

DIVORCE NO CHILDREN

\$20.00

Instructions for Divorce Forms

<p><u>Step 1</u></p> <p>Starting your action</p> <p>Completing and filing the forms with the court</p>	<p>Complete the following forms that are in the packet:</p> <ul style="list-style-type: none"> • Domestic Relations Information Sheet • Petition for Dissolution of Marriage • Summons <p>Prepare your forms for filing: Make two (2) sets of copies of the Petition and Summons. Sort each document according to title (as listed above on step 1), placing the original on top of its copies and paper clip them together. For example: Place the original Petition on top of its stapled copies and then paper clip them together. NOTE: The Domestic Relations Clerk can make copies for a cost of \$.35 cents per page.</p> <p>Submit your originals, copies and filing fee of \$137.00 to the Domestic Relations Clerks Office, Room 240, Second Floor, between 8:00 a.m. to 4:00 p.m. located at the Second Judicial District Court, 400 Lomas, NW, Albuquerque, NM 87102. NOTE: Payment methods for filing fee include cash, money order, or cashier's check. Personal checks or credit cards are not accepted!</p> <p>When you file your documents, the clerk will randomly assign your case a judge and a case number. The originals will be stamped and copies endorsed. In addition you may be given a Temporary Domestic Order which is directed to both parties. The clerk will issue the Summons for preparation of Service of Process (notifying the other party of this legal process).</p>
<p><u>STEP 2</u></p> <p>Service on the respondent</p> <p>Read the Service of Process Information Sheet</p>	<p>Preparing for Service of Process: per NMRA 4A-100 (J)(1)(2) Domestic Relations Forms;</p> <p><i>J. Serving the summons packet.</i></p> <p><i>(1) After a divorce petition and summons and TDO are filed with the court, copies of all papers must be served on the person named as the respondent in the divorce petition (this is known as service of process). Attach the divorce petition and temporary domestic order to a copy of the original summons to assemble a summons packet (see Service Information Sheet for additional information).</i></p> <p><i>(2) The summons packet may be served by hand-delivery to your spouse 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 Paragraph F of Rule 1-004 NMRA. It is the sole responsibility of the petitioner to have the summons packet served on the respondent (your spouse) and to provide proof that the service was completed. The court is not responsible for serving documents on any party.</i></p>
<p><u>STEP 3</u></p>	<p>The Respondent has 30 days to respond to the petition after service.</p> <p>Has Respondent filed a response? If yes, proceed with <u>STEP 4.</u></p> <p>If no, proceed with to Step 5 (Default). If yes, proceed to <u>STEP 5</u></p>
<p><u>STEP 4</u></p> <p>Finalizing your case</p>	<p>Following, you have several options. You can:</p> <p>A) Prior to the issuance of a final decree, you may request assistance on a temporary basis. You may file a motion for award of a temporary order for custody, timesharing, child support, or a temporary allocation of community resources, etc. To complete this step, see the temporary motions in this packet.</p> <p>or</p> <p>B) You may file a Motion for Referral to Mediation (Child Custody, Timesharing, or Visitation) <i>OR</i> a Motion for Referral to Mediation (Child Support or Other Financial Issues). This may be used when you believe that the other party is willing to reach an agreement with the assistance of a mediator. This may or may not involve fees that can be divided by the parties. To complete this step, see the temporary</p>

	<p><i>motions in this packet.</i></p> <p>or</p> <p>C) If both parties are in agreement to all the issues, and are willing to sign the <i>Marital Settlement Agreement</i> and the <i>Final Decree of Dissolution of Marriage</i>, submit the documents to the Domestic Relations Clerk's Office. In cases involving minor children, you must also submit a <i>Child Custody Plan</i>, <i>Child Support Obligation</i>, <i>Child Support Worksheet</i> and <i>Wage Withholding Order</i>.</p> <p>Prepare your forms for filing: Make two (2) sets of copies of the each form listed above. Sort each document according to title (as listed above on step 1), placing the original on top of its copies and paper-clip them together. For example: Place the original Marital Settlement Agreement on top of its stapled copies and then paper-clip them together. NOTE: The Domestic Relations Clerk can make copies for a cost of \$.35 cents per page.</p> <p>Submit your originals and copies to the Domestic Relations Clerks Office, Room 240, Second Floor, between 8:00 a.m. to 4:00 p.m. located at the Second Judicial District Court, 400 Lomas, NW, Albuquerque, NM 87102.</p> <p>Return to the Domestic Relations Clerks Office within seven (7) to ten (10) business days to pick up your Final Decree and all other documents. The Court may sign the Final Decree of Dissolution of Marriage without further notice, or it may order you and your spouse to appear for a hearing. If the Final Decree has been approved and signed by the judge, the clerk will file your originals and endorse your copies. Your endorsed copies are a record that your divorce is final.</p> <p>WARNING: ONCE THE COURT SIGNS AND FILES THE FINAL DECREE OF DISSOLUTION OF MARRIAGE, YOUR DIVORCE WILL BE FINAL, AND THE TERMS OF THE MARITAL SETTLEMENT AGREEMENT (AND THE CUSTODY PLAN AND CHILD SUPPORT OBLIGATION) WILL BE BINDING ON BOTH PARTIES!</p> <p>or</p> <p>D) If both parties do not agree, the only way to resolve the case is to ask the judge to decide for you. You must file a request for hearing/notice of hearing form and request a Hearing on the Merits. Submit addressed, stamped envelopes for each party along with your request for hearing. The hearing will be scheduled several months following your request. The Court will set one or more hearings to resolve remaining disagreements. You must complete your <i>Marital Settlement Agreement (Custody Plan, Child Support Obligation, and Child Support Worksheet</i> if there are children involved) and <i>Final Decree of Dissolution of Marriage</i>, and bring them with you to the hearing. To complete this step, complete the Request for Hearing/Notice of Hearing included within this packet.</p> <p>***Note: When filing a motion, review the <i>Procedure for Filing a Motion and Request for Hearing</i>. To obtain proper forms and procedure please return to the Second Judicial District Court, Center for Self Help and Dispute Resolution.</p>
<p>STEP 5</p> <p>Default</p>	<p>Respondent failed to file a response with the court. You may file a:</p> <p>DEFAULT: Asking the court to grant all of what you have asked for in your petition because the opposing party failed to respond and it has been more than 30 days since he/she has been served.</p> <p>OR:</p> <p>MOTION: You may choose to file a Motion to address issues that may not be resolved by obtaining a default judgment. The Court will set one or more hearings to resolve remaining disagreements. You must complete your <i>Marital Settlement Agreement (Custody Plan, Child Support Obligation, and Child Support Worksheet</i> if there are children involved) and <i>Final Decree of Dissolution of Marriage</i> and bring them with you to the hearing.</p> <p>*** To complete this step, please return to the Second Judicial District Court, Center for Self Help and Dispute Resolution for proper forms and further instruction.</p>

4A-100. Domestic relations forms; instructions 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 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;
- (ii) Petition for dissolution of marriage (with minor children), Form 4A-103 NMRA;
- (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; and

(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 your spouse 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 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.nmcompcomm.us).

[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.]

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

Name: _____
(Last name, first, middle)
Other names (e.g. maiden name): _____

Address: _____
City: _____
State: _____
Zip code: _____
Date of birth: _____
Social Security number³: _____

Respondent

Name: _____
(Last name, first, middle)
Other names (e.g. maiden name): _____

Address: _____
City: _____
State: _____
Zip code: _____
Date of birth: _____
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.)

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: _____

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

END OF INFORMATION SHEET

USE NOTE

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 documents 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 rekeying 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-100. Domestic relations forms; instructions 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 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;
- (ii) Petition for dissolution of marriage (with minor children), Form 4A-103 NMRA;
- (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; and

(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 your spouse 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 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.nmcompcomm.us).

[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.]

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

_____,
Petitioner,

v.

No. _____

_____,
Respondent.

**PETITION FOR DISSOLUTION OF MARRIAGE
(WITHOUT CHILDREN)**

Petitioner, _____, asks this Court for a *Final Decree of Dissolution of Marriage*, and states:

1. The parties, or at least one party, is a resident of _____ County, State of New Mexico.
2. At least one party has resided in the state of New Mexico for at least six (6) months immediately preceding the filing of this Petition and has domicile in New Mexico as defined by Section 40-4-5 NMSA 1978.
3. The parties were married on _____ (date) in _____ (city), _____ (state), and have remained spouses since that date.
4. A state of incompatibility and irreconcilable differences exists and the parties are not likely to reconcile.
5. The parties do not have any children and none are expected.
6. Any sole and separate property or debts of the parties should be confirmed by the Court.
7. Any community property of the parties should be equitably divided.
8. Any community debts of the parties should be equitably divided.
9. CIRCLE ONE: My spouse [is] [is not] a member of the military.
10. OPTIONAL (*Cross out if this does not apply to you*): Petitioner is in need of spousal support (alimony) to be paid to him/her by Respondent, who has the ability to pay spousal support.
11. OPTIONAL (*Cross out if this does not apply to you*): Petitioner wishes to be restored to his/her former name, _____.

Petitioner asks that the Court:

- A. Enter a *Final Decree of Dissolution of Marriage* on the grounds of incompatibility;
- B. Confirm any separate property and separate debts of the parties;
- C. Equitably divide any community property and community debt of the parties;
- D. Order Respondent to pay spousal support (*cross out if this does not apply*);

- E. Restore Petitioner to his/her former name, _____ (*cross out if this does not apply*); and
- F. Provide such other and further relief as the Court may deem just and proper.

