

PARENTAGE

 **Contested (Parents DO NOT Agree)**

PACKET K

INSTRUCTIONS AND ALL FORMS


Since you and the other parent DO NOT AGREE about parentage, and/or custody and/or support of your child/ren, the case is *contested*.

If both you and the other parent agree about parentage, child custody and child support this is the wrong packet for you. Ask for packet G—uncontested paternity.

THIS PACKET IS NOT A SUBSTITUTE FOR PROFESSIONAL LEGAL ADVICE

Inside are fill-in-the-blank forms created by the New Mexico State Supreme Court for Self-Represented Litigants. They do not deal with every situation. **Parentage** 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 . . .

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- Introduction (2 pages)
 - Information & Rules for Self-Represented (*Pro Se*) Litigants (2 pgs)
 - General Instructions & How the Process Generally Works (3 pgs)
 - 4A-100 Instructions for Stage 1 Forms (5 pages)
 - 4A-101 Domestic Relations Information Sheet (2 copies, 4 pages total)
 - 4A-202 Petition to Establish Parentage (4 pages)
 - Rule 1-004 Rule on Process (4 pages)
 - Instructions for the Summons & Return (1 page)
 - 4A-206 Summons & Return (3 pages)
 - 4A-200 Instructions for Stage 2 Forms (3 pages)
 - 4A-204 Motion for Referral to Mediation (child custody, timesharing or visitation) (3 pages)
 - 4A-202 Motion for Temporary Order (2 pages)
 - 4A-206 Request for Hearing (2 pages)
 - 4A-300 Instructions for Stage 3 Forms (4 pages)
 - 4A-302 Custody Plan & Order (8 pages)
 - Child Support Worksheet. See 4A-300(D)(2) for instructions and complete online at www.nmcourts.gov
 - 4A-303 Child Support Obligation & Order (6 pages)
 - OMB 0970-0154 Income Withholding for Support (Federal Form) with instructions (9 pages)
 - 4A-304 Wage Withholding Order (2 pages)
 - Instructions to request a Final Hearing (2 pages)
 - 4A-206 Request for Final Hearing (2 pages)
 - 4A-403 Final Decree of Parentage (3 pages)



PACKET K

CONTESTED PARENTAGE

Since you and the other parent **DO NOT AGREE** about parentage and/or custody and/or support of your child(ren), the case is *contested*.

- If both you and the other parent agree about parentage, child custody and child support and all you need is a decree of parentage, you have the wrong packet. Ask for Packet G – Uncontested Paternity.

You may not need every form that is provided in this packet and you may need forms that are not included. As a self-represented litigant, it is your responsibility to decide which instructions and forms apply to your case. The court clerk cannot advise you about those decisions. Carefully consider what forms are appropriate for your case.

Forms included in Packet K

- Information & Rules for Self-Represented (*Pro Se*) Litigants (2 pages)
- General Instructions and How the Process Generally Works (3 pages)
- 4A-100 Instructions for Stage 1 Forms (5 pages)
- 4A-101 Domestic Relations Information Sheet; 2 copies, 2 pages each (4 pages)
- 4A-402 Petition to Establish Parentage (4 pages)
- Instructions for the Summons and Return (1 page)
- 4-206 Summons and Return (3 pages)
- Rule 1-004 Rule on Service of Process (4 pages)
- 4A-200 Instructions for Stage 2 Forms (3 pages)
 - 4A-200(C): Mediation on child custody, timesharing or visitation is typically required in this Judicial District and **IS** available through the Court's mediation program.
 - 4A-200(D): Mediation on child support or financial issues **IS NOT** available through the Court's mediation program.
 - 4A-200 (E)(1): The Court will prepare the Notice of Hearing. Therefore, it is not necessary for you to bring a completed Notice of Hearing form and form 4A-207 is not included in this packet.
- 4A-204 Motion for Referral to Mediation (3 pages)
- 4A-202 Motion for Temporary Order (2 pages)
- 4A-206 Request for Hearing (2 pages)
- 4A-300 Instructions for Stage 3 Forms (4 pages)
 - 4A-300(C): Mediation on child custody, timesharing or visitation is typically required in this Judicial District and **IS** available through the Court's mediation program.
 - 4A-300(D): Mediation on child support or financial issues **IS NOT** available through the Court's mediation program.

- 4A-302 Custody Plan and Order (8 pages)
- 4A-303 Child Support Obligation and Order (6 pages)
- Online Sample of a Child Support Worksheet. This worksheet is required anytime you ask the judge to set or change child support. Find an automatic calculator online at www.nmcourts.gov. Click on “self-help” then “self-help guide” then “child support worksheet”. The program walks you through each step. Print your completed worksheet. See 4A-300 (D)(2)(a) for more instructions.
- Instructions – Request for Final Hearing (2 pages)
- Request for Final Hearing (2 pages)
- 4A-403 Final Decree of Parentage (3 pages)
- Income Withholding For Support (Federal Form OMB 970-0154)(3 pages)
- Instructions for Federal Form OMB 0970-0154 (6 pages)
- 4A-304 Wage Withholding Order (2 pages)

Forms NOT included in Packet K – that you may require, such as the following, are available at the Courthouse or may be obtained on line at www.nmcompcomm.us. Under the “Public Access Law” tab, look for “Rules of Practice and Procedure.”

- 4-209 Motion for Service by Publication
- 4-209A Order for Service of Process by Publication in a Newspaper
- 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 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

PACKET K

CONTESTED PARENTAGE

General Instructions and How the Process Generally Works

1. Even though they relate to dissolution of marriage, many of the instructions you will need in your parentage case will be found in instructions **4A-100, 4A-200 and 4A-300** included in this packet. As a self-represented litigant, it is your responsibility to decide which instructions and forms apply to your case. The court clerk cannot advise you about those decisions. (See instructions 4A-100 (C).
2. **Type or print in ink** all of the information required to be completed on forms filed with the court and follow additional instructions in 4A-100 (C) and (F).
3. If you are the parent filing the case, you are called the Petitioner. The other parent is called the Respondent. Both of you are referred to as “parties.”
4. The following forms are required to open your case. Bring them to the District Court clerk at the courthouse in Aztec at 103 So. Oliver Drive. (See instructions 4A-100 (E)(1), (3), and (G))

Domestic Relations Information Sheet (4A-101) - - - - original
Petition to Establish Parentage (4A-402) - - - - - original & 2 copies
Summons and Return (4-206) - - - - - original & 1 copy

5. It costs \$137.00 to file for parentage, custody and child support. The court accepts **only cash or money order**. If you have very little money you may qualify for “free process” which means that you do not have to pay all or part of the filing fee. If you think you may qualify for free process, ask the court clerk for an *Application and Order for Free Process*. In this form you provide information about your financial situation and ask the Judge to decide that you do not have to pay the filing fee. (See instructions in 4A-100 (H))
6. Your case will be assigned to a Judge or Hearing Officer who may hold court either at the Aztec courthouse or the courthouse on Andrea Drive in Farmington. Ask the court clerk the name of the Judge or Hearing Officer that has been assigned to your case and where the Judge or Hearing Officer is located so:
 - A. you will know where you will have court.
 - B. you will know where to file papers later in your case.
7. After you have filed (opened) your parentage case in the District Court, you have work to do. You must have the other parent served with a copy of the *Summons*, a copy of the *Petition to Establish Parentage* and a blank copy of the *Domestic Relations Information Sheet*. (See instructions in 4A-100 (D)(16) and (17), and (J))
8. If the other parent, the Respondent, does not file an answer to the *Petition to Establish Parentage*, **STOP HERE**. You will need legal advice which the court cannot provide to you.

9. After the other parent has responded to your Petition, if you think you need a temporary order about who will have custody of the children, whether child support is needed and how visitation will work before the case is final, you must file with the court clerk (at the courthouse where the assigned Judge or Hearing Officer is located) a *Motion for Temporary Order* (4A-202) and *Request for Hearing* (4A-206) included in this packet. (See instructions that apply to your situation in 4A-200.)

Motion for Temporary Order (4A-202) - - - - bring original & 2 copies
Request for Hearing (4A-206) - - - - - - - - bring original & 2 copies

10. **Motions.** For instructions about filing all motions and a *Request for Hearing* (4A-206), see 4A-200 (E) for “General instructions for filing motions.” You must provide self-addressed and stamped envelopes for yourself and the other party. However, the Court will prepare the Notice of Hearing. Therefore, it is not necessary for you to bring a completed Notice of Hearing form and form 4A-207 is not included in this packet. You must provide a copy of anything you file in court to the other party. (See instructions in 4A-100 (C)(2))
11. Prepare for your hearing on your *Motion for Temporary Order* (4A-202). Review and plan how you will follow the “Information and Rules for Self-Represented (*Pro Se*) Parties” included in this packet.

At the very least, **bring the following items with you to the courtroom for the hearing. DO NOT FILE THESE ITEMS IN THE CLERK’S OFFICE.**

- A. *Child Support Worksheet* completed as fully as possible online. See instructions in 4A-300 (D)(2)(a).
- B. Proof of your income (pay stubs, for example)
- C. Proof of child care expenses while you work
- D. Proof of health, dental and vision costs for the child(ren)

You may need to present additional evidence to make (prove) your case. The instructions in this packet do not constitute legal advice. Even though you are following the instructions in this packet, you are not guaranteed the outcome that you may desire. The Judge or Hearing Officer cannot give you legal advice. It is highly recommended that you have a lawyer represent you in a contested parentage case.

12. If you and the other parent disagree about who will have custody of the child(ren) and how visitation will work, you and the other parent will be required to go to mediation. You must file with the court clerk (at the courthouse where the assigned Judge or Hearing Officer is located) a *Motion for Referral to Mediation* (4A-204) included in this packet. (See instructions in 4A-200 (C) and (E)) **IF domestic violence has already been alleged between the parties, indicate that in the *Motion for Referral to Mediation***

Motion for Referral to Mediation (4A-204) - - - bring original & 2 copies

The court will send you information about mediation including your payment requirements and options. Both of you must meet together with a mediator who will assist you and the other parent in trying to come to your own agreement concerning child custody. (Child support payments are not discussed or resolved during mediation.)

13. If you and the other parent reach an agreement about child custody during mediation, you and the mediator will fill out a *Custody Plan and Order* (4A-302) form that states the agreement you have reached. You will sign this form and the mediator will file it with the court clerk. A *Custody Plan and Order* (4A-302) is included in this packet. (See instructions in 4A-300 (D))
14. You must also complete a *Child Support Worksheet* which you have filled out online. (See instructions in 4A-300 (D)(2)(a)) If you and the other parent have been able to agree about child support as calculated by the *Child Support Worksheet*, then you will sign this form and attach it to the *Child Support Obligation and Order* (4A-303) included in this packet and file it with the court clerk. (See instructions in 4A-300 (D))

Child Support Obligation and Order (4A-303) - bring original & 2 copies with signed
Child Support Worksheet attached

15. If you and the other parent did not come to an agreement about child custody during mediation, or if you disagree about child support, you must file with the court clerk (at the courthouse where the assigned Judge or Hearing Officer is located) a *Request for Final Hearing* included in this packet. You must provide self-addressed and stamped envelopes for yourself and the other party. However, the Court will prepare the Notice of Hearing. See instructions later in this packet specific to the *Request for Final Hearing*.

Request for Final Hearing - - - - - bring original & 2 copies

The Judge or Hearing Officer will set a final hearing. You will get a notice from the Court letting you know when your hearing is scheduled.

16. Prepare documents for your Final Hearing.

Prepare the *Final Decree of Parentage* form (4A-403) by filling in the name of Petitioner, name of Respondent, case number, Petitioner's name in the first line and the names and years of birth of all minor children in paragraph #2. TAKE THIS FORM TO THE FINAL HEARING. DO NOT FILE THIS FORM IN THE CLERK'S OFFICE.

