

MOTION TO REOPEN A DOMESTIC RELATIONS CASE

MOTION TO ENFORCE ORDER

LR3-117 Summary

- I. If a party seeks a hearing on a motion, the movant shall submit a request for hearing after the period allowed for response and reply has expired.
- II. Not less than 10 days before a scheduled hearing on the motion, the moving party shall submit a copy of the motion, any response, and any reply, as a complete package to the Judge.
 - a. The package shall be submitted in electronic form to the judge's proposed text email address, in hard copy form, or in both, depending on the presiding judge's preference.
 - b. The judges' preferences are on the Third Judicial District Court's website:
<https://thirddistrict.nmcourts.gov/about-this-district/judges/>

THESE DOCUMENTS ARE NOT INTENDED TO SUBSTITUTE FOR THE ADVICE OF A PRIVATE LAWYER.

This information is provided as a courtesy ONLY. The court and the court's self-help center are not responsible for errors contained in these documents or for direct, indirect, special or consequential damages in connection with the furnishing of these materials.

FILING A MOTION TO REOPEN (INSTRUCTIONS)

STEPS - Filing a Motion to Reopen

STEP 1:

Complete the following forms:

- a. Certificate of Reopen Status
- b. Domestic Relations Information Sheet
- c. Motion to Enforce Order
- d. Request for Hearing

STEP 2:

MAKE COPIES OF **EACH** FORM

1 copy for **YOU**

1 copy for each **PARTY**

1 copy for the **JUDGE**

Step 3:

If your case has been closed for more than 90 days,
the filing fee to reopen your case is \$137.00.

Step 4:

Envelopes are required; Give the court:

one (1) self-addressed, stamped envelope for **YOU**

and

one (1) self-addressed, stamped envelope for each
PARTY.

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)

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) _____

4A-101. Domestic relations information sheet.

DOMESTIC RELATIONS INFORMATION SHEET¹
NOTE TO CLERK: DO NOT FILE THE INFORMATION SHEET
Type or print responses. Required in all domestic relations cases.²
(Do not use in domestic violence cases.)

A. Petitioner's attorney information. (Complete only if Petitioner has an attorney.)

Petitioner's name: _____
Attorney's name: _____
Attorney's address: _____
City: _____
State: _____
Zip code: _____
Telephone: _____

B. Information regarding petitioner and respondent. (Do not use an attorney's mailing address. Use a separate sheet if necessary.)

Petitioner

Name: _____
(Last name, first, middle)
Other names (e.g. maiden name): _____

Address: _____
City: _____
Zip code: _____
Date of birth: _____
Social Security number³: _____

Respondent

Name: _____
(Last name, first, middle)
Other names (e.g. maiden name): _____

Address: _____
City: _____
Zip code: _____
Date of birth: _____
Social Security number³: _____

C. Parties' minor children. (Provide the date of birth and social security number for each minor child, if any. Use a separate sheet if necessary.)

Name: _____
(Last name, first, middle)
Date of birth: _____
Social Security number: _____

Name: _____
(Last name, first, middle)
Date of birth: _____
Social Security number: _____

Name: _____
(Last name, first, middle)
Date of birth: _____
Social Security number: _____

Name: _____
(Last name, first, middle)
Date of birth: _____
Social Security number: _____

4A-209. Motion to enforce order.

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT

_____,
Petitioner,

v.

D-307-DM-_____

_____,
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.¹

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 NOTES

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.]

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

☐ STATE OF NEW MEXICO/HSD, (✓ if a Petitioner or Intervenor)

_____, Petitioner

v.

Case No: D-307-DM _____

Judge: _____

_____, Respondent.

REQUEST FOR HEARING

(YOU MUST FILE THIS REQUEST TO GET A HEARING [COURT DATE] ABOUT YOUR MOTION)

1. I NEED A HEARING ABOUT: ☐ MY MOTION TO/FOR _____
(print on this line what you asked for in your motion)

☐ FINALIZING MY CASE (TRIAL ON THE MERITS)

2. I REQUEST INTERPRETATION SERVICES (CHECK ONE): ☐ YES ☐ NO

IF YES, PLEASE DESCRIBE WHAT YOU NEED: _____

3. ✓ HOW LONG YOU THINK IT WILL TAKE TO TALK TO THE JUDGE: ☐ 15 MINUTES ☐ 30 MINUTES
☐ 1 HOUR ☐ MORE THAN 1 HOUR

4. ✓ IS THERE A HEARING ALREADY SCHEDULED IN THIS CASE: ☐ NO ☐ YES - WHEN? _____

5. ✓ (A, B OR C) TO CERTIFY THAT THIS REQUEST WILL BE DELIVERED TO ALL OTHER PARTIES: ☐ A - ON THE SAME DAY I FILE THIS REQUEST
☐ B - WITH MY MOTION
☐ C - WITH MY PETITION

