

INSTRUCTIONS FOR FINAL HEARING

Your case has been set for final hearing. You will need to get some things done before your Court hearing and get prepared for the day you go to court.

BEFORE YOUR HEARING:

1. Fill out the Final Decree or Order regarding your case. The clerk will have mailed you a blank copy of this document. The Final Decree or Order will be signed by the Judge or the Hearing Officer at your hearing, if it is properly filled out. ***You must fill out all applicable parts of the Decree or Order. Your hearing may be cancelled if you do not fill out the Final Decree or Order.***

2. If you have petitioned the Court for a Dissolution of Marriage, you must complete a Petitioner's/Respondent's List of Property and Debts, even if the other party has defaulted or his whereabouts are unknown. If the other party has filed a response, a copy of this document must be given to him/her for review before the final hearing. The Respondent will be asked to complete a Petitioner's/Respondent's List of Property and Debts and provide you with a copy. ***Failure to complete this form will result in cancellation of your final hearing.***

3. Call the District Court Clerk's Office at (505) 863-6816 and schedule an appointment with the DM clerk or Chief Clerk to have item 1 reviewed, at least one week before your scheduled hearing. It is better to schedule an appointment as soon as possible, because the clerks are very busy and may not be able to see you one week before your hearing. ***If you do not get your paperwork reviewed, your hearing will be cancelled.***

4. On the day of your scheduled appointment with the Clerk, **if you are asking for child support**, you will need to bring in your last 3 check stubs, proof of any dependent medical insurance premiums being made and written proof of any child care payments being made. The Respondent should also provide you with this information as well, unless your case is disputed. The clerk will prepare a child support worksheet based on the information you provide to her. If the Respondent is defaulted or not available you should bring any proof of his/her earnings which you may have.

ON THE DAY OF YOUR HEARING:

1. Bring in your Final Decree or Order which has been reviewed by the clerk, and child support worksheet, and Petitioner's/Respondent's List of Property and Debts.

2. Bring to Court your last 3 check stubs, proof of dependent medical insurance premiums being made and written proof of any child care payments being made (such as check stubs, or receipts) and any record of the Respondent's earnings. The hearing officer or Judge will ask for these items in Court. This is very important, so the correct amount of child support can be calculated and the figures made clear to all parties involved.

Child support guidelines are mandated by New Mexico law and created for the purpose to establish as state policy an adequate stand of support for children, subject to the ability of parents to pay. See Section 40-4-11.1 to 40-4-20 NMSA for more information regarding your rights and obligations.

3. The Hearing Officer or Judge will go over the Final Order with one or both parties. In some cases the Judge will make rulings when the parties cannot agree on certain things. If the parties tell the Judge they have not agreed to child custody and visitation, he will refer the parties to mediation and your case will not be final on that day. **The hearing office will not make ruling on issues which have not been agreed upon unless the other party defaults.**
4. The Hearing Officer and/or Judge will sign the Final Decree/Order. Within a few days, the clerk will prepare a Notice to Withhold for child support if she is instructed by the Judge to do so. On the day of your hearing, you will be given a form to complete so this can be done.