

FILING MOTIONS DURING YOUR DIVORCE

Contents of packet

- **Advisory**
- **Flowchart**
- **Motion for Temporary Order**
- **Motion to Modify Temporary Order**
- **Motion for Referral to Mediation (Child Custody, Timesharing, or Visitation)**
- **Motion for Referral to Mediation (Child Support or Other Financial Issues)**
- **Motion for Referral to Mediation (Financial Supplement)**
- **Verified Motion for Order to Show Cause**
- **Order to Appear and Show Cause**
- **Affidavit of Service (Order to Show Cause)**
- **Request for Hearing**
- **Notice of Hearing**
- **Request for Court Interpreter / Cancellation of Court Interpreter**

Need free legal assistance? The 13th Judicial District offers free legal assistance at its court clinics. At the clinic, you can meet one-on-one with an attorney for free. Please ask the court clerks for the date of the next clinic.

STOP

Please read this ADVISORY

REMEMBER – **you are responsible for your case.** You must fill out the paperwork correctly, request and attend hearings, check whether the opposing party is filing paperwork, keep track of deadlines, etc.

Please, READ the instructions contained in the forms. The instructions are specifically designed to help you fill out these forms.

Please, TAKE YOUR TIME when completing these forms. This paperwork will have some legal effect on your life.

If you do not read the instructions and take your time when completing these forms, you may find you have to repeat steps, wasting your time and energy.

Please, always use your case **caption** (example: Jane Doe v. John Doe, D-1329-DM-201300194) on all court papers, letters, and with the clerk's and judge's offices.

If at any time you do not understand, or are unsure or are uncomfortable with the information you must put down on a form, **it is strongly urged you seek the help of an attorney.**

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FILING MOTIONS DURING YOUR DIVORCE

<p><u>Step 1</u></p> <p><i>Completing & filing the right motion forms</i></p>	<p>If you have this packet:</p> <ul style="list-style-type: none"> ✓ You have filed your divorce petition, ✓ Your divorce is not final, <u>and</u> ✓ You want the Court to enter an order <u>before</u> your divorce becomes final <p>A “motion” is a written request to the Court to enter an order.</p> <p>This packet contains and discusses five kinds of motions filed during a divorce case:</p> <ul style="list-style-type: none"> • Motion for Temporary Order (examples: division of property; division of income and debts; custody of children; child support) • Motion to Modify Temporary Order (to modify or terminate any orders already issued in your divorce) • Motion for Referral to Mediation (Child Custody, Timesharing, or Visitation) • Motion for Referral to Mediation (Child Support or Other Financial Issues) • Verified Motion for Order to Show Cause (filed if the other spouse is not following orders issued by the judge) <p>If <u>any</u> of these motions are right for you, read about the motion in the steps that follow, file the right motion form(s), and request a hearing. <u>You can file more than one motion.</u></p>
<p><u>Step 2</u></p> <p><i>Motion for Temporary Order</i></p>	<p>The <u>Motion for Temporary Order</u> is the way you ask for any or all of the following:</p> <ul style="list-style-type: none"> • Temporary division of property • Temporary division of income and debts • Temporary custody of children • Temporary order establishing timesharing and visitation • Temporary child support and wage withholding • Temporary allocation of community resources to permit both parties to hire an attorney • Any other temporary order having to do with your divorce <p>If this motion is right for you, read the form carefully, fill it out completely, file it with the court clerks, and request a hearing. <u>See</u> Step 6 for instructions on requesting a hearing.</p>
<p><u>Step 3</u></p> <p><i>Motion to Modify Temporary Order</i></p>	<p>The <u>Motion to Modify Temporary Order</u> is the way you ask for any or all of the following:</p> <ul style="list-style-type: none"> • Modify the temporary domestic order • Terminate the temporary domestic order • Terminate or modify temporary child support • Modify the temporary division of income and debts • Dismiss the temporary restraining order • Terminate or modify the temporary wage withholding order • Terminate or modify the temporary order establishing timesharing or visitation <p>If this motion is right for you, read the form carefully, fill it out completely, file it with the court clerks, and request a hearing. <u>See</u> Step 6 for instructions on requesting a hearing.</p>

