

PRO SE FORMS - PARENTAGE

THIS PACKET CONTAINS:

1. **Instructions** [Rules 4A-401] (DO NOT COPY - NOT REQUIRED FOR FILING)
2. **Domestic Relations Information Sheet** (DO NOT COPY - NOT REQUIRED FOR FILING)
3. **Petition to Establish Paternity**
4. **Summons** *Use this form if a sheriff or third party serves the Petition on Respondent.*
5. **Temporary Domestic Order**
This is a court order, which is issued to help the parties while the case is being resolved. The Temporary Domestic Order [or "TDO"] makes provision for keeping the peace, keeping the bills up. The TDO must be promptly served upon the other party.
6. **Order for Shared Parenting Education**
7. **Custody Plan and Order**
8. **Child Support Obligation and Order**
It is recommended that self-represented parties use the interactive Child Support Worksheet form that is available on the Internet at http://www2.nmcourts.gov/cgi/prose_lib/csw2008.htm. This form automatically determines the monthly child support obligation.
9. **Final Decree of Parentage**

OTHER PACKETS YOU MAY NEED:

FREE PROCESS PACKET *Use if you cannot afford to pay the \$137 filing fee.*

DEFAULT PACKET *Use if Respondent does not file a Response to your Petition within 30 days of service of the Summons.*

PUBLICATION PACKET *Use if you do not know the whereabouts of Respondent.*

REQUEST FOR SETTING PACKET *Use if Respondent files an answer and parties do not agree to request a setting from the Court.*

WAGE WITHHOLDING PACKET *Use to enforce wage withholding for child support from parent.*



PLEASE READ

- **REMEMBER - As a self-represented litigant, you are responsible for your case.** The District Court Clerk's Office will not provide any information as to how you should proceed with your case nor can they fill in any blanks on forms on your behalf.
- **You must fill out the paperwork correctly, request and attend hearings, check whether the respondent is filing paperwork, keep track of deadlines, etc.**
- **Type or print your forms.**
- **Make sure the pleadings are signed.**
- **File the forms with the court.**
- **Required number of copies:** An original and two (2) copies of each form must be filed, unless noted otherwise above.
- **Pay the filing fee:** \$137 – cash, cashier's check or money order, unless free process is approved.

Petition for paternity; forms needed; filing fee.

A. **Forms to be filed.** In a contested paternity proceeding (or when you are filing for paternity alone), the following completed forms must be filed with the court:

- (1) a Domestic Relations Information Sheet, Form 4A-101 NMRA;
- (2) a Petition to Establish Paternity, Determine Custody and Assess Child Support; and
- (3) a Final Decree of Parentage.

B. **Custody Plan and Child Support Obligation.** If child support is to be ordered, a Custody Plan (Form 4A-302 NMRA), Child Support Obligation (Form 4A-303 NMRA), and child support worksheet are required. The Custody Plan and Child Support Obligation are included in this packet; the child support worksheet can be found at http://www2.nmcourts.gov/cgi/prose_lib/csw2008.htm. A Wage Withholding Order (Form 4A-304 NMRA) may also be required if requested by a party. See Form 4A-300 NMRA for an explanation of the Custody Plan, Child Support Obligation, child support worksheet, and Wage Withholding Order.

C. **Type or print.** The parties must type or print all of the information required to be completed on the forms. Many forms may be downloaded and completed or completed on-line. If a pre-printed form is being used by the parties and there is not enough room on the form to provide all of the information required, use a separate page for the information and staple the page to the pre-printed form before making copies and filing the form with the court.

D. **Sign the pleadings.** A party's signature on a pleading or paper filed with the court constitutes a certificate that the party has read the paper and that to the best of the party's knowledge, information and belief there is good grounds to support it.

E. **Forms required to be signed before a notary, or affirmed under penalty of perjury.** Both of the parties must sign the following pleadings and papers before a notary, or sign and date with a written affirmation stating that the statement is true and correct, under penalty of perjury (see Rule 1-011(B)):

- (1) the Petition to Establish Paternity; and
- (2) if child support is to be ordered, the Custody Plan and Child Support Obligation.

F. **File the forms with the court.** After the parties have completed and signed the forms, the parties must file them with the court clerk.

G. **Required number of copies.** An original and two (2) copies of each form must be filed.

H. **Pay the filing fee.** A filing fee must be paid to the clerk in cash or money order at the time the petition and information sheet are filed unless free process is approved.

