

**STATE OF NEW MEXICO
COUNTY OF MCKINLEY
11TH JUDICIAL DISTRICT COURT**

May 2010 /Revision

_____ ,

Petitioner,

vs.

No. D-1113-DM-_____

_____ ,

Respondent.

FINAL DECREE OF DISSOLUTION OF MARRIAGE
(with Children)

THIS MATTER having come before the Court upon the Petition for Dissolution of Marriage or Counter Petition, the Court having considered the evidence presented before it and being fully advised in the premises, hereby enters its Findings of Fact, Conclusions of Law, and Final Decree, Judgment and Order as follows:

THE COURT FINDS:

1. Petitioner or Respondent and any minor children of the parties (if any) has/have been domiciled in the state of New Mexico continuously for more than six months and Petitioner has resided in the County of McKinley just before filing the Petition for Dissolution of Marriage.

(SELECT ONE)

_____ 2A. The parties have stipulated to this decree.

_____ 2B. Respondent has failed to appear and defend. Respondent was duly served and a default entered and Respondent was not in active military service of the United States at the time the petition was filed and served through this date.

_____ The Court has heard the evidence from the parties/Petitioner/Respondent.

3. Petitioner and Respondent were married on *(date)* _____,

19_____ at _____ (City/State). The parties are incompatible and the marriage is irretrievably broken down.

4. The parties have _____ minor child(ren), namely:

<u>Name</u>	<u>Date of Birth</u>
_____	_____
_____	_____
_____	_____
_____	_____

5. CHILD CUSTODY

_____ Both Petitioner and Respondent are fit and proper persons to have the care, custody and control of the minor child(ren) of the parties.

OR

_____ is a fit and proper person to have the care, custody and control of the minor child(ren) of the parties. Joint custody is not appropriate nor in the best interest of the child(ren).

_____ Petitioner/Respondent shall have primary custody of the minor child(ren) and Petitioner/Respondent shall have visitation with said minor child(ren) as specified below.

6. TIMESHARING (SELECT ONE)

_____ The parties have entered into a Marital Settlement Agreement or a Parenting Plan that describes the agreed upon timesharing schedule of each parent with the minor child(ren). The Agreement or Plan has been filed in this case or is filed with this Decree.

OR

_____ The parties have agreed to a Timesharing plan for the child(ren) which is set forth on Page 5 hereof and is incorporated herein by reference.

OR

_____ The timesharing plan and custody plan as determined by this Court is set forth on Page 5 hereof and is incorporated herein by reference.

7. CHILD SUPPORT (SELECT ONE)

_____ **Petitioner/Respondent** is a able-bodied person, capable of paying child support in the amount of \$_____ per month. A Child Support Worksheet is filed herewith, and this amount is in accordance with the Child Support Guidelines.

OR

_____ **Petitioner/Respondent** is an able-bodied person who is capable of paying child support and should be required to contribute \$_____ per month for child support. A Child Support Worksheet is filed herewith. The amount of child support deviates from Guideline Child Support. The Child Support Guidelines are waived in this matter because following the Guidelines would create a substantial hardship due to these circumstances: _____

_____.

It is therefore determined that application of the Guidelines would be unjust or inappropriate.

8. PROPERTY

The parties have acquired community property and have separate property and have community debts and separate debts referred to on pages 8 through 12 hereof. The property and debts shall be divided and assigned as provided on pages 8 through 12. The Court determines that the division of community property and debts and assignments of separate property and debts is equitable, in accordance with law and/or has been agreed upon by the parties.

9. NAME CHANGE (SELECT ONE)

_____ Not applicable

_____ **Petitioner/Respondent** shall be restored to her former name of _____

_____.

10. RETIREMENT BENEFITS (SELECT ONE)

_____ Not applicable. Neither party has community property retirement or employee benefits to be divided.

OR

_____ The parties' retirement and employee benefits should be divided as provided below on pages 10 and 11. Such division is in accordance with law and/or has been agreed to by the parties.

11. SPOUSAL SUPPORT (SELECT ONE)

_____ **Petitioner/Respondent** is entitled to spousal support as set forth on page 11.

OR

_____ Neither party is entitled to alimony/spousal support. No spousal support/alimony is awarded. This provision shall be non-modifiable.

WHEREFORE, THE COURT CONCLUDES AS FOLLOWS:

1. It has jurisdiction over the subject matter, the parties, the children of the parties, if any, and any assets of the parties, and venue is proper.

2. **Petitioner/Respondent** is entitled to a Decree of Dissolution of Marriage from the other party on the grounds of incompatibility.

3. The provisions for custody and visitation (if any) are in the best interests of the children and in accordance with law.

4. The other relief granted herein is equitable and in accordance with law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The bonds of matrimony existing between Petitioner and Respondent are dissolved, and a Decree of Dissolution of Marriage is awarded on the grounds of incompatibility.

2. **(SELECT ONE)**

_____ **Petitioner/Respondent** is awarded primary care, custody and control of the minor child(ren) of the parties.

OR

_____ Petitioner and Respondent are awarded joint legal custody of the minor child(ren) of the parties.

_____Petitioner/Respondent shall have physical custody of the minor child(ren) and Petitioner/Respondent shall have visitation as specified in paragraph 3 below.

