

1 4A-405. Default order establishing parentage, custody, time-sharing, and child support.

2

3 STATE OF NEW MEXICO

4 COUNTY OF \_\_\_\_\_

5 \_\_\_\_\_ JUDICIAL DISTRICT COURT

6 \_\_\_\_\_,

7 Parent 1

8 Petitioner,

9 v.

No. \_\_\_\_\_

10 \_\_\_\_\_,

11 Parent 2

12 Respondent.

13

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

16 **THIS MATTER** comes before the Court upon Petitioner’s Petition to Establish Parentage,  
17 Custody, Time-Sharing, and Child Support. The Court has considered the evidence before it and  
18 being fully advised in the premises, hereby enters its Finding of Fact, Conclusions of Law, and  
19 Final Order as follows:

20

21 **THE COURT FINDS and ORDERS:**

22 **1. BACKGROUND.**

23 A. Petitioner lives in the State of \_\_\_\_\_ and resides in \_\_\_\_\_

24 County. Respondent lives in the State of \_\_\_\_\_ and resides in \_\_\_\_\_

25 County.

26 Minor child(ren) subject to this proceeding:

27

28

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

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**2. PARENTAGE**

A. The Court finds that \_\_\_\_\_ (*name of Parent 1*) is the parent of the minor child(ren).

This finding of parentage is based upon: (*check all that apply*)

- 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)

B. The Court finds that \_\_\_\_\_ (*name of Parent 2*) is the other parent of the child(ren).

This finding of parentage is based upon: (*check all that apply*)

- 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).

C. 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 one of the following:*)

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 and should be awarded sole legal and physical custody of the child(ren).

**4. TIME-SHARING** (*Complete one of the following:*)

1 [ ] Petitioner requests that \_\_\_\_\_ (*name of other parent*) have  
2 visits with the child(ren) as follows:

- 3 [ ] **No visits;**
- 4 [ ] **Visitation at the discretion of the custodial parent;**
- 5 [ ] (*write your own plan*) \_\_\_\_\_
- 6 \_\_\_\_\_
- 7 \_\_\_\_\_

8 **OR:**  
9 [ ] Petitioner has submitted a Parenting Plan that describes the proposed time-sharing  
10 schedule of each parent with the minor child(ren). The parenting plan is being submitted  
11 to the court at the same time as this order. (*Use Form 4A-302 NMRA, Custody Plan and*  
12 *Order*).

14 **5. CHILD SUPPORT**

15 [ ] \_\_\_\_\_ is an able-bodied person, capable of paying child support in  
16 the amount of (ii) \$ \_\_\_\_\_ per month, which is the amount on the Child Support  
17 Worksheet. A Child Support Worksheet is attached to this order and signed by Petitioner.

18 **OR:**  
19 [ ] \_\_\_\_\_ is an able-bodied person who is capable of paying child  
20 support and should be required to contribute (ii) \$ \_\_\_\_\_ per month for child support.  
21 A Child Support Worksheet is attached to this order and signed by Petitioner. The amount  
22 of child support is different from Child Support Guidelines.

23 **OR:**  
24 [ ] The Child Support Guidelines are waived in this matter because following the  
25 Guidelines would create a substantial hardship due to these circumstances:

26 \_\_\_\_\_  
27 \_\_\_\_\_  
28 It is therefore determined that application of the Guidelines would be unjust or  
29 inappropriate.

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

39 **6. WAGE WITHHOLDING**

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

42 NAME: \_\_\_\_\_  
43 ADDRESS: \_\_\_\_\_  
44 \_\_\_\_\_

1 OR through direct payments via \_\_\_\_\_ (*direct deposit, smart phone*  
2 *app, etc.*)

3 Parties must keep track of all payments, and records of payment are encouraged.  
4

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

7 HSD, Child Support Enforcement Division

8 P.O. Box 200796

9 Dallas, TX 75320-0796  
10

11 OR online (*e-check, credit or debit cards – parents only*) using E-Bill Express,  
12 available at <https://www.e-billexpress.com/ebpp/NMHSDCED/Login/Index>.  
13

14 The CSED account number must be shown on each payment and an Income Withholding  
15 for Support form must also be filled out by the parties and signed by the judge. Direct  
16 payments between parents must occur until wage withholding begins.  
17

18 **7. MEDICAL SUPPORT.**

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

20 [ ] \_\_\_\_\_ (*write name of parent who has/will provide insurance*  
21 *coverage for the child(ren)*) will ensure that the child(ren) are covered under a group health  
22 insurance policy and that parent will pay for the insurance.  
23

24 OR

25 [ ] The child(ren) is/are covered by Medicaid.  
26  
27

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

30 Parent \_\_\_\_\_ is responsible for \_\_\_\_% of these expenses; and

31 Parent \_\_\_\_\_ is responsible for \_\_\_\_% of these expenses.

32 (*The total % must add up to 100%*).  
33

34 **8. LIFE INSURANCE (optional)**

35 [ ] \_\_\_\_\_ will purchase life insurance with a benefit of  
36 \$\_\_\_\_\_, naming the other parent as trustee for the benefit of the  
37 minor child(ren) to pay the child support upon the paying parent’s death.  
38

39 **9.** [ ] The Department of Health, Bureau of Vital Records and Statistics shall change the  
40 birth records of the minor child(ren) to reflect this parentage determination. (*A copy of this order*  
41 *must be provided by the parties to Vital Records*).  
42

43 **IT IS SO ORDERED:**  
44

45 \_\_\_\_\_  
DISTRICT COURT JUDGE

**DOMESTIC RELATIONS FORMS**

**4A-405**

**[NEW MATERIAL]**

**Supreme Court Approved**

**November 1, 2024**

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SUBMITTED AND APPROVED:

\_\_\_\_\_

Petitioner

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