4A-101A. Domestic relations information sheet.

DOMESTIC RELATIONS INFORMATION SHEET
(for self-represented people)

THIS SECTION FOR OFFICIAL USE ONLY¹

Case number: _____

Assigned judge: _____

The following information is required by New Mexico law and federal law for child support enforcement. The information also is needed to identify and keep up with your case. If child support is not paid, this information will help the court get the money for your child(ren).

1. **Information regarding petitioner and respondent.** *(Look at the paperwork you are giving to the court to see who is listed at the top as petitioner and respondent. Use a separate sheet if necessary.)*

Petitioner

Name: _____

(Last name, first, middle)

Other names *(e.g. maiden name)*: _____

Address: _____

City: _____

State: _____

Zip code: _____

Date of birth: _____

Social Security number²: _____

Email Address that Petitioner checks regularly, where case correspondence may be sent: _____

Respondent

Name: _____

(Last name, first, middle)

Other names *(e.g. maiden name)*: _____

Address: _____

City: _____

State: _____

Zip code: _____

Date of birth: _____

Social Security number²: _____

Email Address that Respondent checks regularly, where case correspondence may be sent: _____

2. **Parties' minor children.** *(Provide the date of birth and social security number for each minor child, if any. Use a separate sheet if necessary.)*

Name: _____

(Last name, first, middle)

Date of birth: _____

Social Security number: _____

Name: _____

(Last name, first, middle)

Date of birth: _____

Social Security number: _____

Name: _____

(Last name, first, middle)

Date of birth: _____

Social Security number: _____

Name: _____

(Last name, first, middle)

Date of birth: _____

Social Security number: _____

Has any court made an order for child support? ___ Yes ___ No

Has any court changed the amount of child support you requested? ___ Yes ___ No
If your answer is “Yes” to either question, what state and what court are they located in?

_____ State _____ Court.

3. Request to limit access to information.

(Optional - complete only if applicable)

I have reason to fear domestic violence or child abuse. For this reason, please limit access to information about me in the Child Support & Paternity Case Registry to the extent possible. I realize that this request may make it more difficult to assist me in collecting child support. I also understand that the other party and the public might still view information about my case under some circumstances.

Under penalty of perjury, I affirm that this request is legitimately made and not designed to harass or intimidate the other party or mislead the court.

NOTE TO COURT CLERK:

DO NOT PLACE THIS INFORMATION SHEET IN THE COURT FILE.³

DOMESTIC RELATIONS INFORMATION SHEET INSTRUCTIONS

If you need more space to write, you can attach a separate sheet with the information.

To Petitioner:

If you and your spouse or the other person who owes child support have agreed on everything before this case was filed, then you must give the *Information Sheet* to the court clerk with your petition.

If you do not agree it means the case is *contested*. If the case is contested, you **MUST** do two things:

1. give the information sheet to the court clerk; and
2. have a sheriff or process server give a blank copy of the *Information Sheet* to your spouse or other person who owes child support.

To Respondent:

You must submit the information sheet when you file your first paper with the court. You must write the name of the judge and the case number on the *Information Sheet*. You can find that information on the papers the petitioner gave you.

After you fill out this form, you will need to submit the other paper work required by law. If you choose to represent yourself in a claim, you may still wish to talk with an attorney to discuss your rights. The people who work in the court cannot give you legal advice.

Purpose:

You must give the information requested on the sheet for the State Case Registry. This information is required by federal and state law. The information is needed to identify and keep up with your case. If your child(ren) do not receive the child support ordered, this information will help the court get the money for your child(ren).

If you have more than one social security number, include all social security numbers. Social security numbers will be given to state and federal agencies which are required by law to collect the information. Social security numbers will not be given to the public.

Your addresses are used by the court to obtain feedback from both of you.

USE NOTE

1. The information contained in the “official use only” section of the Domestic Relations Information Sheet, including the case number and assigned judge, will be filled in by the court clerk.
2. If the party has more than one social security number, please include it.
3. 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. **The Domestic Relations Information Sheet Instructions are not submitted to the court clerk.**

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 to November 1, 2000; approved, as amended, effective November 1, 2000; 4-212 NMRA recompiled as 4A-102 NMRA; 4A-102 recompiled as 4A-101A 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.]

Compiler’s note. – Pursuant to Supreme Court Order No. 13-8300-010, former 4A-102 NMRA was recompiled as 4A-101A NMRA, effective May 31, 2013.