6. LIST EVERYONE IN THIS CASE SO THE COURT CAN SEND THEM A NOTICE ABOUT THE HEARING DATE:

	OTHER PARTY OR THEIR LAWYER	ME	☐ HSD (✓)
NAME		SEE SIGNATURE BELOW	HUMAN SVCS. DEPT.
ADDRESS		USE ADDRESS BELOW	653 UTAH AVE.
CITY/STATE/ZIP		USE ADDRESS BELOW	LAS CRUCES, NM 88001
TELEPHONE		USE TELEPHONE BELOW	524-6118

(SIGN YOUR NAME) _____

(PRINT YOUR NAME) _____

(YOUR MAILING ADDRESS) _____

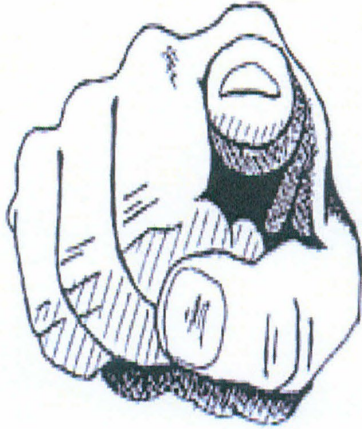
(CITY/STATE/ZIP) _____

(YOUR TELEPHONE) _____

WHEN YOU FILE THIS REQUEST, YOU MUST GIVE THE CLERK STAMPED LETTER ENVELOPES FOR YOU AND FOR EACH PARTY/LAWYER. THE COURT USES THE ENVELOPES TO MAIL OUT THE COURT DATE.



Giving Legal Notice When You Reopen Your Case



YOU ... must legally notify each party in your court case that you have reopened your case and that you have filed a motion.

A copy of all your paperwork must be delivered to each party.

YOU ... must file proof with the court that you did this.

The "Affidavit" form in this packet is your proof.

The court **DOES NOT** do this for you.

If you **KNOW** where the respondent lives, works, lives, or can be found

1. LEGAL NOTICE BY PERSONAL SERVICE



A friend or family member (must be over 18) delivers a copy of all the paperwork to them



THIS IS BETTER

A process server delivers a copy of all the paperwork to them.

If you have a good mailing address for the Other party

2. LEGAL NOTICE BY MAIL



The postman delivers a copy of all the paperwork to them.

They must sign the green card. Restricting delivery to them helps.

Your case will NOT move forward unless you legally notify each respondent that you filed a petition against them. You may want to see a lawyer for advice.

If you **DON'T** know where the respondent works, lives, or can be found

3. LEGAL NOTICE BY PUBLICATION



You can publish a notice in the newspaper **BUT** you have to ask the court's permission to do this.

This information sheet only highlights the 3 most common ways to serve the respondent. For details, see the New Mexico Rules of Civil Procedure

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

☐ STATE OF NEW MEXICO/HSD, (✓ if Petitioner or Intervenor)

_____, Petitioner,

v.

Case No. D-307-DM- _____

Judge: _____

_____, Respondent.

AFFIDAVIT OF SERVICE

STATE OF NEW MEXICO }
COUNTY OF _____ }ss.

I, the undersigned, of lawful age, being first duly sworn, on oath say that I am over the age of 18 and not a party to this lawsuit. I also state:

1. I personally served a copy of the following: (✓ check each box that applies)

- | | |
|--|--|
| ☐ Summons | ☐ Certificate to Reopen |
| ☐ Petition | ☐ Domestic Relations Info. Sheet |
| ☐ Temporary Domestic Order | ☐ Motion to Establish Custody/Timesharing |
| ☐ Order for Parent Education | ☐ Motion for <i>temporary</i> Custody/Timesharing |
| ☐ Request for Hearing/Setting | ☐ Motion: _____ |

2. WHO I served (first & last name): _____

WHERE I served (Address): _____

(City/State/Zip): _____

WHEN I served (mm/dd/yyyy): _____

(SIGN YOUR NAME) _____

(PRINT YOUR NAME) _____

Subscribed & sworn to before me by Affiant on _____, 20____.

Notary Public
My commission expires: _____