

Procedure for Filing a Contested Custody Case

1. Prepare a *Petition to Establish Parentage, Determine Custody and Time-Sharing, and Assess Child Support* and a *Summons*. Prepare an original set of documents plus two (2) sets of copies of each form. Documents which number more than one page must be stapled separately. Sort the documents according to title, place the original on top of its copy and then paper clip them together. For example: Place the original *Petition* on top of the stapled copies and then paper clip them together. Repeat the same for the *Summons*. In addition, the Court requires a completed *Domestic Relations Information Sheet* at the time of filing.

2. Submit your documents for filing to the Domestic Relations Division, Room 240, second floor, of the Bernalillo County Courthouse, at 400 Lomas Blvd. NW between the hours of 8:00 A.M. - 4:00 P.M., Monday through Friday. There is a required filing fee of \$137.00. Cash, money order, or cashier's check are acceptable forms of payments. Personal checks and credit cards are not accepted.

3. When you file your documents, the case will be randomly assigned a judge through the computer and given a case number. The clerk will file the original *Petition* and endorse stamp the copies. The original *Summons* is issued by the Clerk. Once the initial filing process is complete, it is your responsibility to have the Respondent served. This can be accomplished by having a person over the age of 18 who is not a party to this action, serve the documents. A private process server (listed in the Yellow Pages of a telephone directory) or the Sheriff's Department (closest to the county where the Respondent resides) can be contacted for this purpose.

The Respondent must be served with the following documents:

- a.* ENDORSED copy of the *Petition*
- b.* COPY of the *Summons*

4. After the Respondent has been served, the process server or Deputy Sheriff will complete the reverse side of the original *Summons (a Return of Service)*. The Sheriff's Department will return this document to you by mail. If you obtain the services of a private process server, you can ask for the *Return of Service* to be returned to you. *It is IMPORTANT to file the completed return of service because it shows proof that the Respondent was served.*

5. The Respondent has thirty (30) days after service to file a *Response* to the Court. (He or she has until 4:00 P.M. on the 30th day to respond.) If the Respondent fails to file a response, you may be able to obtain a judgment by default by submitting additional documents to the court for filing.

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.]

**INSTRUCTIONS FOR COMPLETING
PETITION TO ESTABLISH PARENTAGE, DETERMINE CUSTODY
AND TIME-SHARING, AND ASSESS CHILD SUPPORT**

READ THE GENERAL INSTRUCTIONS FIRST, THEN FOLLOW THESE INSTRUCTIONS NUMBERED TO MATCH THE IDENTIFYING NUMBERS IN TECE FORM. TYPE OR PRINT NEATLY USING BLACK INK.

- [1] Write in the county where you are filing your Petition. (This may already be printed on the form).
- [2] Write in the Judicial District where you are filing your Petition. (This may already be printed on the form).
- [3] Leave this line blank. The Court Clerk will assign a number to your case when you file your petition and stamp the number on the first set of forms for you
- [4] Write in your full name.
- [5] Write in the full name of the other parent.
- [6] Write in the name(s) of the minor child(ren) involved in this action.
- [7] Write in your full name exactly as you did in blank 4 above.
- [8] Write in the name of the County in which you reside.
- [9] Write in the name of the mother of the child(ren).
- [10] Write in the name of the person asked to be named as father of the child(ren).
- [11] Write in the name of the parent with whom the child(ren) now live.
- [12] Write in the appropriate word, either "Mother" or "Father" for the parent shown in blank 11.
- [13] Child(ren)'s Data Table
 - (a) Write in the full names(s) of the child(ren).
 - (b) Write in the date(s) of birth of each child.
 - (c) Write in the present age(s) of the child(ren).

PARENTAGE

- [14] Choose either paragraph (a) or (b),
 - (a) Put an (X) for this paragraph if parentage has NOT been

established; OR

- (b) Put an (X) for this paragraph if parentage HAS been established; then indicate with an (X) all that apply. For (i), (ii), (iii) and (iv), you must write in the name of the father. For (v), you must include a brief explanation.