If you and the other parent DID NOT reach an agreement about child custody during mediation, prepare a *Custody Plan and Order* form (4A-302) with the terms you propose. TAKE THIS FORM TO THE FINAL HEARING. DO NOT FILE THIS FORM IN THE CLERK'S OFFICE. (See instructions in 4A-300 (E)(2))

If you and the other parent have not reached an agreement about child support, prepare a *Child Support Obligation and Order* form (4A-303) with the terms you propose. Prepare a *Child Support Worksheet* completed as fully as possible online. See instructions in 4A-300 (D)(2)(a). TAKE THESE FORMS TO THE FINAL HEARING. DO NOT FILE THESE FORMS IN THE CLERK'S OFFICE. (See instructions in 4A-300 (E))

SEE A LAWYER IF YOU HAVE QUESTIONS

**THE JUDGE, HEARING OFFICER, AND COURT CLERK
CANNOT GIVE YOU LEGAL ADVICE**

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) and the New Mexico compilation commission (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 SHEET¹

NOTE TO CLERK: DO NOT FILE THE INFORMATION SHEET

*Type or print responses. Required in all domestic relations cases.²
(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 number³: _____

Social Security number³: _____

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.⁴ 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) 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-101. Domestic relations information sheet.

DOMESTIC RELATIONS INFORMATION SHEET¹

NOTE TO CLERK: DO NOT FILE THE INFORMATION SHEET

*Type or print responses. Required in all domestic relations cases.²
(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 number³: _____

Social Security number³: _____

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.⁴ 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) 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-402. Petition to establish parentage.

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

_____,
Petitioner,

v. **No. D-1116-DM** _____

_____,
Respondent.

PETITION TO ESTABLISH PARENTAGE¹

I, _____, (*person listed as petitioner above*) am the petitioner in this case and I have [a child] [children] with _____ (*person listed as respondent*), "the parties." The parties ask the court for a Final Decree Establishing Parentage that establishes that _____ (*name of respondent*) is the parent of the [child] [children] listed below and approves the parties' Custody Plan and Order, Form 4A-302 NMRA, and Child Support Obligation and Order, Form 4A-303 NMRA for their [child] [children].

1. The parties have [or are expecting] _____ (*number*) minor [child] [children] together.
2. The parties are filing a completed Custody Plan and Order, Form 4A-302 NMRA, and Child Support Obligation and Order, Form 4A-303 NMRA, at the same time as this petition.
3. Petitioner lives in _____ County.
Respondent lives in _____ County.

Venue is proper because one of us lives in the county listed in the case caption above.

4. Both parties have gotten the help needed in order to sign this document.
5. The parties are the parents of:

Child's name	Date of birth	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. Our [child] [children] have lived in New Mexico since birth or for at least the past six (6) months. For the past five (5) years, our children have lived:

Child's addresses	Dates of residence	People in residence
Present address:		
_____	_____	_____
_____	_____	_____
Past addresses:		
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(If applicable, check below and list each proceeding.)

7. The above [child has] [children have] been the subject of the following prior custody or support proceedings:

Case Name	Case #	Court name	Location
_____	_____	_____	_____
_____	_____	_____	_____

- No other custody or support proceeding has been filed in any state involving the above named [child] [children].

8. *(check applicable)*

- No person other than the parties to this proceeding has claimed custody or visitation rights for the above named [child] [children].

- The following named persons have custody or visitation rights to the above named [child] [children]:

_____	_____
<i>(Name of person)</i>	<i>(Address)</i>
_____	_____
<i>(Name of person)</i>	<i>(Address)</i>

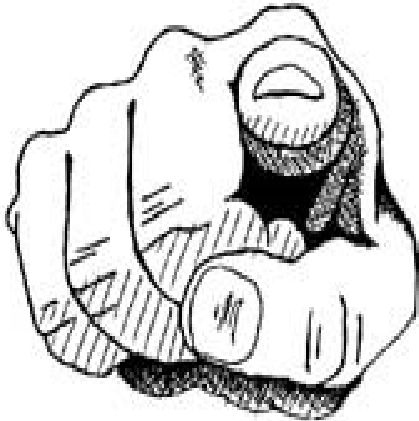
9. Parentage has been established because the respondent has acknowledged that he or she is the parent of the [child] [children].

USE NOTES

1. See Form 4A-401 NMRA for an explanation of an uncontested paternity proceeding and how to complete these forms.
2. Section 40-10A-209 NMSA 1978 requires the following information be disclosed:
 - name of the child;
 - the places the child has lived in the last five (5) years; and
 - the names and addresses of the persons with whom the child has lived in the last five (5) years.

[Approved, effective November 1, 2002; 4A-331 recompiled as 4A-402 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. 13-8300-014, effective immediately in all cases pending or filed on or after June 24, 2013.]

Giving Legal Notice



YOU . . . are called the **PETITIONER**

THEY . . . are called the **RESPONDENT**

YOU . . . must legally notify the respondent that you filed a petition against him/her. This is called “service of process” or “serving the respondent.”

YOU . . . must file proof with the court that you “served” the respondent.

The court **DOES NOT** do this for you.

To “serve” the respondent, YOU must arrange to have a copy of all the paperwork you filed, and a copy of all the paperwork the court issued when you filed your petition, delivered to the respondent.

1. LEGAL NOTICE BY PERSONAL SERVICE

If you **KNOW** where the respondent lives, works or can be found



A friend or family member (they must be over 18) can deliver a copy of all the paperwork to the respondent.



A Sheriff's officer or a process server can deliver a copy of all the paperwork to the respondent.

2. LEGAL NOTICE BY MAIL

If you have a good mailing address for the respondent



The postman can deliver a copy of all the paperwork to the respondent. The respondent must sign the green card. Restricting delivery to the respondent can help.

3. LEGAL NOTICE BY PUBLICATION

If you **DON'T** know where the respondent works, lives or can be found



You can publish a notice in the newspaper, BUT you first have to ask the court's permission to do this.

Your case will **NOT** move forward unless you legally notify the respondent that you filed a petition against him/her. You may want to see a lawyer for advice.

This information sheet only highlights the 3 most common ways to serve the respondent. For details, read Rule 1-004 of the New Mexico Rules of Civil Procedure

Rule 1-004. Process.

A. (1) **Scope of rule.** The provisions of this rule govern the issuance and service of process in all civil actions including special statutory proceedings.

(2) **Summons; issuance.** Upon the filing of the complaint, the clerk shall issue a summons and deliver it to the plaintiff for service. Upon the request of the plaintiff, the clerk shall issue separate or additional summons. Any defendant may waive the issuance or service of summons.

B. **Summons; execution; form.** The summons shall be signed by the clerk, issued under the seal of the court and be directed to the defendant. The summons shall be substantially in the form approved by the Supreme Court and must contain:

(1) the name of the court in which the action is brought, the name of the county in which the complaint is filed, the docket number of the case, the name of the first party on each side, with an appropriate indication of the other parties, and the name of each party to whom the summons is directed;

(2) a direction that the defendant serve a responsive pleading or motion within thirty (30) days after service of the summons and file a copy of the pleading or motion with the court as provided by Rule [1-005](#) NMRA;

(3) a notice that unless the defendant serves and files a responsive pleading or motion, the plaintiff may apply to the court for the relief demanded in the complaint; and

(4) the name, address and telephone number of the plaintiff's attorney. If the plaintiff is not represented by an attorney, the name, address and telephone number of the plaintiff.

C. **Service of process; return.**

(1) If a summons is to be served, it shall be served together with any other pleading or paper required to be served by this rule. The plaintiff shall furnish the person making service with such copies as are necessary.

(2) Service of process shall be made with reasonable diligence, and the original summons with proof of service shall be filed with the court in accordance with the provisions of Paragraph L of this rule.

D. **Process; by whom served.** Process shall be served as follows:

(1) if the process to be served is a summons and complaint, petition or other paper, service may be made by any person who is over the age of eighteen (18) years and not a party to the action;

(2) if the process to be served is a writ of attachment, writ of replevin or writ of habeas corpus, service may be made by any person not a party to the action over the age of eighteen (18) years designated by the court to perform such service or by the sheriff of the county where the property or person may be found;

(3) if the process to be served is a writ other than a writ specified in Subparagraph (2) of this paragraph, service shall be made as provided by law or order of the court.

E. **Process; how served; generally.**

(1) Process shall be served in a manner reasonably calculated, under all the circumstances, to apprise the defendant of the existence and pendency of the action and to afford a reasonable opportunity to appear and defend.

(2) Service may be made, subject to the restrictions and requirements of this rule, by the methods authorized by this rule or in the manner provided for by any applicable statute, to the extent that the statute does not conflict with this rule.

(3) Service may be made by mail or commercial courier service provided that the envelope is addressed to the named defendant and further provided that the defendant or a person authorized by appointment, by law or by this rule to accept service of process upon the defendant signs a receipt for the envelope or package containing the summons and complaint, writ or other process. Service by mail or commercial courier service shall be complete on the date the receipt is signed as provided by this subparagraph. For purposes of this rule "signs" includes the electronic representation of a signature.

F. Process; personal service upon an individual. Personal service of process shall be made upon an individual by delivering a copy of a summons and complaint or other process:

(1)

(a) to the individual personally; or if the individual refuses to accept service, by leaving the process at the location where the individual has been found; and if the individual refuses to receive such copies or permit them to be left, such action shall constitute valid service; or

(b) by mail or commercial courier service as provided in Subparagraph (3) of Paragraph E of this rule.

(2) If, after the plaintiff attempts service of process by either of the methods of service provided by Subparagraph (1) of this paragraph, the defendant has not signed for or accepted service, service may be made by delivering a copy of the process to some person residing at the usual place of abode of the defendant who is over the age of fifteen (15) years and mailing by first class mail to the defendant at the defendant's last known mailing address a copy of the process; or

(3) If service is not accomplished in accordance with Subparagraphs (1) and (2), then service of process may be made by delivering a copy of the process at the actual place of business or employment of the defendant to the person apparently in charge thereof and by mailing a copy of the summons and complaint by first class mail to the defendant at the defendant's last known mailing address and at the defendant's actual place of business or employment.

G. Process; service on corporation or other business entity.

(1) Service may be made upon:

(a) a domestic or foreign corporation, a limited liability company or an equivalent business entity by serving a copy of the process to an officer, a managing or a general agent or to any other agent authorized by appointment, by law or by this rule to receive service of process. If the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant;

(b) a partnership by serving a copy of the process to any general partner;

(c) an unincorporated association which is subject to suit under a common name, by serving a copy of the process to an officer, a managing or general agent or to any other agent authorized by appointment, by law or by this rule to receive service of process. If the agent is one authorized by law to receive service and the statute so requires, by also mailing a copy to the unincorporated association.

(2) If a person described in Subparagraph (a), (b) or (c) of this subparagraph refuses to accept the process, tendering service as provided in this paragraph shall constitute valid service. If none of the persons mentioned is available, service may be made by delivering a copy of the process or other papers to be served at the principal office or place of business during regular business hours to the person in charge.

(3) Service may be made on a person or entity described in Subparagraph (1) of this paragraph by mail or commercial courier service in the manner provided in Subparagraph (3) of Paragraph E of this rule.