Submitted by:

Name

Street/mailling address

City, State, Zip

Telephone number

VERIFICATION

I, _____, affirm under penalty of perjury under the laws of the State of New Mexico that I am the Petitioner in the above-entitled cause, and I know and understand that the contents contained in the above Petition are true to the best of my knowledge and belief. I have read and understand the Temporary Domestic Order as described in Rule 1-121 NMRA. I understand that upon the filing of this Petition with the Court that I am bound by the contents of the Temporary Domestic Order.

Signature of Petitioner

Date

[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.]

SUMMONS	
District Court: Second Bernalillo County, New Mexico Court Address: 400 Lomas Blvd. NW Albuquerque, NM 87102 Court Telephone Number: 505-841-7421	Case Number: Judge:
Plaintiff(s): v. Defendant(s):	Defendant Name: Address:

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 or
 Plaintiff 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.

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

DO NOT FILE THIS PAGE: FOR PARTY USE ONLY

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.]

SERVICE OF PROCESS
(GIVING THE OTHER PARTY LEGAL NOTICE)

ASSEMBLING A SUMMONS PACKET

Means putting together the following:

- a. A copy of the original Summons
- b. A copy of the Petition for Dissolution of Marriage
- c. A copy of the Temporary Domestic Order, and
- d. A blank copy of the Domestic Relations Information Sheet

ARRANGING FOR SERVICE

Means method of service that you will use to notify the other party:

PERSONAL SERVICE BY USING ONE OF THESE:

- a. SHERIFF/LAW ENFORCEMENT (must be from the County where Respondent lives in)
- b. PROCESS SERVER (may see yellow pages, internet and/or Self Help Center for a list of these)
- c. PERSON OVER 18 YRS. OF AGE WHO IS NOT A PARTY TO THE CASE

OR

MAIL

It must be mailed to a good address by using a mailing method where Respondent will sign for receiving the Summons Packet and you having proof to present to the court. Example: Certified Mail with Return Receipt.

OR

NEWSPAPER

Publishing a Legal Notice in a Newspaper: This method of service is used when you have made all of the attempts possible to locate the Respondent and whereabouts are unknown. Before publishing you must ask the Court for permission to do this (you may return to the Center for Self Help and Dispute Resolution for proper forms and procedural information).

FILING PROOF OF SERVICE

Means proving to the court that the other party was given notice of the legal proceeding properly!

To do this you must file the original *Summons* and completed *Return of Service* that was issued by the Clerk (second page of the Summons), an *Affidavit of Service (mail)*, or an *Affidavit of Publication*. What you submit will depend on the method of service that you used to serve the other party. You must file the proof of service in the Domestic Relations Clerks Office, Room 240, 2nd floor of the Second Judicial District Court.

NOTE: PERSONAL SERVICE MAY BE PERFORMED BY A PERSON OVER THE AGE OF EIGHTEEN (18) WHO IS NOT A PARTY TO THE CASE, A SHERIFF, OR A PRIVATE PROCESS SERVER. THE PERSON WHO SERVED THE RESPONDENT MUST SIGN THE RETURN OF SERVICE IN THE PRESENCE OF A NOTARY PUBLIC. 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. YOU MUST RETURN THE SIGNED RETURN OF SERVICE TO THE COURT AND FILE IT.

NOTE: You must always follow the Rules of Civil Procedure. Service of Process is a requirement that must be completed in order to move forward with finalizing your case. For additional information governing Service of Process you can refer back to NMRA, Rule 1-004 and/or visit the Second Judicial District Court, Center for Self Help and Dispute Resolution, in room 119, 1st floor, for proper forms and further instruction.

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

_____,
Petitioner,

v.

No. _____

_____,
Respondent.

RESPONSE

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

1. I admit (agree with) the statements in the following paragraphs (*list the paragraph numbers below*) of the Petition:

2. I deny (disagree with) the statements in the following paragraphs (*list the paragraph numbers below*) of the Petition:

3. I also want a divorce and the legal remedies to which I am entitled.

4. OPTIONAL (*Cross out if this does not apply to you*): I want my name to be restored to my former name, _____.

Respondent asks that the Court:

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

- F. Order that my name be restored to my former name of _____ (cross out if this does not apply); and
- G. Provide for such other and further relief as the Court may deem just and proper.

Submitted by:

Name

Mailing address

City, State, Zip

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

City, State, Zip

Telephone number

VERIFICATION OF SERVICE

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

- mailed a copy of this response by United States mail, postage prepaid, to:
Name: _____
Mailing address: _____
City, state, and zip code: _____;
- delivered a copy of this response to _____ (the other party or the other party's attorney); or
- faxed a copy of this response to _____ (the other party or the other party's attorney) using the following fax number: _____. The transmission was reported as complete and without error. The time and date of the transmission was _____ (a.m) (p.m) on _____ (date).

Signature of person who made service

Date of signature

[Approved by Supreme Court Order No. 13-8300-010, effective for all pleadings and papers filed on or after May 31, 2013, in all cases pending or filed on or after May 31, 2013; as amended by Supreme Court Order No. 14-8300-011, effective for all pleadings and papers filed on or after December 31, 2014, in all cases filed or pending on or after December 31, 2014.]

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

_____,
Petitioner,
v. _____ No. _____
_____,
Respondent.

ENTRY OF APPEARANCE PRO SE

I, Petitioner (or) Respondent (check one), _____ (your name), hereby enter my appearance pro se in this action. I understand that **NOTICE OF ALL HEARINGS WILL BE MAILED TO THE ADDRESS GIVEN BELOW UNLESS I PROVIDE A DIFFERENT ADDRESS IN WRITING** to the Clerk of the Court and to all parties of record.

Petitioner pro se/Respondent pro se

Mailing address

City, State, Zip

Telephone number

I hereby certify that a true and correct copy of this Entry of Appearance was mailed to _____ (name of other party), _____ (address of other party) on _____ (date).

Signature of person filing this Entry of Appearance

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 decisions 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.]

APPENDIX

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

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

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

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

If your case involves spousal support or alimony
Bring documentation of your income and the income of the other party (e.g., pay stubs, personal and business tax returns, along with supporting documentation such as bank records, business expenses, etc.). In addition you should bring documentation of monthly recurring expenses such as rent, mortgage, vehicle costs, insurance, utilities, credit card statements, payments, loans, health insurance, and/or medical care costs to the hearing.

If your case involves an issue not addressed above, bring copies of any proposed document to support your case to any hearing scheduled or hearing that you are requesting.


[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.]

PROCEDURE FOR FILING A MOTION AND REQUEST FOR HEARING

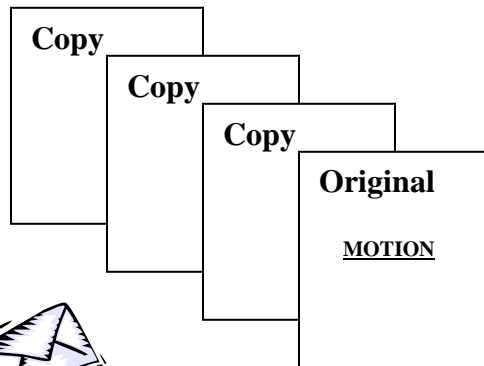
1. Complete the following forms:


- ✓ Motion
- ✓ Request For Hearing
- ✓ Notice of Hearing

2. Prepare for filing by doing the following:

- ✓  Make three (3) copies of each form you filled out (as listed in step # 1) and place the original on top of its copies for each form.

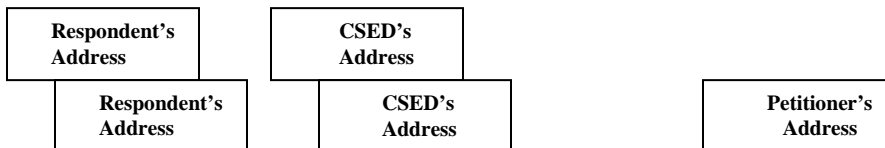
Example:



- ✓  Prepare stamped and addressed envelopes to each opposing counsel/party and one to yourself.

Example:

- ✓ Two (2) envelopes to the other party or their attorney if represented
- ✓ Two (2) envelopes to Child Support Enforcement Division (CSED) if they are involved in the case.
- ✓ One enveloped addressed to you.



2 envelopes addressed to opposing party and/or CSED (if they are parties in your case)

1 envelope addressed to yourself

NOTE: You will be required to pay the filing fee if your case is closed and you do not meet the requirements listed in the NMRA Certificate or are not eligible for free process. You can pay by cash, money order or a cashier's check in the amount of \$137.00 paid out to District Court Clerk. No personal checks.

3. **File originals**, copies and attach one envelope for each party, with your filing fee or NMRA Certificate, **in the Clerks Office** of the Bernalillo County Courthouse located at 400 Lomas NW, First Floor, **Room 119, between the hours of 10:00 a.m. – 2:00 p.m.**
4. The Clerk will file your originals and endorse stamp your copies with the date and time of filing. The clerk will return your copies so that you can mail out a copy to each opposing party/counsel in one of the envelopes you prepared. You should keep a filed copy for your records.
5. The clerk will also forward a copy and the original Notice of Hearing to the assigned Judge's Office for review and scheduling of the hearing.
6. The assigned Judge or Hearing Officer's office will mail opposing party/counsel and you a copy of the Notice of Hearing in the stamped and addressed envelopes you provided to the court. This will tell you when, where and what time to appear for the hearing on your Motion.

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

Petitioner,

v.

No. _____

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 BERNALILLO
SECOND 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 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.]

