

PATERNITY

**Paternity, Custody, Time-sharing, & Child
Support**

UNCONTESTED

(Both Parents Filing Together)

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.

4A-401. Uncontested petition for paternity; forms needed; filing fee.

A. **Forms that need to be filed.** In a parentage case where both parties agree, the parties need to file the following completed forms with the court:

- (1) a Domestic Relations Cover Sheet, Form 4A-101 NMRA is required;
- (2) a Petition to Establish Parentage, Form 4A-402 NMRA is provided;
- (3) an Order Establishing Parentage, Custody, and Child Support, Form 4A-404 NMRA is provided; and
- (4) a Custody Plan and Order, Form 4A-302 NMRA is provided.

B. **Child Support.** The Order Establishing Parentage, Custody, and Child Support (Form 4A-404 NMRA) requires the parties to fill out a child support worksheet and attach it to the Order. Parties may choose to have child support withheld from the paying parent's income, but that requires filling out a Wage Withholding Order (Form 4A-304 NMRA), having a Child Support Enforcement number (which may be obtained through Child Support Enforcement), and filling out the Income Withholding for Support Form (OMB 0970-0154).

C. **Type or print.** The parties must type or print all of the information required to be completed on the forms. Many forms may be downloaded and completed or completed on-line. If a pre-printed form is being used by the parties and there is not enough room on the form to provide all of the information required, use a separate page for the information and staple the page to the pre-printed form before making copies and filing the form with the court.

D. **Sign the pleadings.** A party's signature on a pleading or paper filed with the court constitutes a certificate that the party has read the paper and that to the best of the party's knowledge, information, and belief there is good grounds to support it.

E. **Forms required to be signed before a notary.** Only the Petition for Parentage must be signed by the petitioner (*person filing the case*) in front of a notary.

F. **File the forms with the court.** After the parties have completed and signed the forms, the parties must file them with the court clerk.

G. **Required number of copies.** An original and two (2) copies of each form must be filed.

H. **Pay the filing fee.** A filing fee must be paid to the clerk in cash, money order, or credit card at the time the petition and information sheet are filed unless free process is approved. [Approved, effective November 15, 2002; 4A-206 recompiled as 4A-401 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. 13-8300-014, effective immediately in all cases pending or filed on or after June 24, 2013; as amended by Supreme Court Order No. S-1-RCR-2024-00103, effective for all cases pending or filed on or after December 31, 2024.]

PATERNITY STEPS



STEP 1

Starting

#1 DOMESTIC RELATIONS INFORMATION SHEET (4A-101)
#2 PETITION TO ESTABLISH PARENTAGE (4A-402)
#3 SUMMONS (4-206)

When you file your forms, the court issues:

- Order for Parent Education

STEP 2a

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 2b

Custody &

#4 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 3

Child Support

#5 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 (csc.nmcourts.gov). 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 4

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

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

#7 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. Revised 5/11/2026.

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-402. Petition to establish parentage.

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT

_____,
Petitioner,

v.

D-307-DM- _____

_____,
Respondent.

PETITION TO ESTABLISH PARENTAGE¹

I, _____, (*person listed as petitioner above*) am the petitioner in this case and I have [a child] [children] with _____ (*person listed as respondent*), "the parties". The parties ask the court for a Final Decree Establishing Parentage that establishes that _____ (*name of father*) is the father of the [child] [children] listed below and approves the parties' parenting plan for their [child] [children].

1. The parties have [or are expecting] _____ (*number*) minor [child] [children] together.
2. The parties are filing a completed Custody Plan, Form 4A-302 NMRA, and Child Support Obligation, Form 4A-303 NMRA, at the same time as this petition.
3. Father lives in _____ County. Mother lives in _____ County. Venue is proper because one of us lives in the county listed in the case caption above.
4. Both parties have gotten the help needed in order to sign this document.
5. The parties are the parents of:

Child's name	Date of birth	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. Our [child] [children] have lived in New Mexico since birth or for at least the past six (6) months. For the past five (5) years, our children have lived:

Child's addresses

**Dates of
residence**

People in residence

Present address:

_____	_____	_____
_____	_____	_____

Past addresses:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(If applicable, check below and list each proceeding.)