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<p><u>Step 4</u></p> <p><i>Motions for Referral to Mediation</i></p> <p><i>Child Custody, Timesharing, or Visitation</i></p> <p>AND</p> <p><i>Child Support or Other Financial Issues</i></p>	<p>"Mediation" is a confidential process in which a neutral person – the mediator – works with you and your spouse. If successful, the mediator helps you and your spouse come to agreements regarding child custody, timesharing, visitation, and other divorce issues.</p> <p>There are <u>two</u> Motions for Referral to Mediation:</p> <ul style="list-style-type: none"> • Motion for Referral to Mediation (Child Custody, Timesharing or Visitation) • Motion for Referral to Mediation (Child Support or Other Financial Issues) <p>If you want mediation on subjects covered in each motion, you will need to file <u>both</u> mediation motions. For example, if you want mediation over child custody <u>and</u> child support, you'll have to file both of these motions.</p> <p>If you are set on a court day set aside for mediation, there is no charge for mediation.</p> <p>If you are not set on a court day set aside for mediation, the Court assesses a fee for mediation services. The fee is based on a "sliding scale" based on your income, your spouse's income, and the number of children.</p> <p>Because of the fee, you need to supplement your motion(s) for referral to mediation with financial information. There is a financial supplement form just for this.</p> <p>If one or both of the mediation motions is right for you, read the form(s) carefully, fill the form(s) out completely, don't forget the financial supplement, and file everything with the court clerks.</p> <p>Lastly, request a hearing. <u>See</u> Step 6 for instructions on requesting a hearing.</p>
<p><u>Step 5</u></p> <p><i>File original motion & two copies</i></p>	<p>Whenever you file a motion with the Court, bring two copies of the motion besides the original.</p> <ul style="list-style-type: none"> • The court clerks will keep the original • The court clerks will date-stamp the copies – one copy is for you, and you are responsible for mailing or otherwise delivering the other copy to your spouse or your spouse's attorney
<p><u>Step 6</u></p> <p><i>Requesting a hearing</i></p>	<p>Whenever you file:</p> <ul style="list-style-type: none"> • Motion for Temporary Order • Motion to Modify Temporary Order • Motion for Referral to Mediation <p>You <u>must</u> file request for hearing/notice of hearing forms, and request a hearing on your motion(s). <u>If you have filed more than one motion</u>, it's OK to request just one hearing on all the motions you've filed.</p> <p>Also, <u>file addressed, stamped envelopes along with your request for hearing/notice of hearing</u> – one addressed to you, one addressed to your spouse or your spouse's attorney.</p>