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND 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 do the following: (*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 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 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 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 the other party 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.

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001; 4A-113 recompiled and amended as 4A-203 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.]

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND 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;
- 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 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

DO NOT FILE THIS PAGE: FOR PARTY USE ONLY

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.

[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.]

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND 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
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 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

DO NOT FILE THIS PAGE: FOR PARTY USE ONLY

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.]

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

_____,
Petitioner,

v.

No. _____

_____,
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.)

_____	_____
_____	_____
_____	_____
_____	_____

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

DO NOT FILE THIS PAGE: FOR PARTY USE ONLY

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.]

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND 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: _____

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 on the attached page on _____ (date).

By: _____

PARTIES ENTITLED TO NOTICE

(The party requesting the hearing must list the name, address, and phone number of every party entitled to notice, including the requesting party. If a party has an attorney, list the name and address of the attorney.)

Party's name: _____
Mailing address: _____

Telephone number: _____

Party's name: _____
Mailing address: _____

Telephone number: _____

(Repeat as necessary.)

DO NOT FILE THIS PAGE: FOR PARTY USE ONLY

USE NOTE

1. This form may be used anywhere in this state to give notice of 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.]

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

_____,
Petitioner,

v.

No. _____

_____,
Respondent.

**NOTICE OF COMPLIANCE WITH
RULE 1-123 NMRA
(domestic relations actions)¹**

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

- Property and Debt (*Check this box if there is property and debt to be divided, and check all boxes below for the documents that you completed and provided to the other party.*)
 - Interim monthly income and expenses statement (Form 4A-212)
List documents used to complete this statement:

 - Community property and liabilities schedule (Form 4A-214)
List documents used to complete this schedule:

 - Separate property and liabilities schedule (Form 4A-215)
List documents used to complete this schedule:

- Spousal support or child support (*Check this box if spousal support and/or child support is an issue in your case, and check all boxes below for the documents that you completed and provided to the other party.*)

Documents provided:

- Federal and state tax returns, including all schedules, for the year preceding the request
- W-2 statements for the year preceding the request
- Internal Revenue Service Form 1099s for the year preceding the request

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

Signature of party

Name (*print*)

Mailing address (*print*)

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

Telephone number

VERIFICATION OF SERVICE

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

mailed a copy of this notice by United States mail, postage prepaid, to:
Name: _____
Mailing address: _____
City, state, 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 party

Date of signature

USE NOTE

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

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

Petitioner,

v.

No. _____

Respondent.

MOTION TO ENFORCE ORDER

[] Petitioner (or) [] Respondent states:

1. I am filing this motion regarding the following order(s) issued by the court:
(check the order(s) that you are seeking to have enforced and complete the additional information required)

Name of Order:	Section/Paragraph/Page # that you believe is not being followed	Date of order
_____ Temporary Domestic Order	_____	_____
_____ Interim Order	_____	_____
_____ Custody Plan and Order	_____	_____
_____ Child Support Obligation and Order	_____	_____
_____ Final Decree (adopting Marital Settlement Agreement)	_____	_____
_____ Default Final Decree	_____	_____
_____ Domestic Violence Order of Protection	_____	_____
_____ Other: _____	_____	_____

2. The other party is not following the referenced sections/paragraphs of the order(s) in the following way(s): *(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.)*

A. _____
(Name of first order checked in Paragraph 1 above)

i. What the section/paragraph of the order says:

ii. What the other party is doing or not doing that is violating the order:

B. _____
(Name of next order checked in Paragraph 1 above)

i. What the section/paragraph of the order says:

ii. What the other party is doing or not doing that is violating the order:

(Use additional pages if necessary. Use the same format as above to tell the court what order you are talking about, what the order says, and what the other party is doing or not doing that is violating the order.)

3. 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: _____

_____.

4. Petitioner (or) Respondent asks the Court to:

A. _____

B. Order the other relief deemed necessary.

5. **YES**, I understand that I must bring a copy of the order(s) listed in Paragraph 2 to the hearing.¹

Signature of Petitioner/Respondent pro se

Name (*print*)

Mailing address (*print*)

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

Telephone number

**YOU MUST FILL OUT THE INFORMATION BELOW AND YOU MUST
SERVE THE OTHER PARTY AS YOU TELL THE COURT BELOW**

VERIFICATION

I, _____, affirm under penalty of perjury under the laws of the State of New Mexico that I am the Petitioner (or) Respondent in the above-entitled cause, and I know and understand that the contents of this Motion are true to the best of my knowledge and belief.

Signature of party Date

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. If you do not have a copy of the order(s) listed in Paragraph 2, you may request one from the clerk's office. Standard copying fees may apply.
[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 17-8300-017, effective for all pleadings and papers filed on or after December 31, 2017.]

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

_____,
Petitioner,

v.

No. _____

_____,
Respondent.

OBJECTION TO HEARING OFFICER REPORT

I, _____ (*name of Petitioner or Respondent*), object to the Hearing Officer Report filed on _____ (*date*) for the following reasons: (*identify the specific paragraph(s) to which you are objecting, and state the reason(s) for each objection*)

1. _____
_____.
2. _____
_____.
3. _____
_____.
4. _____
_____.
5. _____
_____.

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 objection by United States mail, postage prepaid, to:
Name: _____
Mailing address: _____
City, state, and zip code: _____;

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

- [] faxed a copy of this objection 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

DO NOT FILE THIS PAGE: FOR PARTY USE ONLY

USE NOTE

1. This form may be used anywhere in this state to object to a hearing officer's report 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.]

STATE OF NEW MEXICO
 COUNTY OF BERNALILLO
 SECOND JUDICIAL DISTRICT

_____,
 Petitioner,

v. No. _____

_____,
 Respondent.

SERVE THIS FORM ON THE OTHER PARTY. DO NOT FILE WITH THE COURT.

INTERIM MONTHLY INCOME AND EXPENSES STATEMENT¹
(fixed percentage for child expenses)

STATE OF NEW MEXICO)
) ss.
 COUNTY OF _____)

I, _____ (*Petitioner*) (*Respondent*), state under penalty of perjury that the following is true and correct at this time:

	Petitioner Column 1	Respondent Column 2	Combined Column 3
1. Gross monthly income ²			
a. Gross monthly wages	\$ _____	\$ _____	\$ _____
b. Rental income	\$ _____	\$ _____	\$ _____
c. Self-employment income	\$ _____	\$ _____	\$ _____
d. Dividends and interest	\$ _____	\$ _____	\$ _____
e. Other income	\$ _____	\$ _____	\$ _____
2. Total gross monthly income	\$ _____	\$ _____	\$ _____
3. Payroll deductions ³			
a. Federal withholding	\$ _____	\$ _____	\$ _____
b. State withholding	\$ _____	\$ _____	\$ _____
c. Estimated tax payments	\$ _____	\$ _____	\$ _____
d. FICA	\$ _____	\$ _____	\$ _____
e. Medicare	\$ _____	\$ _____	\$ _____
f. Health insurance	\$ _____	\$ _____	\$ _____

g.	Life and disability insurance	\$ _____	\$ _____	\$ _____
h.	Union dues	\$ _____	\$ _____	\$ _____
i.	Mandatory retirement	\$ _____	\$ _____	\$ _____
j.	Other _____	\$ _____	\$ _____	\$ _____
4.	Total payroll deductions (Add items in #3)	\$ _____	\$ _____	\$ _____
5.	Net monthly income (Subtract Line 4 from Line 2)	\$ _____	\$ _____	\$ _____
6.	Monthly fixed expenses ⁴ :			
a.	Residence ⁵	\$ _____	\$ _____	\$ _____
b.	Utilities ⁶	\$ _____	\$ _____	\$ _____
c.	Car payments	\$ _____	\$ _____	\$ _____
d.	Insurance premiums	\$ _____	\$ _____	\$ _____
	(1) Car or other vehicle	\$ _____	\$ _____	\$ _____
	(2) Life ⁷	\$ _____	\$ _____	\$ _____
	(3) Health ⁷	\$ _____	\$ _____	\$ _____
	(4) Homeowners ⁸ or renters	\$ _____	\$ _____	\$ _____
	(5) Other	\$ _____	\$ _____	\$ _____
e.	Day care ⁹	\$ _____	\$ _____	\$ _____
f.	Credit card payments ¹⁰	\$ _____	\$ _____	\$ _____
g.	Loan payments	\$ _____	\$ _____	\$ _____
h.	Child support payments ¹¹	\$ _____	\$ _____	\$ _____
i.	Medical	\$ _____	\$ _____	\$ _____
j.	Other _____	\$ _____	\$ _____	\$ _____
7.	Total monthly fixed expenses (Add items in #6 and #7) ¹²	\$ _____	\$ _____	\$ _____
8.	Net spendable income (Line 5 minus Line 7)	\$ _____	\$ _____	\$ _____
9.	1/2 of combined net spendable income (1/2 of Line 8 Column 3) ¹³	\$ _____	\$ _____	
10.	Amount transferred and received ¹⁴	\$ _____	\$ _____	
11.	Child support adjustment ¹⁵ (see table, Use Note 15)	\$ _____	\$ _____	
12.	Total to be transferred ¹⁶	\$ _____	\$ _____	

I, _____, affirm under penalty of perjury under the laws of the State of New Mexico that I am the [] Petitioner (*or*) [] Respondent in the above-entitled cause, and I know and understand that the contents of this Statement are true to the best of my knowledge and belief.