7. ☐ The above [child has] [children have] been the subject of the following prior custody or support proceedings:

Case Name

**Case
number**

Court name

Location

_____	_____	_____	_____
_____	_____	_____	_____

- ☐ No other custody or support proceeding has been filed in any state involving the above named [child] [children].

8. *(check applicable)*

- ☐ No person other than the parties to this proceeding has claimed custody or visitation rights for the above named [child] [children].

- ☐ The following named persons have custody or visitation rights to the above named [child] [children]:

(Name of person)

(Address)

(Name of person)

(Address)

9. Parentage has been established because the father has acknowledged that he is the father of the [child] [children].

10. We understand that once the judge signs the Final Decree of Parentage, we will be ordered to do the things we agreed to do in the parenting plan.

When I sign here, I am telling the judge that I have read this document and agree with everything in it. I state upon my oath or affirmation that this document and the statements in it are true and correct to the best of my information and belief.

Petitioner's signature

Address: _____

Telephone: _____

Respondent's signature

Address: _____

Telephone: _____

STATE OF NEW MEXICO)
) ss.
COUNTY OF)

Acknowledged, subscribed and sworn to before me this ____ day of _____, ____ by _____, the petitioner.

My commission expires: _____

Notary Public

STATE OF NEW MEXICO)
) ss.
COUNTY OF)

Acknowledged, subscribed and sworn to before me this _____ day of _____, _____ by _____, the respondent.

My commission expires: _____
_____ Notary Public

USE NOTES

1. *See* Form 4A-401 NMRA for an explanation of an uncontested paternity proceeding and how to complete these forms.
 2. Section 40-10A-209 NMSA 1978 requires the following information be disclosed:
 - name of the child;
 - the places the child has lived in the last five (5) years; and
 - the names and addresses of the persons with whom the child has lived in the last five (5) years.
 3. After completing this form the petitioner and respondent must sign their names before a notary.
- [Approved, effective November 1, 2002; 4A-331 recompiled as 4A-402 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. 13-8300-014, effective immediately in all cases pending or filed on or after June 24, 2013.]

4A-302. Custody plan and order.

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT

_____,
Petitioner,

v.

D-307-DM- _____

_____,
Respondent.

CUSTODY PLAN AND ORDER¹

_____ and _____ are the parents of the children listed below. This document is the custody plan and is in the best interests of the children.

I. IDENTIFICATION AND CONTACT INFORMATION

Parent's name

**Physical address and
phone number**

**Place of employment
and phone number**

Child's name

Year of birth

Age

[] The parties shall advise each other of any change to this contact information within ten (10) days of new information becoming available.

II. CUSTODY OF THE CHILDREN²

(Choose either Option A, Sole legal custody, or Option B, Joint legal custody)

☐ A. **Sole legal custody and visitation plan.** (*Do not fill out Option B if you choose this option*)

(Complete 1, 2, and 3)

1. _____ (*name of parent with sole custody*) shall have sole legal custody of the children. The parent with sole custody shall make the important decisions regarding the children.

2. The reason that sole custody is in the best interest of the children is because:

3. This is the visitation plan:

(Choose a, b, or c)

☐ a. There shall be **no visitation** until further order of the Court.