STATE OF NEW MEXICO
COUNTY OF _____
SIXTH JUDICIAL DISTRICT COURT

_____, Petitioner/Plaintiff,
(print first, middle and last name)

v.

Case No. _____
Judge: _____

_____, Respondent/Defendant.
(print first, middle and last name)

and involving _____, Minor Child(ren).

**PETITION TO ESTABLISH PATERNITY, DETERMINE
CUSTODY AND TIME-SHARING, AND ASSESS CHILD SUPPORT**

THE PETITIONER comes before this court and states:

1. The Petitioner is a resident of _____ County.
2. _____ is the mother of the minor child{ren}.
3. _____ is the father of the minor child(ren).
4. The name, date of birth and age of the minor child(ren) are:

<u>Name</u>	<u>Date of Birth</u>	<u>Age</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

PATERNITY (SELECT ONE #5)

5. Paternity HAS NOT been established.

5. Paternity HAS BEEN established by (check all that apply):

- Petitioner/Respondent has acknowledged his paternity of the minor child(ren) in writing filed with the Department of Vital Statistics in the State in which the child(ren) were born.
- Petitioner/Respondent has consented to paternity and is named on the birth certificate.
- Paternity of the minor child(ren) has been established by blood tests.
- Petitioner/Respondent has openly held out the minor child(ren) as his natural child(ren) and established a personal, financial or custodial relationship with the child(ren).

RESIDENCE OF CHILD(REN)

6. During the past five years, the minor child(ren) have lived with the following persons, at the following places, and for the following periods of time:

<u>Lived With</u>	<u>Address</u>	<u>Dates</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

PRIOR LITIGATION (SELECT ONE #7)

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

7. Issues concerning custody or visitation involving the minor child(ren) of the parties were previously litigated in the following court action:

<u>Case Name</u>	<u>Case Number</u>	<u>Name of Court</u>	<u>Location of Court</u>
_____	_____	_____	_____
_____	_____	_____	_____

PENDING LITIGATION (SELECT ONE #8)

- 8. Petitioner has no information of any proceeding that is pending in a court in New Mexico or in any other state involving visitation or custody with the parties' minor child(ren).
- 8. The following proceeding is pending in a court in New Mexico or in another state involving visitation or custody with the parties' minor child(ren):

<u>Case Name</u>	<u>Case Number</u>	<u>Name of Court</u>	<u>Location of Court</u>
_____	_____	_____	_____
_____	_____	_____	_____

OTHER CUSTODY AND VISITATION CLAIMS (SELECT ONE #9)

- 9. Petitioner knows of no persons other than the parties who have physical custody of the minor child(ren) or who claim to have custody or visitation rights to the minor child(ren).
- 9. The following persons *other than the parties* have physical custody of the minor child(ren) or claim to have custody or visitation rights to the minor child(ren):

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____

CUSTODY OPTIONS (SELECT ONE #10)

- 10. The parties should be awarded joint legal custody of the minor child(ren), with primary physical custody in and periods of care and responsibility consistent with the best interests of the child(ren).
- 10. _____ should be awarded sole legal and physical custody of the child(ren) subject to the other parent's reasonable rights of visitation. Sole legal and physical custody is in the best interest of the minor child(ren) because:

CHILD SUPPORT

- [] 11. Child support should be set according to the New Mexico Child Support Guidelines and the Respondent should be ordered to pay child support in an amount as determined by the Child Support Guidelines and Worksheet.
- [] 12. Petitioner requests immediate child support during the pendency of this case, in accordance with the New Mexico Child Support Guidelines.
- [] 13. Petitioner requests that child support be retroactive to the birth of the child(ren), and that the amount of child support be in accordance with the New Mexico Child Support Guidelines.
- [] 14. Petitioner requests that Respondent be ordered to pay the birthing expenses, including hospital and medical expenses, incurred by mother in the amount of \$ _____

LIFE INSURANCE

- [] 15. Respondent should be ordered to purchase life insurance with a benefit amount of \$ _____, naming the other parent as trustee for the benefit of the minor child(ren) in order to pay the child(ren) support obligation upon the paying parent's death.

MEDICAL INSURANCE

- [] 16. _____ should provide health and dental insurance for the minor child(ren).

