

**FIRST JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF _____**

Case No.: _____

Petitioner,

-vs.-

Respondent.

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

The PETITIONER comes before this court and states:

1. The Petitioner or Respondent is a resident of Santa Fe, Rio Arriba or Los Alamos County.
2. _____ is the mother of the minor children.
3. _____ is the father of the minor children.
4. The name, date of birth and ages of the minor children are

Name

Date of Birth

Age

Paternity (Choose 1)

5. Paternity has not been established.

OR

5. Paternity has been established as follows: [Check all that apply]

Respondent has acknowledged his paternity of the minor children in writing filed with the Department of Vital Statistics in the State in which the children was born.

Respondent has consented to paternity and is named as father on the minor children's birth certificate.

Paternity of the minor children has been established by blood tests.

Respond has openly held out the minor children as his natural children and established a personal, financial or custodial relationship with the minor children.

Residence of Children

6. During the past three years, the minor children have lived with the following persons, at the following places and for the following periods of time:

<u>With</u>	<u>Address</u>	<u>Dates</u>

Prior or Pending Litigation [Choose 1]

7. Petitioner knows of no other litigation, past or present, concerning custody or visitation involving the minor children 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

7. Issues concerning custody or visitation involving the minor children of the parties were previously litigated in the following court action(s):

<u>Case Name</u>	<u>Case Number</u>	<u>Name and Location of Court</u>

Other Custody and Visitation Claims [Choose 1]

8. Petitioner knows of no persons other than the parties who have physical custody of the minor children or who claims to have custody or visitation rights to the minor children.

OR

8. The following persons other than the parties have physical custody of the minor children or claim to have custody or visitation rights to the minor children:

Name

Residence

Custody Request [Choose 1]

9. The parties should be awarded joint legal custody of the minor children, with primary physical custody in _____ and periods of care and responsibility consistent with the best interests of the children.

OR

9. _____ should be awarded sole legal and physical custody of the children subject to the other parent's reasonable rights of visitation. Sole legal and physical custody is in the best interests of the minor children because: _____

Child Support

10. Child support should be set according to the New Mexico Child Support Guidelines and the Respondent should be ordered to pay child support in an amount as determined by the Child Support Guidelines and Worksheet.

10. Petitioner request immediate child support during the pendency of this case, in accordance with the New Mexico Child Support Guidelines.

10. Petitioner requests that child support be retroactive to the birth of the children, and that the amount of child support be in accordance with the Child Support Guidelines.

10. Petitioner requests that Respondent be ordered to pay the lying-in expenses, including hospital and medical expenses, in a reasonable amount.

10. Respondent should be ordered to purchase life insurance with a substantial benefit amount, naming the other parent as trustee for the benefit of the minor children in order to pay the child support obligation upon parent's death.

10. _____ should provide health and dental insurance for the minor children.

Medical Expenses [Choose 1]

11. _____ should pay 100% of the children's health and dental expenses not paid by insurance.

OR

11. The parties should each pay one-half of the children's health and dental expenses not paid by insurance.

OR

11. The parties should pay the children's health and dental expenses not paid by insurance in the percentages shown on the child support worksheet.

Blood Testing

12. Petitioner requests blood testing be ordered with blood samples to be sent for testing to a qualified blood testing laboratory and HLA tests and any other tests facility recommends to be performed.

Birth Record

13. Upon determination of paternity, the Department of Vital Statistics should be ordered to change the birth record of the minor child to reflect the paternity as determined by this court.

WHEREFORE, Petitioner asks the Court to:

1. Establish the paternity of the minor child.
2. Award child custody in accordance with this Petition.
3. Order child support according to the Child Support Guidelines.
4. Grant such other and further relief as the Court deems just and equitable.

RESPECTFULLY SUBMITTED:

Signature of Petitioner

STATE OF NEW MEXICO)ss.

COUNTY OF _____)

I, the Petitioner, being first duly sworn upon my oath, depose and state that I am the Petitioner in the above-entitled case. I have read the attached Petition to Establish Paternity, 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: _____

Sworn to before me this _____ day of _____, 200__.

My Commission expires: _____

Notary Public

**FIRST JUDICIAL DISTRICT COURT
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SUMMONS

TO THE RESPONDENT:

Name of Respondent

Address

City, State and Zip

GREETINGS:

You are hereby directed to serve a pleading or motion in response to the complaint within thirty (30) days after service of this summons, and file the same, all as provided by law.

You are notified that, unless you serve and file a responsive pleading or motion, the plaintiff will apply to the court for the relief demanded in the complaint.

