

PATERNITY

Paternity, Custody, Time-sharing, & Child Support

(For One Parent Filing Alone)

Instructions And First Court Papers

Third Judicial District Court, Dona Ana County, NM

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. **Paternity** can be 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 documents, including reliance on their contents.

PATERNITY PACKET

THIS PACKET CONTAINS THE FOLLOWING INSTRUCTIONS AND FORMS:

1. INSTRUCTIONS ABOUT PREPARING A PETITION - 5 pages
2. DOMESTIC RELATIONS INFORMATION SHEET - 2 pages
3. PETITION TO ESTABLISH PATERNITY - 5 pages
4. INSTRUCTIONS ABOUT SERVICE - 1 pages
5. SUMMONS/RETURN OF SUMMONS - 2 pages

1. GENERAL INSTRUCTIONS FOR ESTABLISHING PATERNITY

A. BACKGROUND. These materials are for handling your own court case *pro se* (without an attorney) and are provided for persons who cannot hire an attorney. If at all possible, you should have an attorney for your case because the system is quite complicated, and if you are proceeding *pro se*, you must do everything just as a lawyer would.

B. INFORMATION ABOUT THESE MATERIALS.

1. You are handling your own case. This information packet gives basic information on preparing and filing a Petition for Paternity. No matter what pleading you are doing, you will have to read every word carefully and tailor everything to fit your own fact situation.
2. Fill-in-the-blank forms provide a starting point in preparing your own pleadings. You must change the forms which are provided to fit your own situation!
3. There are other sets of instructions and forms for different stages of a case. For example, there are different sets of forms for each of the different ways of "serving" (giving formal notice of the divorce action) the other party. There are also separate forms and instructions for getting hearings scheduled. You will need to return at each stage of your case to get everything you will need.

C. PREPARING THE PETITION. The Petition is the document which tells the Judge what you are asking the Court to do for you. Before the Court can act on your request, you must give certain facts so that the Judge can determine that what you are asking is something this Court has the power to do, and that it is legal for the Judge to do it. The Petition contains some information to let the Judge know about you and why you are going to Court, that you are asking something which it is legal for the Court to order, and what it is you want the Court to do. The Summons is attached to a copy of the Petition and gives the other party notice that you have filed the Petition and (s)he has to do something or the Judge will give you what you have asked for. The other documents are completed because different rules require them to be done in family court cases.

1. **Heading.** The "Heading" is the top of page one, which gives the Court name and file number and the names of the parties. The heading is put on page one of every document or "pleading" which you file in this case from now on. Even if you come back to court 10 years after the divorce is final to change something, you will use the same heading.

The District Courts in New Mexico are divided into "Districts." Dona Ana County is the "Third Judicial District." Other districts around Las Cruces are: Twelfth Judicial District - Alamogordo, Sixth Judicial District - Deming, Seventh Judicial District - T or C.

These forms and instructions are ONLY for cases in New Mexico. You cannot try to use these forms in any other state. Each state has its own laws, and many states have mandatory forms that have to be used, so you cannot try to use these forms outside of New Mexico. The forms and instructions are developed following rules and practices in Dona Ana County. Even the surrounding counties have different ways of doing things, so you will have to check with the Clerk's Office at the Court you want to use them in.

A Cause number will be assigned by the Clerk of the Court when the Petition is filed. The Deputy Clerk will stamp a number on your first set of papers when you file them. You must fill in that same file or "cause" number on all the later documents in the case.

2. **Parties.** The Petitioner is the person who is starting the case. The Respondent is the "other side." One of you must be named "Petitioner" and the other person is named "Respondent." These titles are yours whenever you file something in Court in this case, even several years later. You must use your formal name.
3. **Title of Document or Pleading.** To establish paternity, you must file a "Petition to Establish Paternity, Custody and Child Support," and that is the title typed in the next line. The title should be centered and in all capital letters.
4. **Jurisdiction.** The statutes that give the court "jurisdiction" (authority to do something) in paternity cases are NMSA 1978 §§ 40-11-1 to 40-11-23. Basically, the District Court of New Mexico has jurisdiction to establish paternity over any "person who has sexual intercourse in this state," NMSA 1978 § 40-11-8 (B). You must decide which County to file in. This is called "venue." Your petition can be filed in the County in which one of the parties resides. If there are children, and one parent resides in one county, and the other parent lives in a different county, then venue is often decided to be the County in which the children reside permanently or indefinitely. Generally, New Mexico can determine child custody if the child has lived in New Mexico for at least 6 consecutive months and is now residing in New Mexico. If the child has been living in New Mexico but has been removed from New Mexico by a person claiming custody, and the removal was less than 6 months ago, then New Mexico may still determine custody issues where one parent is still in New Mexico. (See 40-10-2 through 40-10-4 in the section of statutes.) One purpose of this law is to avoid abductions or removal of children to another state.

