, a child who is under the age of nineteen (19) and attending high school full time may be considered a minor child;

(9) “parenting plan” means a plan as defined by Section 40-4-9.1 NMSA 1978, setting forth the responsibilities of each parent individually and the parents jointly in a joint custody arrangement. For an example of a parenting plan, *see* Form 4A-302(II)(B) NMRA;

(10) “party” means a spouse named in a divorce proceeding;

(11) “petition for dissolution of marriage” means the document that requests a divorce;

(12) “petitioner” means the first party named on a petition for dissolution of marriage.

This person is referred to as a “petitioner” solely for purposes of identifying the parties in the court system;

(13) “property” means the types of property the parties to a divorce may own, including community, separate, or quasi-community as defined in Section 40-3-8 NMSA 1978. Property includes, but is not limited to: homes, land, livestock, cars/vehicles, furniture, savings and checking accounts, retirement accounts, jewelry, inheritances, tools, and art. The name of the party on the title to the property may not be the sole owner of the property. Questions about whether property is separate or community should be referred to a private attorney or the court, as appropriate;

(14) “respondent” means the second party named on a petition in a domestic relations proceeding;

(15) “service” or “service of process” means having a person eighteen (18) years or older, who is not a party to the action, give papers to a named party in a case by personally handing the paperwork to the person, or having the papers delivered to a named party in a case by some other way as described in Rule 1-004 NMRA;

(16) “summons” means a notice to the respondent that a lawsuit has started. The summons notifies the respondent to respond to the divorce petition within the specified deadline.

The summons is a two-part form. On the first part, the summons has information about the court, names and addresses of the parties, the deadline for a response, and notice that a default may happen for failure to respond. The second part of the summons is the return. The summons is served on the respondent. Once the respondent is served, the return must be filled out by the person who did the service of process and signed by that person with a notarized signature. When the original summons, including the return, is completely filled out and signed, the petitioner is responsible for filing it with the district court. The summons form is Form 4-206 NMRA. Filing the completed summons and return lets the court know that the respondent has been served;

(17) “summons packet” means **a copy of the summons** (Form 4-206 NMRA), petition for dissolution of marriage (Form 4A-102 or 4A-103 NMRA), temporary domestic order (Form 4A-201 NMRA), and a blank copy of the Domestic Relations Information Sheet (Form 4A-101 NMRA). See Paragraph E below for more information. The summons packet is served on the respondent;

(18) “temporary domestic order” means an order issued by the court when a divorce proceeding is filed that instructs the parties on how to conduct themselves regarding interactions with each other, finances, children, and property until the divorce is final. The temporary domestic order is Form 4A-201 NMRA;

(19) “time sharing and order for support and care of children” means one or more orders of the court to include a parenting plan as defined in Paragraph L of Section 40-4-9.1 NMSA 1978 containing the duties of the parents of minor children relating to child custody, time sharing, visitation, and support, including support of a child under nineteen (19) years of age who is attending high school;

(20) “uncontested divorce proceeding” means a divorce proceeding in which the parties are in complete agreement as to all the decisions that must be made to finalize a divorce, including but not limited to decisions regarding the division of property, debts, spousal support, child custody, timesharing, visitation, and child support, and present the following required forms, completed and signed by both parties, for filing at the same time;

(a) *Without children.* If the parties do not have minor children, the following forms must be filed in an uncontested divorce proceeding;

(i) Domestic relations information sheet, Form 4A-101 NMRA;

(ii) Petition for dissolution of marriage (without minor children), Form 4A-102 NMRA;

(iii) Marital settlement agreement, Form 4A-301 NMRA; and

(iv) Final decree of dissolution of marriage (without minor children), Form 4A-305 NMRA.