MANDATORY CHILD CUSTODY JURISDICTION ALLEGATIONS

[15] History of child(ren)'s Living Arrangements:

- (a) List the names of the person(s) the child(ren) have lived with during the last three years.
- (b) List the addresses where the child(ren) have lived during the last three years.
- (c) List the dates the child(ren) lived with those persons at those addresses during the last three years.

[16] Choose either paragraph (a) or (b), but not both.

- (a) Put an (X) for this paragraph if Petitioner has NOT been involved in other court proceedings concerning custody or visitation of the child(ren);

OR

- (b) Put an (X) for this paragraph if Petitioner HAS been involved in other court proceedings concerning custody or visitation of the child(ren); then,
 - (i) Write in the case name: the name of the plaintiff/petitioner and the defendant/respondent; then,
 - (ii) Write in the case number; then,
 - (iii) Write in the name and location of the court.

[17] Choose either paragraph (a) or (b), but not both.

- (a) Put an (X) for this paragraph if you DO NOT know of any court proceedings at all concerning the custody or visitation of the child(ren);

OR

- (b) Put an (X) for this paragraph if you know of any present court proceedings concerning the custody or visitation of the child(ren); then,
 - (i) Write in the case name: the name of the plaintiff/petitioner and the defendant/ respondent; then,
 - (ii) Write in the case number; then
 - (iii) Write in the name and location of the court.

[18] Choose either paragraph (a) or (b), but not both.

- (a) Put an (X) in this paragraph if you DO NOT know of any other persons who have physical custody of, or who claim to have custody of or visitation rights to the child(ren);

OR

- (b) Put an (X) in this paragraph if other persons have physical custody of, or claim to have custody of or visitation rights to the child(ren); then,
 - (i) Write in the name of the person who has custody of; or claims to have custody of or visitation rights to the child(ren), then,
 - (ii) Write in the address of the person who has custody of, or claims to have custody of or visitation rights to the child(ren).

CUSTODY OPTIONS

[19] Choose either paragraph (a) or (b), but not both. See pages 6-7 of the General Instructions About Doing Your Own Case for Custody for more information.

- (a) Put an (X) in the box to show you have selected this paragraph if you want joint custody; then,
 - (i) Write in the formal name of the person the children will spend most of their time with; then
 - (ii) Write in the other parent's name.

OR

- (b) Put an (X) in the box to show you do NOT want joint custody; then,
 - (i) Write in "Petitioner" or "Respondent" to show which parent should have primary custodial rights; then,
 - (ii) Write a brief explanation telling why "sole" custody is best for the child(ren).

CHILD SUPPORT & LYING-IN EXPENSES

[20] Write in "Petitioner" or "Respondent" to show the name of the party who should pay child support; then:

FOR [21] THROUGH [24], CHOOSE ALL PARAGRAPHS THAT APPLY. See the Information About Petition for help in this area.

[21] Put an (X) in the box to select this paragraph if you want life insurance purchased; then,

- (a) Write in "Petitioner" or "Respondent" to show the name of the party who will purchase the life insurance; then,
- (b) Write in the benefit amount of the life insurance.

[22] Put an (X) to select this paragraph if you want child support while your case is being decided.

[23] Put an (X) to select this paragraph if you want back child support.

[24] Put an (X) in the box to select this paragraph if you want lying-in (childbirth/hospital) expenses paid; then,

- (a) Write in the total amount of the lying-in expenses you want paid to you or for you.

MEDICAL INSURANCE & EXPENSES: See the Information About the Petition for some additional explanation about this area:

[25] Write in the name of the parent who should provide medical insurance for the child(ren). (a), (b), or (c) are SUGGESTIONS for 3 ways to take care of medical expenses that are NOT covered by insurance. If you choose (a) then write in the name of the parent who will pay these expenses.

TEMPORARY DOMESTIC ORDER

[26] Choose either paragraph (a) or (b), but not both. See page 4 of the Information About the Petition for help in this area.

- (a) Put an (X) for this paragraph if you want to waive not have) the issuance of the Temporary Domestic Order in your case;

OR

- (b) Put an (X) for this paragraph if you want a Temporary Domestic Order issued in your case.