H. Process; service upon state and political subdivisions.

(1) Service may be made upon the State of New Mexico or a political subdivision of the state:

(a) in any action in which the state is named a party defendant, by delivering a copy of the process to the governor and to the attorney general;

(b) in any action in which a branch, agency, bureau, department, commission or institution of the state is named a party defendant, by delivering a copy of the process to the head of the branch, agency, bureau, department, commission or institution and to the attorney general;

(c) in any action in which an officer, official, or employee of the state or one of its branches, agencies, bureaus, departments, commissions or institutions is named a party defendant, by delivering a copy of the process to the officer, official or employee and to the attorney general;

(d) in garnishment actions, service of writs of garnishment shall be made on the department of finance and administration, on the attorney general and on the head of the branch, agency, bureau,

department, commission or institution. A copy of the writ of garnishment shall be delivered or served on the defendant employee in the manner and priority provided in Paragraph F of this rule;

(e) service of process on the governor, attorney general, agency, bureau, department, commission or institution may be made either by serving a copy of the process to the governor, attorney general or the chief operating officer of an entity listed in this subparagraph or to the receptionist of the state officer. A cabinet secretary, a department, bureau, agency or commission director or an executive secretary shall be considered as the chief operating officer;

(f) upon any county by serving a copy of the process to the county clerk;

(g) upon a municipal corporation by serving a copy of the process to the city clerk, town clerk or village clerk;

(h) upon a school district or school board by serving a copy of the process to the superintendent of the district;

(i) upon the board of trustees of any land grant referred to in Sections [49-1-1](#) through [49-10-6 NMSA 1978](#), process shall be served upon the president or in the president's absence upon the secretary of such board.

(2) Service may be made on a person or entity described in Subparagraph (1) of this paragraph by mail or commercial courier service in the manner provided in Subparagraph (3) of Paragraph E of this rule.

I. Process; service upon minor, incompetent person, guardian or fiduciary.

(1) Service shall be made:

(a) upon a minor, if there is a conservator of the estate or guardian of the minor, by serving a copy of the process to the conservator or guardian in the manner and priority provided in Paragraph F, G or J of this rule as may be appropriate. If no conservator or guardian has been appointed for the minor, service shall be made on the minor by serving a copy of the process on each person who has legal authority over the minor. If no person has legal authority over the minor, process may be served on a person designated by the court.

(b) upon an incompetent person, if there is a conservator of the estate or guardian of the incompetent person, by serving a copy of the process to the conservator or guardian in the manner and priority provided by Paragraph F of this rule. If the incompetent person does not have a conservator or guardian, process may be served on a person designated by the court.

(2) Service upon a personal representative, guardian, conservator, trustee or other fiduciary in the same manner and priority for service as provided in Paragraphs F, G or J of this rule as may be appropriate.

J. Process; service in manner approved by court. Upon motion, without notice, and showing by affidavit that service cannot reasonably be made as provided by this rule, the court may order service by any method or combination of methods, including publication, that is reasonably calculated under all of the circumstances to apprise the defendant of the existence and pendency of the action and afford a reasonable opportunity to appear and defend.

K. Process; service by publication. Service by publication may be made only pursuant to Paragraph J of this rule. A motion for service by publication shall be substantially in the form approved by the Supreme Court. A copy of the proposed notice to be published shall be attached to the motion. Service by publication shall be made once each week for three consecutive weeks unless the court for good cause shown orders otherwise. Service by publication is complete on the date of the last publication.

(1) Service by publication pursuant to this rule shall be by giving a notice of the pendency of the action in a newspaper of general circulation in the county where the action is pending. Unless a newspaper of general circulation in the county where the action is pending is the newspaper most likely to give the defendant notice of the pendency of the action, the court shall also order that a notice of pendency of the action be published in a newspaper of general circulation in the county which reasonably appears is most likely to give the defendant notice of the action.

(2) The notice of pendency of action shall contain:

- (a) the caption of the case, as provided in Rule [1-008.1](#) NMRA, including a statement which describes the action or relief requested;
 - (b) the name of the defendant or, if there is more than one defendant, the name of each of the defendants against whom service by publication is sought;
 - (c) the name, address and telephone number of plaintiff's attorney; and
 - (d) a statement that a default judgment may be entered if a response is not filed.
- (3) If the cause of action involves real property, the notice shall describe the property as follows:
- (a) If the property has a street address, the name of the municipality or county address and the street address of the property.
 - (b) If the property is located in a Spanish or Mexican grant, the name of the grant.
 - (c) If the property has been subdivided, the subdivision description or if the property has not been subdivided the metes and bounds of the property.
- (4) In actions to quiet title or in other proceedings where unknown heirs are parties, notice shall be given to the "unknown heirs of the following named deceased persons" followed by the names of the deceased persons whose unknown heirs are sought to be served. As to parties named in the alternative, the notice shall be given to "the following named defendants by name, if living; if deceased, their unknown heirs" followed by the names of the defendants. As to parties named as "unknown claimants", notice shall be given to the "unknown persons who may claim a lien, interest or title adverse to the plaintiff" followed by the names of the deceased persons whose unknown claimants are sought to be served.

L. Proof of service of process. The party obtaining service of process or that party's agent shall promptly file proof of service. When service is made by the sheriff or a deputy sheriff of the county in New Mexico, proof of service shall be by certificate; and when made by a person other than a sheriff or a deputy sheriff of a New Mexico county, proof of service shall be made by affidavit. Proof of service by mail or commercial courier service shall be established by filing with the court a certificate of service which shall include the date of delivery by the post office or commercial courier service and a copy of the defendant's signature receipt. Proof of service by publication shall be by affidavit of publication signed by an officer or agent of the newspaper in which the notice of the pendency of the action was published. Failure to make proof of service shall not affect the validity of service.

M. Service of process in the United States, but outside of state. Whenever the jurisdiction of the court over the defendant is not dependent upon service of the process within the State of New Mexico, service may be made outside the State as provided by this rule.

N. Service of process in a foreign country. Service upon an individual, corporation, limited liability company, partnership, unincorporated association that is subject to suit under a common name, or equivalent legal entities may be effected in a place not within the United States:

- (1) by any internationally agreed means reasonably calculated to give notice, such as those means authorized by the Hague convention on the Service Abroad of Judicial and Extrajudicial Documents; or
 - (2) if there is no internationally agreed means of service or the applicable international agreement allows other means of service, provided that service is reasonably calculated to give notice:
 - (a) in the manner prescribed by the law of the foreign country for service in that country in an action in any of its courts of general jurisdiction;
 - (b) as directed by the foreign authority in response to a letter rogatory or letter of request;
- or
- (c) unless prohibited by the laws of the United States or the law of the foreign country, in the same manner and priority as provided for in Paragraph F, G or J of this rule as may be appropriate.

[As amended, effective January 1, 1987; October 1, 1998; March 1, 2005; as amended by Supreme Court Order No. 11-8300-050, effective for cases filed on or after February 6, 2012.]

Summons and Return Instructions

1. **Type or print in ink** the information you enter on this form.
2. Copy the “Petitioner” and “Respondent” names from the *Petition to Establish Parentage* form onto this *Summons*
3. Enter the Respondent’s address.
4. If you have filed an *Application and Order for Free Process*, the court clerk will fill in the case number on the *Petition to Establish Parentage* form. Copy that case number onto the *Summons*.
5. Your address and phone number are required. If you are already participating in the “Confidential Address Program” (because of previous domestic abuse) and have received a CAP signature card, you may use the substitute address for your address on the *Summons*.
6. Do not fill out any portion of the *Return*.
7. Take the *Summons/Return* to the court clerk when you open your case. (Read the General Instructions for information about opening your case.) The remaining blanks on the *Summons* will be filled out by the court clerk who will give it back to you.
8. You must have the *Summons/Return*, the *Petition to Establish Parentage* and the blank *Domestic Relations Information Sheet* served on the Respondent. Serving these documents on the Respondent is called “service of process” and must be accomplished according to Rule 1-004 NMRA, of the New Mexico Rules of Civil Procedure for the District Courts. A copy of Rule 1-004 is included in this packet. The court clerks CANNOT advise you about compliance with Rule 1-004

SEE A LAWYER IF YOU HAVE QUESTIONS

THE JUDGE, HEARING OFFICER AND COURT CLERK CANNOT GIVE YOU LEGAL ADVICE

SUMMONS

District Court: Eleventh Judicial District San Juan County, New Mexico	Case Number: D-1116- _____
<input type="checkbox"/> Aztec: 103 S. Oliver St. Aztec, NM 87410 505-334-6151	<input type="checkbox"/> Farmington: 851 Andrea Dr. Farmington, NM 87401 505-326-2256
Judge: _____ _____	Defendant/Respondent: Name: _____ Address: _____ _____
Plaintiff(s)/Petitioner: _____ v. Defendant(s)/Respondent: _____	

TO THE ABOVE NAMED DEFENDANT(S): Take notice that

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

Dated at _____, New Mexico, this _____ day of _____, 20_____.

CLERK OF COURT

By: _____
Deputy

Attorney for Plaintiff/Petitioner or
Plaintiff/Petitioner pro se:
Name: _____
Address: _____
Telephone No.: _____
Fax No.: _____
Email Address: _____

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN¹

STATE OF NEW MEXICO)
) ss
COUNTY OF _____)

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

(check one box and fill in appropriate blanks)

- to the defendant _____ (used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint)
- to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service).

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

- to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, (used when the defendant is not presently at place of abode) and by mailing by first class mail to the defendant at _____ (insert defendant's last known mailing address) a copy of the summons and complaint.
- to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (insert defendant's business address) and by mailing the summons and complaint by first class mail to the defendant at _____ (insert defendant's last known mailing address).
- to _____, an agent authorized to receive service of process for defendant _____.
- to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ (used when defendant is a minor or an incompetent person).
- to _____ (name of person), _____, (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: _____

Signature of person making service

Title (if any)

Subscribed and sworn to before me this _____ day of _____, _____²

Judge, notary or other officer authorized to administer oaths

Official title

USE NOTE

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

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

4A-200. Domestic relations forms; INSTRUCTIONS FOR STAGE TWO (2) FORMS.

A. **Temporary orders.** After your petition for dissolution of marriage has been filed but before the court issues a final decree, you may request assistance on a temporary basis using Form 4A-202 NMRA. The court may provide such assistance by issuing one of the following temporary orders:

(1) **Temporary domestic order.** See Subparagraphs (D)(18) and (E)(4) of Form 4A-100 NMRA for an explanation of when to request a temporary domestic order from the court. For the temporary domestic order, see Form 4A-201 NMRA;

(2) **Temporary division of property.** You may request this relief when you need assistance from the court with access to property such as a home (e.g., a house, apartment) or a vehicle;

(3) **Temporary division of income and debts.** You may request this relief when you cannot agree about how bills will be paid, or you are having trouble paying the bills with only your income. This relief will include child support if you and your spouse have minor children together;

(4) **Temporary custody of minor children.** You may request this relief when you cannot agree on important decisions about the children including decision about medical treatment and where the children will go to school. For more information about child custody, see Section 40-4-9.1 NMSA 1978;

(5) **Temporary order establishing timesharing or visitation schedule.** You may request this relief when you cannot agree on a schedule of how much time each parent will spend with the child and when the child will be with each parent;

(6) **Temporary child support and request for wage withholding.** If you have not already requested a temporary division of property and debts as provided in Paragraph (A)(3) of this rule, you may request this relief when you cannot agree on the amount of money that one party should pay the other party to help support the children. If the court grants a temporary child support order, the child support payment may be taken from the paying party's paycheck pursuant to a wage withholding order. For more information about a wage withholding order, see Form 4A-300(D)(2)(b) NMRA. For the wage withholding order, see Form 4A-304 NMRA; and

(7) **Temporary allocation of community resources to permit both parties to hire an attorney.** You may request this relief when you need money to hire an attorney and there is money or credit available from either or both of the parties.

B. **Motion to modify temporary order.** You may file this motion (Form 4A-203 NMRA) if you have a temporary order and you want to change it. In your motion, you must state specific reasons why the temporary order should be changed.

C. **Motion for referral to mediation (child custody, timesharing, or visitation).** You may file this motion (Form 4A-204 NMRA) when you believe that there is a reasonable likelihood that you will be able to reach an agreement about child custody or visitation with the assistance of a mediator. Requesting a referral for mediation on child custody does not require the issue of child support to be resolved at the same time. To mediate child support, the parties must have exchanged all documentation required by Rule 1-123 NMRA, as provided by Paragraph D of this rule.