(b) *With children.* If the parties have minor children, the following forms must be filed in an uncontested divorce proceeding;

(i) Domestic relations information sheet, Form 4A-101 NMRA

- NMRA;
- (ii) Petition for dissolution of marriage (with minor children), Form 4A-103
  - (iii) Marital settlement agreement, Form 4A-301 NMRA;
  - (iv) Custody plan and order, Form 4A-302 NMRA;
  - (v) Child support obligation and order, Form 4A-303 NMRA, with attached child support worksheet as described in Section 40-4-11.1 NMSA 1978; and
  - (vi) Final decree of dissolution of marriage (with minor children), Form 4A-306 NMRA.

(21) “wage withholding order” means an order that requires child support to be withheld from the wages of the named parent.

**E. STARTING THE DIVORCE PROCESS; CONTESTED. These are the first forms that must be filed with the court.** When starting this process, each spouse must be named as a party on the forms. One spouse is the petitioner and the other is the respondent. The spouse starting the lawsuit is the named petitioner. The other spouse is the respondent. The claims or rights of either party are not determined on the basis of being named as the petitioner or respondent. See Paragraph F of this rule for instructions on completing forms and next steps after these forms are filled out. In a divorce proceeding, the case is started by filing the following completed forms with the court:

(1) **Domestic Relations Information Sheet.** Form 4A-101 NMRA shall be submitted to the court in all cases. This form is used to provide the court with essential information about the parties to the divorce proceeding, such as addresses, social security numbers, dates of birth, and the names and ages of the children of the parties. Although this form is required to be turned into the court, it is not a public record and is not part of the court file; and

(2) **Divorce Petition (Petition for Dissolution of Marriage).** Depending on whether there are minor children of both parties, one of the following two forms are used to request a divorce:

(a) Form 4A-102 NMRA is used if the parties do not have any minor children together; or

(b) Form 4A-103 NMRA is used if the parties have minor children together.

(3) **Summons.** The Summons Form is Form 4-206 NMRA. The petitioner must complete this form. When the petitioner completes the contact information, the court will fill in additional information to complete the summons and return the original summons to the petitioner. A **copy of the summons** shall be served on the respondent as part of the Summons Packet. See Paragraph J of this rule for serving the Summons Packet. It is the responsibility of the petitioner to file the original summons with a completed return with the court.

(4) **Temporary Domestic Order (TDO).** The TDO is Form 4A-201 NMRA. Each judicial district has different procedures about who provides the standard form and how a TDO is issued. Some courts provide the form when the lawsuit is filed and others require the party starting the lawsuit to complete the form. Check with the court where you are filing your lawsuit to find out if you need to bring a TDO form with you. The contents of the TDO form shall not be changed by any person. The form requires only the completion of the court caption on the first page. If the court where you are filing your lawsuit does not issue its own TDO, bring additional copies of the TDO with you when filing your lawsuit.

**F. Completion of forms.** When filling out any forms, please do the following:

(1) **Type or print.** You must type or print all of the information required to be completed on forms filed with the court. If there is not enough room on the form to provide all of the information required, add a separate page for the information and include the page with the rest of the form before making copies and filing the form with the court. Your handwriting should be clear and easy to read.

(2) **Signing the forms and other papers.** Your signature on a form or other paper filed with the court means the following:

- (a) you have read and understand the form or paperwork;
- (b) the information provided by you on the form is factually correct to the best of your knowledge; and



(c) the information in the paperwork is accurate and true.

Some forms may need to be signed in front of a notary public and notarized.

**G. Required number of copies to file with the court.** After completing and signing any required forms, take the original and two copies of each form to the court clerk for filing. The clerk will file the originals and return stamped copies to you. One copy is for you, and you must provide the other copy to the other party.

**H. Pay the filing fee.** A filing fee must be paid to the court clerk in cash or money order at the time the divorce case is opened. A divorce case is opened by filing a domestic relations information sheet, divorce petition, and summons. If you cannot afford to pay the filing fee, you may ask the court to allow you to file for free or a reduced rate by filing an application for free process. The application for free process is Form 4-222 NMRA.

**I. Filing the first forms with the court.** After completing the Summons Packet, take the original and two (2) copies of each completed form to file in the district court. The court clerk will sign and stamp the original summons and give the original and two (2) copies of it back to you with a copy of your filed divorce petition so that a copy of the summons can be served on the respondent. The clerk may also give you two (2) copies of the TDO or will endorse (stamp) copies of a TDO provided by you. One copy of the temporary domestic order must be served on the respondent as part of the summons packet.