It is important to be absolutely truthful in the facts stated in the Petition, since it is submitted under oath. Jurisdiction MUST be exactly right or the Decree (the final paper signed by the Judge) could be invalid and everything would have to be re-done at a later time.

5. **Children.** Every time you do any document that involves the children, their names should be given along with their birth dates. Sometimes, also, the age of the child is put in. In making any decisions about the children, the Judge needs to know which children are being discussed and how old they are. Using the birth dates helps identify the children and also gives information the Judge can use to determine the age of the child.

New Mexico law assumes that "joint custody" is best for children. Joint Custody DOES NOT mean equal time, where the children spend half their time with one parent and half their time with the other. Equal time-sharing is possible in joint custody, but other arrangements are usually preferred. In fact, an equal time-sharing arrangement will nearly always be refused unless a psychologist has recommended that equal time-sharing

be ordered. Joint custody means that both parents spend time with the children and are involved with them.

Mediation is required in EVERY case in which there is a dispute or conflict about child custody or visitation. A parent education class is also required. Some, but not all, of the other Counties in New Mexico have similar requirements. If you are outside Dona Ana County, you need to ask whether your Court has a mediation service.

The Mandatory Child Custody Jurisdiction Allegations are required by law. This law requires that BOTH parents give information, under oath, as to the children's present address, the places where the children have lived within the last FIVE years, and the names and present addresses of the persons with whom the children have lived during that three-year period. In addition to this information about residential addresses, the law requires statements about whether there have been any other court proceedings about custody of the children, or if any other person has had custody of them.

When the time-sharing (visitation) schedule with the children is known, then the amount of child support can be determined, based on the Child Support Guidelines which are part of the New Mexico Statutes. Worksheets are available so that the child support amount can be calculated. It is required that the Child Support Worksheet be signed by both parties and be attached to the final papers when the Decree and other final documents are submitted to the Judge for approval. The Petition includes a statement asking that child support be calculated in accordance with the guidelines.

6. **Prayer.** The ending paragraph of the Petition is called the "Prayer" and summarizes what the Petitioner is asking the Judge to do. Each major section of the Petition is limited to a sentence or two in the Prayer.
7. **Signing and Verification.** The Petition must be signed by the Petitioner, and the Petitioner's address and telephone number must be included. In addition, since some of the statements in the Petition were required to be made under oath, a "verification" is included. This verification must be signed before a Notary Public. Re-read the General Information instructions about notarizing and copies.

D. **FILING WITH THE CLERK.** The last step in getting your case started is to file the Petition with the Clerk. You will need the original and 2 copies of the Petition and the Summons and also a Domestic Relations Information Sheet. Before you take your Petition to the Clerk for filing, read the instruction materials in this Packet called INSTRUCTIONS ABOUT "SERVICE," you will need to have the SUMMONS issued by the Clerk at the same time that you take the Petition in to be filed. If you do not have the Summons issued when the Petition is filed and find out later that you need the Summons, you have to go through a lot of trouble to be able to get a Summons issued. It is better to get the Summons issued at the beginning, and then you have it ready in case you find that you need it. **A filing fee of \$137.00** is required in all new cases unless you are low income and apply for free process and it is approved. ***A Free Process Packet, which includes the Application, Affidavit and Order for Free Process is provided separately at the Clerk's office.***

E. **SERVICE.** You must SERVE the respondent with an ENDORSED copy of the Petition, endorsed copy of the Order for Parent Education, a copy of the Summons and a blank Domestic Relations Information Sheet. INSTRUCTIONS ABOUT "SERVICE" gives information about the different ways to serve the respondent. You should keep one set of the Endorsed pleadings in your own personal file.

