

# **RESPONSE TO PETITION**

## **INSTRUCTIONS AND COURT PAPERS**

**THIS PACKET IS NOT A SUBSTITUTE FOR PROFESSIONAL LEGAL ADVICE**

Inside are basic, fill-in-the-blank forms; they do not deal with every situation.

Using legal forms without a lawyer's help can harm your legal rights. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents.

# RESPONDING TO A PETITION

## Introduction and Instructions

Third Judicial District  
Las Cruces, NM

### Inside This Packet:

Instructions 1 pg

Domestic Relations Info.  
Sheet 2 pgs

Response Form 5 pgs

- This Packet contains instructions and court forms to file a Response to a Petition that has been filed against you.
- These are basic, fill-in-the-blank forms - they do not deal with every situation.
- Representing yourself PRO SE (without a lawyer), means you are expected to know the law, prepare and file pleadings, and present your case just like a lawyer is required to do.
- Court Staff **can** tell you about court procedures, rules, records, and forms.
- Court Staff **cannot give legal advice** about your rights or responsibilities. They *cannot* fill out these forms for you and they cannot tell you if you have properly presented your case.

- This packet is not a substitute for professional legal advice.
- A lawsuit is complicated and using legal forms without a lawyer's help can harm your legal rights
- The Court assumes no responsibility and accepts no liability for actions taken by users of these forms, including reliance on their contents.



### KNOW BEFORE YOU FILE:

#### DO I HAVE TO FILE A RESPONSE?

If you want to have a say in any judgment entered against you, **YES**.

#### BUT I AGREE WITH THE STATEMENTS IN THE PETITION; DO I STILL HAVE TO FILE A RESPONSE?

If you want to have a say in any judgment entered against you, **YES**.

#### WHAT HAPPENS IF I DON'T FILE A RESPONSE?

If you do not file your response within 30 days after the papers are served on you (see Rule 1-012 NMRA), the person who filed the petition can ask the court to go forward without you and get a judgment *against* you. This is called a "**default**."

#### CAN I STILL FILE A RESPONSE AFTER THE 30 DAYS?

**YES.** You can file your response anytime before the Court enters a judgment against you.

**IS THERE A FEE TO FILE MY RESPONSE? NO.**

# RESPONDING TO A PETITION Instructions

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## FILL OUT THE 2 FORMS IN THIS PACKET



### **Form #1 DOMESTIC RELATIONS INFO. SHEET**

Fill out all information about yourself, the other party in the lawsuit, and any children (if it applies).

YOU are the respondent.

### **Form #2 RESPONSE TO PETITION**

Print in the Caption just like it appears on the petition

#### **FIRST READ EACH PARAGRAPH IN THE PETITION. THEN . . .**

"Admit (✓ YES)" or "deny (✓ NO)" *each* paragraph. Any time you "deny" a statement (allegation), write why in the explanation box. If you do not have enough information to either admit or deny a statement (allegation), you must state that in the explanation box of your Response.

**WARNING!** If you disagree with a statement in the petition and you do not "deny" it in your Response, the judge can find that you admitted it.

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## COPY & SEPARATE YOUR FORMS INTO SETS

### **SET 1 DOMESTIC RELATIONS INFO. SHEET**

Original for the court  
1 copy for you  
1 copy for each party in the lawsuit

### **SET 2 RESPONSE TO PETITION**

Original for the court  
1 copy for you  
1 copy for each party in the lawsuit

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## FILE YOUR PAPERS AT THE COURT

- Email (lcrdfax@nmcourts.gov), Fax (575-523-8290) or Bring your original AND your copies to the Third Judicial District Courthouse at 201 W. Picacho, Las Cruces, NM.
- The courthouse is open from 8-4 Monday-Friday.
- The district court clerk will file-stamp your paperwork and will keep the original for your court file.



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## SERVE YOUR RESPONSE

- Provide one of the copies of your response to every other party (or to their lawyer, if they have one) in the lawsuit.
- You are allowed to do this by hand delivery or by first class mail.
- This is YOUR responsibility; the court will not do this for you.

**STATE OF NEW MEXICO  
COUNTY OF DONA ANA  
THIRD JUDICIAL DISTRICT COURT**

\_\_\_\_\_, **Petitioner,**  
*(print first, middle and last name)*

**V.** Case No. DM \_\_\_\_\_

**Judge:** \_\_\_\_\_

\_\_\_\_\_, **Respondent.**  
*(print first, middle and last name)*

**RESPONSE TO PETITION**

My name is \_\_\_\_\_. I am the Respondent in this action and I represent myself. In response to the Petition filed against me, I am stating whether or not the statements (allegations) made in the following paragraphs of the Petition are admitted or are denied.

Petition Par. #	YES (✓) (Admit)	NO (✓) (Deny)	EXPLANATION (If ✓ NO, explain why)
1			
2			
3			
4			

Petition Par. #	YES (✓) (Admit)	NO (✓) (Deny)	EXPLANATION (If ✓ NO, explain why)
5			
6			
7			
8			
9			
10			
11			
12			
13			

Petition Par. #	YES (✓) (Admit)	NO (✓) (Deny)	EXPLANATION (If ✓ NO, explain why)
14			
15			
16			
17			
18			
19			
20			
21			
22			

Petition Par. #	YES (✓) (Admit)	NO (✓) (Deny)	EXPLANATION (If ✓ NO, explain why)
23			
24			
25			
26			
27			
28			
29			
30			

I deny each and every paragraph not specifically admitted herein.

**WHEREFORE**, I ask that the Court approve the issues on which we agree and to grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

\_\_\_\_\_  
(SIGN YOUR NAME)

(PRINT YOUR NAME) \_\_\_\_\_

(YOUR MAILING ADDRESS) \_\_\_\_\_

(CITY/STATE/ZIP) \_\_\_\_\_

(YOUR TELEPHONE) \_\_\_\_\_

(Email Address) \_\_\_\_\_

### PROOF OF SERVICE

I hereby certify that I delivered a copy of this RESPONSE TO PETITION to all other parties in this case (or their lawyer if they have one) at the address(es) listed below: *(If there are more parties, attach more sheets)*

1. TO: \_\_\_\_\_  
*(Name of other party or their lawyer if they have one)*

AT: \_\_\_\_\_  
*(Their address)*

Date delivered: \_\_\_\_\_  
 first-class mail  
 hand-delivery  
 other \_\_\_\_\_

2. TO: \_\_\_\_\_  
*(Name of other party or their lawyer if they have one)*

AT: \_\_\_\_\_  
*(Their address)*

Date delivered: \_\_\_\_\_  
 first-class mail  
 hand-delivery  
 other \_\_\_\_\_

\_\_\_\_\_  
(SIGN YOUR NAME)