D. **Motion for referral to mediation (child support or other financial issues).** You may file this motion (Form 4A-205 NMRA) only if each of the following circumstances has been met:

(1) the parties have exchanged all documentation required by Rule 1-123 NMRA (see the appendix to this Rule for more information);

(2) you believe that there is a reasonable likelihood that you can reach a final agreement on some or all of the matters in your divorce other than child custody or visitation, such as child support, division of income and debt, or division of a retirement account. *See* Form 4A-202 NMRA (Motion for temporary order) for other matters that may be mediated; and

(3) the judicial district that you are filing in has a mediation program for this purpose, or the parties have funds available to pay for a private mediator.

E. Motion to enforce order. You may file a motion to enforce order (Form 4A-209 NMRA) when you want to ask the court for help because you believe the other party is not following a court order. You should be very specific when completing the motion; tell the court what the court order says and what the other person is doing or not doing that is violating the order. State only serious violations and be as complete as possible. Bring a copy of the order with you to the hearing. If you do not have a copy of the order, you may obtain one from the clerk's office. Standard copying fees may apply.

F. General instructions for filing motions.

(1) Either party may file a motion seeking help from the court. When you file a motion, it must be filed with the Court Clerk's Office. You must fill out and bring a Request for Hearing (Form 4A-206 NMRA) to the court to be filed at the same time as your motion. You may be required to bring an original, completed Notice of Hearing (Form 4A-207 NMRA) with self-addressed stamped envelopes for both parties. The court will send each party a Notice of Hearing that will include your assigned hearing date and time in the self-addressed stamped envelopes you provided. **WARNING:** Generally, this rule must be followed when filing a motion; however, many courts have special rules when the parties need a hearing. You should inquire at the Court Clerk's Office to determine if special rules apply when you request a hearing.

(2) If the motion relates to money (*see* Subparagraphs (1), (2), (3), (6) and (7) of Paragraph A, above), you must take the steps required by Rule 1-123 NMRA and file a Notice of Compliance with Rule 1-123 NMRA (Form 4A-208 NMRA), with the Court Clerk's Office. For further information on Rule 1-123 NMRA, please refer to the appendix to this rule.

(3) There may be other motions that you want to file. You should follow these general instructions with all motions. Any response to a motion should be served on the other party as set forth in Form 4A-100(J) NMRA.

(4) **WARNING:** All forms include a verification of service which tells the court that you gave a copy of your motion to the other party. Your motion cannot be heard by the court unless you have properly served a copy on the other party.

G. Hearings. You will receive a notice of hearing from the court mailed to you in the self-addressed stamped envelope that you or your spouse provided to the court when filing the motion. See the appendix to this rule for instructions about how to prepare for the hearing. If someone you need to be your witness does not want to go to the hearing, you will need to request a subpoena from the court before the hearing. If a subpoena is issued by the court, the person will be ordered to appear at the court at the date, time, and place of your hearing. You are responsible for getting the subpoena served on the witness and for filing the return of service with the Clerk of the Court. For further information about subpoenas, see Rule

1-045 NMRA.

H. **Hearing officers.** From time to time, the judge may appoint a hearing officer to preside over your hearing. The hearing officer is required to prepare a Hearing Officer Report within thirty (30) days after your hearing, which contains findings of fact and recommendations to the judge on how the court should rule. The court will mail each party a copy of the Hearing Officer Report and a Notice of Filing. If you do not agree with the hearing officer's recommendations, you must complete and file written objections within ten (10) days after service of the recommendations using Form 4A-211 NMRA. You must send a copy of the written objections to the other party. If no written objections are received by the district court, then the recommendations of the hearing officer may be adopted by the court without further notice to you. If the court receives written objections to the recommendations, the court will decide whether to set a hearing or to enter its own order. The court will notify you of the action it has taken. For further information about hearing officers in domestic relations actions, *see* Rule 1-053.2 NMRA.

[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; as amended by Supreme Court Order No. 17-8300-017, effective for all pleadings and papers filed on or after December 31, 2017.]

- The other party WILL NOT TALK WITH ME about my motion.
- I CANNOT TALK TO THE OTHER PARTY because there is a protective order between the other party and me, and the other party does not have an attorney.
- I HAVE NOT TALKED TO THE OTHER PARTY because:

 _____.

 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 motion by United States mail, postage prepaid, to:
 Name: _____
 Mailing address: _____
 City, state, and zip code: _____;
- delivered a copy of this motion to _____ (*the other party or the other party's attorney*); or
- faxed a copy of this motion 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 request the court to refer a matter to mediation regarding child custody, timesharing, or visitation 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-202. Motion for temporary order (domestic relations actions). [For use with Rules 1-121 and 1-122 NMRA]

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

_____,
Petitioner,

v.

No. D-1116-DM

_____,
Respondent.

MOTION FOR TEMPORARY ORDER
*(domestic relations actions)*¹

I, _____ (name of Petitioner or Respondent) request the court to enter the following temporary order(s): (check all that apply)

- (1) temporary domestic order;²
- (2) temporary division of property;
- (3) temporary division of income and debts;
- (4) temporary custody of minor children;
- (5) temporary order establishing timesharing or visitation;
- (6) temporary child support and request for wage withholding;
- (7) temporary allocation of community resources to permit both parties to hire an attorney;
- (8) _____ (other).

I have tried to talk to _____. (name of the other party or the other party's attorney if represented)

This is what happened: (You MUST check one of these boxes.)

- The other party AGREES with my motion.
- The other party DOES NOT AGREE with my motion.
- The other party WILL NOT TALK TO ME about my motion.
- I CANNOT TALK TO THE OTHER PARTY because there is a protective order between us and the other party does not have a lawyer.
- I HAVE NOT TALKED TO THE OTHER PARTY because:

_____.

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 motion by United States mail, postage prepaid, to:

Name: _____

Mailing address: _____

City, state, and zip code: _____;

delivered a copy of this motion to _____ (*the other party or the other party's attorney*); or

faxed a copy of this motion 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. See Committee Commentary to Rule 1-120 NMRA for what constitutes a domestic relations action.
2. See Rule 1-121 NMRA and Form 4A-201 NMRA for the Supreme Court approved Temporary Domestic Order.

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001; 4A-111 recompiled and amended as 4A-202 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-206. Request for hearing (domestic relations actions).

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

_____,
Petitioner,

v.

No. D-1116-DM

_____,
Respondent.

REQUEST FOR HEARING
(domestic relations actions)¹

Assigned judge: _____

Matters to be heard: _____

Hearings presently set: _____

Amount of time requested: _____

(Provide names, mailing addresses, and telephone numbers of parties who need to be notified--attach a list if necessary.)

Name: _____

Address: _____

City/State/Zip: _____

Telephone: _____

Hearing requested by:

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 request by United States mail, postage prepaid, to:

Name: _____

Mailing address: _____

City, state, and zip code: _____;

[] delivered a copy of this request to _____ (the other party or the other party's attorney); or

[] faxed a copy of this request 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 request a hearing 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-300. Domestic relations forms; INSTRUCTIONS FOR STAGE THREE (3) FORMS.

A. **Stage three (3) forms; scope.** The stage three (3) forms are the last forms that you must complete to dissolve your marriage (i.e., get a “divorce”). Once approved by the Court, the agreements and promises that you have made in these forms will settle financial matters between you and the other party, and will control your rights as a parent. When both parties sign the Marital Settlement Agreement (Form 4A-301 NMRA), the Custody Plan and Order (Form 4A-302 NMRA), and the Child Support Obligation and Order (Form 4A-303 NMRA), they may be enforced by either party as contracts. When the Court signs a Final Decree of Dissolution of Marriage (Form 4A-305 or 4A-306 NMRA), you will be divorced, and the Marital Settlement Agreement, the Custody Plan and Order, and the Child Support Obligation and Order will become legally binding on both of you. Any important changes to these agreements should be in writing and signed by both parties. These changes should be filed with the Court. You should be careful when filling out these forms, and be as complete as possible. It is highly recommended that you consult with an attorney.

B. **Marital Settlement Agreement.** A Marital Settlement Agreement (“MSA”) must be completed, signed by both parties, and filed with the Court in every dissolution of marriage case. (Use Form 4A-301 NMRA.) Although the MSA is called an “Agreement,” if the parties do not agree on its terms, the Court may use the terms of either party’s proposed MSA in its final order after a hearing. The MSA describes how you and the other party will divide your property and debts, and how you will settle any other financial matters, including whether one party will pay spousal support or make a cash payment to the other. When the parties sign the MSA or the Court signs and files a Final Decree of Dissolution of Marriage, the MSA is legally binding on both parties. *See* Paragraph A, above.

If you and the other party cannot agree on some or all of the terms of the MSA, you may request the assistance of a mediator, if available, by completing and filing a Motion for Referral to Mediation (child support or other financial issues) (Form 4A-205 NMRA) with the Court. If you do not believe a mediator will be helpful, you may complete and file a Request for Hearing (Form 4A-206 NMRA), and the Court will make a decision for you. For more information about how to request a hearing, *see* Subparagraph (1) of Paragraph E of Form 4A-200 NMRA.

The MSA includes the following sections:

(1) ***Property we are dividing.*** This is where you describe how you will divide your property, including personal property, real property, bank and investment accounts, retirement plans, vehicles, and any other property. Examples of each type of property are included on the form. Complete the Personal Property List (Attachment A) to identify any personal property you own that is valuable to you and to show how you will divide it. If you have real property other than the home you lived in while you were married, complete the Real Property List (Attachment B) to identify the property and to show how you will divide it;

(2) ***Debts we are dividing.*** This is where you describe how you will divide your debts (e.g., credit cards, loans, etc.), cancel joint credit cards, file your taxes, and handle any issues that may come up with tax returns that were filed while you were married. Complete the Debt List (Attachment C) to identify each of your debts and to show how you will divide them;

(3) ***Cash payment.*** This is where you show any dollar amount that you have agreed one party should pay the other to settle the division of your property and debts. This amount will be included in the Final Decree of Dissolution of Marriage as a judgment in favor of the party who is to receive the cash payment. This judgment may be enforced as provided by law;

(4) **Spousal support.** This is where you show any dollar amount that you have agreed one party should pay the other as monthly spousal support. *If* the Court approves this section, the amount and timing of spousal support can be modified only by a court order. For more information on spousal support, see Section 40-4-7 NMSA 1978;

(5) **Other statements by parties.** This is where you promise to do what is necessary to carry out your agreements in the MSA and how you will resolve any arguments you may have about the MSA in the future; and

(6) **Verification.** This is where you affirm the truth of the statements in the MSA and sign it under penalty of perjury.

C. **Custody plan and order.** A Custody Plan and Order must be completed and filed with the Court in every dissolution of marriage case when the parties are the parents of one or more children under eighteen (18) years of age or under the age of nineteen (19) and attending high school. (Use Form 4A-302 NMRA.) This document describes decisions that have been made and how decisions will be made in the future about the children. When the Court signs and files a Final Decree of Dissolution of Marriage, the Custody Plan and Order is legally binding on both parties. *See* Paragraph A, above.

If you and the other party cannot agree on the terms of a Custody Plan and Order, you may request the assistance of a mediator by completing and filing a Motion for Referral to Mediation (child custody, timesharing, or visitation) (Form 4A-204 NMRA) with the Court. If you do not believe that a mediator will be helpful, you may complete and file a Request for Hearing (Form 4A-206 NMRA), and the Court will make a decision for you. For more information about how to request a hearing, *see* Form 4A-200(E)(1) NMRA. Some courts will not set a hearing on custody matters until the parties have tried mediation but failed to reach an agreement. Check with the Court before you request a hearing to find out if mediation is required.