Signature

Date

USE NOTE

1. This form is to be used with an Interim Order Allocating Income and Expenses, Form 4A-213 NMRA. Unless, upon motion of a party, the court orders the division of separate income and expenses, only community income and expenses should be included on this form. In minimal or negative income cases, the court will have discretion to fashion an appropriate order.

2. "Gross monthly income" is income from all sources except child support received from a prior court order. For self-employed individuals, gross monthly income means gross receipts less reasonable and ordinary business expenses. For varying income and expenses use the average of the last three (3) months' income and expenses.

Gross monthly income is to be computed by using one of the following: hourly wage x average hours worked per week x 52 divided by 12; weekly wage x 52 divided by 12; every two weeks wage x 26 divided by 12; twice monthly x 2. For varying wages, use the average of the last three months' income.

3. "Deductions" are payroll deductions for taxes, social security, health insurance, union dues, retirement and other employer-related deductions. Payroll deductions are to be computed on a monthly basis as described in Use Note 2.

4. "Monthly fixed expenses" include periodic expenses even though paid quarterly, semiannually or yearly. Fixed expenses are to be computed on a monthly basis by using one of the following: annual income or expenses divided by 12. For varying expenses, use the average of the last three months' receipts or expenses.

5. Residence fixed expense is mortgage or rent actually paid. If a party receives free rent, *e.g.*, by living with parents, that party's rent is imputed as zero. If residence expense is a mortgage payment for the residence of a party, unless already separately stated, include insurance and taxes.

6. Include monthly average payments for gas, electricity, water, sewer, refuse, and basic telephone bill, if not paid as part of rent. Use average for last 12 months if known.

7. Do not include medical, dental, liability, life, or other insurance that is deducted by payroll deduction.

8. Do not include homeowners insurance premiums if the premium is included as part of the residence expense, Line 6(a).

9. Day care fixed expense is work-related day care and does not include baby-sitting or occasional day care.

10. "Credit card payments" is listed as a fixed expense and includes only the minimum monthly payment as of the date of the filing of the petition.

11. Any regular monthly payment ordered by a prior order of child support or alimony, which is actually paid, is a fixed expense.

12. Line 8. "Net spendable income" and "combined net spendable income" are determined by subtracting Line 7, "total monthly fixed expenses," from Line 5, "net monthly income."

Negative combined net spendable income. If the "combined net spendable income" (Line 8, Column 3) is a negative number, and there are no children, adjust the allocations of income or expenses between the parties, or transfer an amount from one party to another so that the amount of net spendable income for the petitioner and respondent on Line 9 is equal. Do not complete Lines 10, 11, and 12. If Line 8, Column 3 has a negative or minimal "combined net spendable income," and there are children, the court will need to fashion an appropriate form to divide interim income and expenses of the parties.

13. Line 9. Equalizing spendable income. If "net spendable income" on Line 8, Column 3, is a positive number, divide "combined net spendable income" by two and enter the result in each column of Line 9.

14. Line 10. Amount transferred and received. The party with the larger net spendable

DO NOT FILE THIS PAGE: FOR PARTY USE ONLY

income will transfer an equalizing amount to the party with the smaller net spendable income. To determine the amount of the transfer or receipt, subtract Line 9 (one-half of combined net spendable income) from Line 8, "net spendable income" and enter the amount on Line 10. This is the amount to be transferred by the party with the larger net spendable income to the party with the lower net spendable income.

For example, if the petitioner has a net spendable income of \$1,000.00 per month and the respondent has a net spendable income of \$500.00 per month, divide the total, \$1,500.00, by two. Since the petitioner has the larger net spendable income, enter the result, \$750.00, on Line 9, under Column 1. To determine the amount the petitioner transfers, subtract Line 9 of Column 1 from Line 8 of Column 1 (\$1,000.00 minus \$750.00 = \$250.00) and this amount (\$250.00) will be transferred each month by the petitioner to the respondent.

15. Line 11. Children. If Line 8, Column 3, is a positive number, an adjustment for child support is made by multiplying the amount on Line 8, Column 3 (combined "net spendable income") by the applicable percentage in the table below and enter the amount in the party column of the party with primary custody of the child or children. Do not count children who are covered by a prior child support order.

One child	10%
Two children	15%
Three children	19%
Four children	22%
Five children	25%
Six children	28%

If more than six children, add three percent (3%) for each additional child.

For example, if the combined "net spendable income" of the petitioner and respondent (Column 3, Line 8) is \$1,500.00 and there is one child, multiply Column 3, Line 8 (\$1,500.00) by ten percent (10%) and enter the result (\$150.00) on Line 11 in the petitioner and respondent columns.

16. Line 12. Total amount transferred. Line 11 is used to adjust the amount to be transferred by a party or received by a party on Line 10 by the parties. Using the example in Use Notes 14 and 15, if there is one child and the combined net spendable income of the parties is \$1,500.00, an adjustment of ten percent (10%) of \$1,500.00 (\$150.00) is made for child support. If the respondent has primary custody, the respondent will receive another \$150.00. If the petitioner has primary custody, subtract \$150.00 from the amount the respondent is to receive on Line 10. Using the example in Use Notes 14 and 15, if the respondent has primary custody, the petitioner will transfer \$400.00 to the respondent. If the petitioner has primary custody, the petitioner will transfer \$100.00 to the respondent.

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001; 4A-122 recompiled and amended as 4A-212 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.]

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

_____,
Petitioner,

v. No. _____

_____,
Respondent.

INTERIM ORDER ALLOCATING INCOME AND EXPENSES¹

This matter having come on for a hearing by the court and the court being sufficiently advised **FINDS, CONCLUDES, AND ORDERS:**

1. NOTICE AND APPEARANCES

(check only applicable paragraphs)

- Petitioner was present.
- Petitioner was represented by counsel.
- Respondent was present.
- Respondent was represented by counsel.
- Respondent was properly served with a copy of the notice of hearing on the motion for temporary order dividing income and expenses.

2. The parties have agreed to the income and expenses of the parties except:

_____.

3. The parties shall receive the income and pay the expenses as listed on the Interim Monthly Income and Expense Statement.

4. Each party shall presumptively be responsible for any debts the party incurs during the pendency of this case.

5. Any assets obtained by either party after the entry of this order from that party's share of net spendable income are presumptively the separate property of the obtaining party.

6. Each party shall use the party's share of the income to pay the party's respective expenses for food, clothing, telephone, utilities, gasoline, car maintenance, entertainment, meals out, haircuts, attorney fees, ordinary medical and dental expenses, and other personal expenses.

7. _____ (*name of party*) shall pay to _____ (*name of party*) _____ dollars (\$_____)² per month by check or money order, delivered or postmarked on or before the _____ of each month during the pendency of this case.
8. The medical and dental expenses of the child or children not covered by insurance shall be paid one-half by each party.
9. Notwithstanding entry of this order, all claims and defenses are preserved.
10. This order shall remain in effect during the pendency of this case except as modified by court order.
11. Disobedience of this order can constitute contempt of court and subject the violator to fine, imprisonment, and other sanction, plus payment of attorney fees and costs to the other party.

District judge

Recommended by:

Hearing officer

DO NOT FILE THIS PAGE: FOR PARTY USE ONLY

USE NOTE

1. This form is used with Form 4A-212 NMRA.
2. For the amount to be transferred or paid, *see* Line 12 of Form 4A-212 NMRA.

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001; 4A-123 recompiled and amended as 4A-213 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.]

STATE OF NEW MEXICO
 COUNTY OF BERNALILLO
 SECOND JUDICIAL DISTRICT

_____,
 Petitioner,

v.

No. _____

_____,
 Respondent.

SERVE THIS FORM ON THE OTHER PARTY. DO NOT FILE WITH THE COURT.

**COMMUNITY PROPERTY
 AND DEBTS SCHEDULE**

Neither party is required to submit a proposed distribution. Any stipulation regarding value or distribution should be indicated by an asterisk.

ASSETS		Value		
		Petitioner	Respondent	Combined
1.	Cash	\$ _____	\$ _____	\$ _____
2.	Financial institution accounts: ¹			
	a. _____ Account # _____	\$ _____	\$ _____	\$ _____
	b. _____ Account # _____	\$ _____	\$ _____	\$ _____
	c. _____ Account # _____	\$ _____	\$ _____	\$ _____
	d. _____ Account # _____	\$ _____	\$ _____	\$ _____
3.	Stocks, bonds and mutual funds:			
	a. _____ Sh. _____	\$ _____	\$ _____	\$ _____
	b. _____ Sh. _____	\$ _____	\$ _____	\$ _____
	c. _____ Sh. _____	\$ _____	\$ _____	\$ _____
4.	Insurance policies:			
	a. Company _____			
	[Face amount \$ _____]			
	Cash value	\$ _____	\$ _____	\$ _____
	Loan balance \$ _____	\$ _____	\$ _____	\$ _____
	b. Company _____			
	[Face amount \$ _____]			

	Cash value		\$ _____	\$ _____	\$ _____
	Loan balance	\$ _____	\$ _____	\$ _____	\$ _____
5.	Real estate:				
	a. _____	\$ _____			
	Mortgage (\$/mo)	\$ _____			
	REC (\$/mo)	\$ _____			
	Cost of sale				
	(\$/%)	\$ _____	\$ _____	\$ _____	\$ _____
	b. _____	\$ _____			
	Mortgage (\$/mo)	\$ _____			
	REC (\$/mo)	\$ _____			
	Cost of sale				
	(\$/%)	\$ _____	\$ _____	\$ _____	\$ _____
6.	Vehicles:				
	a. _____	\$ _____			
	Lien (\$/mo)	\$ _____	\$ _____	\$ _____	\$ _____
	b. _____	\$ _____			
	Lien (\$/mo)	\$ _____	\$ _____	\$ _____	\$ _____
7.	Business assets		\$ _____	\$ _____	\$ _____
8.	Household furniture and goods		\$ _____	\$ _____	\$ _____
9.	Tax refunds		\$ _____	\$ _____	\$ _____
10.	IRA/Keogh/Annuity		\$ _____	\$ _____	\$ _____
11.	Retirement		\$ _____	\$ _____	\$ _____
12.	Retirement		\$ _____	\$ _____	\$ _____
13.	Other total assets		\$ _____	\$ _____	\$ _____
	Total assets		\$ _____	\$ _____	\$ _____
	DEBTS	(Mo/Pmt)	Value:	Petitioner:	Respondent:
1.	_____	\$(_____)	\$ _____	\$ _____	\$ _____

DO NOT FILE THIS PAGE: FOR PARTY USE ONLY

USE NOTE

1. Include all checking, savings, and money market accounts and certificates of deposit.

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001; 4A-131 recompiled and amended as 4A-214 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.]