(Or)

☐ b. _____ (*name of other parent*) shall have **unsupervised visitation** with the children as follows: (*Fully describe visitation plan to include who shall transport the children and where and when the visitation shall occur. Attach additional sheets if necessary.*)

(Or)

☐ c. _____ (*name of other parent*) shall have **supervised visitation** with the children as follows: (*Fully describe visitation plan to include who shall supervise the visitation, who shall transport the children and where and when the visitation shall occur. Attach additional sheets if necessary.*)

☐ B. **Joint legal custody and parenting plan.** (*Do not fill out Option A if you choose this option*)

1. **Important decisions.** The parents shall share joint legal custody of the children and shall make important decisions about the children together. No change regarding any of the following shall happen unless the parents both agree to the change in writing or the court changes it:

- a. City and county of residence: _____
- b. Religion: _____
- c. Activities: _____

- | | Name | Address and telephone |
|---------------|-------|-----------------------|
| d. Doctor | _____ | _____ |
| e. Dentist | _____ | _____ |
| f. School | _____ | _____ |
| g. Child care | _____ | _____ |
| h. Other | _____ | _____ |

2. **Solving arguments.** The parents shall resolve any parenting or time-sharing dispute regarding the children in this way (*steps continue until problem solved*):

- a. Talk together; or
- b. Communicate in writing as follows:
 - i. parent requests change, and gives reasons for the change; and
 - ii. answering parent sends response within _____ days.

If the answering parent does not agree to the change, that parent must say why, and, if possible, make a new proposal.

- c. Take the following steps:
(*check all that apply and number them if there is a particular order*)
 - ☐ _____. Go to couple, family, or other counseling;
 - ☐ _____. Go to mediation with a neutral party;
 - ☐ _____. Other: _____;
 - ☐ _____. Go to court.

3. *Timesharing schedule.*

(Complete ASchedule 1@ or ASchedule 2@ below.)

[] Schedule 1. Same schedule each week or every two weeks.

(Set out the time that each parent shall have the children for that day.)

Week 1	_____ =s time (name of parent)	_____ =s time (name of parent)
Monday	_____	_____
Tuesday	_____	_____
Wednesday	_____	_____
Thursday	_____	_____
Friday	_____	_____
Saturday	_____	_____
Sunday	_____	_____

Week 2	_____ =s time (name of parent)	_____ =s time (name of parent)
Monday	_____	_____
Tuesday	_____	_____
Wednesday	_____	_____
Thursday	_____	_____
Friday	_____	_____
Saturday	_____	_____
Sunday	_____	_____

[] Schedule 2. Write your own schedule. (*Write your own schedule here or attach a separate sheet or calendar or make additions to Schedule 1.*)

4. *Vacation and holiday plan.*

- a. **Vacations.** The parents shall each have ____ [days] [weeks] (*circle one*) of uninterrupted time with the children each year. Each parent shall give the other parent at least ____ [days] [weeks] (*circle one*) notice of the vacation time.
- b. **Holidays.** Regardless of the day of the week, the children shall spend holidays as follows: (*Insert name of parent who will have the children on each holiday*)

Holidays:	Even year	Odd year	Times	(if
Mother=s Day	_____	_____	<i>split</i> From _____ To _____	
Father=s Day	_____	_____	From _____ To _____	
Child=s Birthday	_____		_____ From _____ To _____	
Halloween	_____		_____ From _____ To _____	
Thanksgiving break	_____	_____	From _____ To _____	
Winter religious holidays	_____	_____	From _____ To _____	
1st 1/2 winter break	_____	_____	From _____ To _____	
2nd 1/2 winter break	_____	_____	From _____ To _____	
Spring Break	_____		_____ From _____ To _____	
July 4th	_____		_____ From _____ To _____	
Other religious holidays	_____		_____ From _____ To _____	
Others:	_____		_____ From _____ To _____	

The Monday of a 3-day weekend due to a school, federal, or state holiday is the same as the Sunday schedule unless we agree differently.

5. ***Details about the timesharing.***

- a. **Communication.** Each parent may have reasonable communication with the children at all times. Neither parent shall unreasonably interfere with the children=s communications with the other parent.

- b. **Transfer of children.** Responsibility for transferring the children from one parent to the other shall be as follows (*write what you will do here*):

- c. **Long-distance transfer of children.** Responsibility for transferring the children from one parent to the other in long-distance arrangements shall be as follows (*write down what you will do here*):

- d. **Emergencies.** If there is a medical emergency, the parent with the children shall try to call the other parent about the emergency. If the other parent cannot be reached, any decision for emergency medical treatment shall be made by the available parent in the best interest of the children.