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<p><u>Step 7</u></p> <p><i>Going to Court</i></p>	<p>Lastly, make sure you go to Court on your court date, and be ready to tell the judge what it is you want, and why you want it.</p> <p>The judge will expect you to be ready, and you are expected to follow the same court rules attorneys have to follow.</p>
<p><u>Step 8</u></p> <p><i>Motion for Order to Show Cause – a special situation if your spouse isn’t following a court order</i></p>	<p>If the judge has <u>already</u> made an order, and your spouse is <u>not following</u> the order, you should file the Verified Motion to Show Cause.</p> <p>You must also submit a proposed Order To Appear and Show Cause at the same time as you file the Verified Motion to Show Cause.</p> <p>Take the original signed motion and at least two copies to the court for filing. The court clerks will file the original motion and give you a copy for your records.</p> <p>You will later receive a copy of an Order To Appear and Show Cause sent to you from the court, or it may be available to be picked up from the court. This will contain the date, time, and place of your hearing. You should ask the clerk when you file your motion if the papers will be mailed to you or if you will need to pick them up from the court.</p> <p>WARNING: <u>You</u> are responsible for serving a copy of the Verified Motion for Order To Show Cause and the Order To Appear and Show Cause on the other party at least five (5) days before the hearing. The court may not be able to help you if you cannot get the papers personally served on the other party. After the motion and order to show cause are served on the other party, the person who served these documents must fill out an affidavit of service. Keep at least one copy of the original affidavit of service. You must file the original affidavit of service with the court.</p> <p>You must appear at any hearing that you request. Be prepared to show the court how the other party is not following the court order by bringing all evidence with you, such as papers, pictures, or witnesses.</p>
<p><u>Step 9</u></p> <p><i>Ask for an Interpreter</i></p>	<p>If you or a witness in your case needs an interpreter for American Sign Language or to translate from English into another language then:</p> <ul style="list-style-type: none"> • Complete the Request for Interpreter form at the back of this packet and submit it to the court clerk • Make sure to write in the date, time and location of the hearing • There is NO CHARGE for the interpreter <p>Important: If your hearing is cancelled or you don’t need the interpreter any more it is <u>YOUR</u> job to cancel the interpreter well in advance of the date of the hearing. Use the Cancellation of Court Interpreter form at the back of this packet. If <u>YOU</u> do not cancel the interpreter, <u>YOU</u> will have to pay for the interpreter’s costs and mileage fees.</p>

Need free legal assistance? The 13th Judicial District offers free legal assistance at its court clinics. At the clinic, you can meet one-on-one with an attorney for free. Please ask the court clerks for the date of the next clinic.

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 _____

_____ JUDICIAL DISTRICT

_____,
Petitioner,

v.

No. _____

_____,
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 and a visitation schedule
- (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 or attorney

Name (*print*)

Address (*print*)

City, state and zip code (*print*)

Telephone number

CERTIFICATE OF SERVICE

I certify 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 attorney

Date of signature

*If this notice was served by a person other than an attorney,
the following must also be completed and filed with the court:*

VERIFICATION OF SERVICE

I affirm under penalty of perjury under the laws of the State of New Mexico that a copy of this motion for temporary order was served by [mail] [fax] [electronic transmission] as described above on _____ (*date*).

Signature of person who made service

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.

4A-203. Motion to modify temporary order (*domestic relations actions*).

[For use with Rules 1-121 and 1-122 NMRA]

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT

_____,
Petitioner,

v.

No. _____

_____,
Respondent.

MOTION TO MODIFY TEMPORARY ORDER
(*domestic relations actions*)¹

I, _____ (*name of Petitioner or Respondent*) request the court
to: (*check and complete all that apply*)

modify paragraph ____ of the temporary domestic order as follows:

_____.

terminate the temporary domestic order because:

_____.

terminate or modify the temporary child support because:

_____.

modify the temporary division of income and debts of the parties because²:

_____.

dismiss the temporary restraining order because³:

_____.

terminate or modify the temporary wage withholding order because:

_____.

terminate or modify the temporary order establishing timesharing or visitation schedule because:

_____.

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

Name (printed)

Address

Telephone number

CERTIFICATE OF SERVICE

I certify 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 attorney

Date of signature

If this notice was served by a person other than an attorney, the following must also be completed and filed with the court:

VERIFICATION OF SERVICE

I affirm under penalty of perjury under the laws of the State of New Mexico that a copy of this motion was served by [mail] [fax] [electronic transmission] as described above on _____ (date).

Signature of person who made service

USE NOTE

1. This form may be used anywhere in this state to request the court to modify a temporary order entered by the court in a domestic relations action.
2. If a court order of temporary division of income and debts is being challenged, you must complete an Interim Monthly Income and Expenses Statement (Form 4A-212 NMRA) and file it with the court at the time you file this motion.
3. If you believe that your spouse may injure you or cause some other harm to you, your children, or other household member, you may file a petition for a temporary restraining order or you may file a "Petition for Order for Protection from Domestic Abuse." See Form 4-961 NMRA.