Attorney or attorneys for plaintiff:

WITNESS the Honorable _____, district judge of the First Judicial District Court of the State of New Mexico, and the seal of the district court of _____ County, this _____ day of _____, 200__.

JOANNE VIGIL QUINTANA

Clerk of the District Court

By _____.

Deputy

RETURN OF SERVICE

STATE OF NEW MEXICO)ss.

COUNTY OF _____)

I, being duly sworn, on oath, say that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served the within Summons in said County on the ___ day of _____, 200__, by delivering a copy thereof, with a copy of Petition attached, in the following manner: (check one box and fill in appropriate blanks)

[] to Defendant (used when Defendant receives copy of Summons or refuses to receive Summons)

[] to _____, a person over fifteen (15) years of age and residing at the usual place of abode of Defendant _____, who at the time of such service was absent there from.

[] by posting a copy of the Summons and Petition in the most public part of the premises of Defendant _____ (used if no person found at dwelling house or usual place of abode)

[] to _____, an agent authorized to receive service of process for Defendant _____.

[] to _____, (parent (guardian) of Defendant _____). (used when Defendant is a minor or an incompetent person)

[] to _____ (name and title of person authorized to receive service.) (used when Defendant is corporation or association subject to a suit under a common name, land grant board of trustees, the State of New Mexico or any political subdivision)

Signature of Person Making Service Title (if any)

Sworn to before me this ____ day of _____, 200__.
My Commission expires: _____
Notary Public

*If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

**FIRST JUDICIAL DISTRICT COURT
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**NOTICE OF HEARING
AND ORDER TO PROVIDE DOCUMENTS**

NOTICE IS HEREBY GIVEN that this matter will come before Domestic Relations Hearing Office _____ for Paternity Pretrial and Interim Support Hearing at the Judge Steve Herrera Judicial Complex, in Room 250 Hearing Room, located at the corner of Grant and Catron Streets, Santa Fe, New Mexico on the _____ day of _____, 200__ at ____:____ a/p.m.

YOUR ARE FURTHER ORDERED:

- 1. To hand deliver or mail to the other party in this case all of the REQUIRED DOCUMENTS listed on the following page. This MUST be done no later than ten (10) days before the date of the hearing.**
- 2. You MUST also bring a copy of the REQUIRED DOCUMENTS listed on the following page.**

Failure to provide the REQUIRED DOCUMENTS could result in a fine or delay of the hearing. If you requested this hearing, failure to provide the REQUIRED DOCUMENTS could also result in dismissal of your case.

REQUIRED DOCUMENTS

- 1. Complete Federal and State tax returns and W-2 Statements** for last year and for each previous year for which child support or owed child support is an issue at this hearing.
- 2. Your last three paycheck stubs** and current payroll statements for this year.
- 3. If you are a contract employee, your IRS Forms 1099** for last year and for each previous year for which child support or owed child support is sought.
- 4. If you are self-employed, an up-to-date financial statement** showing gross receipts and necessary business expenses for this year to date and for each previous year for which child support or owed child support is sought.

5. **Financial aid award letters** for this year and the prior year.
6. **Receipts or cancelled checks for work-related day care expense** for this year to date, last year and for each previous year for which child support or owed child support is sought.
7. **Proof of child support payments made.**
8. If you provide medical insurance for a minor dependent, you must provide proof of dependent **medical insurance premiums** for this year and the preceding year.
9. Any other documents that you want the Hearing Officer to consider.

District Court Judge

**THIS NOTICE OF HEARING AND DISCOVERY
ORDER MUST BE SERVED WITH THE PETITION
IN THIS MATTER.**

**FIRST JUDICIAL DISTRICT COURT
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ORDER FOR MEDIATION

It has been made to appear to the Court that a parenting plan or agreement has not been filed regarding issues concerning custody and/or visitation affecting the parties' children or, that a parenting plan has been filed and there is a dispute regarding custody and/or visitation issues, there is no-good reason appearing to the Court that the parties should not be encouraged to so mediate a parenting plan.

It is, therefore, approved and ordered by the Court that:

1. This matter regarding custody and visitation shall be referred to the Family Court Services, for the purpose of mediation, and for Priority Consultation and/or Advisory Consultation if mediation has been unsuccessfully attempted, by order of the Court.
2. The Clerk's Office shall be paid by the parties prior to each session in accordance with the sliding scale fee determined by the Family Court Services.
3. The *Parties* shall attend and Information Session on Children and Separation and mediation session with the Family Court Services as scheduled through that office. An Information Session on Children and Separation has been scheduled for _____ from **3:00 pm to 5:00 pm** at the Santa Fe County judicial Complex, corner of Grant and Catron, Santa Fe, New Mexico, Large Courtroom (second floor). **Children shall not attend this session.**
4. The parties shall furnish the Family Court Services with the completed Mediation Services Information Sheet at the General Information Session.
5. The mediator shall encourage and assist the parties to resolve the contested child custody and visitation matters in a way that is mutually satisfactory to the parties and beneficial to the best interests of the child or children.
6. Medication proceedings shall be held in private and shall be confidential. All communications, verbal or written, from the parties to the mediator made pursuant to the Order shall be inadmissible in any Court hearing.

