

**MOTION FOR
CUSTODY
and
TIME-SHARING**

**INSTRUCTIONS
AND
COURT PAPERS**

**How to File a Pro Se Motion for Custody and
Time-Sharing in your Child Support case.**

Filing a Motion for Custody and Time-Sharing

Third Judicial District
Las Cruces, NM

Inside This Packet:

Instructions **4 pgs**

Certificate to Re-open Status **1 pg**

Domestic Relations Information Sheet **1 pg**

Motion to Establish Custody and Time-Sharing **8 pgs**

Request for Setting **1 pg**

- 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.

This Packet contains instructions and court forms to file a Motion for Custody and Time-Sharing in your child support case.

Use this packet if:

- There is a court case filed against you for child support
AND
- Human Services Department and the other parent of the child(ren) are the petitioners in that lawsuit.

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.

INSTRUCTIONS

- Type or print in black ink
- Fill out all blanks and check all boxes that apply.
- If there is not enough room on the form, write your information on another sheet of paper and staple the paper to the form.
- DO NOT write on the back of any page.

STEP 1

FILL OUT THE FORMS IN THIS PACKET

Use these forms if
your case is closed
in the court's
system

**Forms
1, 2, 3 & 4**

Use these forms if
your case is
pending

**Forms
3 & 4 only**

Form 1

Certificate of Re-Open Status

This form tells the court if a filing fee is required to open your case. Currently, the filing fee is \$137.

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

STATE OF NEW MEXICO ex rel.
HUMAN SERVICES DEPARTMENT and

_____, Petitioner,
v. Case No. DM _____
_____, Judge:
_____, Respondent.

RULE 1-099 CERTIFICATE OF RE-OPEN STATUS

Pursuant to Rule 1-099 NMRA, I certify that:

NO FILING FEE IS REQUIRED BECAUSE:

Pending or filed within 90 days of the disposition.

Requesting action which may be performed by the clerk of the court or seeking to correct a mistake in the Judgment or record filed, or a motion accompanied by a signed stipulated order (disposing of issues).

I am seeking only enforcement of a child support order.

FILING FEE OF \$137.00 IS DUE BECAUSE:

I am seeking post decree relief in addition to or other than enforcement of a prior child support order.

I am requesting judicial action 90 days or more after final disposition of the case and not within the categories described in Rule 1-099 NMRA.

Respectfully submitted,

(Please Print Name)

I am hereby submitting this certificate to the court.

I am hereby submitting this certificate to the court.

I am hereby submitting this certificate to the court.

Print the Caption just like it appears on the petition

If it has been less than 90 days since your last order, check the first box. No filing fee is required.

If it has been more than 90 days since your last order, check one of these boxes.

INSTRUCTIONS

Form 2

Domestic Relations Information Sheet

DOMESTIC RELATIONS INFORMATION SHEET
(for self-represented people)

THIS INFORMATION SHEET IS FOR THE COURT CLERK TO USE. CASE NUMBER AND JUDGE ASSIGNED WILL BE FILLED IN BY THE COURT CLERK.

Case number: _____ Assigned Judge: _____

The following information is required by your district court and required for your child support petition. This information may be required to identify you later on with your case. If only support is sought, this information will be kept for the attorney for your children's use and will not be a public record. All of the information is kept confidential.

1. INFORMATION REGARDING PETITIONER AND RESPONDENT Fill in all the information you are giving to the court.

PETITIONER	RESPONDENT
Name _____ <small>(Last, first, and middle)</small>	Name _____ <small>(Last, first, and middle)</small>
Other names (e.g. maiden name) _____	Other names (e.g. maiden name) _____
Address _____	Address _____
City _____	City _____
State _____	State _____
Zip _____	Zip _____
Date of Birth _____	Date of Birth _____

2. PARTIES' MINOR CHILDREN Provide your best date for each child's date of birth. Use a reasonable degree of accuracy.

Name	DATE OF BIRTH
1. _____	_____
2. _____	_____
3. _____	_____

A. Has any court made an order for child support? YES NO
 B. Has any court changed the amount of child support you requested? YES NO
 C. If your answer is "Yes" to either question, what state and what court are they located in? _____

3. REQUEST TO LIMIT ACCESS TO INFORMATION (Optional - complete any 1-3 items)

I request that the court limit access to information regarding this case to the following persons: _____

(Under penalty of perjury, I affirm that the request is appropriate and not designed to harass or to invade the other party's privacy.)