**J. Serving the summons packet.**

(1) After a divorce petition and summons and TDO are filed with the court, copies of all papers must be served on the respondent. This is known as service of process.

(2) The Summons Packet and any other documents the clerk instructs you to serve may be served on the respondent by hand-delivery by a person who is over the age of eighteen (18) and is not a party to the divorce proceeding. The petitioner cannot be the person who serves the respondent. Have someone deliver the Summons Packet to the respondent as required by Rule 1-004(F) NMRA. It is the sole responsibility of the petitioner to have the summons packet served on the respondent and to provide proof that the service was completed. The court is not responsible for serving documents on any party.

(a) If you and respondent are not living together and you know the respondent's current mailing address, the summons packet may also be served by certified mail, return receipt requested. If served by certified mail, the respondent must sign a receipt indicating that he or she received the Summons Packet for service to be completed. The return receipt from the certified mailing must be filed with the district court.

(b) There are other ways of serving the Summons Packet on the respondent. Read Rule 1-004 NMRA to learn more about those methods.

(c) Service of process may be done by a private process server, law enforcement, or any other person who is over eighteen (18) and not a party to the lawsuit. You may have to pay a fee to someone to do the service of process for you. Check with your local law enforcement or look in the phone book for resources for service of process.

(3) If you cannot find the respondent after reasonable attempts to find him or her to serve the Summons Packet, you may file a motion with the court asking permission to serve the summons packet by publication in a newspaper. If you need to serve the summons packet by publication in a newspaper, use Forms 4-209 and 4-209A NMRA.

(4) After successful service on the respondent, the petitioner is responsible for making sure that the original summons with the completed return is filed with the court to prove that the respondent was served.

**K. Responding to the petition.** In a contested divorce proceeding, the respondent must file a written response to the divorce petition. Form 4A-104 NMRA may be used to respond to the divorce petition. The response must be filed with the court and a copy mailed to the petitioner within thirty (30) days after the summons packet was served on the respondent. Failure to file a response to the divorce petition within the thirty (30) days can result in serious consequences, including the entry of a default judgment against the respondent.

**L. Issues not addressed by the forms.** The Domestic Relations Forms may not address all

domestic relations issues relevant to you. The forms address only the most common divorce issues. If there are issues that are not addressed in the forms, you are responsible for bringing those issues to the attention of the court or you should seek the assistance of an attorney. You may need to get other forms that are not provided in these rules to finish the transfer of property, businesses, etc. For example, the forms **do not** include the following:

- (1) federal and state tax treatment of income, expenses, and deductions both before and after a divorce, or as a result of a child support order, for claiming children as dependents, or for paying or receiving alimony;
- (2) how to transfer title to property or assets;
- (3) how to divide a business or retirement income;
- (4) how to divide or transfer other complicated assets; or
- (5) how to divide or transfer debts.

M. **Keeping Records.** Any party to an action should make copies of all documents, paperwork, or forms filed with the court for his or her own records.

N. **Paying Creditors.** These forms, including the final decree of dissolution of marriage, do not change the legal responsibility of the parties to pay their creditors.

O. **Role of judge, clerk, and court.** Court clerks can only help you with filing forms with the court; they cannot help you complete them. The judge makes decisions in your case, but neither the judge nor the judge's staff can give advice to either party, including how to fill out the forms. If you need assistance or have questions about how to complete the forms, you may seek help from an attorney. The court clerks may give you information about resources for legal assistance. *See* Rule 23-113 NMRA, which provides more guidance on what information and assistance court staff may give to self-represented litigants. You may also want to use your local library to get information about the forms or legal citations in these rules, which may include internet searches of New Mexico court websites ([www.nmcourts.gov](http://www.nmcourts.gov)) and the New Mexico compilation commission ([www.nmcc.gov](http://www.nmcc.gov)).

