4A-406. Temporary domestic order for parentage cases.

[For use with Rule 1-121 NMRA]

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT
_____,
Petitioner,
v. No. _____
_____,
Respondent.

TEMPORARY DOMESTIC ORDER[1]

This order is issued pursuant to Rule 1-121 NMRA. This is not an order of protection under federal or state law. It is otherwise fully enforceable. It applies to both parties. This order will continue in effect until modified. The procedure for modification of this order is described below.

THE COURT ORDERS THE PARTIES AS FOLLOWS:

(1) **Do not** injure or physically or mentally abuse, molest, intimidate, threaten or harass the other party or any child of either party.

(2) **Do not** interfere with the relationship of the other parent with any child of either party. If you are living apart, you shall each continue to have frequent contact and communication with any minor child of both parties, personally and by telephone. A party shall notify the other party of any change of address or telephone number within twenty-four (24) hours of the change.

(3) **Do not** change a child's school, religion, child care, doctor, dentist, physical or mental treatment or recreational activities in which the child has been participating.

(4) **Do not** remove, cause or permit the removal of any minor child of both parties from the State of New Mexico without court order or written consent of the other party. Consent shall not be unreasonably withheld.

(5) If the parties have resided together, whoever leaves the residence shall surrender access to all smart home, home security, and video monitoring systems for the home. The person remaining in the residence is permitted to restrict access to the smart home, home security and video monitoring systems for the home in which they reside.

(6) In actions concerning child support, within forty-five (45) days of service of process on the other party, both parties shall serve on the other, the following information:

(a) federal and state tax returns, including all schedules, for the preceding year;

(b) W-2 statements for the preceding year;
(c) Internal Revenue Service Form 1099s for the preceding year;
(d) work-related daycare statements for the preceding year, if applicable;
(e) dependent medical insurance premiums for the preceding year, if applicable; and
(f) wage and payroll statements for the most recent four months.

MODIFICATION BY COURT[2]

This order may be modified by the court upon request of either party. To request the court to modify this order, a motion must be filed with the clerk of the court. The motion must include reference to each paragraph number the party is requesting to be modified or terminated. The party making the request must provide the other party with a copy of the motion requesting the change. If the other party agrees with the request, an order approving the request, which has been initialed by both parties as "approved," shall be filed with the motion.

WAIVER BY PARTIES

The parties may modify a specific provision of this order by entering into a written agreement and filing it with the court. The parties may also waive a provision of this order on a specific occasion if both parties sign an agreement to waive the provision. A waiver must include the paragraph number of each paragraph waived by the parties.

OTHER ORDERS

If an order of protection from a domestic violence case has been served on either party or if there is any other order in effect governing the relationship of the parties, and there is a conflict between this order and the other order, the other order controls unless the court specifically orders otherwise.

VIOLATIONS

Violation of this court order may result in the imposition of a fine or imprisonment. This order is binding on the petitioner at the time the petition is filed. This order is effective on the respondent immediately upon service. The parties are cautioned that actions taken by either party that are contrary to the terms of this order are subject to redress by the court, including costs and attorney fees.

_____ _____
Date District Judge

USE NOTES

1. A scheduling order may be issued at the time a domestic relations case is docketed and served with the petition, however, the scheduling order must be issued as a separate order.
2. Within two (2) days after service of this order, a party may file a motion requesting a hearing to dissolve this order. If the court finds the motion was frivolous or was not filed in good faith it may assess the party filing the motion with costs and attorney fees.

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2002; 4A-112 recompiled and amended as 4A-201 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. 17-8300-017, effective for all pleadings and papers filed on or after December 31, 2017; as amended by Supreme Court Order No. S-1-RCR-2026-00231, effective for all cases filed on or after December 31, 2026.]

Committee commentary. — This form deviates from the forms used by some judicial districts, however, the changes are necessary to comply with due process requirements. *See* Rules 1-121 and 1-066 NMRA.