NOTE TO COURT CLERK: DO NOT PLACE THIS INFORMATION SHEET IN THE COURT FILE

Fill out all information about yourself, the other party in the lawsuit, and your child(ren)

Form 3

Motion for Custody and Time-Sharing

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

STATE OF NEW MEXICO ex rel.
HUMAN SERVICES DEPARTMENT and

_____, Petitioner,
v. Case No. DM _____
_____, Respondent.
Judge: _____

**MOTION TO ESTABLISH CUSTODY
TIME-SHARING**

I. GENERAL INFORMATION

1. My name is _____
First Last

2. I am the (or check one): Petitioner Respondent

3. I am the (or check one): Mother Father of the children named herein

4. I respectfully ask the Court to establish custody and time-sharing for the following minor children who are subject to this action (or more than 4 children, list them on another sheet. Attach the sheet to this form.)

LEGAL NAME (first, middle, last)	BIRTH DAY	AGE

Print in the Caption just like it appears on the petition

On each page, Fill in all blanks and check all boxes that apply to you and your situation.

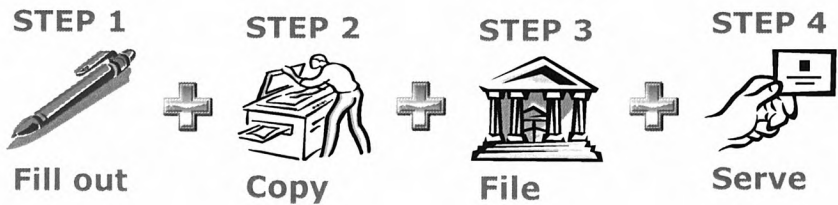
INSTRUCTIONS

STEP 3 FILE YOUR PAPERS AT THE COURT

- Go to the family law clerks at 201 W. Picacho, Las Cruces, NM.
- Bring your originals, your copies AND the 2 envelopes.
- Hand your originals and your copies to the family law clerk. You will get back the copies with the court's file-stamp in the upper right-hand corner.
- The courthouse is open from 8-Noon and 1-5 Monday-Friday.

STEP 4 SERVE YOUR COPIES

- Mail or hand-deliver copies to the other parent and to HSD.
 - This is **YOUR** responsibility.
 - The court **WILL NOT** do this for you.
- | | |
|---|---|
| TO THE OTHER PARENT
Motion - 1 copy
Request for setting - 1 copy | TO HUMAN SERVICES DEPT.
Motion - 1 copy
Request for setting - 1 copy |
|---|---|



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

**STATE OF NEW MEXICO ex rel.,
HUMAN SERVICES DEPARTMENT and**

_____, **Petitioners,**
(print first, middle and last name)

v. **Case No. DM** _____

Judge: _____

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

RULE 1-099 CERTIFICATE OF RE-OPEN STATUS

Pursuant to Rule 1-099 NMRA, I certify that:

NO FILING FEE IS REQUIRED BECAUSE:

- Pending or filed within 90 days of the disposition.
- Requesting action which may be performed by the clerk of the court or seeking to correct a mistake in the Judgment or record filed; or a motion accompanied by a signed stipulated order disposing of issue(s).
- I am seeking only enforcement of a child support order.

FILING FEE OF \$137.00 IS DUE BECAUSE:

- I am seeking post decree relief in addition to or other than enforcement of a prior child support order.
- I am requesting judicial action 90 days or more after final disposition of the case and not within the categories described in Rule 1-099 NMRA.

Respectfully submitted,

(SIGN YOUR NAME)

(PRINT YOUR NAME) _____

(YOUR MAILING ADDRESS) _____

(CITY/STATE/ZIP) _____

(YOUR TELEPHONE) _____

DOMESTIC RELATIONS INFORMATION SHEET

(for self-represented people)

THIS SECTION FOR OFFICIAL USE ONLY
(CASE NUMBER AND JUDGE ASSIGNED WILL BE FILLED IN BY THE COURT CLERK)

Case number: _____

Assigned judge: _____

The following information is required by New Mexico law and federal law for child support enforcement. The information also is needed to identify and keep up with your case. If child support is not paid, this information will help the court get the money for your child(ren).

