

STARTING A CONTESTED DIVORCE WITH CHILDREN

Instructions for Divorce Forms

STEP 1	<p>Complete the following forms that are provided 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>
STEP 2	<p>Preparing for Service of Process: per NMRA 4A-100 (J)(1)(2) Domestic Relations Forms;</p> <p>J. Serving the summons packet. <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>
STEP 3	<p>The Respondent has 30 days to respond to the petition after service.</p> <p>Has Respondent filed a response? If yes, proceed with STEP 4.</p> <p>If no, proceed with to Step 5 (Default). If yes, proceed to STEP 5</p>
***NOTE	<p>IN ORDER TO COMPLETE STEPS 4 AND 5, RETURN TO THE SECOND JUDICIAL DISTRICT COURT, CENTER FOR SELF HELP AND DISPUTE RESOLUTION, OR CONTACT US AT 505-841-6702. YOU MAY ALSO VISIT OUR WEBSITE AT seconddistrictcourt.nmcourts.gov, TO DOWNLOAD PACKETS AND FORMS AT NO COST. PACKETS/FORMS OBTAINED THROUGH OUR OFFICE MAY REQUIRE A FEE.</p>
STEP 4	<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.</p> <p style="text-align: center;">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.</p>
STEP 1	<p>Starting your contested action (when parties CANNOT come to an agreement on key issues to end the marriage)</p>
STEP 4	<p>Finalizing your case</p>

or

C) If both parties are in agreement to all the issues, and are willing to sign the *Marital Settlement Agreement* and the *Final Decree of Dissolution of Marriage*, submit the documents to the Domestic Relations Clerk's Office. In cases involving minor children, you must also submit a *Child Custody Plan*, *Child Support Obligation*, *Child Support Worksheet* and *Wage Withholding Order*.

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.**

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.

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.

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!

or

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 *Marital Settlement Agreement (Custody Plan, Child Support Obligation, and Child Support Worksheet* if there are children involved) and *Final Decree of Dissolution of Marriage*, and bring them with you to the hearing. **To complete this step, complete the Request for Hearing/Notice of Hearing included within this packet.**

STEP 5

Default

Respondent failed to file a response with the court. You may file a:

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.

OR:

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 *Marital Settlement Agreement (Custody Plan, Child Support Obligation, and Child Support Worksheet* if there are children involved) and *Final Decree of Dissolution of Marriage* and bring them with you to the hearing.

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) **Acontested 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) **Acreditor@** means a person, agency, bank, or business to whom a debt is owed;

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

(4) **Adebt@** 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) **Adefault@** 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) **Adissolution of marriage@** means a divorce;

(7) **Adivorce proceeding@** means the judicial process used to get a divorce;

(8) **Aminor 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) **Aparenting 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) **Aparty@** means a spouse named in a divorce proceeding;

(11) **Apetition for dissolution of marriage@** means the document that requests a divorce;

(12) **Apetitioner@** means the first party named on a petition for dissolution of marriage. This person is referred to as a **Apetitioner@** solely for purposes of identifying the parties in the court system;

(13) **Aproperty@** 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) **Arespondent@** means the second party named on a petition in a domestic relations proceeding;

(15) *Aservice@* or *Aservice 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) *Asummons@* 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) *Asummons 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) *Atemporary 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) *Atime 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) *Auncontested 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) *Awage 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 4209A 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.]

SERVICE INFORMATION SHEET

Service means providing legal notice to the other party/parties. It is the sole responsibility of the petitioner to have the summons packet served on the respondent (the other parent) and to provide proof that the service was completed. The court is not responsible for serving documents on any party.

PROCEDURE

1. Assemble a service packet by putting together a copy of the *Petition* and a copy of the *Summons*.
2. Arrange for service by one of the following methods:

a. **Personal Service Using One Of These:**

- i. Sheriff/Law Enforcement (must be from the County where Respondent lives in)
- ii. Process Server (may see yellow pages, internet and/or Self Help Center for a list of these)
- iii. Person over 18 yrs. Of age who is not a party to the case.

Note: The person who served the respondent must sign the *Return of Service* (second page of the *Summons*) 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 need not be notarized. You must return the signed *Return of Service* to the court and file it.

b. **Mail**

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

c. **Newspaper**

- i. 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.

3. File the file the original *Summons* and completed *Return of Service* that was issued by the Clerk, an *Affidavit of Service (mail)*, or an *Affidavit of Publication*. This step proves to the court that the other party was given notice of the legal proceeding. 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 Court Clerk's Office.

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 your case. For additional information governing Service of Process, you can refer to NMRA Rule 1-004 and/or visit the Second Judicial District Court, Center for Self Help and Dispute Resolution in room 119 for proper forms and further instruction.

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)*: _____

Respondent

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

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

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

Name: _____ Name: _____
(Last name, first, middle) *(Last name, first, middle)*
Date of birth: _____ Date of birth: _____
Social Security number: _____ Social Security number: _____

Name: _____ Name: _____
(Last name, first, middle) *(Last name, first, middle)*
Date of birth: _____ Date of birth: _____
Social Security number: _____ Social Security number: _____

D. Request to limit access to information.

(Optional - complete only if applicable)

The [petitioner] [respondent] has reason to fear domestic violence or child abuse. For this reason, please limit access to information about the [petitioner] [respondent] in the Child Support & Paternity Case Registry to the extent possible.⁴ The [petitioner] [respondent] realizes that this request may make it more difficult to assist in collecting child support. The [petitioner] [respondent] understands that the other party and the public might still view information about this case under some circumstances.