F. INFORMATION ABOUT CUSTODY

1. **WHEN ESTABLISHING PATERNITY** - A case is started with filing a Petition for Dissolution of Marriage or a Petition to Establish Paternity, Custody and Visitation with the Court. Alternatively, you may file a Motion to Modify Custody and Visitation after you already have divorced and you need to make a modification because of changed circumstances (READ PART 2, BELOW). The Respondent answers the Petition, either agreeing or disagreeing to various parts of the Petition, by filing a written Response. When the Petition and Response show that the parties are in dispute about child custody and visitation issues and cannot work them out on their own, the parties must attend mandatory mediation before a hearing is set for the Judge to resolve the dispute. The mediator will work with the parties to try to settle the dispute. Both parties will be required to meet with a Mediator. It is very important that you provide the Court with accurate and complete addresses for both of the parents. The Court will mail/email information regarding mediation as well as an Order and Notice of Mediation to both parents. ATTENDANCE AT ALL SCHEDULED MEDIATION CONFERENCES IS MANDATORY. You are also required to attend a Parenting Education class. An agreement is often worked out during the Mediation process. If you reach an agreement, the mediator will fill out a Custody Plan and send it to the Court. If you do not reach an agreement, the Judge's office will set a hearing to decide custody and visitation.
2. **CHANGING CUSTODY/VISITATION AFTER FINAL DECREE**- You must file a Motion to Change Custody and Visitation and Certificate of Re-open Status. The Court will set your case for a hearing. The Judge may require you to attend Mediation and/or a Parenting Education class before deciding your request to make a change.

Remember that this packet contains only basic instructions and materials to get your case FILED and started. You will need to return to get forms and other instructions to continue with your case and get it completed.

PATERNITY STEPS



STEP 1

Starting

#1 DOMESTIC RELATIONS INFORMATION SHEET (4A-101)

#2 PETITION TO ESTABLISH PARENTAGE

#3 SUMMONS (4-206)

In order for the court to hear your case, the other parent must be provided (served) the Summons, Petition, and all other pleadings filed or issued. You must file proof that this happened.



When you file your forms, the court issues:

- Order for Parent Education

STEP 2

#4 RESPONSE (4A-104)

The other parent has 30 days to file their Response to your Petition. Start counting the day after the other parent is served.

Follow Default Steps if the other parent DOES NOT file a Response.

STEP 3a

Custody & Timesharing



BEFORE Step 3b, BOTH spouses MUST go to the parent education workshop!



You cannot skip this step! You cannot do something different without the Judge's permission. File a MOTION and WAIT to go before the Judge.

STEP 3b

Custody &

#5 CUSTODY PLAN AND ORDER (4A-302)

This is your plan about custody and your timesharing schedule. Requires notarized signatures of both parties. When parents cannot agree, the Judge will order them to Mediation to work out a plan.

CAUTION!

You must try to Mediate before you can ask for a hearing in front of the Judge

STEP 4

Child Support

#6 CHILD SUPPORT OBLIGATION AND ORDER (4A-303)

Once parents have a custody plan approved by the Judge, it is time to calculate child support. The parties must attach a completed Child Support Worksheet to the Child Support Obligation and Order. When parents do not agree, one of them must ask the court for a hearing.



It is not uncommon for the Judge to order the parents to the Child Support Hearing Officer.

STEP 5

#7 FINAL DECREE OF PARENTAGE (4A-403)

Once signed by the Judge, this document will make you single.

#8 REQUEST FOR HEARING (4A-206)

Spouses are **REQUIRED** to ask for a hearing. Whether or not you have a hearing is up to the Judge. You must include 2 addressed and stamped envelopes with this form. Spouses will get a notice in the mail or email saying when to come to court OR you will get your Final Decree in the mail or email.



STEP 6

Paying Child

• **BY LAW**, child support is taken out of your paycheck (called income withholding). There are very few exceptions! Once the judge signs form #6, take a copy to the Child Support Enforcement Division (CSED). You must apply for a Child Support Enforcement Case ID Number at the Human Service Department.

• In *most* cases, CSED will handle collecting child support from your employer. This requires a **FEDERAL FORM** that is NOT included in the court's packet. If CSED will *not* prepare the **FEDERAL FORM** for you, you may need a lawyer's help with the **FEDERAL FORM** and procedures. The court does not do this for you.



CAUTION: This information is provided by the Third Judicial District Court as a courtesy only. This information is not intended as legal advice and does not substitute for seeking independent legal or other professional advice as to the handling of a lawsuit, or related legal or financial matters.

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: _____

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

Court Clerk – do not file
FOR INFORMATION PURPOSES ONLY

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

v.

Case No. D-307- _____

Judge: _____

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

QUESTIONS ABOUT PUBLIC ASSISTANCE

1. Are the child/ren in this case currently on TANF? ☐ YES ☐ 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) _____

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

_____, Petitioner/Plaintiff,
(print first, middle and last name)

v.

