

CONTESTED DIVORCE WITH MINOR CHILDREN, SIMPLE or COMPLEX PROPERTY ISSUES

STEP 1 Complete the *Domestic Relations Information Sheet, Petition for Dissolution of Marriage, and Summons*. The Petition needs to be notarized. There are several notaries public located in the Courthouse.

Complete the CAPTION ONLY for the *Order for Mediation, Temporary Domestic Order, and Order to Produce Discovery for Child Support and Interim Allocation Hearings*.

Hold onto the *Parenting Plan, Marital Settlement Agreement, and Final Decree*. These documents will be completed and filed at a later time.

There is a **filing fee of \$137.00** which is required to open your divorce case. If you cannot afford to pay the filing fee you may ask for the filing fee to be waived by filing an *Application for Free Process and Affidavit of Indigency*. You can obtain this form from the Self Help Center.

STEP 2 Go to the Self Help Center on the first floor of the Courthouse to obtain a hearing date for the *Order to Produce Discovery for Child Support and Interim Allocation Hearings* and a date for the information session in the *Order for Mediation*.

Go to the judge's office for signatures on the *Order for Mediation, Order to Produce Discovery for Child Support Interim Allocation Hearings, and Temporary Domestic Order*.

If you are also asking for waiver of the filing fee, fill out the *Application for Free Process and Affidavit of Indigency* and take it to the judge now. The judge will either grant or deny your request for free process.

The Family Court judge, Judge Raymond Ortiz's, office is located on the second floor.

STEP 3 You will need the **Original and two copies** of all documents you have completed for filing. Copies will be made in the Court Clerk's Office for \$.35 per page. You must pay the copy fee even if your request for free process has been granted.

STEP 4 File the *Petition, Summons, and signed Order to Produce Discovery for Child Support and Interim Allocation Hearings, and Order for Mediation* with the Court Clerk on the first floor of the Courthouse. The Clerk's Office will keep the original documents for the court file. You will get the two copies back.

There is a **filing fee of \$137.00** which is required to open your divorce case, unless the judge has granted a waiver of the filing fee. The Court Clerk only accepts cash, cashiers check or money order.

STEP 5 When you file your *Petition*, the Court Clerk's Office will then assign your divorce case a judge and a case number.

The Clerk will write the case number on all the documents.

Two endorsed (stamped) copies of the documents which have been filed will be returned to you. You will keep one copy for your records and serve a copy on the other party.

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STEP 6 You must legally notify the other party that you have filed for divorce by “serving” him or her. Someone over the age of 18 and not involved with the case, or a law enforcement officer, must **serve** the other party with a copy of all the endorsed documents you received from the Court Clerk. It is important that you **file** a Return of Service with the Court Clerk’s Office. This is **proof** that the other party has been served.

STEP 7 Before a Final Decree can be entered, the parties must develop and **file a Parenting Plan and complete and file a Child Support Worksheet**. A Parenting Plan form is in your packet.

Both parties must attend a mediation information session, and you may be scheduled to attend mediation through Family Court Services to try to develop your own Parenting Plan. You may also choose to hire a private mediator, or work with your spouse on your own to develop a Parenting Plan. If you are successful, you must **file the Parenting Plan** with the Court Clerk.

You can get the Child Support Guidelines and Worksheet at the Self Help Center, or you can do the worksheet online at www.legalfacs.org, or at the Child Support Enforcement Division website, www.hsd.state.nm.us/csed/guidelines. If you and the other party cannot agree on child support, you will be referred to the Child Support Hearing Officer.

STEP 8 Your property and debts must be divided before a Final Decree can be entered. You will automatically be referred to a Settlement Conference with a neutral attorney 60 days after the Petition is filed to help you work out a *Verified Marital Settlement Agreement*. If you do not need the help of a neutral attorney, you can file a Motion for Excusal from Settlement Conference. A Verified Marital Settlement form is in the packet. If you are able to agree on the division of property and debts, complete and **file a Verified Marital Settlement Agreement**.

STEP 9 If you are able to resolve all the issues on your own, with or without the help of mediators or settlement facilitators, you may complete and file the appropriate documents. If you cannot resolve the issues, the judge will hold a trial on the merits to decide them for you. You must file a *Request for Hearing* before the judge will schedule a hearing or trial.

STEP 10 If you have been able to resolve all the issues between yourselves, you may **submit** endorsed copies of the *Parenting Plan*, *Child Support Worksheet*, and *Verified Marital Settlement Agreement*, along with **the Final Decree to the judge** assigned to your case. The judge will then review your documents. If your documents have been completed properly, and the judge does not see a problem, the judge will sign your Final Decree. If there is a problem, the judge may schedule a hearing to resolve it.

STEP 11 **File your Final Decree** with the Clerk’s Office. **It is very important that you do not leave the building without filing the Final Decree.** This document will close your case. In some cases a certified copy of your Final Decree may be needed. The Clerk’s Office will certify your documents for a fee of \$1.50 per certification.