BIRTH RECORD

[27] Write in the name(s) of the child(ren) whose birth record(s) should be changed.

PETITIONER'S SIGNATURE BLOCK

[28] **PETITIONER:**

- (a) Sign your name on this line.
- (b) Print your name on this line.
- (c) Write in your full residence address on these lines.

- (d) Write in your mailing address on this line [if it is different from the address shown on line (c).]
- (e) Write in your phone number on this line or a message number if you do not have a telephone.

[29] Complete all information in the Verification section. This should be your name and your contact information.

This text is excerpted from materials provided by Albuquerque Bar Association Volunteer Lawyers.

STATE OF NEW MEXICO
COUNTY OF [1] _____
[2] _____ JUDICIAL DISTRICT COURT

[4] _____
Petitioner,

vs. NO. [3] _____

[5] _____
Respondent,

and involving,
[6] _____
Minor Child(ren).

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

COMES NOW, [7] _____, the Petitioner and alleges:

1. The Petitioner is a resident of [8] _____ County.
2. [9] _____ is the mother of the minor child(ren).
3. [10] _____ is the father of the minor child(ren).
4. [11] _____ the [12] _____
_____ is representing the minor child(ren) as the general guardian of said minor child(ren), there being no guardian ad litem appointed for the minor child(ren) at this time.
5. The name(s), date(s) of birth, and age(s) of the minor child(ren) is/are:

[13] Minor Child(ren) Subject to this Proceeding:

| NAME | DATE OF BIRTH | AGE |
|------|---------------|-----|
| (a) | (b) | (c) |
| | | |
| | | |
| | | |
| | | |

PARENTAGE

[14] (a) 6. Parentage has not been established.

OR

[14] (b) 6. Parentage has been established by:

(i) _____ has acknowledged his paternity of the minor child(ren) in writing filed with the Department of Vital Statistics in the State in which the child(ren) was/were born.

OR: (ii) _____ has consented to parentage and is named as father on the minor child(ren)'s birth certificate(s).

OR: (iii) Parentage of _____ has been established by blood tests.

OR: (iv) _____ has openly held out the minor child(ren) and established a personal, financial or custodial relationship with the child(ren).

OR: (v) Other:

MANDATORY CHILD CUSTODY JURISDICTION ALLEGATIONS

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

[15] History of child(ren)'s Living Arrangements:

| NAME | ADDRESS | DATES |
|-------------|----------------|--------------|
| (a) | (b) | (c) |
| | | |
| | | |
| | | |
| | | |

[16] (a) 8. Petitioner knows of no other litigation concerning custody or visitation involving the minor child(ren) of the parties in New Mexico or in any other state in which Petitioner has participated as a party, as a witness, or in any other capacity.

OR: (b) 8. Petitioner knows of other litigation concerning custody or visitation involving the minor child(ren) of the parties in New Mexico or in another state in which the Petitioner has participated as a party, as a witness, or other capacity. The other litigation concerning custody or visitation involving the minor child(ren) of the parties is/are:

Court Proceedings Involving Petitioner

| CASE NAME | CASE NUMBER | NAME/LOCATION OF COURT |
|-----------|-------------|------------------------|
| | | |
| | | |
| | | |
| | | |

[17] (a) 9. Petitioner has no information of any proceeding that is pending in a court in New Mexico or in any other state involving visitation or custody with the parties' minor child(ren)

OR: (b) 9. The following proceeding(s) is/are pending in a court in New Mexico or in any other state involving visitation or custody with the parties' minor child(ren):

Court Proceedings

| CASE NAME | CASE NUMBER | NAME/LOCATION OF COURT |
|-----------|-------------|------------------------|
| | | |
| | | |
| | | |
| | | |

[18] (a) 10. Petitioner knows of no persons other than the parties who have physical custody of the minor child(ren) or who claim to have custody or visitation rights to the minor child(ren).

OR: (b) 10. The following persons other than the parties have physical custody of the minor child(ren) or claim to have custody or visitation rights to the minor child(ren):

| NAME | ADDRESS |
|------|---------|
| | |
| | |
| | |
| | |

CUSTODY OPTIONS

[19] (a) 11. The parties should be awarded joint legal custody of the minor child(ren), with primary physical custody with **(i)** _____ and **(ii)** _____ to have periods of care and responsibility consistent with the best interests of the child(ren).