STATE OF NEW MEXICO
 COUNTY OF BERNALILLO
 SECOND JUDICIAL DISTRICT

_____,
 Petitioner,

v.

No. _____

_____,
 Respondent.

SERVE THIS FORM ON THE OTHER PARTY. DO NOT FILE WITH THE COURT.

**SEPARATE
 PROPERTY AND DEBTS SCHEDULE**

ASSETS:

	Petitioner	Respondent
1. Checking & Savings Accounts:		
a. _____ Bk, Ck. # _____	\$ _____	\$ _____
b. _____ Bk, Sav. # _____	\$ _____	\$ _____
c. _____ CD # _____	\$ _____	\$ _____
d. _____ Cr Un # _____	\$ _____	\$ _____
2. Bonds/Stocks:		
a. _____ Sh. _____	\$ _____	\$ _____
b. _____ Sh. _____	\$ _____	\$ _____
3. Financial institution accounts: ¹		
a. _____ Account # _____	\$ _____	\$ _____
b. _____ Account # _____	\$ _____	\$ _____
c. _____ Account # _____	\$ _____	\$ _____
d. _____ Account # _____	\$ _____	\$ _____
4. Stocks, bonds and mutual funds:		
a. _____ Sh. _____	\$ _____	\$ _____
b. _____ Sh. _____	\$ _____	\$ _____
c. _____ Sh. _____	\$ _____	\$ _____
5. Insurance policies:		
a. Company _____		
Policy No. _____		

	Face amount	\$ _____		
	Cash value	\$ _____		
	Loan balance	\$ _____	\$ _____	\$ _____
b.	Company	_____		
	Policy No.	_____		
	Face amount	\$ _____		
	Cash value	\$ _____		
	Loan balance	\$ _____	\$ _____	\$ _____
6.	Real estate:			
	a. _____			
	Present value	\$ _____		
	Mortgage (\$/mo)	\$ _____		
	REC (\$/mo)	\$ _____	\$ _____	\$ _____
	b. _____			
	Present value	\$ _____		
	Mortgage (\$/mo)	\$ _____		
	REC (\$/mo)	\$ _____	\$ _____	\$ _____
7.	Vehicles:			
	a. _____		\$ _____	\$ _____
	Lien (\$/mo)		\$ _____	\$ _____
	b. _____		\$ _____	\$ _____
	Lien (\$/mo)		\$ _____	\$ _____
8.	Business assets		\$ _____	\$ _____
9.	Household furniture and goods		\$ _____	\$ _____
10.	Tax refunds		\$ _____	\$ _____
11.	IRA/Keogh/Annuity		\$ _____	\$ _____
12.	Retirement		\$ _____	\$ _____
13.	Retirement		\$ _____	\$ _____
14.	Other total assets		\$ _____	\$ _____
	Total Separate Assets:		\$ _____	\$ _____

DEBTS:

a. _____ \$ _____ \$ _____
b. _____ \$ _____ \$ _____
c. _____ \$ _____ \$ _____
d. _____ \$ _____ \$ _____

Total Separate Debts: \$ _____ \$ _____

NET SEPARATE PROPERTY: \$ _____ \$ _____

I, _____, affirm under penalty of perjury under the laws of the State of New Mexico that I am the [] Petitioner (or) [] Respondent in the above-entitled cause, and I know and understand that the contents of this Schedule are true to the best of my knowledge and belief.

Signature of party Date

Name (*print*)

Mailing address (*print*)

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

Telephone number

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001; 4A-132 recompiled and amended as 4A-215 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 (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) 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.]

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

_____,
Petitioner,

v.

No. _____

_____,
Respondent.

MARITAL SETTLEMENT AGREEMENT¹

_____ (*Petitioner's name*) and _____
(*Respondent's name*) are married and agree to follow this agreement beginning on the day we both sign it. We understand that the judge may make changes to this agreement and that we must comply with any changes made.

I. PROPERTY WE ARE DIVIDING²

A. Personal property (*such as clothing, furniture, jewelry, or artwork*). We have agreed how we will divide our property. We have attached a Personal Property List (Attachment A) showing all our property and which of us will receive that property.

(*Choose 1 or 2*)

1. Each of us already has possession of all the personal property we each expect to receive.

(*Or*)

2. We will make sure we each have our own property by _____
(*date*).

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

(*Choose all that apply*)

1. Neither of us owns real property.

2. We own a marital home, which is located at _____
_____ (street address), and we agree to
do the following:

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

a. **Keep the home.** We agree to the following:

(Choose i or ii)

i. Petitioner shall keep the home and be responsible for all debts
related to the home.

(Or)

ii. Respondent shall keep the home and be responsible for all debts
related to the home.

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

We further agree to the following:

(Choose all that apply)

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

iv. The homeowner will apply to refinance the debt owed on the home
no later than _____ (date).

v. This is our plan for the homeowner to buy out the moving spouse’s
interest in the home or to get the moving spouse off of the loan
papers:⁴

b. **Sell the home.** We are going to sell the home and divide the money from
the sale as follows:

_____.

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

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

_____.

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

_____.

c. **Other plan.** We have attached a separate sheet with our plan regarding the home.

3. One or both of us has other real property as set forth in the attached Real Property List (Attachment B), and we have agreed to divide that property as set forth in the attachment. If one party owes the other money for the division of the other real property, that amount should be included in the calculation of the Cash Payment, Section III, below.

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

(Choose 1 or 2)

1. We do not have any bank or investment accounts.

(Or)

2. We have the following bank or investment accounts and will divide them as follows:

Petitioner will have the following bank or investment accounts:

Name of institution	Last four (4) digits of account number
_____	_____
_____	_____
_____	_____

Respondent will have the following bank or investment accounts:

Name of institution	Last four (4) digits of account number
_____	_____
_____	_____
_____	_____

D. Retirement Plans (such as IRAs, retirement accounts, pension plans, or 401(k) plans).⁵

(Choose 1 or 2)

1. Neither of us has a retirement plan.

(Or)

2. We will be dividing our retirement plan(s) as follows:

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

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

(Check and complete if retirement plan(s) will be divided)

For the following retirement plans that will be divided, Petitioner shall prepare a Qualified Domestic Relations Order (“QDRO”), obtain the signature of the other party, and submit the QDRO to the Court by _____ (date).⁶ *(List the plans)*

For the following retirement plans that will be divided, Respondent shall prepare a Qualified Domestic Relations Order (“QDRO”), obtain the signature of the other party, and submit the QDRO to the Court by _____ (date).⁶ *(List the plans)*

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

(Choose 1 or 2)

1. We do not have any vehicles.

(Or)

2. We have vehicles and are dividing them as follows:

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

Vehicle description	Vehicle Identification No. (last six digits)
_____	_____
_____	_____
_____	_____

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

Vehicle description	Vehicle Identification No. (last six digits)
_____	_____
_____	_____
_____	_____

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

_____ (date).

(Or)

when the vehicle is paid off.

(Or)

the party who is keeping the vehicle already has the title in his/her name.

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

(Choose 1 or 2)

1. Neither party has any other property.

(Or)

2. One or both parties has the other property listed below, and we have agreed to divide it as follows:

II. DEBTS WE ARE DIVIDING⁸

A. Debt. We attach a Debt List (Attachment C) which lists all of our debts, including mortgages, vehicle payments, taxes, credit cards, student loans, medical debts, judgments, and any other debts we may have. Any debt not listed is the responsibility of the person who created it. Each of us will pay debts we created prior to our marriage, unless we state differently here. Unless we state differently here, a person who takes property (such as a house or car) with a debt associated with it, will take the debt.

(Choose all that apply)

We have no debt from our marriage.

We will pay our debts as listed on Attachment C.

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

B. Credit cards and charge cards. Each of us will turn in and cancel all joint credit cards, or we will have the credit card company take the other person's name off of the account.

C. Taxes. We will share information necessary to correctly file our income tax returns. We will get the help we need to file our taxes.

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

E. Legal promise. We understand that if either of us fails to pay the debts we have promised to pay, the other party may end up making that payment. If that happens, the party who should have paid promises to repay the other party, including any other extra costs caused by the failure to pay, such as attorney fees, late fees, and interest charged by the creditor.

III. CASH PAYMENT

(If the parties have agreed that one party should pay money to the other in any of the

preceding sections, those amounts should be included in this section.)

In order to settle the division of property and debts, we agree that _____ (*name*) shall pay _____ (*name*) the amount of \$ _____ no later than _____ (*date*). We agree that judgment shall enter in this amount for _____ (*name of person owed money*). The statutory interest rate shall apply as provided in Section 56-8-4(A) NMSA 1978.