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

Signature of Petitioner

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 re-keying the form it must appear substantially in the same format as the Supreme Court approved form. Type or print only. If using a word processing system, please print your answers in bold.

2. Unless there are more than four children, the Information Sheet is to be submitted on a single page. The clerk will key-enter the information on the Information Sheet. The Information Sheet will not be filed in the court file.

3. If the party has more than one social security number, please include it. Pursuant to Sections 27-1-10 and 27-1-11 NMSA 1978 and federal law, each party must submit the social security number of each party as well as the name, date of birth and social security number for each minor child. This information will be provided to the State Case Registry and, upon request, to child support enforcement agencies. The parties' addresses and social security numbers are also used to accurately identify and track court users, obtain feedback from court users on a periodic basis and to issue process in contempt proceedings. Addresses provided on this page will not be made a part of the public record unless that party is or becomes self represented.

4. The Child Support & Paternity Case Registry is a required, nationwide database of child support and paternity orders. Access to registry information is strictly limited to court and child support administrative personnel. Requesting that your registry information be "nondisclosed" does not prevent authorized parties from reviewing the information. Rather, it alerts courts and child support administrative personnel to act with caution when viewing your information. However, be aware that requesting "nondisclosure" of registry information does not limit access to your official district court case file which is a public record. If you are concerned about such access, ask your lawyer, or the court clerk if you do not have a lawyer, about ways in which the court may restrict access to your court file. [Provisionally approved as 4-211 NMRA, effective November 1, 1999 until November 1, 2000; approved, as amended, effective November 1, 2000; as amended by Supreme Court Order No. 13-8300-010, effective for all pleadings and papers filed on or after May 31, 2013, in all cases pending or filed on or after May 31, 2013; as amended by Supreme Court Order No. 14-8300-011, effective for all cases filed on or after December 31, 2014.]

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

Petitioner,

v.

No. _____

Respondent.

**PETITION FOR DISSOLUTION OF MARRIAGE
(WITH 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 have _____ child/children:

Name	Year of Birth	Age
A. _____	_____	_____
B. _____	_____	_____
C. _____	_____	_____
D. _____	_____	_____
6. Choose only one:
_____ There are no more children expected.
_____ The parties are expecting another child/children.
7. The minor child/children have been residents of the state of New Mexico for at least the past six (6) months and jurisdiction to determine custody issues is present in the state of New Mexico. New Mexico is the home state of the child/children.
8. Petitioner's current address is:
_____ .

Respondent's current address is: _____ .

_____ .
The current address of each child under the age of eighteen (18) is (*list name and address of each child*):

_____ .
9. For the last five (5) years, list the names of the persons with whom each child under the age of eighteen (18) named in paragraph 6 above has resided, and the dates at each residence for each child:

_____ .
10. Petitioner has information about custody proceeding(s) involving the minor child/children either pending or in the past in a court in this state or any other state. (*Choose one*)

_____ Yes

_____ No

If yes, provide court information:

_____ .

11. Choose only one:

_____ Petitioner has not participated as a party, witness, or in any other capacity in any other litigation concerning the custody of the minor child/children in New Mexico or in any other jurisdiction and/or state.

OR

_____ Petitioner has participated as a party, witness, or in some other capacity in other litigation concerning the custody of the minor child/children. List all case names including names of parties, name of court, location of the court, and court case number:

_____ .

12. Someone other than Respondent and me has physical custody of the minor child/children or claims to have custody or visitation rights with respect to the minor child/children. (*Choose one*)

_____ Yes

_____ No

If yes, list the name of any such individual(s):

_____ .

13. Choose only one:

_____ Petitioner and Respondent are fit and proper persons to have joint legal custody of the minor child/children, with the rights and responsibilities identified in Paragraphs F and J of Section 40-4-9.1 NMSA 1978, and subject to a parenting

plan that is consistent with the best interests of the child/children.

OR

_____ Petitioner is a fit and proper person to have sole legal custody of the child/children and is able to show the Court why sole legal custody is appropriate for the child/children.

14. The parties should be ordered to contribute to the support and maintenance of the parties' child/children pursuant to the New Mexico Child Support Guidelines.
15. Any sole and separate property or debts of the parties should be confirmed by the Court.
16. Any community property of the parties should be equitably divided.
17. Any community debts of the parties should be equitably allocated.
18. CIRCLE ONE: My spouse [is] [is not] a member of the military.
19. 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.
20. 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. (*Choose only one*)
_____ Award joint legal custody of the child/children and adopt a parenting plan in the child/children's best interests;
OR
_____ Award sole legal custody of the child/children to Petitioner/Respondent (*circle one*), with visitation for the other parent that is consistent with the best interests of the child/children;
- C. Order the parties to contribute to the support and maintenance of the parties' minor child/children pursuant to the New Mexico Child Support Guidelines;
- D. Confirm the separate property and separate debts of the parties;
- E. Equitably divide the community property and community debt of the parties;
- F. Order the Respondent to pay spousal support (*cross out if this does not apply*);
- G. Order that Petitioner's name be restored to his/her former name of _____ (*cross out if this does not apply*); and
- H. Provide for such other and further relief as the Court may deem just and proper.

Submitted by:

Name

Street/ mailing 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

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.]