4A-204. Motion for referral to mediation (child custody, timesharing, or visitation) (domestic relations actions).

[For use with Rules 1-124 and 1-125 NMRA]

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT

_____,
Petitioner,

v. No. _____

_____,
Respondent.

**MOTION FOR REFERRAL TO MEDIATION
(CHILD CUSTODY, TIMESHARING, OR VISITATION)
(domestic relations actions)¹**

I, _____ (name of Petitioner or Respondent), request the Court to refer the custody, timesharing, or visitation matters in this case to mediation.

1. The minor children of the parties are:

_____	_____	_____
Name	Age	Year of Birth
_____	_____	_____
Name	Age	Year of Birth
_____	_____	_____
Name	Age	Year of Birth

2. 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 the boxes below.)

- The other party AGREES with my motion.
- The other party DOES NOT AGREE with my motion.

- 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

Name (printed)

Address

Telephone number

CERTIFICATE OF SERVICE

I certify 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 attorney

Date of signature

If this notice was served by a person other than an attorney, the following must also be completed and filed with the court:

VERIFICATION OF SERVICE

I affirm under penalty of perjury under the laws of the State of New Mexico that a copy of this motion was served by [mail] [fax] [electronic transmission] as described above on _____ (*date*).

Signature of person who made service

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.

4A-205. Motion for referral to mediation (child support or other financial issues) (*domestic relations actions*).

[For use with Rules 1-124 and 1-125 NMRA]

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT

_____,
Petitioner,

v.

No. _____

_____,
Respondent.

**MOTION FOR REFERRAL TO MEDIATION
(CHILD SUPPORT OR OTHER FINANCIAL ISSUES)
(*domestic relations actions*)¹**

I, _____ (*name of Petitioner or Respondent*), request the Court to refer the following matters in this case to mediation:

- division of property;
- division of income and debts;
- child support;
- allocation of community resources to permit both parties to hire an attorney;
- spousal support; or
- 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 the boxes below.*)

- The other party AGREES with my motion.

- The other party DOES NOT AGREE with my motion.
- 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

Name (printed)

Address

Telephone number

CERTIFICATE OF SERVICE

I certify 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 attorney

Date of signature

If this notice was served by a person other than an attorney, the following must also be completed and filed with the court:

VERIFICATION OF SERVICE

I affirm under penalty of perjury under the laws of the State of New Mexico that a copy of this motion was served by [mail] [fax] [electronic transmission] as described above on _____ (*date*).

Signature of person who made service

USE NOTE

1. This form may be used anywhere in this state to request the court to refer a case to mediation regarding matters other than child custody, timesharing, or visitation in a domestic relations action.

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT

_____,
Petitioner,

v. No. _____

_____,
Respondent.

MOTION FOR REFERRAL TO MEDIATION
(Financial Supplement)

I understand the Court may assess a fee¹ for mediation services, and to assist the Court in making that assessment I am providing the financial information on the attached page. It is true and accurate to the best of my knowledge.

Respectfully submitted this ____ day of _____, 20____.

Signature: _____

Name: _____

Mailing Address: _____

Phone: _____

Certificate of Service

The original was filed with the _____ County District Court.

I certify that on _____, 20____, I mailed or otherwise delivered a copy of the Motion for Referral to Mediation (Financial Supplement) to the other party or his/her attorney.

_____ (sign your name)

¹ The fee for domestic relations mediation ranges from a minimum of \$5 to a maximum of \$150, *per party*, and is based both on the estimated income of the parties and on the number of children, if any. The sliding scale is attached.