IV. SPOUSAL SUPPORT⁹

A. We agree to spousal support as follows:

(Choose 1 or 2)

1. **No spousal support.** Each of us can support ourselves and neither will pay spousal support to the other.

(Or)

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

Spousal support will be paid as follows:

(Choose i, ii, or iii)

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

(Or)

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

(Or)

iii. This is our other plan:

V. OTHER STATEMENTS BY PARTIES

A. Documents. We will each sign the documents we need to divide the property and debts, and each will deliver to the other party all documents related to property and debt awarded to the other.

B. Future issues.¹⁰

1. Either of us may ask the judge for help if
 - a. one of us does not do what we said in this agreement; or
 - b. we cannot agree on what this agreement says.

We understand that the judge may make one party pay costs such as attorney fees.

2. If we forgot or failed to list any property or debt, we will seek the help we need to divide that property or debt.¹¹

C. Final agreement. This is the final and entire agreement of the parties. Neither party is relying on other promises or statements that are not specifically included in this document.

VERIFICATION

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

I have read this agreement and agree with everything in it; I have read the warnings and cautions listed in this agreement;

I have disclosed all assets and debts known to me, and I understand that my spouse is relying on my disclosures;

I have gotten the help I needed before signing this agreement; and this document and the statements in it are true and correct to the best of my knowledge and belief.

I understand that I can be punished both civilly and criminally if any information in this agreement is false.

Petitioner's signature

Respondent'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 petitioner.

Notary public
My commission expires: _____.

STATE OF NEW MEXICO
COUNTY OF _____

)
) ss.

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

Notary public
My commission expires: _____.

ATTACHMENT A: PERSONAL PROPERTY LIST

(Attach additional pages if needed)

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

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

ATTACHMENT B: REAL PROPERTY LIST

(Attach additional pages if needed)

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

Other Real Property

1. Address/Description of property: _____

We agree to do the following with the property after the divorce:

(Choose all that apply)

_____ Petitioner will keep the property;

_____ Respondent will keep the property;

_____ [] Petitioner [] Respondent shall pay the other party \$_____.

_____ The property will be sold and the proceeds divided as follows:

_____ Other plan:

2. Address/Description of property: _____

We agree to do the following with the property after the divorce:

(Choose all that apply)

_____ Petitioner will keep the property;

_____ Respondent will keep the property;

_____ [] Petitioner [] Respondent shall pay the other party \$_____.

_____ The property will be sold and the proceeds divided as follows:

_____ Other plan:

ATTACHMENT C: DEBT LIST

(Attach additional pages if needed)

(NOTE: This document is a public document. DO NOT list the full account number for any credit card or other loan information that you would not want to make public.)

We understand that this agreement may not bind creditors.

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

DO NOT FILE THIS PAGE: FOR PARTY USE ONLY

USE NOTE

1. A marital settlement agreement must be filed in every dissolution of marriage cause. *See* Forms 4A-100, -200, and -300 NMRA for additional information about completing and filing this form.
2. It is highly recommended that you consult with an attorney. Whether property is separate or community is a complicated issue. There can be serious consequences, including tax consequences, for the division of property and for not properly transferring property, including retirement accounts. You may need separate documents to transfer divided property.
3. To transfer land, a building or a home other than a mobile home, the parties must prepare, sign and record a deed in the real property records where the property is located. To transfer a mobile home, contact the Motor Vehicle Division.
4. If both parties are listed on the mortgage, you must seek lender approval to remove the moving spouse from the mortgage and from responsibility for payment.
5. If the parties are going to divide a retirement plan, contact the retirement plan before completing and filing this form. Depending on the plan, a QDRO may be necessary. If the parties cannot agree on the terms of the QDRO, they should request a hearing.
6. CAUTION: You may want to consult an attorney about your retirement, pension, deferred compensation, 401k plans, and/or benefits. If you do not see an attorney regarding these assets, you risk losing any interest you have in these plans and/or benefits. There are certain documents the plan administrator must have. An attorney can help you prepare these documents.
7. To transfer vehicles or a mobile home, contact the Motor Vehicle Division.
8. This agreement may not affect the rights of creditors even when approved by the Court as part of the final decree. The creditor may expect payment from you no matter who agrees to pay the debt in this agreement. See an attorney if you have questions about separate and community debts and separate and community property.
9. There can be serious consequences resulting from spousal support awards. If your agreement includes spousal support, you should consult with an attorney.
10. Consult with an attorney if problems arise later.
11. To divide property or debts left out of this agreement, *see* Section 40-4-20(A) NMSA 1978.

[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; as amended by Supreme Court Order No. 19-8300-006, effective for all pleadings and papers filed on or after July 1, 2019.]

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

_____,
Petitioner

v.

No. _____

_____,
Respondent.

WAGE WITHHOLDING ORDER
(domestic relations actions)

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, 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.

IT IS SO ORDERED.

Date

District judge

APPROVED:

Mother's signature: _____

Mailing address: _____

Telephone: _____

Father's signature: _____

Mailing address: _____

Telephone: _____

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 enforced under Title IV-D of the Social Security Act
- all child support orders initially issued in the state on or after January 1, 1994, and
- all child support orders 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 section 466(b)(6)(a)(ii) of the Social Security Act. **Except as noted, the following information is required and must be included.**

Please note:

- For the purpose of this IWO form and these instructions, “state” is defined as a state or territory.
- Dos and don'ts on using this form are found at www.acf.hhs.gov/css/resource/using-the-income-withholding-for-support-form-dos-and-donts.

COMPLETED BY SENDER:

- 1a. **Income Withholding Order/Notice for Support (IWO).** Check the box if this is an initial 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 after receiving notification from an employer/income withholder or other source. 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 a child support order. 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 www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-requirements) 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. The IWO must be rejected and returned to sender under the following circumstances:

- IWO instructs the employer/income withholder to send a payment to an entity other than a state disbursement unit (for example, 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.
- 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 support 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 field 1i.
- 1h. **Remittance ID (include w/payment).** Identifier that employers/income withholders must include when sending payments for this IWO. The Remittance ID 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 ID when remitting payments so the SDU or tribe can identify and apply the payment correctly. The Remittance ID is entered as the case identifier on the EFT/EDI record.

COMPLETED BY SENDER:

- 1i. **City/County/Dist./Tribe. Optional** field for the name of the city, county, or district sending this form. If entered, this must be a government 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. If a tribe is submitting this form on behalf of another tribe, enter the name of that tribe.
- 1j. **Order ID.** Unique identifier 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. **Case ID.** Unique identifier assigned to a state or tribal CSE case. In a state IV-D case as defined at 45 Code of Federal Regulations (CFR) 305.1, this is the identifier reported to the Federal Case Registry (FCR). One IWO must be issued for each IV-D case and must use the unique CSE Agency Case ID. 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 Agency Income Withholding Contacts and Program Information at www.acf.hhs.gov/css/resource/federal-agency-iwo-and-medical-contact-information.
- 2c. **Employer/Income Withholder's FEIN.** Employer/income withholder's nine-digit Federal Employer Identification Number (if available).

- 3a. **Employee/Obligor's Name.** Employee/obligor's last name and first name. A middle name is **optional**.
- 3b. **Employee/Obligor's Social Security Number.** Employee/obligor's Social Security number or other taxpayer identification number.
- 3c. **Employee/Obligor's Date of Birth.** Employee/obligor's date of birth is **optional**.
- 3d. **Custodial Party/Obligee's Name.** Custodial party/obligee's last name and first name. A middle name is **optional**. Enter one custodial party/obligee's name on each IWO form. Multiple custodial parties/obligees are not to be entered on a single IWO. Issue one IWO per state IV-D case as defined at 45 CFR 305.1.
- 3e. **Child(ren)'s Name(s).** Child(ren)'s last name(s) and first name(s). A middle name(s) is **optional**. (Note: If there are more than six children for this IWO, list additional children's names and birth dates in the **Supplemental Information** section). Enter the child(ren) associated with the custodial party/obligee and employee/obligor only. Child(ren) of multiple custodial parties/obligees is not to be entered on an IWO.
- 3f. **Child(ren)'s Birth Date(s).** Date of birth for each child named.
- 3g. **Blank box.** Space for court stamps, bar codes, or other information.

ORDER INFORMATION – Field 4 identifies which state or tribe issued the order. Fields 5 through 12 identify the dollar amounts for specific kinds of support (taken directly from the support order) and the total amount to withhold for specific time periods.

- 4. **State/Tribe.** Name of the state or tribe that issued the support order.
- 5a-b. **Current Child Support.** Dollar amount to be withheld **per** the time period (for example, week, month) specified in the underlying support order.
- 6a-b. **Past-due Child Support.** Dollar amount to be withheld **per** the time period (for example, week, month) specified in the underlying support order.
- 6c. **Arrears Greater Than 12 Weeks?** The appropriate box (Yes/No) must be checked indicating whether arrears are greater than 12 weeks.
- 7a-b. **Current Cash Medical Support.** Dollar amount to be withheld **per** the time period (for example, week, month) specified in the underlying support order.
- 8a-b. **Past-due Cash Medical Support.** Dollar amount to be withheld **per** the time period (for example, week, month) specified in the underlying support order.
- 9a-b. **Current Spousal Support.** (Alimony) Dollar amount to be withheld **per** the time period (for example, week, month) specified in the underlying support order.
- 10a-b. **Past-due Spousal Support.** (Alimony) Dollar amount to be withheld **per** the time period (for example, week, month) specified in the underlying order.
- 11a-c. **Other.** Miscellaneous obligations dollar amount to be withheld **per** the time period (for example, week, month) specified in the underlying order. **Must specify** a description of the obligation (for example, court fees).
- 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.

