

ELEVENTH JUDICIAL DISTRICT COURT  
COUNTY OF MCKINLEY  
STATE OF NEW MEXICO

\_\_\_\_\_,  
Petitioner,  
vs. No. D-1113-DM-\_\_\_\_\_

\_\_\_\_\_  
Respondent.

and involving,

\_\_\_\_\_  
The Minor Child(ren).

**ORDER ESTABLISHING PARENTAGE, CUSTODY,  
TIME-SHARING AND CHILD SUPPORT**

THIS MATTER having come before the Court upon Petitioner's  
Petition to Establish Parentage, Determine Custody and Time-  
Sharing, and Assess Child Support, 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 Order as follows:

THE COURT FINDS:

1. Petitioner lives in the State of New Mexico and resides  
in McKinley County.

2. The minor child(ren) has/have resided in New Mexico for  
at least six (6) months prior ot the filing of this action.

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3. \_\_\_\_\_ is the mother of the minor

child(ren), namely:

**Minor Children Subject to this Proceeding:**

<u>Name</u>	<u>Date of Birth</u>	<u>Present Age</u>

4. This Court has jurisdiction to determine custody and time-sharing issues and venue is proper. New Mexico is the home state of the child(ren).

5. \_\_\_\_\_ is the father of the child(ren) named in paragraph 3 above.

6. This finding of Paternity is based upon the following information: \_\_\_\_\_

\_\_\_\_\_

7. CUSTODY:

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

**OR:**  \_\_\_\_\_ is a fit and proper person to have primary care, custody and control of the minor child(ren) of the parties.

8. TIME-SHARING. The following is in the best interest of the child(ren): *(Complete one of the following:)*

The parties have entered into a Parenting Plan that describes the agreed upon time-sharing schedule of each parent with the minor child(ren). The Agreement or Plan is filed herewith or has been previously filed in this cause.

**OR:**

The parties have agreed to the following time-sharing plan which is set forth on page 5.

**OR:**

The Court determines that the time-sharing plan shall be as set forth on Page 5.

9. CHILD SUPPORT.

Petitioner/Respondent is an 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:

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

10. WAGE ASSIGNMENT

[ ] The income of \_\_\_\_\_, the support obligor, shall be subject to immediate income withholding in the amount of \$\_\_\_\_\_ per month for child support.

**OR:**

11. WAIVER OF WAGE ASSIGNMENT

[ ] The parties have waived immediate income withholding and have agreed that the support obligor will make child support payments directly to the support obligee.

THE COURT CONCLUDES:

1. It has jurisdiction over the subject matter, parties and child(ren) and venue is proper.

2. The relief below is in accordance with law and should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. \_\_\_\_\_ is determined to be the natural mother and \_\_\_\_\_ is determined to be the natural father of the child(ren) listed herein:

<u>Name</u>	<u>Date of Birth</u>	<u>Present Age</u>

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

**OR:**  2. \_\_\_\_\_ is awarded primary care, custody and control of the minor child(ren) of the parties. Petitioner/Respondent is awarded physical custody of the minor child(ren) and Petitioner/Respondent is awarded visitation as specified in paragraph 3 below.

3. Time-sharing with the minor child(ren) will be  as shown in the Parenting Plan filed herewith or previously which plan is incorporated herein by reference.

**OR:**  as follows:

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4. 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. The  
amount of child support has been determined in accordance with  
the current New Mexico Child Support Guidelines or otherwise as  
set forth in the findings. Financial information will be  
exchanged by the parties annually on or before the\_\_\_\_\_ day of \_  
\_\_\_\_\_ each year.

Support shall continue until the child(ren) attain the age  
of 18 years(or 19 years if still in high school), are  
emancipated, or until further order of the Court.

If the paying parent accrues a delinquency in his or her  
support obligations 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 the deficiency.

[ ] 5. The parties have waived income withholding. The  
obligor parent shall make payments directly to:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

**OR:** [ ] 5. Immediate income withholding for child support is  
ordered.

[ ] a. The employer of the obligor, \_\_\_\_\_

\_\_\_\_\_, Social Security No. \_\_\_\_\_ shall make child support payments to the Child Support Enforcement Division, at the address below.

**OR**

[ ] b. Because the custodial parent is now receiving aid from the State of New Mexico, payments shall be made to the Child Support Enforcement Division at the address below and the following special orders apply:

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

The address where payment should be sent to as to paragraphs 5a or 5b is as follows:

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

The account number \_\_\_\_\_ shall be shown on each payment.

[ ] 6. In addition to the child support ordered in paragraph 4 above, \_\_\_\_\_, is ordered to pay retroactive child support or delinquent child support as follows:

\$\_\_\_\_\_, payable at \$\_\_\_\_\_ per month, the retroactive child support to be paid at the same time and in addition to the child support amounts shown in paragraph 4.

[ ] 7. Petitioner/Respondent is ordered to pay lying-in expenses, including hospital and medical expenses, in the total amount of \$\_\_\_\_\_ payable as follows:

<u>PAYMENT TO:</u>	<u>AMOUNT TO BE PAID</u>	<u>EXPLANATION OR DETAIL</u>
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8. Health and dental insurance for the child(ren) will be provided by the parents if the same is made available to them by their employers or if not available such insurance shall be provided by Petitioner/Respondent (*circle one*).

9. Medical expenses for the child(ren) not paid by insurance will be paid by the parents as follows:

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10. Petitioner/Respondent is 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 support upon the paying parent's death.

11. The Department of Vital Statistics of the State of New Mexico is ordered to change the birth record(s) of \_\_\_\_\_

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\_\_\_\_\_to reflect this parentage determination.

\_\_\_\_\_  
District Judge

APPROVED:

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Petitioner

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Respondent

2/11 Revision