[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-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: \_\_\_\_\_

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

**PETITIONER:**

**RESPONDENT:**

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

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

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>: \_\_\_\_\_

**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.)*

1. NAME: \_\_\_\_\_  
*(Last name, first, middle)*

2. NAME: \_\_\_\_\_  
*(Last name, first, middle)*

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

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

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

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

3. NAME: \_\_\_\_\_  
*(Last name, first, middle)*

4. NAME: \_\_\_\_\_  
*(Last name, first, middle)*

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

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

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

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] [Respondent]

USE NOTES

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 document 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. 14-8300-011, effective for all cases filed on or after December 31, 2014.]

**4A-104. Response.**

**STATE OF NEW MEXICO  
COUNTY OF SAN JUAN  
ELEVENTH JUDICIAL DISTRICT COURT**

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

v.

No. **D-1116-DM**

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

**RESPONSE**

Respondent, \_\_\_\_\_, responds to the Petition for Dissolution of Marriage, and states:

1. I admit (agree with) the statements in the following paragraphs (**list the paragraph numbers below**) of the Petition:  
\_\_\_\_\_
2. I deny (disagree with) the statements in the following paragraphs (**list the paragraph numbers below**) of the Petition:  
\_\_\_\_\_
3. I also want a divorce and the legal remedies to which I am entitled.
4. **OPTIONAL (Cross out if this does not apply to you):** I want my name to be restored to my former name:  
  
(Name) \_\_\_\_\_

Respondent asks that the Court:

- A. Enter a *Final Decree of Dissolution of Marriage* on the grounds of incompatibility;
- B. Confirm any separate property and separate debt of the parties;
- C. Equitably divide any community property and community debt of the parties;
- D. Enter an order for spousal support, as appropriate;
- E. **(cross out if this does not apply)** - Provide for the custody, support, and maintenance of the child/children
- F. **(cross out if this does not apply)** - Order that my name be restored to my former name of:  
  
(Name) \_\_\_\_\_ and

G. Provide for such other and further relief as the Court may deem just and proper.

Submitted by:

\_\_\_\_\_  
Name

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

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Physical Address (*this must be provided unless  
address is sealed by court order*)

\_\_\_\_\_  
City, State, Zip

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

#### VERIFICATION OF SERVICE

I affirm under penalty of perjury under the laws of the State of New Mexico that on \_\_\_\_\_ (date), I (*check the applicable item below and fill in all information*)

mailed a copy of this response by United States mail, postage prepaid, to:  
Name: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
City, state, and zip code: \_\_\_\_\_;

delivered a copy of this response to \_\_\_\_\_ (*the other party or the other party's attorney*); or

faxed a copy of this response to \_\_\_\_\_ (*the other party or the other party's attorney*) using the following fax number: \_\_\_\_\_. The transmission was reported as complete and without error. The time and date of the transmission was (a.m) (p.m) on \_\_\_\_\_ (date).

\_\_\_\_\_  
Signature of person who made service

\_\_\_\_\_  
Date of signature

[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.]

**1-121. Temporary domestic orders.**

A. **Temporary domestic orders required.** Except as provided in this rule, in all original domestic relations actions where a summons has been issued, the court shall enter a temporary domestic order, unless:

- (1) the action was filed by the state regarding child support; or
- (2) otherwise ordered by the court.

B. **Approved form.** If a temporary domestic order is issued it shall be substantially in the form approved by the Supreme Court. Any prohibition or limitation on the parties not included in the Supreme Court approved form shall only be approved after notice and hearing by the court.

C. **Issuance.** Coincident with the issuance of summons, the clerk shall file a temporary domestic order, and deliver an endorsed copy of the order to the person obtaining the summons. The petitioner shall cause to be served an endorsed copy of the temporary domestic order on the respondent. If served with the summons and petition, the return of summons shall include a statement that the temporary domestic order was served with the petition.