NOTE TO EMPLOYER/INCOME WITHHOLDER:

An acceptable method of determining the amount to be paid on a weekly or biweekly basis is to multiply the monthly amount due by 12 and divide that result by the number of pay periods in a year. Additional information about this topic is available in [Action Transmittal 16-04](https://www.acf.hhs.gov/css/resource/correctly-withholding-child-support-from-weekly-and-biweekly-pay-cycles), Correctly Withholding Child Support from Weekly and Biweekly Pay Cycles (<https://www.acf.hhs.gov/css/resource/correctly-withholding-child-support-from-weekly-and-biweekly-pay-cycles>).

COMPLETED BY SENDER:

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 withheld when the IWO is used to attach a lump sum payment. This field should be used when field 1c is checked.
- 15. **Document Tracking ID.** **Optional** unique identifier for this form assigned by the sender.

Please Note: Employer's Name, FEIN, Employee/Obligor's Name and SSN, Case ID, and Order ID must appear in the header on page two and subsequent pages.

REMITTANCE INFORMATION - Payments are forwarded to the SDU in each state, unless the initial child support order was entered by a state before January 1, 1994 and never modified, accrued arrears, or was enforced by a child support agency or 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.

- 16. **State/Tribe.** Name of the state or tribe sending this document.
- 17. **Days.** Number of days after the effective date noted in field 18 in which withholding must begin according to the state or tribal laws/procedures for the employee/obligor's principal place of employment.
- 18. **Date.** Effective date of this IWO.
- 19. **Business Days.** Number of business 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.
- 20. **Percentage of Disposable Income.** The percentage of disposable income that may be withheld from the employee/obligor's paycheck. It is the sender's responsibility to determine the percentage an employer/income withholder is required to withhold.

NOTE TO EMPLOYER/INCOME WITHHOLDER:

The employer/income withholder may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act [15 USC §1673(b)]; or 2) the amounts allowed by the jurisdiction of the employee/obligor's principal place of employment (i.e., the amounts allowed by state law if the employee/obligor's principal place of employment is in a state; or the amounts allowed by tribal law if the employee/obligor's principal place of employment is under tribal jurisdiction). State-specific withholding limitations, time requirements, and any allowable employer fees are available at www.acf.hhs.gov/css/resource/state-income-withholding-contacts-and-program-requirements. For tribe-specific contacts, payment addresses, and withholding limitations, please contact the tribe at www.acf.hhs.gov/sites/default/files/programs/css/tribal_agency_contacts_printable_pdf.pdf or https://www.bia.gov/tribalmmap/DataDotGovSamples/tld_map.html.

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 CFR 581.103.

COMPLETED BY SENDER:

21. **State/Tribe.** Name of the state or tribe sending this document.
22. **Locator Code.** Geographic Locator Codes are standard codes for states, counties, and cities issued by the National Institute of Standards and Technology. These were formerly known as Federal Information Processing Standards (FIPS) codes.
23. **SDU/Tribal Order Payee.** Name of SDU (or payee specified in the underlying tribal support order) to which payments must be sent.
24. **SDU/Tribal Payee Address.** Address of the SDU (or payee specified in the underlying tribal support order) to which payments must be sent.

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 as indicated on page 1 of these instructions.

COMPLETED BY SENDER IF REQUIRED BY STATE OR TRIBAL LAW:

26. **Signature of Judge/Issuing Official.** Signature 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.** Date the judge/issuing official signs this IWO.
30. **Copy of IWO checkbox.** Check this box for all intergovernmental IWOs. 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. **Supplemental Information.** Any state-specific information needed, such as maximum withholding percentage for nonemployees/independent contractors, 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.

- 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 Telephone Number.** Last known (home/cell/other) telephone 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 Telephone Number.** Telephone number of the contact person.
44. **Issuer Fax Number.** **Optional** fax number of the contact person.
45. **Issuer Email/Website.** **Optional** email or website of the contact person.
46. **Issuer Address (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 Telephone Number.** Telephone number of the contact person.
49. **Issuer Fax Number. Optional** fax number of the contact person.
50. **Issuer Email/Website. Optional** email or website of the contact person.

Encryption Requirements:

When communicating the Income Withholding for Support (IWO) through electronic transmission, precautions must be taken to ensure the security of the data. Child support agencies are encouraged to use the electronic applications provided by the federal Office of Child Support Enforcement. Other electronic means, such as encrypted attachments to emails, may be used if the encryption method is compliant with Federal Information Processing Standard (FIPS) Publication 140-2 (FIPS PUB 140-2).

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 burden for this collection of information is estimated to average 5 minutes per response for Non-IV-D CPs; 2 minutes per response for employers; 3 seconds for e-IWO employers, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

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.

INCOME WITHHOLDING FOR SUPPORT

- 1a** **INCOME WITHHOLDING ORDER/NOTICE FOR SUPPORT (IWO)**
1b **AMENDED IWO**
1c **ONE-TIME ORDER/NOTICE FOR LUMP SUM PAYMENT**
1d **TERMINATION OF IWO**

Date: _____ **1e** _____

1f 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 www.acf.hhs.gov/css/resource/income-withholding-for-support-instructions). If you receive this document from someone other than a state or tribal CSE agency or a court, a copy of the underlying support order must be attached.

State/Tribe/Territory _____ **1g** Remittance ID (include w/payment) _____ **1h**
 City/County/Dist./Tribe _____ **1i** Order ID _____ **1j**
 Private Individual/Entity _____ **1k** Case ID _____ **1l**

<p style="text-align: center;">2a</p> <p>Employer/Income Withholder's Name _____</p> <p style="text-align: center;">2b</p> <p>Employer/Income Withholder's Address _____</p> <p>_____</p> <p>_____</p> <p>Employer/Income Withholder's FEIN _____ 2c</p> <p>Child(ren)'s Name(s) (Last, First, Middle) _____ 3e</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p style="text-align: center;">3a</p> <p>RE: Employee/Obligor's Name (Last, First, Middle) _____</p> <p style="text-align: center;">3b</p> <p>Employee/Obligor's Social Security Number _____</p> <p style="text-align: center;">3c</p> <p>Employee/Obligor's Date of Birth _____</p> <p style="text-align: center;">3d</p> <p>Custodial Party/Obligee's Name (Last, First, Middle) _____</p>
<p>Child(ren)'s Birth Date(s) _____ 3f</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<div style="border: 1px solid black; width: 100%; height: 100%; display: flex; align-items: center; justify-content: center;"> <p style="font-size: 2em; margin: 0;">3g</p> </div>

ORDER INFORMATION: This document is based on the support order from _____ **4** _____ (State/Tribe). You are required by law to deduct these amounts from the employee/obligor's income until further notice.

\$ _____ 5a	Per _____ 5b	current child support	
\$ _____ 6a	Per _____ 6b	past-due child support - Arrears greater than 12 weeks? <input type="checkbox"/> Yes <input type="checkbox"/> No	6c
\$ _____ 7a	Per _____ 7b	current cash medical support	
\$ _____ 8a	Per _____ 8b	past-due cash medical support	
\$ _____ 9a	Per _____ 9b	current spousal support	
\$ _____ 10a	Per _____ 10b	past-due spousal support	
\$ _____ 11a	Per _____ 11b	other (must specify) _____	11c

for a **Total Amount to Withhold** of \$ _____ **12a** per _____ **12b** .

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:

\$ _____ **13a** per weekly pay period \$ _____ **13b** per semimonthly pay period (twice a month)
 \$ _____ **13c** per biweekly pay period (every two weeks) \$ _____ **13d** per monthly pay period
 \$ _____ **14** **Lump Sum Payment:** Do not stop any existing IWO unless you receive a termination order.

Document Tracking ID _____ **15** _____

Employer's Name: 2a Employer FEIN: 2c
 Employee/Obligor's Name: 3a SSN: 3b
 Case Identifier: 1i Order Identifier: 1j

REMITTANCE INFORMATION: If the employee/obligor's principal place of employment is 16 (State/Tribe), you must begin withholding no later than the first pay period that occurs 17 days after the date of 18. Send payment within 19 business days of the pay date. If you cannot withhold the full amount of support for any or all orders for this employee/obligor, withhold 20 % of disposable income for all orders. If the obligor is a non-employee, obtain withholding limits from Supplemental Information. If the employee/obligor's principal place of employment is not 21 (State/Tribe), obtain withholding limitations, time requirements, and any allowable employer fees from the jurisdiction of the employee/obligor's principal place of employment. State-specific withholding limit information is available at www.acf.hhs.gov/css/resource/state-income-withholding-contacts-and-program-requirements. For tribe-specific contacts, payment addresses, and withholding limitations, please contact the tribe at www.acf.hhs.gov/sites/default/files/programs/css/tribal_agency_contacts_printable_pdf.pdf or https://www.bia.gov/tribalmap/DataDotGovSamples/tld_map.html.

For electronic payment requirements and centralized payment collection and disbursement facility information [State Disbursement Unit (SDU)], see www.acf.hhs.gov/css/employers/employer-responsibilities/payments.

Include the Remittance ID with the payment and if necessary this locator code: 22.

Remit payment to <u>23</u>	(SDU/Tribal Order Payee)
at <u>24</u>	(SDU/Tribal Payee Address)

25 **Return to Sender (Completed by Employer/Income Withholder).** Payment must be directed to an SDU in accordance with sections 466(b)(5) and (6) of the Social Security Act 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.