The Custody Plan and Order includes the following sections:

(1) **Identification and contact information.** This is where you list the names and contact information of the parties and the children who are covered by the form;

(2) **Custody of the children.** This is where you describe the agreement you have reached about how you will make decisions and who will have custody of your children. If you choose sole legal custody, you must provide the specific reason why sole legal custody is in the best interests of the children. Also describe how often, when, and where the non-custodial parent will be allowed to visit the children, if at all. If you choose joint legal custody, you must complete the parenting plan in Subparagraphs one (1) through five (5) of Paragraph B to describe how you will share the custody of your children; and

(3) **Verification.** This is where you affirm the truth of the statements in the Custody Plan and Order and sign it under penalty of perjury.

D. **Child support obligation and order.** A Child Support Obligation and Order must be completed and filed with the Court in every dissolution of marriage case when the parties are the parents of one or more children under eighteen (18) years of age or under the age of nineteen (19) and attending high school. (Use Form 4A-303 NMRA.) This document describes how you will divide the expenses of raising the children, including child support and health insurance, and tax issues relating to the children. When the Court signs and files a Final Decree of Dissolution of Marriage, the Child Support Obligation and Order will become legally binding on both parties. *See* Paragraph A, above.

If you and the other party cannot agree on the terms of the Child Support Obligation and Order, you may request the assistance of a mediator by completing and filing a Motion for Referral to Mediation

(child support or other financial issues) (Form 4A-205 NMRA) with the Court. If you do not believe that a mediator will be helpful, you may complete and file a Request for Hearing (Form 4A-206 NMRA), and the Court will make a decision for you. For more information about how to request a hearing, *see* Form 4A-200(E)(1) NMRA.

The Child Support Obligation and Order includes the following sections:

(1) **Identification and contact information.** This is where you list the names and contact information of the parties and the children who are covered by the form;

(2) **Child support.** This is where you describe how you will share the expenses of raising your children. This portion of the form refers to these additional documents:

(a) **Child support worksheet.** To complete Paragraph A of this section, you must complete and attach a child support worksheet to your Child Support Obligation and Order. The worksheet will help you figure out the amount of child support required by law. The worksheet is available at Section 40-4-11.1 NMSA 1978, or you can find an interactive version at www.nmcourts.com by clicking on the “Family Law Forms” link and selecting “Child Support Worksheet.” The interactive worksheet will automatically calculate the monthly child support obligation. The amount shown on the child support worksheet will be awarded by the Court. If the parties need to deviate from the amount shown on the child support worksheet, they must request a different amount, explain why that amount is necessary, and the deviation must be approved by the Court; and

(b) **Wage withholding order.** Under Paragraph D of this section, you must tell the Court how you will begin wage withholding for child support. Payment of child support by wage withholding is mandatory unless otherwise agreed by the parties or ordered by the Court. Wage withholding will not take effect until the parties complete a Wage Withholding Order (Form 4A-304 NMRA) and submit it to the Court for filing, or until the Court signs and files the Child Support Obligation and Order and the parties open a case with the New Mexico Human Services Department, Child Support Enforcement Division (“CSED”). CSED can issue a notice of wage withholding for the parties on full service cases. You may request the Court to order wage withholding by attaching a completed Wage Withholding Order to the Child Support Obligation and Order; and

(3) **Verification.** This is where you affirm the truth of the statements in the Child Support Obligation and Order and sign it under penalty of perjury.

E. **Final decree of dissolution of marriage.** When the Court signs and files a Final Decree of Dissolution of Marriage, you and the other party will be divorced. You may request a Final Decree of Dissolution of Marriage as follows:

(1) **Uncontested.** If you and the other party agree on the terms of your MSA (and Custody Plan and Order and Child Support Obligation and Order, if you have children), you may request a Final Decree of Dissolution of Marriage by doing the following:

(a) Filing your completed MSA (and completed Custody Plan and Order and Child Support Obligation and Order, if you have children) with the Court Clerk’s Office; and

(b) Submitting a completed Final Decree of Dissolution of Marriage (Form 4A-305 NMRA (without children) or 4A-306 (with children) NMRA) to the judge for approval.

The Court may sign the Final Decree of Dissolution of Marriage without further notice, or it may order you and the other party to appear for a hearing. **WARNING:** Once the Court signs and files the Final Decree of Dissolution of Marriage, your divorce will be final, and the terms of the MSA (and the Custody Plan and Order and Child Support Obligation and Order, if you have children) will be binding as a court order on both parties. *See* Paragraph A, above;

(2) **Contested.** If you and the other party do not agree on the terms of your MSA (and Custody Plan and Order and Child Support Obligation and Order, if you have children) and you cannot submit completed forms to the Court, you should request a trial in your case by submitting a Request for Hearing (Form 4A-206 NMRA). For more information about how to request a hearing, *see* Form 4A-200(E)(1) NMRA.

The Court will set one or more hearings to resolve the remaining disagreements over the terms of the MSA (and the Custody Plan and Order and Child Support Obligation and Order, if you have children). *You must complete your own proposed MSA (and Custody Plan and Order and Child Support Obligation and Order, if you have children) and Final Decree of Dissolution of Marriage (Form 4A-305 (without children) or Form 4A-306 (with children) NMRA) and bring them with you to the hearing.* Once the Court has decided the terms of the MSA (and the Custody Plan and Order and Child Support Obligation and Order, if you have children), it will sign and file a Final Decree of Dissolution of Marriage, and you will be divorced from the other party; or

(3) **Default.** If more than thirty (30) days have passed since you filed and served the Petition for Dissolution of Marriage and the other party has not filed an answer or otherwise responded to your petition, you may be able to request a Final Decree of Dissolution of Marriage without the other party's participation. This is called a default judgment. See Form 4A-310 NMRA for instructions on how to request a default judgment and Final Decree of Dissolution of Marriage.

[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-302. Custody plan and order.

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

_____,
Petitioner,

v.

No. D-1116-DM

_____,
Respondent.

CUSTODY PLAN AND ORDER¹

_____ and _____ are the parents of the children listed below. This document is the custody plan and is in the best interests of the children.

I. IDENTIFICATION AND CONTACT INFORMATION

Parent's name	Physical address and phone number	Place of employment and phone number
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Child's name	Year of birth	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

II. CUSTODY OF THE CHILDREN²

(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 dispute regarding the children in this way (*steps continue until problem solved*):

- a. Talk together; or
- b. Communicate in writing as follows:
 - i. parent requests change, and gives reasons for the change; and
 - ii. answering parent sends response within _____ days.

If the answering parent does not agree to the change, that parent must say why, and, if possible, make a new proposal.

- c. Take the following steps:
(*check all that apply and number them if there is a particular order*)
 - _____. Go to couple, family, or other counseling;
 - _____. Go to mediation with a neutral party;
 - _____. Other: _____;
 - _____. Go to court.

- 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*)

Holidays:	Even year	Odd year	Times (if split)
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 we agree differently.

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 you 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 you 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.
- f. **Review of plan.** The parents agree to meet [] every year (*or*) [] every years to make sure this plan continues to work well.

VERIFICATION

I affirm under oath and penalty of perjury under the laws of the State of New Mexico that I have read this document, that I agree with everything in it, and that the statements in it are true and correct to the best of my knowledge and belief.

Name of parent (*print*)

Name of parent (*print*)

Parent’s signature

Parent’s signature

Date

Date

Mailing address

Mailing address

Physical address

Physical address

Telephone

Telephone

STATE OF NEW MEXICO }
COUNTY OF _____ } ss.

Acknowledged, signed and sworn before me on _____ (mm/dd/yyyy) by
_____ (name of person making statement), the **PARENT**.

Signature of Judge, Notary or other officer
Authorized to administer oaths

Title or date commission expires

STATE OF NEW MEXICO }
COUNTY OF _____ } ss.

Acknowledged, signed and sworn before me on _____ (mm/dd/yyyy) by
_____ (name of person making statement), the **PARENT**.

Signature of Judge, Notary or other officer
Authorized to administer oaths

Title or date commission expires

Recommended by (if one is assigned):

Hearing Officer

APPROVED, ADOPTED AND ORDERED BY THE DISTRICT COURT

Date

District Court Judge

USE NOTE

1. A custody plan must be filed in every dissolution of marriage case if the parties have minor children or a child under nineteen years of age who is attending high school. For more information about filling out this form, see Form 4A-300 NMRA.

2. The parties 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 NMSA 1978. 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.

[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; as amended by Supreme Court Order No. 15-8300-024, effective for all pleadings and papers filed after November 18, 2015.]



THIS IS A SAMPLE "CHILD SUPPORT WORKSHEET"

THIS WORKSHEET IS **REQUIRED** ANYTIME YOU ASK THE JUDGE TO SET OR CHANGE CHILD SUPPORT. EVEN IF YOU WANT TO DO SOMETHING DIFFERENT THAN THE AMOUNT ON YOUR WORKSHEET, YOU HAVE TO SHOW THE JUDGE YOUR WORKSHEET FIRST.

FIND AN AUTOMATIC CALCULATOR AT www.nmcourts.gov. CLICK ON "SELF-HELP" THEN "SELF-HELP GUIDE" THEN "CHILD SUPPORT WORKSHEET". THE PROGRAM WALKS YOU THROUGH EACH STEP. PRINT YOUR COMPLETED WORKSHEET.

WORKSHEET A - BASIC VISITATION

STATE OF NEW MEXICO
[ELEVENTH] JUDICIAL DISTRICT COURT
COUNTY OF [SAN JUAN]

[PARENT 1], Petitioner,

vs.

NO. DM-1116-_____

[PARENT 2], Respondent.

MONTHLY CHILD SUPPORT OBLIGATION

	Custodial Parent	Other Parent	Combined
1. Gross Monthly Income	\$ 1000.00 +	\$ 1000.00 =	\$ 2000.00
2. Percentage of Combined Income	50.00 % +	50.00 % =	100 %
3. Number of Children			1
4. Basic Support from Schedule			\$ 382.00
5. Children's Health and Dental Insurance Premium	\$ 0.00 +	\$ 0.00 =	\$ 0.00
6. Work-Related Child Care	\$ 0.00 +	\$ 0.00 =	\$ 0.00
7. Additional Expenses	\$ 0.00 +	\$ 0.00 =	\$ 0.00
8. Total Support	\$ 0.00	\$ 0.00	\$ 382.00
9. Each Parent's Obligation	\$ 191.00	\$ 191.00	
10. Amount for Each Parent from Line 8	- \$ 0.00	- \$ 0.00	
11. Each Parent's Net Obligation	\$ 191.00	\$ 191.00	

PARENT 2 PAYS PARENT 1 EACH MONTH \$ 191.00

Parent 1's Signature: _____

Parent 2's Signature: _____

Date: _____

4A-303. Child support obligation and order.

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

_____,
Petitioner,

v.

No. **D-1116-DM**

_____,
Respondent.

CHILD SUPPORT OBLIGATION AND ORDER¹

_____ and _____ are the parents of the children listed below.

I. IDENTIFICATION AND CONTACT INFORMATION

Parent's name	Physical address and phone number	Place of employment and phone number
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Child's name	Year of birth	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

II. CHILD SUPPORT²

A. **Child Support Worksheet.**³ 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.⁴

(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)⁵

_____.

B. **Health insurance coverage**⁶ (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 to [him] [her] from [his] [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:

_____.

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.⁷

(*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 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 parents have made the following alternate arrangements for the payment of support (*describe alternate payment arrangements, subject to approval by the Court*):

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 parents to exchange the following information (*this paragraph is required by statute, Section 40-4-11.4 NMSA 1978*):⁸

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.**⁹ This is the plan about tax issues, such as the dependency exemption, that relate to the children:

Follow IRS regulations; or

Adopt another plan as follows:

_____.

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

(*If applicable*) The parents shall pay for special activities as follows:

_____.

VERIFICATION

I affirm under oath and penalty of perjury under the laws of the State of New Mexico that I have read this document, that I agree with everything in it, and that the statements in it are true and correct to the best of my knowledge and belief.