FINANCIAL INFORMATION

YOU MUST PROVIDE THIS IF YOU HAVE A DIVORCE OR PARENTAGE CASE

The number of minor children involved in this case is: _____

My estimated yearly income is:	The other party's estimated yearly income is:
<input type="checkbox"/> Less than \$10,000	<input type="checkbox"/> Less than \$10,000
<input type="checkbox"/> \$10,000 or more, but less than \$11,000	<input type="checkbox"/> \$10,000 or more, but less than \$11,000
<input type="checkbox"/> \$11,000 or more, but less than \$12,500	<input type="checkbox"/> \$11,000 or more, but less than \$12,500
<input type="checkbox"/> \$12,500 or more, but less than \$14,000	<input type="checkbox"/> \$12,500 or more, but less than \$14,000
<input type="checkbox"/> \$14,000 or more, but less than \$15,500	<input type="checkbox"/> \$14,000 or more, but less than \$15,500
<input type="checkbox"/> \$15,500 or more, but less than \$17,000	<input type="checkbox"/> \$15,500 or more, but less than \$17,000
<input type="checkbox"/> \$17,000 or more, but less than \$18,500	<input type="checkbox"/> \$17,000 or more, but less than \$18,500
<input type="checkbox"/> \$18,500 or more, but less than \$20,000	<input type="checkbox"/> \$18,500 or more, but less than \$20,000
<input type="checkbox"/> \$20,000 or more, but less than \$22,000	<input type="checkbox"/> \$20,000 or more, but less than \$22,000
<input type="checkbox"/> \$22,000 or more, but less than \$24,000	<input type="checkbox"/> \$22,000 or more, but less than \$24,000
<input type="checkbox"/> \$24,000 or more, but less than \$26,000	<input type="checkbox"/> \$24,000 or more, but less than \$26,000
<input type="checkbox"/> \$26,000 or more, but less than \$28,000	<input type="checkbox"/> \$26,000 or more, but less than \$28,000
<input type="checkbox"/> \$28,000 or more, but less than \$30,000	<input type="checkbox"/> \$28,000 or more, but less than \$30,000
<input type="checkbox"/> \$30,000 or more, but less than \$35,000	<input type="checkbox"/> \$30,000 or more, but less than \$35,000
<input type="checkbox"/> \$35,000 or more, but less than \$40,000	<input type="checkbox"/> \$35,000 or more, but less than \$40,000
<input type="checkbox"/> \$40,000 or more, but less than \$45,000	<input type="checkbox"/> \$40,000 or more, but less than \$45,000
<input type="checkbox"/> \$45,000 or more, but less than \$50,000	<input type="checkbox"/> \$45,000 or more, but less than \$50,000
<input type="checkbox"/> \$50,000 or more, but less than \$55,000	<input type="checkbox"/> \$50,000 or more, but less than \$55,000
<input type="checkbox"/> \$55,000 or more, but less than \$60,000	<input type="checkbox"/> \$55,000 or more, but less than \$60,000
<input type="checkbox"/> \$60,000 or more, but less than \$65,000	<input type="checkbox"/> \$60,000 or more, but less than \$65,000
<input type="checkbox"/> \$65,000 or more, but less than \$70,000	<input type="checkbox"/> \$65,000 or more, but less than \$70,000
<input type="checkbox"/> \$70,000 or more	<input type="checkbox"/> \$70,000 or more
	<input type="checkbox"/> Unknown

LR13 - Appendix A. Sliding Fee Scale for Domestic Relations Mediation.

Each party is ordered to pay a mediation fee based upon that party's gross annual income and the number of minor children the parties have together.