Case No. D-307-DM-_____
Judge: _____

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

and involving _____, Minor Child(ren).

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

THE PETITIONER comes before this court and states:

1. The Petitioner is a resident of _____ County.
2. _____ is the mother of the minor child(ren).
3. _____ is the father of the minor child(ren)
4. The name, date of birth and age of the minor child(ren) are:

Name

Date of Birth

Age

PATERNITY (√ONE #5)

☐ 5. Paternity HAS NOT been established.

☐ 5. Paternity HAS BEEN established by (U check all that apply):

- ☐ Petitioner/Respondent has acknowledged his paternity of the minor child(ren) in writing filed with the Department of Vital Statistics in the State in which the child(ren) were born.
- ☐ Petitioner/Respondent has consented to paternity and is named on the birth certificate.
- ☐ Paternity of the minor child(ren) has been established by blood tests.
- ☐ Petitioner/Respondent has openly held out the minor child(ren) as his natural child(ren) and established a personal, financial or custodial relationship with the child(ren).

RESIDENCE OF CHILD(REN)

6. During the past five years, the minor child(ren) have lived with the following persons, at the following places, and for the following periods of time:

<u>Lived With</u>	<u>Address</u>	<u>Dates</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

PRIOR LITIGATION (√ONE #7)

- ☐ 7. Petitioner knows of no other litigation concerning custody or visitation involving the minor child(ren) of 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.
- ☐ 7. Issues concerning custody or visitation involving the minor child(ren) of the parties were previously litigated in the following court action:

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

PENDING LITIGATION (✓ ONE #8)

- ☐ 8. Petitioner has no information of any proceeding that is pending in a court in New Mexico or in any other state involving visitation or custody with the parties' minor child(ren).
- ☐ 8. The following proceeding is pending in a court in New Mexico or in another state involving visitation or custody with the parties' minor child(ren):

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

OTHER CUSTODY AND VISITATION CLAIMS (✓ ONE #9)

- ☐ 9. Petitioner knows of no persons other than the parties who have physical custody of the minor child(ren) or who claim to have custody or visitation rights to the minor child(ren).
- ☐ 9. The following persons *other than the parties* have physical custody of the minor child(ren) or claim to have custody or visitation rights to the minor child(ren):

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____

CUSTODY OPTIONS (✓ ONE #10)

- ☐ 10. The parties should be awarded joint legal custody of the minor child(ren), with primary physical custody in and periods of care and responsibility consistent with the best interests of the child(ren).
- ☐ 10. _____ should be awarded sole legal and physical custody of the child(ren) subject to the other parent's reasonable rights of visitation. Sole legal and physical custody is in the best interest of the minor child(ren) because:

CHILD SUPPORT

- ☐ 11. 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.
- ☐ 12. Petitioner requests immediate child support during the pendency of this case, in accordance with the New Mexico Child Support Guidelines.
- ☐ 13. Petitioner requests that child support be retroactive to the birth of the child(ren), and that the amount of child support be in accordance with the New Mexico Child Support Guidelines.
- ☐ 14. Petitioner requests that Respondent be ordered to pay the birthing expenses, including hospital and medical expenses, incurred by mother in the amount of \$_____.

LIFE INSURANCE

- ☐ 15. Respondent should be ordered to purchase life insurance with a benefit amount of \$_____, naming the other parent as trustee for the benefit of the minor child(ren) in order to pay the child(ren) support obligation upon the paying parent's death.

MEDICAL INSURANCE

- ☐ 16. _____ should provide health and dental insurance for the minor child(ren).

MEDICAL EXPENSES (✓ ONE #17)

- ☐ 17. _____ should pay 100% of the child(ren)'s health and dental expenses not paid by the insurance.
- ☐ 17. The parties should each pay one-half of the child(ren)'s health and dental expenses not paid by insurance.
- ☐ 17. The parties should pay the child(ren)'s health and dental expenses not paid by insurance in the percentages shown on the child(ren) support worksheet.

BLOOD TESTING

- ☐ 18. Petitioner requests blood testing be ordered if Respondent denies paternity of the child(ren), with blood samples to be sent for testing to a qualified blood testing laboratory and HLA tests and any other tests the testing facility recommends to be performed. Petitioner requests that court costs, blood testing costs and expert witness fees should be ordered to be paid by Respondent.