- e. **Changes.** Each parent may ask the other for changes to this schedule. The other parent has the right to say *Ano.* If the other parent says *Ano.*, the parent asking for changes shall not argue or criticize the other parent's decision.

- f. **Review of plan.** The parents agree to meet ☐ every year (*or*) ☐ every ____ years to make sure this plan continues to work well.

VERIFICATION

I affirm under oath and penalty of perjury under the laws of the State of New Mexico that I have read this document, that I agree with everything in it, and that the statements in it are true and correct to the best of my knowledge and belief.

Name of parent (*print*)

Parents signature

Date

Mailing address

Physical address

Telephone

Name of parent (*print*)

Parents signature

Date

Mailing address

Physical address

Telephone

STATE OF NEW MEXICO)
COUNTY OF _____) ss

Acknowledged, signed and sworn to before me this _____ day of _____, _____ by _____, the parent.

Notary public

My commission expires: _____.

STATE OF NEW MEXICO)
COUNTY OF _____) ss

Acknowledged, signed and sworn to before me this _____ day of _____, _____ by _____, the parent.

Notary public

My commission expires: _____.

Approved, adopted, and ordered
by the District Court

Date

District Court Judge

USE NOTES

1. A custody plan must be filed in every dissolution of marriage case if the parties have minor children or a child under nineteen years of age who is attending high school. For more information about filling out this form, *see* Form 4A-300 NMRA.

2. The parties should understand the difference between the rights and obligations of joint custodians and a sole custodian. Descriptions of these terms are set out in NMSA 1978, Section 40-4-9.1. See an attorney with questions you may have. Joint custody does not imply an equal division of the child=s time between the parents or an equal division of financial responsibility for the child.

[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 No. 15-8300-024, effective for all pleadings and papers filed after November 18, 2015.]

4A-303. Child support obligation and order.

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT

_____,
Petitioner,

v.

D-307-DM- _____

_____,
Respondent.

CHILD SUPPORT OBLIGATION AND ORDER¹

_____ and _____ are the parents of the
children listed below.

I. IDENTIFICATION AND CONTACT INFORMATION

Parent's name	Physical address and phone number	Place of employment and phone number
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Child's name	Year of birth	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

[] The parents shall advise each other of any change to this contact information within ten (10) days of new information becoming available.

II. CHILD SUPPORT²

- A. **Child Support Worksheet.**³ A signed child support worksheet is attached to this plan.
(Complete and sign a child support worksheet prior to completing this section.)

Child support: _____ pays _____
\$ _____ per month. Payments shall begin on _____ (date) and
shall be paid in the amount of \$ _____ every [] week [] two weeks [] month.
Payments shall continue each month until the youngest child turns eighteen (18);
however, if the youngest child turns eighteen (18) while still attending high school,
payments shall continue until the month the child graduates or turns nineteen (19),
whichever occurs first.⁴

(Choose 1 or 2)

- [] 1. This amount is the amount shown on the worksheet;

(Or)

- [] 2. This is a deviation from the amount shown on the child support worksheet
because (fill in the reason here)⁵

_____.

- B. **Health insurance coverage**⁶

(Choose 1, 2, or 3)

- [] 1. _____ (name of parent) shall keep the minor children
covered by health and dental insurance under the policy of insurance available to
[him] [her] from [his] [her] employer or other group health care insurance plan.

(Or)

- [] 2. Neither parent has private health or dental insurance coverage available at a
reasonable cost. If the children are covered under Medicaid, the child support
obligor shall pay a cash medical support payment as determined at a subsequent
hearing in which the State of New Mexico, Child Support Enforcement Division
("CSED"), has been given sufficient notice, or upon the stipulation of the parties
and with the agreement of CSED. The notification to and agreement of CSED is
required only for cash medical support.