Gross annual Income of each party	<u># of Children</u>				
	0-1	2	3	4	5+
\$70,000	\$150	\$150	\$150	\$150	\$150
\$65,000	\$125	\$125	\$125	\$120	\$115
\$60,000	\$100	\$100	\$95	\$95	\$90
\$55,000	\$95	\$95	\$90	\$85	\$80
\$50,000	\$90	\$85	\$80	\$75	\$75
\$45,000	\$85	\$80	\$75	\$70	\$65
\$40,000	\$80	\$75	\$70	\$65	\$60
\$35,000	\$75	\$70	\$65	\$60	\$55
\$30,000	\$70	\$65	\$60	\$55	\$50
\$28,000	\$65	\$60	\$55	\$50	\$45
\$26,000	\$60	\$55	\$50	\$45	\$40
\$24,000	\$55	\$50	\$45	\$40	\$35
\$22,000	\$50	\$45	\$40	\$35	\$30
\$20,000	\$45	\$40	\$35	\$30	\$25
\$18,500	\$40	\$35	\$30	\$25	\$20
\$17,000	\$35	\$30	\$25	\$20	\$15
\$15,500	\$30	\$25	\$20	\$15	\$10
\$14,000	\$25	\$20	\$15	\$10	\$5
\$12,500	\$20	\$15	\$10	\$5	\$5
\$11,000	\$15	\$10	\$5	\$5	\$5
\$10,000	\$10	\$5	\$5	\$5	\$5
Less than \$10,000	\$5	\$5	\$5	\$5	\$5

4A-209. Verified motion for order to show cause (domestic relations actions).

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT

_____,
Petitioner,

v.

No. _____

_____,
Respondent.

**VERIFIED MOTION FOR ORDER TO SHOW CAUSE
(domestic relations actions)¹**

Petitioner (or) Respondent states:

1. The court ordered the other party on _____, (date of the order) to do or not do the following: (describe each item in detail)

_____.

2. The other party is not following the order because: (describe in detail how the other party is not following the order)

_____.

3. I have tried to talk to _____. (name of the other party or their attorney if they have one)

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.

CERTIFICATE OF SERVICE

I certify that on _____ (date), I (check the applicable item below and fill in all information)

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

Name: _____

Mailing address: _____

City, state, and zip code: _____;

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

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

Signature of attorney

Date of signature

If this notice was served by a person other than an attorney, the following must also be completed and filed with the court:

VERIFICATION OF SERVICE

I affirm under penalty of perjury under the laws of the State of New Mexico that a copy of this motion was served by [mail] [fax] [electronic transmission] as described above on _____ (date).

Signature of person who made service

USE NOTE

- 1. This form may be used anywhere in this state to request the court to issue an order to show cause in a domestic relations action.
- 2. The verification on this form must be notarized, notwithstanding the provisions of Rule 1-011(B) NMRA.

4A-210. Order to appear and show cause (domestic relations actions).

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT

_____,
Petitioner,

v.

No. _____

_____,
Respondent.

**ORDER TO APPEAR AND SHOW CAUSE
(domestic relations actions)¹**

THIS MATTER came before the Judge/Hearing Officer/Special Commissioner on this ____ day of _____, _____, on [Petitioner's] [Respondent's] allegations of violation(s) of this Court's Order entered on _____.

[Petitioner] [Respondent] shall appear before _____ (*name of Judge, Hearing Officer, or Special Commissioner*) at _____ (*court location*) on _____, (*date*) at _____ (*time*) to respond to the allegations of violation(s) of said order(s) and to determine why [Petitioner] [Respondent] should not be held in contempt of Court.

BE ADVISED:

- **Failure to appear may result in the issuance of a bench warrant for Petitioner's/Respondent's arrest;**
- **A finding of contempt may result in incarceration, a fine, or both; and**
- **Each party may retain an attorney to attend the hearing.**

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

DISTRICT COURT JUDGE

Reviewed and recommended by (if one is assigned):

HEARING OFFICER/SPECIAL COMMISSIONER

USE NOTE

1. This form may be used anywhere in this state to order a party to appear and show cause in a domestic relations action.