MEDICAL EXPENSES (SELECT ONE #17)

- [] 17. _____ should pay 100% of the child(ren)'s health and dental expenses not paid by the insurance.
- [] 17. The parties should each pay one-half of the child(ren)'s health and dental expenses not paid by insurance.
- [] 17. The parties should pay the child(ren)'s health and dental expenses not paid by insurance in the percentages shown on the child(ren) support worksheet.

BLOOD TESTING

- [] 18. Petitioner requests blood testing be ordered if Respondent denies paternity of the child(ren), with blood samples to be sent for testing to a qualified blood testing laboratory and HLA tests and any other tests the testing facility recommends to be performed. Petitioner requests that court costs, blood testing costs and expert witness fees should be ordered to be paid by Respondent.

BIRTH RECORD

- [] 19. Upon determination of paternity, the Department of Vital Statistics should be ordered to change the birth record of the minor child(ren) to reflect the paternity as determined by this court.

4A-201. Temporary domestic order.

[For use with Rule 1-121 NMRA]

STATE OF NEW MEXICO
COUNTY OF _____
SIXTH JUDICIAL DISTRICT

_____,
Petitioner,

v.

No. D-____-DM-_____

_____,
Respondent.

TEMPORARY DOMESTIC ORDER¹

This order is issued pursuant to Rule 1-121 NMRA. This is not an order of protection under federal or state law. It is otherwise fully enforceable. It applies to both parties. This order will continue in effect until modified. The procedure for modification of this order is described below.

THE COURT ORDERS THE PARTIES AS FOLLOWS:

(1) **Do not** injure or physically or mentally abuse, molest, intimidate, threaten or harass the other party or any child of either party.

(2) **Do not** interfere with the relationship of your spouse with any child of either party. If you are living apart, you shall each continue to have frequent contact and communication with any minor child of both parties, personally and by telephone. A party shall notify the other party of any change of address or telephone number within twenty-four (24) hours of the change.

(3) **Do not** change a child’s school, religion, child care, doctor, dentist, physical or mental treatment or recreational activities in which the child has been participating.

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

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

(a) Whoever moves from the family home may return to pick up personal belongings at a reasonable time as you may agree. Personal belongings do not include furniture unless you agree or the court permits. If an order prohibiting domestic violence has been entered, you must arrange to have a law enforcement officer present to monitor the removal of personal belongings. The party moving out of the residence is not prejudiced by reason of the

move in any way with respect to custody of any minor child, with respect to a claim of any interest in the family residence or the personal property in or on the premises.

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

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

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

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

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

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

(10) **Do not** close any financial institution account² or cancel any credit cards nor remove the other party from any credit card account during pendency of this case, unless the parties otherwise agree in writing.

(11) **Do not** liquidate, cash out, remove funds from or take loans against any retirement account, including but not limited to PERA, pension, IRA, Roth IRA, SARSEP, SEP, profit sharing, 401(k), 403(b), defined benefit, money purchase, employee stock ownership (ESOP), or 457 or 409A accounts, unless the parties otherwise agree in writing, except in the usual course of business or for the necessities of life. Keep an accounting of any transactions to show to the court.

MODIFICATION BY COURT³

This order may be modified by the court upon request of either party. To request the court to modify this order, a motion must be filed with the clerk of the court. The motion must include reference to each paragraph number the party is requesting to be modified or terminated. The party making the request must provide the other party with a copy of the motion requesting the change. If the other party agrees with the request, an order approving the request, which has been initialed by both parties as “approved,” shall be filed with the motion.

WAIVER BY PARTIES

The parties may modify a specific provision of this order by entering into a written agreement and filing it with the court. The parties may also waive a provision of this order on a specific occasion if both parties sign an agreement to waive the provision. A waiver must include the paragraph number of each paragraph waived by the parties.

OTHER ORDERS

If an order of protection from a domestic violence case has been served on either party or if there is any other order in effect governing the relationship of the parties, and there is a

conflict between this order and the other order, the other order controls unless the court specifically orders otherwise.

VIOLATIONS

Violation of this court order may result in the imposition of a fine or imprisonment. This order is binding on the petitioner at the time the petition is filed. This order is effective on the respondent immediately upon service. The parties are cautioned that actions taken by either party that are contrary to the terms of this order are subject to redress by the court, including costs and attorney fees.