D. **Effective date of temporary domestic orders.** The verification to the petition shall include a statement that the petitioner understands the content of the temporary domestic order. The temporary domestic order shall be binding upon the petitioner at the time the petition is filed and upon the respondent at the time it is personally served on the respondent. Actions taken by either party that are contrary to the terms of the temporary domestic order are subject to redress by the court, including costs and attorney fees.

E. **Applicability.** Unless the court orders otherwise, this rule shall not apply to domestic relations actions or proceedings filed:

- (1) pursuant to Section 40-4-20 NMSA 1978 to divide or distribute property;
- (2) after entry of the final order or decree;
- (3) pursuant to the Uniform Interstate Family Support Act;
- (4) pursuant to the Uniform Parentage Act; or
- (5) as a third party custody action.

F. **Temporary restraining orders.** This rule shall not preclude a party from requesting the entry of a temporary restraining order under Rule 1-066 of these rules.

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001; 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.** - The summons and petition may be served in accordance with Rule 1-004 NMRA. [As amended by Supreme Court Order No. 17-8300-017, effective for all pleadings and papers filed on or after December 31, 2017.]

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

**STATE OF NEW MEXICO  
COUNTY OF SAN JUAN  
ELEVENTH JUDICIAL DISTRICT COURT**

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

**v.**

**No. D-1116-DM**\_\_\_\_\_

\_\_\_\_\_  
**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, child care, doctor, dentist, physical or mental treatment or recreational activities in which the child has been participating.

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

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

(a) Whoever moves from the family home may return to pick up personal belongings at a reasonable time as you may agree. Personal belongings do not include furniture unless you agree or the court permits. If an order prohibiting domestic violence has been entered,



you must arrange to have a law enforcement officer present to monitor the removal of personal belongings. The party moving out of the residence is not prejudiced by reason of the move in any way with respect to custody of any minor child, with respect to a claim of any interest in the family residence or the personal property in or on the premises.

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

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

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

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

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

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

(10) **Do not** close any financial institution 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 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.

**4A-208. Notice of compliance with Rule 1-123 NMRA (domestic relations actions).**  
[For use with Rule 1-123 NMRA]

**STATE OF NEW MEXICO  
COUNTY OF SAN JUAN  
ELEVENTH JUDICIAL DISTRICT COURT**

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

v.

No. **D-1116-DM** \_\_\_\_\_

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

**NOTICE OF COMPLIANCE WITH RULE 1-123 NMRA**  
**(domestic relations actions)<sup>1</sup>**

In accordance with the mandatory disclosure requirement of Rule 1-123 NMRA, I certify that I served all required documents as indicated below to the opposing party on \_\_\_\_\_ (date-mm/dd/yyyy) as required in the rule.

- Property and Debt (*Check this box if there is property and debt to be divided, and check all boxes below for the documents that you completed and provided to the other party.*)
  - Interim monthly income and expenses statement (Form 4A-212)  
List documents used to complete this statement:  
\_\_\_\_\_
  - Community property and liabilities schedule (Form 4A-214)  
List documents used to complete this schedule:  
\_\_\_\_\_
  - Separate property and liabilities schedule (Form 4A-215)  
List documents used to complete this schedule:  
\_\_\_\_\_
- Spousal support or child support (*Check this box if spousal support and/or child support is an issue in your case, and check all boxes below for the documents that you completed and provided to the other party.*)

Documents provided:

- federal and state tax returns, including all schedules, for the year preceding the request
- W-2 statements for the year preceding the request

- Internal Revenue Service Form 1099s for the year preceding the request
- Work related daycare statements for the year preceding the request
- Dependent medical insurance premiums for the year preceding the request
- Wage and payroll statements for four months preceding the request
- (*Spousal support only*) Interim monthly income and expenses statement (Form 4A-212)

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

\_\_\_\_\_  
Name (*print*)

\_\_\_\_\_  
Mailing address (*print*)

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

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

**VERIFICATION OF SERVICE**

I affirm under penalty of perjury under the laws of the State of New Mexico that on \_\_\_\_\_ (*date*), I (*check the applicable item below and fill in all information*)

- mailed a copy of this notice by United States mail, postage prepaid, to:

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

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

City, state, & zip code: \_\_\_\_\_;

- delivered a copy of this notice to \_\_\_\_\_ (*the other party or the other party's attorney*); or

- faxed a copy of this notice to \_\_\_\_\_ (*the other party or the other party's attorney*) using the following fax number: \_\_\_\_\_. The transmission was reported as complete and without error. The time and date of the transmission was \_\_\_\_\_ (a.m) (p.m) on \_\_\_\_\_ (*date*).