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

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT

_____,
Petitioner,

v. No. _____

_____,
Respondent.

REQUEST FOR HEARING
(*domestic relations actions*)¹

Assigned judge: _____

Matters to be heard: _____

Hearings presently set: _____

Time requested: _____

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

Hearing requested by:

Signature

Name (printed)

Address

Telephone number

CERTIFICATE OF SERVICE

I certify 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 attorney

Date of signature

If this notice was served by a person other than an attorney, the following must also be completed and filed with the court:

VERIFICATION OF SERVICE

I affirm under penalty of perjury under the laws of the State of New Mexico that a copy of this request was served by [mail] [fax] [electronic transmission] as described above on _____ (date).

Signature of person who made service

USE NOTE

- 1. This form may be used anywhere in this state to request a hearing in a domestic relations action.

4A-207. Notice of hearing (domestic relations actions).

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT

_____,
Petitioner,

v. No. _____

_____,
Respondent.

**NOTICE OF HEARING
(domestic relations actions)¹**

NOTICE IS HEREBY GIVEN that a hearing in this case has been set as follows:

Date of hearing: _____
Time of hearing: _____
Place of hearing: [] District Courthouse, Highway 314 & Morris Road, Los Lunas, New Mexico
[] District Courthouse, 1500 Idalia Road, Building A, Bernalillo, New Mexico
[] District Courthouse, 515 West High, Grants, New Mexico
Matter(s) to be heard: _____
Comments: _____
Length of hearing: _____
Judicial Officer: _____

If this hearing requires more or less time than the court has designated, or if this hearing conflicts with any prior setting, please contact us immediately as continuances may not be granted on late notice. The District Court complies with the American with Disabilities Act. Counsel or self-represented litigants may notify the Clerk of the Court of the nature of the disability at least five (5) days before ANY hearing so appropriate accommodations may be made. Please contact us if an interpreter will be needed.

CLERK OF THE DISTRICT COURT

CERTIFICATE OF SERVICE

I, the undersigned Employee of the District Court of _____ County, New Mexico, do hereby certify that I served a copy of this document to all parties listed below on _____.
(list parties entitled to service)

By: _____

USE NOTE

1. This form may be used anywhere in this state to give notice of a hearing in a domestic relations action.

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT

_____,
Petitioner,

v.

No. _____

_____,
Respondent.

REQUEST FOR COURT INTERPRETER

PERSON NEEDING INTERPRETER: Party ____ Witness for _____

NAME OF PERSON NEEDING INTERPRETER: _____

SPECIFIC MATTERS TO BE HEARD: _____

DATE: _____ **TIME:** _____ **LOCATION:** _____

JUDGE: _____ **TIME REQUIRED:** _____

LANGUAGE NEEDED: Spanish ____ Sign ____ Other _____

REQUESTED BY: _____

Signature of party or party's attorney

NOTE: The person requesting the interpreter is responsible for notifying the court if the interpreter is no longer needed. If the requester fails to notify the court, well in advance of the court date, that an interpreter is no longer needed, then the requester *will be responsible for paying* the fees and mileage expenses of the interpreter.

FOR COURT USE ONLY

NAME OF INTERPRETER: _____

DATE INTERPRETER CONTACTED: _____

DATE/TIME VERIFIED WITH INTERPRETER: _____

BY _____

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT

_____,
Petitioner,

v.

No. _____

_____,
Respondent.

CANCELLATION OF COURT INTERPRETER

The court interpreter previously requested is no longer needed. Please cancel the court interpreter scheduled for

DATE: _____ **TIME:** _____ **LOCATION:** _____

JUDGE: _____

REQUESTED BY: _____
Signature of party or party's attorney

NOTE: The person requesting the interpreter is responsible for notifying the court if the interpreter is no longer needed. If the requester fails to notify the court, well in advance of the court date, that an interpreter is no longer needed, then the requester *will be responsible for paying* the fees and mileage expenses of the interpreter.

FOR COURT USE ONLY

NAME OF INTERPRETER: _____

DATE INTERPRETER CONTACTED FOR CANCELLATION: _____

BY _____