Date

District Judge

USE NOTE

1. A scheduling order may be issued at the time a domestic relations case is docketed and served with the petition, however, the scheduling order must be issued as a separate order.
2. See NMSA 1978, Section 58-1-7 for notice to any bank of an adverse claim to a bank account.
3. Within two (2) days after service of this order, a party may file a motion requesting a hearing to dissolve this order. If the court finds the motion was frivolous or was not filed in good faith it may assess the party filing the motion with costs and attorney fees. [Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2002; 4A-112 recompiled and amended as 4A-201 by Supreme Court Order No. 13-8300-010, effective for all pleadings and papers filed on or after May 31, 2013, in all cases pending or filed on or after May 31, 2013; as amended by Supreme Court Order No. 17-8300-017, effective for all pleadings and papers filed on or after December 31, 2017.]

Committee commentary. — This form deviates from the forms used by some judicial districts, however, the changes are necessary to comply with due process requirements. See Rules 1-121 and 1-066(B) NMRA.

STATE OF NEW MEXICO
COUNTY OF _____
SIXTH JUDICIAL DISTRICT COURT

_____,
Petitioner,

vs.

Case Number: D- _____ -DM- _____

_____,
Respondent.

ORDER FOR SHARED PARENTING EDUCATION

THIS MATTER coming on sua sponte and the Court having determined that the issues involved in this cause include custody and visitation of minor child(ren) parented by the parties; the Court being further advised that there is available a one-time shared parenting class to inform and educate the parties on making appropriate decisions relative to the welfare of their child(ren).

IT IS ORDERED that the parties attend a court approved one-time shared parenting class. You must attend this class separately from your partner. This class may be attended at one of the following locations:

Online Parenting Programs.com
<https://6thnm.onlineparentingprograms.com/>
(The 4-hour online course is available to parties
in all cases filed in Grant, Hidalgo or Luna County, NM)
(Spanish available)

Foundations Counseling
805 W. 6th St.
Silver City, NM 88061
(575) 590-1072

Attendance must be completed within 45 days of the date of this order. **The court approved program does not take personal checks; payment must be made by cash, money order, credit card or other method accepted by the provider.** Verification of attendance must be submitted to the Court prior to the entry of a final order.

DISTRICT JUDGE

4-206. Summons.

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

SUMMONS	
District Court: Sixth Judicial _____ County, New Mexico Court Address: _____ _____ Court Telephone No.: (575) _____	Case Number: _____ Judge: _____
Petitioner: _____ _____ v. Respondent: _____ _____	Respondent Name: _____ Address: _____ _____ _____

TO THE ABOVE NAMED Respondent(s): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.

2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.

3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.

4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.

5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.

6. If you need an interpreter, you must ask for one in writing.

7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6227; or 1-505-797-6066.

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

CLERK OF COURT

By: _____
Deputy

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

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

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 petition on the respondent.
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-302. Custody plan.

STATE OF NEW MEXICO
COUNTY OF _____
SIXTH JUDICIAL DISTRICT

_____,
Petitioner,

v.

No. D-_____-DM-_____

_____,
Respondent.

CUSTODY PLAN¹

We, _____ and _____, are the parents of the children listed below. We agree that we are submitting this document as our custody plan and that our plan 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 will 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.**

(Complete 1, 2, and 3)

1. _____ *(name of parent with sole custody)* will have sole legal custody of our children. The parent with sole custody will make the important decisions regarding our children.

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

3. We agree to the following visitation plan:

(Choose a, b, or c)

a. There will be **no visitation** until further order of the Court.

(or)

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

(or)

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

B. **Joint legal custody and parenting plan.**

1. **Important decisions.** We will share joint legal custody of our children and will make important decisions about our children together. No change regarding any of the

following will happen unless we 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.*** We will resolve any parenting or time-sharing dispute regarding our 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.

3. ***Timesharing schedule.***

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

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

(*Set out the time that mother or father will have the children for that day.*)

Week 1	Mother's time	Father's time
---------------	----------------------	----------------------

Monday	_____	_____
Tuesday	_____	_____
Wednesday	_____	_____
Thursday	_____	_____
Friday	_____	_____
Saturday	_____	_____
Sunday	_____	_____

Week 2	Mother's time	Father's time
Monday	_____	_____
Tuesday	_____	_____
Wednesday	_____	_____
Thursday	_____	_____
Friday	_____	_____
Saturday	_____	_____
Sunday	_____	_____