Name of parent (*print*)

Name of parent (*print*)

Parent's signature

Parent's signature

Date

Date

Mailing address

Mailing address

Physical address

Physical address

Telephone

Telephone

STATE OF NEW MEXICO }
COUNTY OF _____ } ss.

Acknowledged, signed and sworn before me on _____ (mm/dd/yyyy) by
_____ (name of person making statement), the PARENT.

Signature of Judge, Notary or other officer
Authorized to administer oaths

Title or date commission expires

STATE OF NEW MEXICO }
COUNTY OF _____ } ss.

Acknowledged, signed and sworn before me on _____ (mm/dd/yyyy) by
_____ (name of person making statement), the PARENT.

Signature of Judge, Notary or other officer
Authorized to administer oaths

Title or date commission expires

Recommended by (if one is assigned):

Hearing Officer

APPROVED, ADOPTED AND ORDERED BY THE DISTRICT COURT

Date

District Court Judge

USE NOTE

1. A child support obligation must be filed in every dissolution of marriage case if the parties have minor children or a child under nineteen years of age who is attending high school. For more information about filling out this form, see Form 4A-300 NMRA.

2. 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.

3. 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, 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.

4. 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.

5. 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.

6. 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.

7. 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.

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

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

[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; as amended by Supreme Court Order No. 15-8300-024, effective for all pleadings and papers filed after November 18, 2015.]

INCOME WITHHOLDING FOR SUPPORT

- ORIGINAL INCOME WITHHOLDING ORDER/NOTICE FOR SUPPORT (IWO)
- AMENDED IWO
- ONE-TIME ORDER/NOTICE FOR LUMP SUM PAYMENT
- TERMINATION of IWO

Date: _____

Child Support Enforcement (CSE) Agency Court Attorney Private Individual/Entity (Check One)

NOTE: This IWO must be regular on its face. Under certain circumstances you must reject this IWO and return it to the sender (see IWO instructions http://www.acf.hhs.gov/programs/cse/forms/OMB-0970-0154_instructions.pdf). If you receive this document from someone other than a State or Tribal CSE agency or a Court, a copy of the underlying order must be attached.

State/Tribe/Territory _____ Remittance Identifier (include w/payment) _____
 City/County/Dist./Tribe _____ Order Identifier _____
 Private Individual/Entity _____ CSE Agency Case Identifier _____

_____ _____ Employer/Income Withholder's Address _____ _____ _____ Employer/Income Withholder's FEIN _____ Child(ren)'s Name(s) (Last, First, Middle) _____ _____ _____ _____ _____ _____	RE: Employer/Income Withholder's Name Employee/Obligor's Name (Last, First, Middle) _____ _____ Employee/Obligor's Social Security Number _____ _____ Custodial Party/Obligee's Name (Last, First, Middle) _____ _____ <div style="border: 1px solid black; width: 100%; height: 100%; margin-top: 10px;"></div>
---	--

ORDER INFORMATION: This document is based on the support or withholding order from _____ (State/Tribe). You are required by law to deduct these amounts from the employee/obligor's income until further notice.

\$ _____ Per _____ current child support
 \$ _____ Per _____ past-due child support - **Arrears greater than 12 weeks?** Yes No
 \$ _____ Per _____ current cash medical support
 \$ _____ Per _____ past-due cash medical support
 \$ _____ Per _____ current spousal support
 \$ _____ Per _____ past-due spousal support
 \$ _____ Per _____ other (must specify) _____
 for a **Total Amount to Withhold** of \$ _____ per _____.

AMOUNTS TO WITHHOLD: You do not have to vary your pay cycle to be in compliance with the *Order Information*. If your pay cycle does not match the ordered payment cycle, withhold one of the following amounts:
 \$ _____ per weekly pay period \$ _____ per semimonthly pay period (twice a month)
 \$ _____ per biweekly pay period (every two weeks) \$ _____ per monthly pay period
 \$ _____ **Lump Sum Payment:** Do not stop any existing IWO unless you receive a termination order.

REMITTANCE INFORMATION: If the employee/obligor's principal place of employment is _____ (State/Tribe), you must begin withholding no later than the first pay period that occurs _____ days after the date of _____. Send payment within _____ working days of the pay date. If you cannot withhold the full amount of support for any or all orders for this employee/obligor, withhold up to _____ % of disposable income for all orders. If the employee/obligor's principal place of employment is not _____ (State/Tribe), obtain withholding limitations, time requirements, and any allowable employer fees at http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm for the employee/obligor's principal place of employment.

For electronic payment requirements and centralized payment collection and disbursement facility information (State Disbursement Unit [SDU]), see http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm.

Include the **Remittance Identifier with the payment** and if necessary this FIPS code: _____.

Remit payment to _____ (SDU/Tribal Order Payee)
at _____ (SDU/Tribal Payee Address)

Return to Sender [Completed by Employer/Income Withholder]. Payment must be directed to an SDU in accordance with 42 USC §666(b)(5) and (b)(6) or Tribal Payee (see Payments to SDU below). If payment is not directed to an SDU/Tribal Payee or this IWO is not regular on its face, you *must* check this box and return the IWO to the sender.

Signature of Judge/Issuing Official (if required by State or Tribal law): _____ Print Name of Judge/Issuing Official: _____ Title of Judge/Issuing Official: _____ Date of Signature: _____
--

If the employee/obligor works in a State or for a Tribe that is different from the State or Tribe that issued this order, a copy of this IWO must be provided to the employee/obligor.

If checked, the employer/income withholder must provide a copy of this form to the employee/obligor.

ADDITIONAL INFORMATION FOR EMPLOYERS/INCOME WITHHOLDERS

State-specific contact and withholding information can be found on the Federal Employer Services website located at: http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm

Priority: Withholding for support has priority over any other legal process under State law against the same income (USC 42 §666(b)(7)). If a Federal tax levy is in effect, please notify the sender.

Combining Payments: When remitting payments to an SDU or Tribal CSE agency, you may combine withheld amounts from more than one employee/obligor's income in a single payment. You must, however, separately identify each employee/obligor's portion of the payment.

Payments To SDU: You must send child support payments payable by income withholding to the appropriate SDU or to a Tribal CSE agency. If this IWO instructs you to send a payment to an entity other than an SDU (e.g., payable to the custodial party, court, or attorney), you must check the box above and return this notice to the sender. Exception: If this IWO was sent by a Court, Attorney, or Private Individual/Entity and the initial order was entered before January 1, 1994 or the order was issued by a Tribal CSE agency, you must follow the "Remit payment to" instructions on this form.

Reporting the Pay Date: You must report the pay date when sending the payment. The pay date is the date on which the amount was withheld from the employee/obligor's wages. You must comply with the law of the State (or Tribal law if applicable) of the employee/obligor's principal place of employment regarding time periods within which you must implement the withholding and forward the support payments.

Multiple IWOs: If there is more than one IWO against this employee/obligor and you are unable to fully honor all IWOs due to Federal, State, or Tribal withholding limits, you must honor all IWOs to the greatest extent possible, giving priority to current support before payment of any past-due support. Follow the State or Tribal law/procedure of the employee/obligor's principal place of employment to determine the appropriate allocation method.

Lump Sum Payments: You may be required to notify a State or Tribal CSE agency of upcoming lump sum payments to this employee/obligor such as bonuses, commissions, or severance pay. Contact the sender to determine if you are required to report and/or withhold lump sum payments.

Liability: If you have any doubts about the validity of this IWO, contact the sender. If you fail to withhold income from the employee/obligor's income as the IWO directs, you are liable for both the accumulated amount you should have withheld and any penalties set by State or Tribal law/procedure. _____

Anti-discrimination: You are subject to a fine determined under State or Tribal law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against an employee/obligor because of this IWO. _____

Employer's Name: _____ Employer FEIN: _____
Employee/Obligor's Name: _____
CSE Agency Case Identifier: _____ Order Identifier: _____

Withholding Limits: You may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (CCPA) (15 U.S.C. 1673(b)); or 2) the amounts allowed by the State or Tribe of the employee/obligor's principal place of employment (see *REMITTANCE INFORMATION*). Disposable income is the net income left after making mandatory deductions such as: State, Federal, local taxes; Social Security taxes; statutory pension contributions; and Medicare taxes. The Federal limit is 50% of the disposable income if the obligor is supporting another family and 60% of the disposable income if the obligor is not supporting another family. However, those limits increase 5% - to 55% and 65% - if the arrears are greater than 12 weeks. If permitted by the State or Tribe, you may deduct a fee for administrative costs. The combined support amount and fee may not exceed the limit indicated in this section.

For Tribal orders, you may not withhold more than the amounts allowed under the law of the issuing Tribe. For Tribal employers/income withholders who receive a State IWO, you may not withhold more than the lesser of the limit set by the law of the jurisdiction in which the employer/income withholder is located or the maximum amount permitted under section 303(d) of the CCPA (15 U.S.C. 1673 (b)).

Depending upon applicable State or Tribal law, you may need to also consider the amounts paid for health care premiums in determining disposable income and applying appropriate withholding limits.

Arrears greater than 12 weeks? If the *Order Information* does not indicate that the arrears are greater than 12 weeks, then the Employer should calculate the CCPA limit using the lower percentage.

Additional Information: _____

NOTIFICATION OF EMPLOYMENT TERMINATION OR INCOME STATUS: If this employee/obligor never worked for you or you are no longer withholding income for this employee/obligor, an employer must promptly notify the CSE agency and/or the sender by returning this form to the address listed in the Contact Information below:

- This person has never worked for this employer nor received periodic income.
- This person no longer works for this employer nor receives periodic income.

Please provide the following information for the employee/obligor:

Termination date: _____ Last known phone number: _____

Last known address: _____

Final payment date to SDU/ Tribal Payee: _____ Final payment amount: _____

New employer's name: _____

New employer's address: _____

CONTACT INFORMATION:

To Employer/Income Withholder: If you have any questions, contact _____ (Issuer name) by phone at _____, by fax at _____, by email or website at: _____.

Send termination/income status notice and other correspondence to: _____ (Issuer address).

To Employee/Obligor: If the employee/obligor has questions, contact _____ (Issuer name) by phone at _____, by fax at _____, by email or website at _____.

IMPORTANT: The person completing this form is advised that the information may be shared with the employee/obligor.

INCOME WITHHOLDING FOR SUPPORT - Instructions

The Income Withholding for Support (IWO) is the OMB-approved form used for income withholding in Tribal, intrastate, and interstate cases as well as all child support orders which are initially issued in the State on or after January 1, 1994, and all child support orders which are initially issued (or modified) in the State before January 1, 1994 if arrearages occur. This form is the standard format prescribed by the Secretary in accordance with USC 42 §666(b)(6)(A)(ii). Except as noted, the following information must be included.

Please note:

- For the purpose of this IWO form and these instructions, "State" is defined as a State or Territory.

COMPLETED BY SENDER:

- 1a. **Original Income Withholding Order/Notice for Support (IWO).** Check the box if this is an original IWO.
- 1b. **Amended IWO.** Check the box to indicate that this form amends a previous IWO. Any changes to an IWO must be done through an amended IWO.
- 1c. **One-Time Order/Notice For Lump Sum Payment.** Check the box when this IWO is to attach a one-time collection of a lump sum payment. When this box is checked, enter the amount in field 14, Lump Sum Payment, in the *Amounts to Withhold* section. Additional IWOs must be issued to collect subsequent lump sum payments.
- 1d. **Termination of IWO.** Check the box to stop income withholding on an IWO. Complete all applicable identifying information to aid the employer/income withholder in terminating the correct IWO.
- 1e. **Date.** Date this form is completed and/or signed.
- 1f. **Child Support Enforcement (CSE) Agency, Court, Attorney, Private Individual/Entity (Check One).** Check the appropriate box to indicate which entity is sending the IWO. If this IWO is **not** completed by a State or Tribal CSE agency, the sender should contact the CSE agency (see http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm) to determine if the CSE agency needs a copy of this form to facilitate payment processing.