1. INFORMATION REGARDING PETITIONER AND RESPONDENT. *(Look at the paperwork you are giving to the court to see who is listed at the top as petitioner and respondent. Fill in all the information you know on each of you.)*

PETITIONER ----->

Name: _____
(Last name, first, middle)

Other names (e.g. maiden name):

Address: _____

City: _____

State: _____

Zip: _____

Date of Birth: _____

RESPONDENT ----->

Name: _____
(Last name, first, middle)

Other names (e.g. maiden name):

Address: _____

City: _____

State: _____

Zip: _____

Date of Birth: _____

2. PARTIES' MINOR CHILDREN. *Print the birth date for each minor child, if any. Use a separate sheet if necessary)*

Name: _____
(Last name, first, middle)

Date of Birth: _____

Name: _____
(Last name, first, middle)

Date of Birth: _____

Name: _____
(Last name, first, middle)

Date of Birth: _____

Name: _____
(Last name, first, middle)

Date of Birth: _____

- A. Has any court made an order for child support? YES NO
B. Has any court changed the amount of child support you requested? YES NO
C. If your answer is "Yes" to either question, what state and what court are they located in?
_____ State _____ Court.

3. REQUEST TO LIMIT ACCESS TO INFORMATION. *(Optional - complete only if applicable)*

I have reason to fear domestic violence or child abuse. For this reason, please limit access to information about me in the Child Support & Paternity Case Registry to the extent possible. I realize that this request may make it more difficult to assist me in collecting child support. I also understand that the other party and the public might still view information about my case under some circumstances.

Under penalty of perjury, I affirm that this request is legitimately made and not designed to harass or intimidate the other party or mislead the court.

NOTE TO COURT CLERK: DO NOT PLACE THIS INFORMATION SHEET IN THE COURT FILE

STATE OF NEW MEXICO
COUNTY OF DOÑA ANA
THIRD JUDICIAL DISTRICT COURT

Court clerk - do not file
FOR INFORMATION PURPOSES ONLY

_____, **Petitioner,**
(print first, middle and last name)

v.

Case No. _____
Judge: _____

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

QUESTIONS ABOUT PUBLIC ASSISTANCE

1. Are the child/ren in this case currently on TANF? YES NO I don't know

QUESTIONS ABOUT CHILD SUPPORT ENFORCEMENT

2. Have you ever applied for services with
Child Support Enforcement Division (CSED)
for this/these child/ren? YES NO

If YES, what is your CSED case number? _____

Did you apply for CSED *full* services? YES NO I don't know

(SIGN YOUR NAME) _____

(PRINT YOUR NAME) _____

II. UCCJEA DISCLOSURE

5. This Court has jurisdiction to determine custody of the child(ren) named herein pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA).



If the information in paragraphs 6 through 9 is not furnished, the Court, upon motion of a party or its own motion, may stop this case until the information is furnished.

6. In the last 5 years, our minor child(ren) have lived with:
*This information is **required** for each child, unless you have a court order allowing you to maintain confidentiality of addresses or other identifying information. If there are more than 4 children, attach more sheets it to this form.*

A. Child's Name: _____

Child's *current* address: _____

Name and <i>current</i> address of person (if you do not know address, print the city and state)	Relationship to Child	Dates the child lived there	
		Beginning Date	Ending Date
			to present

B. Child's Name: _____

Child's *current* address: _____

Name and <i>current</i> address of person (if you do not know address, print the city and state)	Relationship to Child	Dates the child lived there	
		Beginning Date	Ending Date
			to present

C. Child's Name: _____

Child's *current* address: _____

Name and <i>current</i> address of person (if you do not know address, print the city and state)	Relationship to Child	Dates the child lived there	
		Beginning Date	Ending Date
			to present

D. Child's Name: _____

Child's *current* address: _____

Name and <i>current</i> address of person (if you do not know address, print the city and state)	Relationship to Child	Dates the child lived there	
		Beginning Date	Ending Date
			to present

7. **Participation in other proceedings** (✓ yes or no)

I have participated, as a party or witness or in some other capacity, in other proceedings concerning the custody of or visitation with our child(ren).

NO

YES (if you check YES, fill in this chart)

Child's Name	Name of the Court (including the State)	Case Number	Date of Court Order (if any)

8. **Information about other proceedings** (✓ check yes or no)

I know of other proceedings that could affect this current case, including cases for enforcement, cases relating to domestic violence, protective orders, termination of parental rights, and adoptions.