BIRTH RECORD

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

WHEREFORE, Petitioner asks the Court to:

1. Establish the paternity of the minor child(ren).
2. Award 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,

(SIGN YOUR NAME) _____

(PRINT YOUR NAME) _____

ADDRESS PROTECTED BY COURT ORDER: ☐ NO ☐ YES (If ☒ YES, skip address below)

(YOUR MAILING ADDRESS)

(CITY/STATE/ZIP) _____

(YOUR TELEPHONE) _____

VERIFICATION

STATE OF NEW MEXICO }
COUNTY OF DONA ANA } ss

I _____, being first duly sworn upon my oath, depose and state that I am the Petitioner in the above-entitled cause. I have read this Petition to Establish Paternity, Determine Custody and Timesharing, and Assess Child Support. I state that the contents of this Petition are true and correct, except to the matters stated on information and belief, and those matters I believe to be true.

(SIGN YOUR NAME) _____ (PRINT
YOUR NAME)

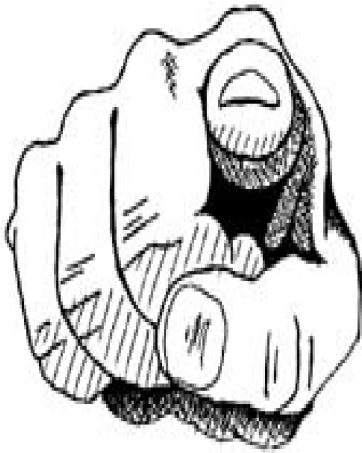
SUBSCRIBED AND SWORN to before me on _____, 20_____, by:

Notary public or other officer authorized to administer oaths

Title

My commission expires: ☐ Indefinite ☐ Date

Giving Legal Notice



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.

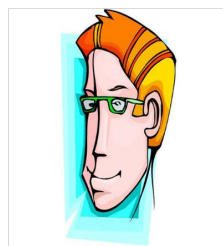
YOU . . . must file proof with the court that you did this.

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

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

1. LEGAL NOTICE BY PERSONAL SERVICE

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



THIS IS OKAY

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.

2. LEGAL NOTICE BY MAIL

If you have a good mailing address for the Other party



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

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

3. LEGAL NOTICE BY PUBLICATION

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



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

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.

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

SUMMONS

THIRD JUDICIAL DISTRICT COURT DONA ANA COUNTY, NEW MEXICO Court Address: 201 W. Picacho Las Cruces, NM 88005 Court Telephone Number: 575-523-8200	Case Number: D-307-DM-_____ Judge: _____
Petitioner: _____ v. Respondent: _____	RESPONDENT: Name: _____ Address: _____ _____

TO THE ABOVE NAMED RESPONDENT

TAKE NOTICE THAT:

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6227; or 1-505-797-6066.

Dated at Las Cruces, New Mexico, this _____ day of _____, 20_____.

BERNICE A. RAMOS CLERK OF COURT By: _____ Deputy

Signature of Attorney for Petitioner or Petitioner, Pro Se
Print Name: _____
Mailing Address: _____
City/State/Zip: _____
Telephone: _____
Fax #: _____
Email Address: _____

RETURN

STATE OF NEW MEXICO)
)ss
COUNTY OF _____)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, _____, by delivering a copy of this summons, with a copy of Petition, and Order for Parent Education attached, in the following manner:

(check one box and fill in appropriate blanks)

- | | |
|--------------------------|---|
| ☐ | to the respondent _____ <i>(used when respondent accepts a copy of summons and petition or refuses to accept the summons and petition)</i> |
| ☐ | to the respondent by [mail] [courier service] as provided by Rule 1-004 NMRA <i>(used when service is by mail or commercial courier service).</i> |

After attempting to serve the summons and petition on the respondent by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of petition attached, in the following manner:

- ☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of respondent _____, *(used when the respondent is not presently at place of abode)* and by mailing by first class mail to the respondent at _____ *(insert respondent's last known mailing address)* a copy of the summons and petition.
- ☐ to _____, the person apparently in charge at the actual place of business or employment of the respondent and by mailing by first class mail to the respondent at _____ *(insert respondent's business address)* and by mailing the summons and petition by first class mail to the respondent at _____ *(insert respondent's last known mailing address)*.
- ☐ to _____, an agent authorized to receive service of process for respondent _____.
- ☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of respondent _____ *(used when respondent is a minor or an incompetent person).*
- ☐ to _____ *(name of person)*, _____, *(title of person authorized to receive service. Use this alternative when the respondent is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).*

Fees: _____

Signature of person making service

Print Name and Title *(if any)*

Subscribed and sworn to before me on: _____

Judge, notary or other officer authorized to administer oaths

Official title

My commission expires: _____