NOTE TO EMPLOYER/INCOME WITHHOLDER:

This IWO must be regular on its face. Under the following circumstances, the IWO must be rejected and returned to sender:

- IWO instructs the employer/income withholder to send a payment to an entity other than a State Disbursement Unit (e.g., payable to the custodial party, court, or attorney). Each State is required to operate a State Disbursement Unit (SDU), which is a centralized facility for collection and disbursement of child support payments. Exception: If this IWO is issued by a Court, Attorney, or Private Individual/Entity and the initial child support order was entered before January 1, 1994 or the order was issued by a Tribal CSE agency, the employer/income withholder must follow the payment instructions on the form.
- Form does not contain all information necessary for the employer to comply with the withholding.
- Form is altered or contains invalid information.
- Amount to withhold is not a dollar amount.
- Sender has not used the OMB-approved form for the IWO (effective May 31, 2012).
- A copy of the underlying order is required and not included.

If you receive this document from an Attorney or Private Individual/Entity, a copy of the underlying order containing a provision authorizing income withholding must be attached.

COMPLETED BY SENDER:

- 1g. **State/Tribe/Territory.** Name of State or Tribe sending this form. This must be a governmental entity of the State or a Tribal organization authorized by a Tribal government to operate a CSE program. If you are a Tribe submitting this form on behalf of another Tribe, complete line 1i.
- 1h. **Remittance Identifier (include w/payment).** Identifier that employers must include when sending payments for this IWO. The remittance identifier is entered as the case identifier on the Electronic Funds Transfer/Electronic Data Interchange (EFT/EDI) record.

NOTE TO EMPLOYER/INCOME WITHHOLDER:

The employer/income withholder must use the Remittance Identifier when remitting payments so the SDU or Tribe can identify and apply the payment correctly. The remittance identifier is entered as the case identifier on the EFT/EDI record.

COMPLETED BY SENDER:

- 1i. **City/County/Dist./Tribe.** Name of the city, county or district sending this form. This must be a governmental entity of the State or the name of the Tribe authorized by a Tribal government to operate a CSE program for which this form is being sent. (A Tribe should leave this field blank unless submitting this form on behalf of another Tribe.)
- 1j. **Order Identifier.** Unique identifier that is associated with a specific child support obligation. It could be a court case number, docket number, or other identifier designated by the sender.
- 1k. **Private Individual/Entity.** Name of the private individual/entity or non-IV-D Tribal CSE organization sending this form.
- 1l. **CSE Agency Case Identifier.** Unique identifier assigned to a State or Tribal CSE case. In a State CSE case, this is the identifier that is reported to the Federal Case Registry (FCR). For Tribes this would be either the FCR identifier or other applicable identifier.

Fields 2 and 3 refer to the employee/obligor's employer/income withholder and specific case information.

- 2a. **Employer/Income Withholder's Name.** Name of employer or income withholder.
- 2b. **Employer/Income Withholder's Address.** Employer/income withholder's mailing address including street/PO box, city, state and zip code. (This may differ from the employee/obligor's work site.) If the employer/income withholder is a federal government agency, the IWO should be sent to the address listed under Federal Agencies – Addresses for Income Withholding Purposes at http://www.acf.hhs.gov/programs/cse/newhire/contacts/iw_fedcontacts.htm.
- 2c. **Employer/Income Withholder's FEIN.** Employer/income withholder's nine-digit Federal Employer Identification Number (FEIN) (if available).
- 3a. **Employee/Obligor's Name.** Employee/obligor's last name, first name, middle name.
- 3b. **Employee/Obligor's Social Security Number.** Employee/obligor's Social Security number or other taxpayer identification number.
- 3c. **Custodial Party/Obligee's Name.** Custodial party/obligee's last name, first name, middle name.
- 3d. **Child(ren)'s Name(s).** Child(ren)'s last name(s), first name(s), middle name(s). (Note: If there are more than six children for this IWO, list additional children's names and birth dates in field 33 - Additional Information).

- 3e. **Child(ren)'s Birth Date(s).** Date of birth for each child named.
- 3f. **Blank box.** Space for court stamps, bar codes, or other information.

ORDER INFORMATION - Fields 5 through 12 identify the dollar amount to withhold for a specific kind of support (taken directly from the support order) for a specific time period.

NOTE TO EMPLOYER/INCOME WITHHOLDER:

Payments are forwarded to the SDU within each State, unless the order was issued by a Tribal CSE agency. If the order was issued by a Tribal CSE agency, the employer/income withholder must follow the remittance instructions on the form.

COMPLETED BY SENDER:

- 4. **State/Tribe.** Name of the State or Tribe that issued the order.
- 5a-b. **Current Child Support.** Dollar amount to be withheld **per** the time period (e.g., week, month) specified in the underlying order.
- 6a-b. **Past-due Child Support.** Dollar amount to be withheld **per** the time period (e.g., week, month) specified in the underlying order.
- 6c. **Arrears Greater Than 12 Weeks?** The appropriate box (Yes/No) must be checked indicating whether arrears are greater than 12 weeks so the employer/income withholder can determine the withholding limit.
- 7a-b. **Current Cash Medical Support.** Dollar amount to be withheld **per** the time period (e.g., week, month) specified in the underlying order.
- 8a-b. **Past-due Cash Medical Support.** Dollar amount to be withheld **per** the time period (e.g., week, month) specified in the underlying order.
- 9a-b. **Current Spousal Support.** (Alimony) dollar amount to be withheld **per** the time period (e.g., week, month) specified in the underlying order.
- 10a-b. **Past-due Spousal Support.** (Alimony) dollar amount to be withheld **per** the time period (e.g., week, month) specified in the underlying order.
- 11a-c. **Other.** Miscellaneous obligations dollar amount to be withheld **per** the time period (e.g., week, month) specified in the underlying order. **Must specify.** Description of the obligation.
- 12a-b. **Total Amount to Withhold.** The total amount of the deductions **per** the corresponding time period. Fields 5a, 6a, 7a, 8a, 9a, 10a, and 11a should total the amount in 12a.

AMOUNTS TO WITHHOLD - Fields 13a through 13d specify the dollar amount to be withheld for this IWO if the employer/income withholder's pay cycle does not correspond with field 12b.

- 13a. **Per Weekly Pay Period.** Total amount an employer/income withholder should withhold if the employee/obligor is paid weekly.
- 13b. **Per Semimonthly Pay Period.** Total amount an employer/income withholder should withhold if the employee/obligor is paid twice a month.

- 13c. **Per Biweekly Pay Period.** Total amount an employer/income withholder should withhold if the employee/obligor is paid every two weeks.
- 13d. **Per Monthly Pay Period.** Total amount an employer/income withholder should withhold if the employee/obligor is paid once a month.
- 14. **Lump Sum Payment.** Dollar amount to be withheld when the IWO is used to attach a lump sum payment. This field should be used when field 1c is checked.

REMITTANCE INFORMATION

- 15. **State/Tribe.** Name of the State or Tribe sending this document.
- 16. **Days.** Number of days after the effective date noted in field 17 in which withholding must begin according to the State or Tribal laws/procedures for the employee/obligor's principal place of employment.
- 17. **Date.** Effective date of this IWO.
- 18. **Working Days.** Number of working days within which an employer/income withholder must remit amounts withheld pursuant to the State or Tribal laws/procedures of the principal place of employment.
- 19. **% of Disposable Income.** The percentage of disposable income that may be withheld from the employee/obligor's paycheck.

NOTE TO EMPLOYER/INCOME WITHHOLDER:

For State orders, the employer/income withholder may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (15 U.S.C. § 1673(b)); or 2) the amounts allowed by the State of the employee/obligor's principal place of employment.

For Tribal orders, the employer/income withholder may not withhold more than the amounts allowed under the law of the issuing Tribe. For Tribal employer/income withholders who receive a State order, the employer/income withholder may not withhold more than the limit set by the law of the jurisdiction in which the employer/income withholder is located or the maximum amount permitted under section 303(d) of the Federal Consumer Credit Protection Act (15 U.S.C. §1673(b)).

A federal government agency may withhold from a variety of incomes and forms of payment, including voluntary separation incentive payments (buy-out payments), incentive pay, and cash awards. For a more complete list, see 5 Code of Federal Regulations (CFR) 581.103.

COMPLETED BY SENDER:

- 20. **State/Tribe.** Name of the State or Tribe sending this document.
- 21. **Document Tracking Identifier.** Optional unique identifier for this form assigned by the sender.
- 22. **FIPS Code.** Federal Information Processing Standards (FIPS) code.
- 23. **SDU/Tribal Order Payee.** Name of SDU (or payee specified in the underlying Tribal support order) to which payments are required to be sent. Federal law requires payments made by IWO to be sent to the SDU except for payments in which the initial child support order was entered before January 1, 1994 or payments in Tribal CSE orders.

24. **SDU/Tribal Payee Address.** Address of the SDU (or payee specified in the underlying Tribal support order) to which payments are required to be sent. Federal law requires payments made by IWO to be sent to the SDU except for payments in which the initial child support order was entered before January 1, 1994 or payments in Tribal CSE orders.

COMPLETED BY EMPLOYER/INCOME WITHHOLDER:

25. **Return to Sender Checkbox.** The employer/income withholder should check this box and return the IWO to the sender if this IWO is not payable to an SDU or Tribal Payee or this IWO is not regular on its face. Federal law requires payments made by IWO to be sent to the SDU except for payments in which the initial child support order was entered before January 1, 1994 or payments in Tribal CSE orders.

COMPLETED BY SENDER:

26. **Signature of Judge/Issuing Official.** Signature (if required by State or Tribal law) of the official authorizing this IWO.
27. **Print Name of Judge/Issuing Official.** Name of the official authorizing this IWO.
28. **Title of Judge/Issuing Official.** Title of the official authorizing this IWO.
29. **Date of Signature.** Optional date the judge/issuing official signs this IWO.
30. **Copy of IWO checkbox.** If checked, the employer/income withholder is required to provide a copy of the IWO to the employee/obligor.

ADDITIONAL INFORMATION FOR EMPLOYERS/INCOME WITHHOLDERS

The following fields refer to Federal, State, or Tribal laws that apply to issuing an IWO to an employer/income withholder. State- or Tribal-specific information may be included only in the fields below.

COMPLETED BY SENDER:

31. **Liability.** Additional information on the penalty and/or citation of the penalty for an employer/income withholder who fails to comply with the IWO. The State or Tribal law/procedures of the employee/obligor's principal place of employment govern the penalty.
32. **Anti-discrimination.** Additional information on the penalty and/or citation of the penalty for an employer/income withholder who discharges, refuses to employ, or disciplines an employee/obligor as a result of the IWO. The State or Tribal law/procedures of the employee/obligor's principal place of employment govern the penalty.
33. **Additional Information.** Any additional information, e.g., fees the employer/income withholder may charge the obligor for income withholding or children's names and DOBs if there are more than six children on this IWO. Additional information must be consistent with the requirements of the form and the instructions.

COMPLETED BY EMPLOYER/INCOME WITHHOLDER:

NOTIFICATION OF EMPLOYMENT TERMINATION OR INCOME STATUS

The employer must complete this section when the employee/obligor's employment is terminated, income withholding ceases, or if the employee/obligor has never worked for the employer.

Please Note: Employer's Name, FEIN, Employee/Obligor's Name, CSE Agency Case Identifier, and Order Identifier must appear in the header on the page with the Notification of Employment Termination or Income Status.

34a-b. **Employment/Income Status Checkbox.** Check the employment/income status of the employee/obligor.

