

#### **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.]

**4A-201. Temporary domestic order.**

[For use with Rule 1-121 NMRA]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_,  
Petitioner,

v.

No. \_\_\_\_\_

\_\_\_\_\_,  
Respondent.

**TEMPORARY DOMESTIC ORDER<sup>1</sup>**

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 account<sup>2</sup> 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 COURT<sup>3</sup>**

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.

**4A-202. Motion for temporary order (domestic relations actions).**

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

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_,  
Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_,  
Respondent.

**MOTION FOR TEMPORARY ORDER**  
***(domestic relations actions)***<sup>1</sup>

I, \_\_\_\_\_ (*name of Petitioner or Respondent*) request the court to enter the following temporary order(s): (*check all that apply*)

- (1)  temporary domestic order;<sup>2</sup>
- (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.]

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

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

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_,  
Petitioner,

v.

No. \_\_\_\_\_

\_\_\_\_\_,  
Respondent.

**MOTION TO MODIFY TEMPORARY ORDER**  
***(domestic relations actions)***<sup>1</sup>

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 because<sup>2</sup>:

\_\_\_\_\_  
\_\_\_\_\_.

Dismiss the temporary restraining order because<sup>3</sup>:

\_\_\_\_\_  
\_\_\_\_\_.

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*).

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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.]

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

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

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_,  
Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_,  
Respondent.

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

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

### 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.]

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

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

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_,  
Petitioner,

v. \_\_\_\_\_ No. \_\_\_\_\_

\_\_\_\_\_,  
Respondent.

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

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

### 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.]



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

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_,  
Petitioner,

v. \_\_\_\_\_ No. \_\_\_\_\_

\_\_\_\_\_,  
Respondent.

**REQUEST FOR HEARING  
(domestic relations actions)<sup>1</sup>**

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

#### 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.]

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

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_,  
Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_,  
Respondent.

**NOTICE OF HEARING**  
*(domestic relations actions)<sup>1</sup>*

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.)*

**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.]

**4A-208. Notice of compliance with Rule 1-123 NMRA (domestic relations actions).**

[For use with Rule 1-123 NMRA]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_,  
Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_,  
Respondent.

**NOTICE OF COMPLIANCE WITH  
RULE 1-123 NMRA  
(domestic relations actions)<sup>1</sup>**

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.]

**4A-209. Motion to enforce order.**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ 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.<sup>1</sup>

\_\_\_\_\_  
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.]

**4A-211. Objection to hearing officer report (domestic relations actions).**

[For use with Rule 1-053.2 NMRA]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_,  
Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_,  
Respondent.

**OBJECTION TO HEARING OFFICER REPORT**  
*(domestic relations actions)<sup>1</sup>*

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

### 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.]



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

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 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.]

**4A-213. Interim order allocating income and expenses.**

[For use with Rule 1-122 NMRA]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_,  
Petitioner,

v. No. \_\_\_\_\_

\_\_\_\_\_,  
Respondent.

**INTERIM ORDER ALLOCATING INCOME AND EXPENSES<sup>1</sup>**

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 (\$\_\_\_\_\_)<sup>2</sup> 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

#### 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.]

**4A-214. Community property and debts schedule.**

[For use with Rule 1-123 NMRA]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ 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: <sup>1</sup>			
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	\$ _____	\$ _____	\$ _____

	<b>DEBTS</b>	<b>(Mo/Pmt)</b>	<b>Value:</b>	<b>Petitioner:</b>	<b>Respondent:</b>
1.	_____	\$ (____)	\$ _____	\$ _____	\$ _____



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-215. Separate property and debts schedule.**

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ 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:**

	<b>Petitioner</b>	<b>Respondent</b>
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: <sup>1</sup>		
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:**