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

\_\_\_\_\_  
Date of signature

USE NOTE

1. This form may be used anywhere in this state to give notice of a party's compliance with Rule 1-123 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.]

**1-123. Mandatory disclosure in domestic relations and paternity actions; preliminary disclosure requirements.**

A. **Duty to disclose.** Parties to domestic relations actions shall disclose to other parties relevant information concerning characterization, valuation, division, or distribution of assets or liabilities, whether separate or community property, in any proceeding involving the distribution of property or the establishment or modification of child or spousal support as provided in this rule.

B. **Preliminary disclosure.** Unless otherwise stipulated by the parties and ordered by the court or otherwise ordered by the court

(1) in every domestic relations action involving property and debt division or characterization, within forty-five (45) days after service of the petition, the parties shall serve a disclosure as provided in Domestic Relations Form 4A-212 NMRA. The disclosure shall contain

- (a) an interim monthly income and expense statement;
- (b) a community property and liabilities schedule; and
- (c) a separate property and liabilities schedule.

The statements and schedules shall substantially comply with Domestic Relations Forms 4A-212, 4A-214, and 4A-215 NMRA approved by the Supreme Court. The schedules shall be accompanied by a list of the documents utilized to complete the schedules.

(2) in actions concerning spousal support or child support, within forty-five (45) days of service of process on the opposing party, the petitioner or movant shall serve on the opposing party, and the opposing party shall serve on the petitioner or movant, an affidavit of disclosure containing the following information

- (a) federal and state tax returns, including all schedules, for the year preceding the request;
- (b) W-2 statements for the year preceding the request;
- (c) Internal Revenue Service Form 1099s for the year preceding the request;
- (d) work-related daycare statements for the year preceding the request, if applicable;
- (e) dependent medical insurance premiums for the year preceding the request, if applicable;
- (f) wage and payroll statements for four months preceding the request; and

(g) in actions concerning modification of spousal support, a statement of income and expenses pursuant to Domestic Relations Form 4A-212 NMRA.

C. **Supplemental disclosure.** Sworn disclosure schedules shall be served in accordance with Rule 1-026 NMRA upon all parties, with copies to the trial court, at least five (5) days before trial.

D. **Child support worksheets.** In actions involving child support, the parties shall each complete a child support worksheet as provided by Section 40-4-11.1 NMSA 1978. The worksheets shall be served upon all parties, with copies to the trial judge, at least five (5) days before trial.

E. **Duty of the State as a party.** Under this rule, the State of New Mexico is required to produce only documents intended to be introduced at an evidentiary hearing, at least five (5) days prior to the hearing, unless otherwise prohibited by law.

F. **Failure to comply.** Failure to comply with this rule may result in the assessment of costs and attorney fees against the delinquent party or such other sanctions as the court deems appropriate.

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001; as amended by Supreme Court Order No. 06-8300-020, effective December 18, 2006; as amended by Supreme Court Order No. 13-8300-047, effective for all cases filed or pending on or after December 31, 2013.]

**Committee commentary.** — In domestic relations actions, the parties are subject to the mandatory disclosure requirements set forth in this rule. The purpose of mandatory disclosure is to decrease acrimony and mistrust between the parties, lessen legal fees and costs, emphasize fiduciary duties, assist parties to make honest, full, and complete disclosure of the existence and value of assets, debts, and income, and encourage the parties to restructure their relationships inexpensively, efficiently, and respectfully. The parties should be mindful of these objectives in making their disclosures under these rules.