- 35. **Termination Date.** If applicable, date employee/obligor was terminated.
- 36. **Last Known Phone Number.** Last known (home/cell/other) phone number of the employee/obligor.
- 37. **Last Known Address.** Last known home/mailling address of the employee/obligor.
- 38. **Final Payment Date.** Date employer sent final payment to SDU/Tribal payee.
- 39. **Final Payment Amount.** Amount of final payment sent to SDU/Tribal payee.
- 40. **New Employer's Name.** Name of employee's/obligor's new employer (if known).
- 41. **New Employer's Address.** Address of employee's/obligor's new employer (if known).

COMPLETED BY SENDER:

CONTACT INFORMATION

- 42. **Issuer Name (Employer/Income Withholder Contact).** Name of the contact person that the employer/income withholder can call for information regarding this IWO.
- 43. **Issuer Phone Number.** Phone number of the contact person.
- 44. **Issuer Fax Number.** Fax number of the contact person.
- 45. **Issuer Email/Website.** Email or website of the contact person.
- 46. **Termination/Income Status and Correspondence Address.** Address to which the employer should return the Employment Termination or Income Status notice. It is also the address that the employer should use to correspond with the issuing entity.
- 47. **Issuer Name (Employee/Obligor Contact).** Name of the contact person that the employee/obligor can call for information.
- 48. **Issuer Phone Number.** Phone number of the contact person.
- 49. **Issuer Fax Number.** Fax number of the contact person.
- 50. **Issuer Email/Website.** Email or website of the contact person.

The Paperwork Reduction Act of 1995

This information collection and associated responses are conducted in accordance with 45 CFR 303.100 of the Child Support Enforcement Program. This form is designed to provide uniformity and standardization. Public reporting for this collection of information is estimated to average two to five minutes per response. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

4A-304. Wage withholding order (*domestic relations actions*).

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

_____,
Petitioner

v.

No. **D-1116-DM**_____

_____,
Respondent.

**WAGE WITHHOLDING ORDER
(*domestic relations actions*)¹**

This matter, having come before the Court for entry of a wage withholding order and the parties having submitted a completed Income Withholding for Support Form,² the Court **ORDERS:**

1. The provisions of the Income Withholding for Support Form, attached as Exhibit A and signed by the Court, are incorporated by reference and adopted in full.
2. Wage withholding shall be implemented as stated in Exhibit A.
3. Exhibit A, which includes personal identifier information that is necessary to include in the record, shall be protected in accordance with Rule 1-079 NMRA if requested to be sealed by the parties.

Recommended by (if one is assigned):

HEARING OFFICER/SPECIAL COMMISSIONER

REVIEWED, APPROVED, AND ADOPTED AS AN ORDER OF THE COURT.

DISTRICT COURT JUDGE

APPROVED:

Mother's signature: _____

Mailing address: _____

Telephone: _____

Father's signature: _____

Mailing address: _____

Telephone: _____

USE NOTE

1. See Form 4A-300 NMRA for an explanation of the Wage Withholding Order.
2. A completed Income Withholding for Support Form (OMB 0970-0154) is required in all cases where a Wage Withholding Order is issued by the Court. A copy of the form is available at http://www.acf.hhs.gov/sites/default/files/ocse/omb_0970_0154.pdf. Instructions for filling out the form are available at http://www.acf.hhs.gov/sites/default/files/ocse/omb_0970_0154_instructions.pdf. The form and instructions also may be obtained from the New Mexico Human Services Department, Child Support Enforcement Division.

[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.]

Request for Final Hearing

Instructions

In this form you ask the Judge or Hearing Officer to schedule a final hearing in your case. The Judge or Hearing Officer does not schedule a hearing until you request it in writing by filing this form with the court clerk.

1. You need a final hearing if:
 - A. *you were unable to work out child custody issues during mediation.*
 - B. *you did work out child custody issues during mediation but you and the other parent cannot agree about child support.*
2. **Type or print in ink** all of the information you enter on this form.
3. Copy the “Petitioner,” “Respondent” and case number from the *Petition to Establish Parentage* form onto this, the *Request for Final Hearing* form.
4. Your address: If you are already participating in the “Confidential Address Program” (because of previous domestic abuse) and have received a CAP signature card, you may use the substitute address for your address on the *Request for Final Hearing*.
5. Mail the other parent a copy of the *Request for Final Hearing*. (See instructions in 4A-100 (C)(2))
6. File the *Request for Final Hearing* with the court clerk at the courthouse where the Judge or Hearing Officer assigned to your case is located. Take the original and one copy which will both be file-stamped by the clerk. One copy will be for you. You must also take self-addressed stamped envelopes for each party. (See instructions in 4A-200 (E)(1))
7. The Court will send each party a Notice of Hearing that will include your assigned hearing date and time in the self-addressed stamped envelopes you provided. The notice of hearing will also give you the address of the courthouse where your hearing will be held. Be sure you go to the correct courthouse. (See instructions in 4A-200 (E)(1))

Final Hearing Preparation

8. Prepare for your hearing by reviewing and planning how you will follow the “Information and Rules for Self-Represented (*Pro Se*) Parties” included in this packet.
9. If you and the other parent disagree about child custody, time-sharing and parenting decisions, you must be prepared to present evidence to support what you think should happen. (See instructions in 4A-100 (C))
10. If you and the other parent disagree about the amount of child support, you must also be prepared to present evidence to support how much child support you think should be ordered and why. (See instructions in 4A-100 (C))
11. At the very least, **Bring the following items with you to the courtroom for the hearing. DO NOT FILE THESE ITEMS IN THE CLERK’S OFFICE.**
 - A. Proof of your income (pay stubs, for example)
 - B. Proof of child care expenses while you work
 - C. Proof of health, dental and vision costs for the children
 - D. The *Final Decree of Parentage* form (included in this packet) that you have prepared.
 - E. Other documents you have prepared (See General Instructions at the beginning of this packet.)
12. You may need to present additional evidence to make your case. The instructions in this packet do not constitute legal advice. Even though you are following the instructions in this packet, you are not guaranteed the outcome that you may desire. In your particular case, you may have other legal rights or responsibilities. The Judge or Hearing Officer cannot give you legal advice.
13. It is highly recommended that you have a lawyer represent you in a contested parentage case.

SEE A LAWYER IF YOU HAVE QUESTIONS

THE JUDGE, HEARING OFFICER AND COURT CLERK CANNOT GIVE YOU LEGAL ADVICE

4A-206. Request for hearing (domestic relations actions).

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

Petitioner,

v.

No. D-1116-DM

Respondent.

REQUEST FOR FINAL HEARING
(contested parentage)

Assigned judge: _____

Matters to be heard: **FINAL HEARING IN CONTESTED PARENTAGE**

Hearings presently set: _____

Amount of time requested: _____

(Provide names, mailing addresses, and telephone numbers of parties who need to be notified--attach a list if necessary.)

Name: _____
Address: _____
City/State/Zip: _____
Telephone: _____

Hearing requested by:

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 request by United States mail, postage prepaid, to:

Name: _____

Mailing address: _____

City, state, and zip code: _____;

delivered a copy of this request to _____ (the other party or the other party's attorney); or

faxed a copy of this request 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

4A-403. Final decree of parentage

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

_____,
Petitioner,

v.

No. D-1116-DM

_____,
Respondent.

FINAL DECREE OF PARENTAGE

THIS MATTER was brought before the court by _____ (*petitioner parent's name*), acting *pro se*.

THIS COURT FINDS AND CONCLUDES:

1. The court has jurisdiction over the parties, the [child] [children], and the subject matter of this action.
2. [] (*name of respondent parent*) has acknowledged in the petition filed in this case that he or she is the parent of (*name of each child*):

- - OR - -

- [] (*name of respondent parent*) has been found to be the biological father of (*name of each child*):

by: _____ (*evidence shown to establish paternity*).

- - OR - -

[] *(name of respondent parent)* has been found to be the legal parent of *(name of each child)*:

by: _____ *(evidence shown to establish parentage)*.

3. [] It is in the best interests of the child/ren to award legal and physical custody as set forth in the Custody Plan and Order filed by the Mediator.

- - OR - -

[] It is in the best interest of the child(ren) to award legal and physical custody as set forth below.

4. *(Judge to check applicable.)*

[] The child support guidelines are appropriate in this case.

[] The child support guidelines are unjust or inappropriate in this case because they result in substantial hardship. It is appropriate to deviate from the child support guidelines in this case.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. _____ *(name of respondent)* is the parent of *(name of each minor child)*:

2. The parties are ordered to fully comply with all terms and provisions of the Custody Plan and Order and Child Support Obligation and Order, the terms of which are incorporated by reference.

3. [] Petitioner Parent [] Respondent Parent is ordered to pay child support in the amount of \$ _____ to the other parent.

4. *(check applicable alternative)*

[] The parties have joint custody of the [child] [children]

[] Petitioner Parent [] Respondent Parent is the sole custodian of the [child] [children].

5. The court will have continuing jurisdiction over issues relating to the [child] [children] while the

[child is a minor] [children are minors].

6. (Check and complete if applicable)

[] The Department of Health, Health Services Division, Vital Statistics Bureau is ordered to change the birth record of (name of each child):

to reflect _____ (name of respondent) as the [child's] [children's] parent.

7. This case is now closed. However, the court will have continuing jurisdiction over issues relating to the [child] [children] while they are minors and as provided by law.

Recommended by (if one is assigned):

Hearing Officer

REVIEWED, APPROVED, AND ADOPTED AS AN ORDER OF THE COURT

Date

District Court Judge

[Approved, effective November 15, 2002; 4A-332 recompiled as 4A-403 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. 13-8300-014, effective immediately in all cases pending or filed on or after June 24, 2013.]

STOP!!!

LOOK AT YOUR DOCUMENTS BEFORE YOU SUBMIT TO THE CLERK'S OFFICE TO MAKE SURE

Once you have reviewed for the following, please check below

- DID BOTH PEOPLE SIGN ALL DOCUMENTS?
- DID BOTH PEOPLE GET SIGNATURES NOTARIZED WHERE NEEDED?
- DID BOTH PEOPLE DATE THEIR SIGNATURES?
- IF YOU ARE FILING A DIVORCE, DID YOU SUBMIT A SETTLEMENT AGREEMENT WITH NOTARIZED SIGNATURES OF BOTH PEOPLE?

IF YOU HAVE MINOR CHILDREN WITH OTHER PARTY, DID YOU SUBMIT A

- CHILD SUPPORT OBLIGATION AND ORDER, WITH AN ATTACHED CHILD SUPPORT WORKSHEET? (EVEN IF YOU AGREE TO A LESSER AMOUNT OR \$0.00) IF YOU BOTH AGREE TO A DIFFERENT AMOUNT THAN WHAT IS IN THE CHILD SUPPORT WORKSHEET, DID YOU GIVE THE JUDGE A REASON WHY YOU AGREED TO DIFFERENT AMOUNT?
- CUSTODY PLAN AND ORDER?

IF YOU ANSWERED NO TO ANY OF THESE QUESTIONS, YOU DO NOT HAVE AN AGREEMENT. YOU MUST HAVE AN APPROPRIATE PERSON SERVE THE OTHER PARTY WITH A SUMMONS AND A COPY OF THE PETITION AND FILE A CERTIFICATE OF SERVICE PURSUANT TO NMRA 1-004. IF YOU FAIL TO FILE A CERTIFICATE OF SERVICE, YOUR CASE WILL NOT PROCEED AND YOUR CASE MAY BE DISMISSED.

A SAMPLE CERTIFICATE OF SERVICE AND MOST FORMS CAN BE FOUND AT <https://www.nmcourts.gov/self-help/forms/>.

**ONCE YOU HAVE DOUBLE CHECKED THE ABOVE PLEASE
FEEL FREE TO FILE WITH THE CLERKS**