NO

YES (if you check YES, fill in this chart)

Child's Name	Name of the Court (including the State)	Case Number	Identify what kind of proceeding

9. **Others claiming rights** (✓ check yes or no):

Besides myself and my spouse, there are other persons who claim to have physical custody or our child(ren) or claim to have rights of legal custody, physical custody or visitation.

NO

YES (if YES, fill in below for each child)

A. Name of child: _____

Name and address of person: _____

has physical custody claims custody rights claims visitation rights

B. Name of child: _____

Name and address of person: _____

has physical custody claims custody rights claims visitation rights

C. Name of child: _____

Name and address of person: _____

has physical custody claims custody rights claims visitation rights

D. Name of child: _____

Name and address of person: _____

has physical custody claims custody rights claims visitation rights

III. CUSTODY AND TIME-SHARING

10. Custody

A. Decision Making (✓ check one)

It is in the best interests of our child(ren) that we be awarded **joint legal custody** of our minor child(ren). Together, we will make major decisions that affect our child(ren).

I should be awarded **sole legal custody** of our child(ren). Only I will make the major decisions that affect our child(ren). This is in the best interest(s) of our child(ren) because:

The other parent should be awarded **sole legal custody** of our child(ren). Only he/she will make the major decisions that affect our child(ren). This is in the best interest(s) of our child(ren) because:

B. Physical Custody

The Court should award primary physical custody (where the child(ren) live or spend their time) of our minor child(ren) to:

Child's Name	Me	Other Parent
<hr/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/>	<input type="checkbox"/>	<input type="checkbox"/>

IV. ATTEMPTS TO RESOLVE THIS MATTER

11. When I tried to talk to the other parent (or their lawyer, if they have one) about this motion, this is what happened:

YOU MUST ✓CHECK ONE OF THESE BOXES - - - - ->

- THEY AGREE** with this motion.
- THEY DO NOT AGREE** with this motion.
- THEY WILL NOT TALK TO ME** about this motion.
- I CANNOT TALK TO THE OTHER PARENT** because there is a protective order between us and they do not have a lawyer.
- I HAVE NOT TALKED TO THE OTHER PARENT** because:

V. RELIEF REQUESTED

I RESPECTFULLY ASK that the Court grant this Motion. I also ask that the Court award any other relief it considers fair, proper, and necessary.

Respectfully submitted,

(SIGN YOUR NAME)

(PRINT YOUR NAME) _____

(YOUR MAILING ADDRESS) _____

(CITY/STATE/ZIP) _____

(YOUR TELEPHONE) _____

PROOF OF SERVICE

I hereby certify that I delivered a copy of this MOTION 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: _____

How delivered (✓ one):

first-class mail hand-delivery

other _____

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

AT: _____
(Their address)

Date delivered: _____

How delivered (✓ one):

first-class mail hand-delivery

other _____

(SIGN YOUR NAME)

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

**STATE OF NEW MEXICO ex rel.,
HUMAN SERVICES DEPARTMENT and**

_____, **Petitioners,**
(print first, middle and last name)

v. Case No. DM _____

Judge: _____

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

REQUEST FOR SETTING

NON-JURY

Specific matter to be heard: **MOTION TO ESTABLISH CUSTODY AND TIME-SHARING**

Time requested for hearing (*check one*): 15 minutes 30 minutes other _____

Any hearing presently set in this matter (*check one*): NO YES (When? _____)

Requested by (*check one*) PETITIONER RESPONDENT

Print the names, current mailing address, & telephone number for you and the other parent (or their lawyer if they have one) so they can receive notice of this hearing:

	YOU	OTHER PARENT	HSD
<i>(Name)</i>			Human Svcs. Dept.
<i>(Address)</i>			653 Utah Ave.
<i>(City/State/Zip)</i>			Las Cruces, NM 88001
<i>(Telephone)</i>			524-6118

I certify that I have caused a copy of this Request for Setting to be mailed or hand delivered to the above persons on the _____ day of _____, 20_____.

(SIGN YOUR NAME)

(PRINT YOUR NAME) _____

(YOUR MAILING ADDRESS) _____

(CITY/STATE/ZIP) _____

(YOUR TELEPHONE) _____