Although these disclosures are mandatory, this rule in no way limits permissible discovery pursuant to Rules 1-026 to 1-037 NMRA. The parties are free to avail themselves of all applicable discovery procedures unless the court orders otherwise.

As is typical with other discovery requests and responses, disclosures under this rule are not to be filed with the court. Rather, they are to be served upon the parties and the trial court as set forth in the rule. Certificates of service of the disclosure should be filed with the clerk pursuant to Rule 1-005 NMRA.

**APPENDIX**

**SUPPLEMENT TO THE NOTICE OF HEARING AND MANDATORY COMPLIANCE WITH RULE 1-123**

<b>If your case involves a pending dissolution of marriage with a division of property, income, and/or debt</b>
Complete Rule 1-123 discovery forms and file your certificate of compliance with this rule in the District Court. With the other party, exchange a list of your community property and debts (using Form 4A-214 NMRA) and a list of separate property and debts (using Form 4A-215 NMRA) and include all supporting documents. Bring copies of the lists and supporting documents to the court for your hearing. <b>DO NOT FILE THE LISTS WITH THE COURT.</b>
If either party is seeking <i>interim division of income and expenses</i> , then the parties should complete the interim monthly income and expenses statement (Form 4A-212 NMRA) and provide the form and all supporting documentation to the other party before the hearing. <b>DO NOT FILE THE FORM WITH THE COURT.</b> Bring copies of any supporting documents (e.g., pay stubs, tax returns, mortgage statements, credit card statements, utility bills, etc.) and forms to the hearing. Each party must file a notice of compliance with Rule 1-123 (Form 4A-208 NMRA) before a hearing on interim division of income and expenses.
The parties can obtain copies of the court-approved Marital Settlement Agreement (Form 4A-301 NMRA) from the court where your case is filed or from <a href="http://www.nmcourts.gov">www.nmcourts.gov</a> . The parties should exchange drafts of the Marital Settlement Agreement before the hearing. Bring a copy of your draft Marital Settlement Agreement and of the Final Decree of Dissolution of Marriage (Form 4A-305 NMRA) to your hearing.

<b>If your case involves establishing, modifying, or enforcing child support</b>	
<b>Employed by a company or individual</b>	<b>Self employed</b>
Exchange with the other party and bring to the court copies of current year-to-date earnings statement or pay stubs.	Exchange with the other party and bring to the court copies of Profit & Loss Statements with supporting documents.
Exchange tax returns, including your W-2 & 1099 Statements with all schedules for the prior two years.	Business tax returns with supporting documents and verification of income and expenses for the prior two years.
Exchange and bring to the court receipts for current daycare expenses.	
Exchange and bring to the court documentation of health insurance costs for the child(ren). Most Human Resources Offices can provide you with payroll deduction information for “employee”/“employee plus one” or “employee plus family” coverage.	
Bring proof of payment of child support (i.e. canceled checks, money orders or receipts) to the hearing.	
If you are seeking a wage withholding order (Form 4A-303 NMRA) or child support enforcement services, contact CSED at 1-800-288-7207 to apply for services and obtain a CSED case number. If CSED has an interest in the case, the parties are responsible for notifying CSED of the hearing.	

<b>If your case involves child custody, timesharing, or visitation issues</b>
Obtain a copy of the court-approved Custody Plan (Form 4A-302) at <a href="http://www.nmcourts.gov">www.nmcourts.gov</a> . Each party should develop a proposed temporary, age appropriate timesharing or visitation plan and exchange the proposal with the other party prior to the hearing.
Bring a copy of your proposed Custody Plan to the hearing.

<b>If your case involves spousal support or alimony</b>
Bring documentation of your income and the income of the other party (e.g., pay stubs, personal and business tax returns, along with supporting documentation such as bank records, business expenses, etc.). In addition you should bring documentation of monthly recurring expenses such as rent, mortgage, vehicle costs, insurance, utilities, credit card statements, payments, loans, health insurance, and/or medical care costs to the hearing.
<b>If your case involves an issue not addressed above, bring copies of any proposed document to support your case to any hearing scheduled or hearing that you are requesting.</b>