(Or)

- [] 3. Other health insurance coverage shall be provided as follows:

_____.

- C. **Additional healthcare expenses to be determined by percentage.** The parents shall
split the cost of uncovered necessary healthcare expenses in proportion to their income on
the child support worksheet.

D. Wage withholding of child support.

(Choose and complete 1 or 2)

- ☐ 1. **Withhold wages for child support.** Child support payment shall be withheld from _____'s paycheck.⁷

(Choose a or b)

- ☐ a. Attached is a completed Form 4A-304 NMRA Wage Withholding Order which directs all withheld payments to the Child Support Enforcement Division ("CSED").

(Or)

- ☐ b. _____ *(name of parent)* shall take a copy of this child support obligation after it is signed by the Court to CSED to open a case and to request that CSED issue a notice of wage withholding on [his] [her] behalf.

(Or)

- ☐ 2. **Other plan.** Wage withholding is not appropriate at this time as the parents have made the following alternate arrangements for the payment of support (*describe alternate payment arrangements, subject to approval by the Court*):

E. Health and dental insurance. The parents shall do the following:

1. follow the insurance plan in selecting a doctor or dentist;
2. use doctors and dentists who are part of the insurance plan;
3. make sure each parent has a copy of the insurance card and policy; and
4. cooperate and work together to promptly submit all insurance forms.

F. Exchange of information. Once a year either parent can ask, in writing, for both parents to exchange the following information (*this paragraph is required by statute, Section 40-4-11.4 NMSA 1978*):⁸

1. federal and state tax returns for the prior year;
2. W-2 statements for the prior year;
3. IRS form 1099s for the prior year;
4. work related day care statements for the prior year;
5. dependent medical insurance premiums for the prior year; and
6. wage and payroll statements for the four months prior to the request.

G. **Tax issues.**⁹ This is the plan about tax issues, such as the dependency exemption, that relate to the children:

- ☐ Follow IRS regulations; or
☐ Adopt another plan as follows:

_____.

H. **Other expenses.** Each parent shall provide the children with items they need while they are with that parent.

- ☐ (*If applicable*) The parents shall pay for special activities as follows:

_____.

VERIFICATION

I affirm under oath and penalty of perjury under the laws of the State of New Mexico that I have read this document, that I agree with everything in it, and that the statements in it are true and correct to the best of my knowledge and belief.

Name of parent (*print*)

Name of parent (*print*)

Parent's signature

Parent's signature

Date

Date

Mailing address

Mailing address

Telephone

Telephone

STATE OF NEW MEXICO)
COUNTY OF _____)

ss

Acknowledged, signed and sworn to before me this _____ day of _____, _____ by _____, the parent.

Notary public

My commission expires: _____.

STATE OF NEW MEXICO)
COUNTY OF _____) ss

Acknowledged, signed and sworn to before me this _____ day of _____, _____ by _____, the parent.

Notary public

My commission expires: _____.

Approved, adopted, and ordered by the District Court

Date

District Court Judge

USE NOTES

1. A child support obligation must be filed in every dissolution of marriage case if the parties have minor children or a child under nineteen years of age who is attending high school. For more information about filling out this form, *see* Form 4A-300 NMRA.

2. If child support is not paid in a timely manner, interest will be added to the amount owed at the rate provided by law. *See* NMSA 1978, Section 40-4-7.3 for accrual of interest on delinquent child support.

3. *See* NMSA 1978, Section 40-4-11.1 for the child support worksheet. An interactive version of this worksheet may be found at www.nmcourts.com, click on "Family Law Forms." *See also* Form 4A-300 NMRA for a further explanation of the child support worksheet. The child support worksheet is used to determine the monthly child support obligation.

4. If child support is being paid for more than one child, the end of a child support obligation for a child may be a change of circumstances that justifies a different child support amount. A new child support worksheet must be completed and adopted by the court. If your child has an intellectual or physical disability, you should consult with an attorney.

5. The judge may or may not accept a proposed change from the worksheet amount. Proposed changes may be appropriate if application of the child support guidelines would be unjust or inappropriate, or create a substantial hardship. If child support has been ordered in another proceeding, tell the court about it here and attach that child support worksheet.