7. No report of the content of mediation shall be made to the Court, priority consultant, advisory consultant or counsel for either party. If the mediation process is successful, the agreement shall be reduced to the writing on a form to be signed by the parties.

8. The parties shall make themselves available for consultation with the mediator, priority consultant, and shall participate and cooperate fully with the program. They shall also make their children available if so requested.

9. If a medication agreement cannot be reached, the case will proceed for a Priority Consultation and/or an Advisory Consultation. Psychological evaluations and/or alcohol/drug assessments may be included as requested by the advisory consultant or the Court.

10. The priority consultant shall make recommendations to the court.

11. The report of the Advisory Consultation shall be given to counsel for each party. In the event of a hearing, the report shall be made available to the court.

12. Parties shall not disclose or show the contents of the report to any other persons without the permission of both parties or permission of the court. Nothing in this provision shall prevent the disclosure of the report to the parties' own experts, consultants, counselors or therapists where applicable.

District Court Judge

CERTIFICATE OF MAILING

I, hereby certify that I mailed a true and correct copy of the foregoing Order for Mediation to the following:

all persons entitled to notice this _____ day of _____ 200__.

**FIRST JUDICIAL DISTRICT COURT
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PARENTING PLAN
(One Child Only)

1. Legal Custody

We agree to share joint legal custody of our child; this is, neither of us will make a major change affecting our child in the areas of religion, residence, non-emergency medical care, education or major recreational activities without consulting with the other parent. Before such a decision is made, we will discuss the matter and both of us must agree. If we cannot agree, our disagreement will be resolved by the methods we have chosen and set out in this parenting plan.

2. Time-Sharing

We will share time with the child as follows:

Weekdays: _____

Weekends: _____

Weekends begin at _____ o'clock (Friday) (Saturday) [Choose 1] and end at _____ o'clock (Sunday) (Monday) [Choose 1], unless Monday is a legal holiday, in which case the weekends ends at _____ o'clock (Monday) (Tuesday) [Choose 1].

(Optional): We have attached a calendar for the year _____ to this plan, and have marked in red the days the child will spend with the mother and in blue the days the child will spend with father. Days for this calendar begin at _____ o'clock and end at _____ o'clock.

Vacations: Each parent will have uninterrupted time with the child for _____ weeks each summer if that parent gives the other at least _____ days notice.

(Option for young children): Until the youngest child reaches age _____, uninterrupted vacation time with parent is limited to _____ weeks. Between the ages of _____ and _____, that time will be _____ weeks. Between the ages of _____ and _____, that time will be _____ weeks. After reaching age _____, vacation time will be _____ weeks.

Holidays: Regardless of the day of the week, the child will spend:

- (a) Mother's Day and mother's birthday with mother;
- (b) Father's Day and father's birthday with father;
- (c) Child's birthdays with _____ in even-numbered years
and with _____ in odd-numbered years.

The Child will spend time on holidays as follows:

	Even-numbered years	Odd-numbered years
Easter	_____	_____
Thanksgiving	_____	_____
Christmas	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Telephone: We agree that the child has a right to place phone calls to and receive phone calls from the absent parent.

Changes: Each of us is free to ask for exceptions to this schedule, but we understand that the other parent can say "no", and we will not argue about it.

Transportation: We will divide the responsibility for getting the child to and from each other's house, day care, school, etc., as follows:

3. Trial Period or Permanent Plan: (Check one)

We have not tried this time-sharing schedule before, so we agree that we will review the time-sharing plan in ____ days and at that time we will make any changes we agree on. If we cannot agree to changes, we will resolve our dispute using the method set forth in paragraph 6 below.

We have already tried this time-sharing schedule, so we intend it to be permanent. We recognize, however, that as our child grows and our lives change, it may be necessary to change the schedule from time to time. We agree that this is a major change that we have to discuss and agree on, and if necessary follow the dispute resolution procedures set out in paragraph 6 below.