OR: (b) 11. **(i)** _____ should be awarded sole legal and physical custody of the minor child(ren) subject to the other parent's reasonable rights of visitation. Sole legal and physical custody is in the best interests of the minor child(ren) because **(ii)** _____

CHILD SUPPORT AND LYING-IN EXPENSES

12. Child support should be set according to the New Mexico Child Support Guidelines and **[20]** .

_____ should be ordered to pay child support in an amount as determined by the Child Support Guidelines and Worksheet included therein.

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

[22] 14. Petitioner requests immediate child support during the pendency of this case, in accordance with the New Mexico Child Support Guidelines.

[23] 15. Petitioner requests that child support be retroactive to the birth of the child, and that the amount of child support be in accordance with the New Mexico Child Support Guidelines.

[24] 16. Petitioner requests that Respondent be ordered to pay the lying-in expenses, including hospital and medical expenses, incurred by her in the amount of (a) \$_____.

MEDICAL INSURANCE & EXPENSES

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

(a) 18. _____ should pay 100% of the child(ren)'s health and dental expenses not paid by insurance.

OR: (b) The parties should each pay one-half of the child(ren)'s health and dental expenses not paid by insurance.

OR: (c) 18. The parties should pay the child(ren)'s health and dental expenses not paid by insurance in the percentages shown on the child support worksheet.

TEMPORARY DOMESTIC ORDER

[26] (a) [] 19. Petitioner waives the issuance of a Temporary Domestic Order pursuant to local Rule LR2-501(A).

OR: (b) [] 19. Petitioner understands that (s)he is bound by the Temporary Domestic Order at the time the Petition is filed, and Petitioner has read and understands the contents of the Temporary Domestic Order.

BLOOD TESTING

- 20. Petitioner requests blood testing be ordered if Respondent denies parentage of the child(ren).
- 21. Blood samples shall be sent for testing to a qualified blood testing laboratory.
- 22. HLA tests and any other tests the testing facility recommends shall be performed.
- 23. Petitioner requests that court costs, blood testing costs and expert witness fees should be ordered to be paid by the Respondent.

BIRTH RECORD

24. Upon determination of parentage, the Department of Vital Statistics should be ordered to change the birth record of [27] _____ to reflect said parentage.

WHEREFORE, Petitioner asks the Court to:

- 1. Establish the parentage of the minor child(ren).
- 2. Order child support according to the New Mexico Child Support Guidelines.
- 3. Award child custody in accordance with paragraph 11.
- 4. Grant such other and further relief as the Court deems just and equitable.

RESPECTFULLY SUBMITTED,

[28] (a)
(b)

Signature: _____
Print Name: _____

- (c) Address: _____

- (d) Mailing address if different:

- (e) Telephone: _____

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. I have read the attached PETITION TO ESTABLISH PARENTAGE, DETERMINE CUSTODY AND TIME-SHARING, AND ASSESS CHILD SUPPORT. I state that the contents thereof are true and correct, except to the matters stated on information and belief, and those matters I believe to be true.

Signature of Petitioner

Date

SERVICE OF PROCESS
(GIVING THE OTHER PARTY LEGAL NOTICE)

ASSEMBLING A SUMMONS PACKET

Means putting together the following:

- a. copy of the original Summons
- b. copy of the Petition for Dissolution of Marriage
- c. copy of the Temporary Domestic Order and 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 either the original Summons and completed Return of Service that was issued by the Clerk (second page of the Summons), Affidavit of Service (mail) and/or Affidavit of Publication. What you submit will depend on the method of service that you used to serve the other party. You must file in the Domestic Relations Clerks Office, Room 240, 2nd floor of the Second Judicial District

Court. **NOTE: IF PERSONAL SERVICE WAS PERFORMED BY A PRIVATE PERSON, A SHERIFF, OR A PROCESS SERVER, THE PERSON WHO SERVED THE RESPONDENT MUST SIGN THE RETURN OF SERVICE. 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.

| 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.]