_____3. Timesharing with the minor child(ren) will be set forth in the parenting plan attached hereto and incorporated herein by reference, or previously filed in this cause and incorporated herein

by reference, or if no plan is attached or filed, then as follows: _____

_____.

_____4. The parties are referred to the Access & Visitation Services Program for supervised visits or exchanges. **See attached Access and Visitation Order.**

5. **Petitioner/Respondent** is ordered to pay child support in the amount of \$ _____

per month payable to _____, commencing on the ____ day of _____, 200__, and on the ____ day of each and every month thereafter until the child(ren) attain the age of 18 years (or if still in high school, until the age of 19 or graduate from high school whichever occurs first), are emancipated or until further order of the Court.

The amount of child support has been determined in accordance with the current New Mexico Child Support Guidelines or as otherwise provided in the findings.

Financial information will be exchanged by the parties annually on or before the ____ day of _____ each year.

6. (SELECT ONE)

_____ The Court has waived income withholding because the obligor's income is irregular and not amendable to a withholding order. Payments shall be made by the obligor parent directly

to:

Name: _____
Address: _____

If the obligor (payor) parent accrues a delinquency in his or her support obligation hereunder equal to at least one month's support obligation, his or her income shall be subject to withholding in an amount sufficient to satisfy the support order and an additional amount to reduce deficiency.

OR

_____ Immediate income withholding for child support is ordered.

_____ a. The employer of _____, (obligor) Social Security No. _____ shall make child support payments directly to Child Support Enforcement Division at the address below.

_____ b. Because the custodial parent is now receiving aid from the State of New Mexico,

the child support payments should be made directly to Child Support Enforcement Division at the address below.

Payments must be made to the Child Support Enforcement Division so long as the family is receiving assistance from the Human Services Department of the State of New Mexico (AFDC).

**Child Support Enforcement, Accounting Division
P.O. Box 25109
Santa Fe, New Mexico 87504**

_____ The account number _____ shall be shown on each payment.

OR

_____ The employer of _____, (obligor) Social Security No. _____ shall issue a check payable to Petitioner/Respondent _____

and mail the same to:

**Clerk of the District Court
207 W. Hill Street, Room 200
Gallup, New Mexico 87301**

The cause number DM _____ shall be shown on each payment.

The Clerk of the District Court shall record each payment and forward the same to:

Name: _____
Address: _____

7. The parties are ordered to provide health/medical insurance for the child(ren) if made available to them by their employer. Insurance shall be provided by the first parent to receive such unless otherwise indicated herein: _____

All necessary medical bills for the child(ren) not covered by insurance shall be paid by the parties in proportion to their respective gross incomes as shown on the child support guideline worksheet

attached, or, as otherwise provided herein: _____
_____.

8. In addition to the child support ordered in paragraph 4 above, _____
is ordered to pay retroactive child support as follows: \$ _____, payable at \$ _____
per month, the retroactive child support to be paid at the same time, method, and in addition to the
child support amounts shown in Paragraphs 4 and 5.

9. The community property shall be divided as follows (**SELECT ONE**)

_____ Petitioner is awarded the following as Petitioner's sole and separate property:

_____.

AND

_____ Respondent is awarded the following as Respondent's sole and separate property:

_____.

OR

_____ The parties have divided their community property and each is awarded the property
presently in each persons' possession or name.

10. The community debts shall be paid as follows: (**SELECT ONE**)

_____ Petitioner is ordered to pay the following as Petitioner's sole and separate
obligations: _____

_____.

_____.

AND _____ Respondent is ordered to pay the following as Respondent's sole and separate obligations: _____

_____.

OR

_____ There are no community debts.

11. SEPARATE PROPERTY:

The following separate property belonging to Petitioner is hereby confirmed: All Petitioner's clothing and personal items; and _____

_____.

AND/OR

The following separate property belonging to Respondent is hereby confirmed: All Respondent's clothing and personal items; and _____

_____.

12. SEPARATE DEBTS:

Petitioner shall pay the following, which are determined to be Petitioner's separate debt(s):

_____.

Respondent shall pay the following, which are determined to be Respondent's separate

debt(s): _____

_____.

13. RESTORATION OF NAME

Petitioner/Respondent (circle one) is restored to the use of her former name

_____.

14. RETIREMENT (**SELECT ONE**)

_____ Petitioner is awarded Petitioner's retirement plan and employee benefits as his/her sole and separate property. Respondent shall execute a waiver of any claim to the retirement.

OR

_____ Petitioner shall pay over in favor of Respondent _____ percent (%) of his/her retirement benefits which accrued during the marriage to the Respondent. The name and address of Petitioner's employer is:

Name: _____
Address: _____
City/State: _____

(SELECT ONE)

_____ Respondent is awarded Respondent's retirement plan and employment benefits as his/her sole and separate property. Petitioner shall execute a waiver of any claim to the retirement.

OR

_____ Respondent shall pay over _____ percent (%) of his/her retirement benefits which accrued during the marriage to the Petitioner. The name and address of Respondent's employer is:

Name: _____
Address: _____
City/State: _____

The division of the Retirement benefits Ordered in this case shall be by a Separate Qualified Domestic Relations Order prepared and filed in accordance with this Decree, and when so filed, shall be incorporated hereto as part of this Decree. The Court reserves the jurisdiction to enter, modify, or correct such an order.

15. INCOME TAXES:

Each party shall, on demand, provide income information for the current and past year so that the parties may timely file any tax returns for the period during which they were married.

16. ALIMONY / SPOUSAL SUPPORT:

Petitioner/Respondent is awarded alimony /spousal support as follows:

_____.

Louis E. DePauli, Jr.
District Judge

By their signatures below the parties stipulate and agree to the entry of and terms of this Decree.

Petitioner

Respondent