If Required by State or Tribal Law:	
Signature of Judge/Issuing Official: _____	<u>26</u>
Print Name of Judge/Issuing Official: _____	<u>27</u>
Title of Judge/Issuing Official: _____	<u>28</u>
Date of Signature: _____	<u>29</u>

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.

30 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 www.acf.hhs.gov/css/resource/state-income-withholding-contacts-and-program-requirements.

Employers/income withholders may use OCSE's Child Support Portal (<https://ocsp.acf.hhs.gov/csp/>) to provide information about employees who are eligible to receive a lump sum payment, have terminated employment, and to provide contacts, addresses, and other information about their company.

Priority: Withholding for support has priority over any other legal process under State law against the same income (section 466(b)(7) of the Social Security Act). 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.

Employer's Name: _____ **2a** _____ Employer FEIN: _____ **2c** _____
Employee/Obligor's Name: _____ **3a** _____ SSN: _____ **3b** _____
Case Identifier: _____ **1i** _____ Order Identifier: _____ **1j** _____

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.

31

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.

32

Withholding Limits: You may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (CCPA) [15 USC §1673 (b)]; or 2) the amounts allowed by the law of the state of the employee/obligor's principal place of employment, if the place of employment is in a state; or the tribal law of the employee/obligor's principal place of employment if the place of employment is under tribal jurisdiction. Disposable income is the net income after 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.

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

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

Supplemental Information:

33

Employer's Name: _____ **2a** _____ Employer FEIN: _____ **2c** _____
Employee/Obligor's Name: _____ **3a** _____ SSN: _____ **3b** _____
Case Identifier: _____ **1i** _____ Order Identifier: _____ **1j** _____

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, you must promptly notify the CSE agency and/or the sender by returning this form to the address listed in the contact information below:

34a This person has never worked for this employer nor received periodic income.

34b This person no longer works for this employer nor receives periodic income.

Please provide the following information for the employee/obligor:

Termination date: _____ **35** _____ Last known telephone number: _____ **36** _____

Last known address: _____ **37** _____

Final payment date to SDU/Tribal Payee: _____ **38** _____ Final payment amount: _____ **39** _____

New employer's name: _____ **40** _____

New employer's address: _____ **41** _____

CONTACT INFORMATION:

To Employer/Income Withholder: If you have questions, contact _____ **42** _____ (issuer name)

by telephone: _____ **43** _____, by fax: _____ **44** _____, by email or website: _____ **45** _____.

Send termination/income status notice and other correspondence to:
_____ **46** _____ (issuer address).

To Employee/Obligor: If the employee/obligor has questions, contact _____ **47** _____ (issuer name)

by telephone: _____ **48** _____, by fax: _____ **49** _____, by email or website: _____ **50** _____.

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

Encryption Requirements:

When communicating this form through electronic transmission, precautions must be taken to ensure the security of the data. Child support agencies are encouraged to use the electronic applications provided by the federal Office of Child Support Enforcement. Other electronic means, such as encrypted attachments to emails, may be used if the encryption method is compliant with Federal Information Processing Standard (FIPS) Publication 140-2 (FIPS PUB 140-2).

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.

INCOME WITHHOLDING FOR SUPPORT

- 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 www.acf.hhs.gov/css/resource/income-withholding-for-support-instructions). If you receive this document from someone other than a state or tribal CSE agency or a court, a copy of the underlying support order must be attached.

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

_____ Employer/Income Withholder's Name	RE: _____ Employee/Obligor's Name (Last, First, Middle)
_____ Employer/Income Withholder's Address	_____ Employee/Obligor's Social Security Number
_____ Employer/Income Withholder's FEIN	_____ Employee/Obligor's Date of Birth
_____ Child(ren)'s Name(s) (Last, First, Middle)	_____ Child(ren)'s Birth Date(s)
_____ _____ _____ _____ _____	_____ _____ _____ _____ _____

ORDER INFORMATION: This document is based on the support 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.

Document Tracking ID _____

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

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 _____ business days of the pay date. If you cannot withhold the full amount of support for any or all orders for this employee/obligor, withhold _____% of disposable income for all orders. If the obligor is a non-employee, obtain withholding limits from Supplemental Information. If the employee/obligor's principal place of employment is not _____ (State/Tribe), obtain withholding limitations, time requirements, and any allowable employer fees from the jurisdiction of the employee/obligor's principal place of employment. State-specific withholding limit information is available at www.acf.hhs.gov/css/resource/state-income-withholding-contacts-and-program-requirements. For tribe-specific contacts, payment addresses, and withholding limitations, please contact the tribe at www.acf.hhs.gov/sites/default/files/programs/css/tribal_agency_contacts_printable_pdf.pdf or https://www.bia.gov/tribalmap/DataDotGovSamples/tld_map.html.

For electronic payment requirements and centralized payment collection and disbursement facility information [State Disbursement Unit (SDU)], see www.acf.hhs.gov/css/employers/employer-responsibilities/payments.

Include the Remittance ID with the payment and if necessary this locator 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 sections 466(b)(5) and (6) of the Social Security Act 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.

If Required by State or Tribal Law: Signature of Judge/Issuing Official: _____ 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 www.acf.hhs.gov/css/resource/state-income-withholding-contacts-and-program-requirements.

Employers/income withholders may use OCSE's Child Support Portal (<https://ocsp.acf.hhs.gov/csp/>) to provide information about employees who are eligible to receive a lump sum payment, have terminated employment, and to provide contacts, addresses, and other information about their company.

Priority: Withholding for support has priority over any other legal process under State law against the same income (section 466(b)(7) of the Social Security Act). 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.

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

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.

Withholding Limits: You may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (CCPA) [15 USC §1673 (b)]; or 2) the amounts allowed by the law of the state of the employee/obligor's principal place of employment, if the place of employment is in a state; or the tribal law of the employee/obligor's principal place of employment if the place of employment is under tribal jurisdiction. Disposable income is the net income after 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.

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

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

Supplemental Information:

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

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, you 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 telephone 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 questions, contact _____ (issuer name)

by telephone: _____, by fax: _____, by email or website: _____.

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

To Employee/Obligor: If the employee/obligor has questions, contact _____ (issuer name)

by telephone: _____, by fax: _____, by email or website: _____.

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

Encryption Requirements:

When communicating this form through electronic transmission, precautions must be taken to ensure the security of the data. Child support agencies are encouraged to use the electronic applications provided by the federal Office of Child Support Enforcement. Other electronic means, such as encrypted attachments to emails, may be used if the encryption method is compliant with Federal Information Processing Standard (FIPS) Publication 140-2 (FIPS PUB 140-2).

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.

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

Petitioner,

v.

No. _____

Respondent.

FINAL DECREE OF DISSOLUTION OF MARRIAGE
(without children)¹

This matter was brought before the Court to enter a Final Decree of Dissolution of Marriage by Petitioner and Respondent (“the parties”).

This decree references a Marital Settlement Agreement that has been signed and filed by the parties, and that settles the claims related to their marital relationship.

The Court, having considered the evidence FINDS AND CONCLUDES:

1. The Court has jurisdiction over the subject matter of this action and over the parties.
2. The parties were married on _____ (*date of marriage*).
3. The parties are incompatible.
4. The Marital Settlement Agreement is fair and reasonable and should be adopted by the Court.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

1. The marriage of Petitioner and Respondent is dissolved on the grounds of incompatibility.
2. The parties are ordered to comply with the terms of the Marital Settlement Agreement, which has been filed with the Court and is incorporated here by reference.

(Select and complete the following paragraphs if applicable)

3. The Court retains jurisdiction to enter QDROs or other orders dividing the retirement plans referenced in the Marital Settlement Agreement.
4. Judgment in favor of Petitioner (or) Respondent is awarded in the amount of \$ _____, as set forth in Section III of the Marital Settlement Agreement

(Cash Payment). The statutory interest rate shall apply as provided in Section 56-8-4(A) NMSA 1978.

[] 5. Petitioner's name is restored to the former name of _____
(write full legal name).

[] 6. Respondent's name is restored to the former name of _____
(write full legal name).

SO ORDERED:

District Court Judge

By signing below I affirm under penalty of perjury under the laws of the State of New Mexico that everything in this document is true and correct to the best of my knowledge, information and belief, including the following:

1. **Right to trial is waived.** I understand that by signing the Final Decree, I am waiving my right to a trial before a Judge.

2. **No duress or coercion; complete agreement.** I am not under force, threats, duress, coercion or undue influence from anyone, including the other party, to sign this Final Decree. This Decree and any attachments that I have signed is our full agreement. I have not agreed to something different from what is stated in writing in this Decree.

3. **Legal advice.** I understand that even if I am representing myself without an attorney, I have the right to be represented by an attorney. I have the right to call an attorney and get legal advice before I sign this Final Decree.

Petitioner's signature

Respondent's signature

Date: _____

Date: _____

Mailing address: _____

Mailing address: _____

Telephone: _____

Telephone: _____

DO NOT FILE THIS PAGE: FOR PARTY USE ONLY

USE NOTE

1. This form may be used anywhere in this state by the court to enter a final decree of dissolution of marriage when the parties do not have minor children or a child under nineteen years of age who is attending high school.

[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 or 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. 16-8300-020, effective for all pleadings and papers filed on or after December 31, 2016; as amended by Supreme Court Order No. 19-8300-006, effective for all pleadings and papers filed on or after July 1, 2019.]