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

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

a. **Vacations.** We will each have ____ [days] [weeks] (*circle one*) of uninterrupted time with the children each year. We will give each other at least ____ [days] [weeks] (*circle one*) notice of the vacation time. Any dispute will be resolved in the manner agreed to in the "Solving Arguments" section of this parenting plan.

b. **Holidays.** Regardless of the day of the week, the children will spend:

Holidays:	Even year	Odd year	Times (if split)
Mother's Day	Mother	Mother	
Father's Day	Father	Father	
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.** We each may have reasonable communication with the children at all times. Neither of us will 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 will 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 will be as follows (*write down what you will do here*):

 _____.

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

- e. **Changes.** We may ask each other for changes to this schedule. The other parent has the right to say “no.” If the other parent says “no,” we will not argue or criticize the other parent’s decision.
- f. **Review of plan.** We agree to meet [] every year (or) [] every ____ years to make sure this plan continues to work well.

VERIFICATION

When I sign here, I am telling the judge under oath and penalty of perjury 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.

Father’s signature

Mother’s signature

Mailing address:

Mailing address:

Physical address:

Physical address:

Telephone:

Telephone:

STATE OF NEW MEXICO)
COUNTY OF _____) ss

Acknowledged, signed and sworn to before me this _____ day of _____, _____ by _____, the father.

Notary public

My commission expires: _____.

STATE OF NEW MEXICO)
COUNTY OF _____) ss

Acknowledged, signed and sworn to before me this _____ day of _____, _____ by _____, the mother.

Notary public

My commission expires: _____.

Approved 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 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.]

Compiler's note. – Pursuant to Supreme Court Order No. 13-8300-010, a new 4A-302 NMRA was adopted effective May 31, 2013.

Withdrawals. – Pursuant to Supreme Court Order No. 13-8300-010, former 4A-302 NMRA, relating to petition for dissolution of marriage with children, was withdrawn effective May 31, 2013.

4A-303. Child support obligation and order.

STATE OF NEW MEXICO
COUNTY OF _____
SIXTH JUDICIAL DISTRICT

_____,
Petitioner,

v. _____ No. _____

_____,
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 parents 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

Telephone

Telephone

STATE OF NEW MEXICO)
COUNTY OF _____) ss

Acknowledged, signed and sworn to before me this _____ day of _____, _____ by _____, the parent.

Notary public

My commission expires: _____.

STATE OF NEW MEXICO)
COUNTY OF _____) ss

Acknowledged, signed and sworn to before me this _____ day of _____, _____ by _____, the parent.

Notary public

My commission expires: _____.

Approved, adopted, and ordered by the District Court

Date

District Court Judge

USE NOTES

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 http://www2.nmcourts.gov/cgi/prose_lib/csw2008.htm. *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.]

4A-403. Final decree of parentage

STATE OF NEW MEXICO
COUNTY OF _____
SIXTH JUDICIAL DISTRICT

Petitioner

v.

No. D-_____-DM-_____

Respondent

FINAL DECREE OF PARENTAGE

THIS MATTER was brought before the court by _____
(*father's name*) and _____ (*mother's name*), "the parties". The parties have asked the court to enter a final decree of establishing parentage. In addition, the parties have filed a Parenting Plan and Child Support Obligation ("parenting plan") that sets out the custody and child support of their [child] [children].

This court has considered the parties' agreements, and finds the parties' parenting plan and requests to be reasonable.

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 father*) has acknowledged in the petition filed in this case that he is the father of _____ (*name of each child*).
3. The parties have sworn, under oath, that the parenting plan is complete, true and correct.
4. The filed parenting plan determines custody and child support of the parties' minor [child] [children]. The parties have sworn, under oath, that the parenting plan is in the best interest of the [child] [children].
5. (*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. _____ is the father of _____
(name of each minor child).

2. The parties are ordered to fully comply with all terms and provisions of the parenting plan the terms of which are incorporated by reference.

3. Father Mother 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]

Father Mother 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 father) is the [child's] [children's] father.

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.

IT IS SO ORDERED.

Date

District Court Judge

When I sign here, I am telling the judge that I have read this document and agree with everything in it. I state upon my oath or affirmation that this document and the statements in it are true and correct to the best of my information and belief.

Petitioner's signature

Respondent's signature

Address:

Address:

Telephone:

Telephone:

[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.]

Compiler's note. – Pursuant to Supreme Court Order No. 13-8300-010, former 4A-332 NMRA was recompiled as 4A-403 NMRA, effective May 31, 2013.