6. *See* NMSA 1978, Section 40-4C-4 for medical support orders. In some circumstances the court may order both parties to provide employer-provided health insurance.

7. *See* Form 4A-304 NMRA for the Wage Withholding Order. Wage withholding is required unless the parties show good cause and make alternate payment arrangements. Wage withholding is mandatory if the children are receiving public assistance. Payments made by wage withholding go through the Title IV-D agency (CSED) and cannot be directly sent by the employer to a party. Either party may request the court to enter a Wage Withholding Order. *See also* Form 4A-300 NMRA for a further explanation of the Wage Withholding Order.

8. You need a court order to adjust child support payments.

9. Consult with a professional about tax issues that relate to any children.

[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 No. 15-8300-024, effective for all pleadings and papers filed after November 18, 2015.]

4A-404. Order establishing parentage, custody, and child support.
STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT COURT

_____,
Petitioner (Parent 1),

v.

D-307-DM- _____

_____,
Respondent (Parent 2).

**ORDER ESTABLISHING PARENTAGE,
CUSTODY, AND CHILD SUPPORT**

THIS MATTER comes before the Court regarding the Petition to Establish Parentage, Custody, Time-Sharing, and Child Support. The Court has considered the evidence and hereby

FINDS AND ORDERS:

1. The Court has jurisdiction over the subject matter and the parties.

2. **BACKGROUND.**

A. Petitioner lives in the State of _____ and resides in _____ County.

Respondent lives in the State of _____ and resides in _____ County.

B. This order refers to Petitioner as Parent 1 and refers to Respondent as Parent 2.

C. The child(ren) of Parent 1 and Parent 2 are (*Please add additional pages, if needed*):

Name (a)	Date of birth (b)	Present age (c)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

D. Parent 1 is a legal parent of the child(ren) based on:

(Chose one)

- ☐ having given birth to the child(ren);
- ☐ named on the birth certificate;
- ☐ a court order adjudicating paternity;
- ☐ adopting the child(ren);
- ☐ genetic test(s);
- ☐ a valid Acknowledgement of Paternity;
- ☐ an un rebutted presumption of paternity;
- ☐ a consent for assisted reproduction that resulted in the birth of the child(ren); or
- ☐ both parents agree that they are the parents of the above-named child(ren) and that this form is an acknowledgment that they are the parents of the above-named child(ren).

E. Parent 2 is a legal parent of the child(ren) based on:

(Chose one)

- ☐ having given birth to the child(ren);
- ☐ named on the birth certificate;
- ☐ a court order adjudicating paternity;
- ☐ adopting the child(ren);
- ☐ genetic test(s);
- ☐ a valid Acknowledgement of Paternity;
- ☐ an un rebutted presumption of paternity;

- [] a consent for assisted reproduction that resulted in the birth of the child(ren); or
- [] both parents agree that they are the parents of the above-named child(ren) and that this form is an acknowledgment that they are the parents of the above-named child(ren).

F. If either parent is not currently named on the child(ren)'s birth certificate, on the request of either parent, the Bureau of Vital Records and Health Statistics of the New Mexico Department of Health must prepare a new certificate(s) of birth reflecting the parents of the child(ren) as adjudicated herein, and must substitute the new certificate(s) for the original certificate(s).

3. **CHILD CUSTODY.** Complete the Custody Plan and Order, which is Form 4A-302 NMRA, and file that form with this form.

4. **ON-GOING CHILD SUPPORT. A Worksheet A or B must be attached even if the parties are agreeing to a different amount.**

A. Amount of child support:

1. The amount is \$_____ per month, which is the amount of child support on the attached worksheet.
2. The amount is _____ per month, which is NOT the amount of child support on the attached worksheet because _____ (must be a reason that would create a hardship if the person was required to pay the guideline amount in this space or list the other reasons that child support should be different from the child support worksheet amount).