4. The Status Quo—What we have now:

- (a) Religion _____
- (b) Doctor _____
- (c) Dentist _____
- (d) Other Medical _____
- (e) School _____
- (f) Recreation _____

We agree that neither of us will remove, cause to be removed, or permit removal the child from the State of New Mexico, except for temporary visits which do not interfere with the time-sharing schedule, without the written consent of the other parent or resolution of the dispute by the method set forth in paragraph 6 below.

5. Emergencies

In case of a medical emergency, if time allows, the parent with that period of responsibility will contact the other parent concerning treatment of the child. If the absent parent cannot be reached, any decision for emergency medical treatment will be made in the best interest of the child by the available parent.

6. Dispute Resolution

We will discuss all major changes in the child’s life in order to try to reach agreement. If we cannot agree, after discussion, we will:

- Participate in family counseling to try to reach agreement.
- Participate in conciliation or mediation to try to reach agreement.
- Submit the matter to _____ for binding arbitration.
- Allocate ultimate responsibility to _____ for decisions.
- Submit the matter to the District Court, which may refer the matter to a special master, or who may terminate joint custody, among other resolutions.

[NOTE: If more than on method of dispute resolution is desired, number the choices in order (#1 for the first method to be used, #2 for the second method, etc.)].

7. General Matters

In order to foster a continuing relationship between our child and both of the parents, we both agree:

- (a) to be actively involved in the major decisions and legal responsibilities of our child.
- (b) to communicate and be flexible about the needs of our child, especially as those needs change due to growth and development.
- (c) To be supportive of and positive about the child’s relationship with the other parent. Each of us will give loving permission to the child to enjoy the relationship with the other parent and neither of us will interfere with the parent-child relationship of the other.
- (d) Neither of us will align the child against the other parent or the other parent’s family.
- (e) We agree that each of us is responsible to keep the other parent informed of the child’s school functions, parent-teacher conference and recreational activities.

I Agree:

Mother’s Signature

Sworn to before me this ____ day of _____, 200__.
My Commission expires: _____ Notary Public

I Agree:

Father’s Signature

Sworn to before me this ____ day of _____, 200__.
My Commission expires: _____ Notary Public

Date: _____

APPROVED:

District Court Judge

**FIRST JUDICIAL DISTRICT COURT
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DECREE OF PATERNITY

THIS COURT having read the pleadings, heard the evidence, and being otherwise advised, finds:

Findings of Fact

1. The Petitioner is a resident of Santa Fe, Rio Arriba or Los Alamos County.
2. _____ is the Mother of the minor child.
3. _____ is the Father of the minor child.
4. The name, date of birth and age of the minor child is:

Name

Date of Birth

Age

WHEREFORE, THIS COURT ORDERS:

Paternity

[] 1. _____ is hereby declared to be the natural father of the minor child.

Custody [Choose One]

[] 2. Mother is awarded sole legal and physical custody of the minor child subject to the other parent's reasonable rights of visitation. Sole legal and physical custody in Mother is in the best interests of the minor child because: _____

OR

2. Father is awarded sole legal and physical custody of the minor child subject to the other parent's reasonable rights of visitation. Sole legal and physical custody in Father is in the best interests of the minor child because: _____

OR

2. Mother and Father are awarded joint legal and physical custody of the child in accordance with the parties' Parenting Plan.

Child Support

3. Child support is set according to the New Mexico Child Support Guidelines and Father is order to pay monthly child support of \$_____ to be paid on or before the first of each month, beginning the first month after the entry of the Decree of Paternity.

3. Child support arrears are found to be \$_____ and Father is ordered to pay child support arrears by paying an additional monthly amount of \$_____ to be paid on or before the first of each month, beginning the first month after the entry of Decree of Paternity.

Life Insurance

4. Father is ordered to purchase life insurance with a benefit amount of \$_____, naming the Mother as trustee for the benefit of the minor child in order to pay the child support obligation upon the other parent's death.

Medical Insurance

5. Father is ordered to provide health and dental insurance for the minor child.

Medical Expenses [Choose One]

6. Father shall pay 100% of the child's health and dental expenses not paid by insurance.

OR

6. Mother and Father shall each pay one-half of the child's health and dental expenses not paid by insurance.

OR

6. Mother and Father shall pay the child's health and dental expenses not paid by insurance in the percentages shown on the child support worksheet.

Lying-in Expenses

[] 7. Mother incurred \$_____ in hospital expenses for the pre-natal care, birth and immediate post-natal care of the minor child and Father should pay this amount to the Mother in 12 equal monthly installments to be paid on or before the first of each month, beginning the first month after the entry of the Decree of Paternity.

Birth Records

[] 8. The Department of Vital Statistics should be ordered to change the birth record of the minor child to reflect the paternity as determined by this court.

District Judge

Petitioner

Respondent