B. Child Support Payments Begin: _____ (*date*) and are to be paid by the _____ (*day*) of the month every month thereafter until modified by court order.

C. This on-going child support obligation will continue until the court changes it in an Order of the Court or until the emancipation of the child(ren). If one of the children named in the order turns eighteen (18) years of age (or nineteen (19) years of age if they are still in high school), either party may file a motion for an order modifying child support for the remaining children or may request the court to end ongoing child support if all children are eighteen (18) years of age (or nineteen (19) years of age if the child is still in high school). Modifying or ending ongoing child support does not change unpaid child support that may still be due and owing.

5. RETROACTIVE CHILD SUPPORT. Retroactive child support is child support owed by one parent to the other parent for the period of time before this order.

A. ☐ No retroactive child support is owed.

B. ☐ Retroactive child support is owed. _____ (*name of parent*) is awarded retroactive child support against _____ (*name of other parent*) in the amount of \$ _____, which will accrue interest at the statutory rate of 4%. The retroactive child support is from _____ (*enter month and year that the retroactive child support covers*) to the present. Beginning _____ (*first day of the month*), _____ must pay \$ _____ per month toward reduction of the retroactive child support, which is a judgment.

6. **EXCHANGE FINANCIAL INFORMATION.**

A. The parties will exchange financial information once a year upon written request of either party.

Financial information that must be exchanged upon request is:

- a. federal and state tax returns, including all schedules, for the year before the request;
 - b. W-2 statements for the year before the request;
 - c. Internal Revenue Service Form 1099s for the year before the request;
 - d. work-related daycare statements for the year before the request;
 - e. dependent medical insurance premiums for the year before the request;
- and
- f. wage and payroll statements for four months before the request.

7. **WAGE WITHHOLDING.**

[] A. _____ has waived income withholding. The parent responsible for child support will make payments directly to:

NAME: _____

ADDRESS: _____

OR through direct payments via _____ (*direct deposit, smart phone app, etc.*).

Parties must keep track of all payments, and records of payment are encouraged.

[] B. Immediate wage withholding is ordered. The employer of the parent obligated to pay child support must make child support payments to:

HSD, Child Support Enforcement Division

P.O. Box 200796

Dallas, TX 75320-0796

OR online (*e-check, credit or debit cards – parents only*) using E-Bill

Express, available at [https://www.e-](https://www.e-billexpress.com/ebpp/NMHSDCSED/Login/Index)

[billexpress.com/ebpp/NMHSDCSED/Login/Index](https://www.e-billexpress.com/ebpp/NMHSDCSED/Login/Index).

The CSED account number must be shown on each payment, and an Income Withholding for Support form must also be filled out by the parties and signed by the judge. Direct payments between parents must occur until wage withholding begins.

8. **MEDICAL SUPPORT.**

A. (*pick one of the selections below*)

☐ _____ (*write name of parent who has/will provide insurance coverage for the child(ren)*) will ensure that the child(ren) are covered under a group health insurance policy and that parent will pay for the insurance.

OR

☐ The child(ren) is/are covered by Medicaid.

B. Medical expenses not paid by insurance and/or Medicaid will be paid as follows:

Parent _____ is responsible for ____% of these expenses; and

Parent _____ is responsible for ____% of these expenses.

(*The total % must add up to 100%*).

9. **LIFE INSURANCE** *(optional)*

[] _____ will purchase life insurance with a benefit of \$ _____, naming the other parent as trustee for the benefit of the minor child(ren) to pay the child support upon the paying parent's death.

10. [] The Department of Health, Bureau of Vital Records and Statistics will change the birth records of the minor child(ren) to reflect this parentage determination. *(A copy of this order must be provided by the parties to Vital Records).*

IT IS SO ORDERED.

DISTRICT COURT JUDGE

APPROVED:

Petitioner/Parent 1

Respondent/Parent 2

[Adopted by Supreme Court Order No. S-1-RCR-2024-00103, effective for all cases pending or filed on or after December 31, 2024.]

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.