

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

STATE OF NEW MEXICO

COUNTY OF _____
_____ JUDICIAL DISTRICT COURT

_____,
Parent 1
Petitioner,

v.

No. _____

_____,
Parent 2
Respondent.

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

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

THE COURT FINDS and ORDERS:

1. BACKGROUND.

A. Petitioner lives in the State of _____ and resides in _____ County. Respondent lives in the State of _____ and resides in _____ County.

Minor child(ren) subject to this proceeding:

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

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:*)

☐ Petitioner requests that _____ (*name of other parent*) have visits with the child(ren) as follows:

☐ **No visits;**

☐ **Visitation at the discretion of the custodial parent;**

☐ **(write your own plan)** _____

OR:

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

5. CHILD SUPPORT

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

OR:

☐ _____ is an able-bodied person who is capable of paying child support and should be required to contribute (ii) \$ _____ per month for child support. A Child Support Worksheet is attached to this order and signed by Petitioner. The amount of child support is different from Child Support Guidelines.

OR:

☐ 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.

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

6. WAGE WITHHOLDING

☐ A. _____ has waived income withholding. The parent responsible for child support will make payments directly to:

NAME: _____

ADDRESS: _____

OR through direct payments via _____ (*direct deposit, smart phone app, etc.*)

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

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

HSD, Child Support Enforcement Division
P.O. Box 200796
Dallas, TX 75320-0796

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

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

7. MEDICAL SUPPORT.

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

☐ _____ (*write name of parent who has/will provide insurance coverage for the child(ren)*) will ensure that the child(ren) are covered under a group health insurance policy and that parent will pay for the insurance.

OR

☐ The child(ren) is/are covered by Medicaid.

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

Parent _____ is responsible for ____% of these expenses; and

Parent _____ is responsible for ____% of these expenses.

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

8. LIFE INSURANCE (*optional*)

☐ _____ will purchase life insurance with a benefit of \$ _____, naming the other parent as trustee for the benefit of the minor child(ren) to pay the child support upon the paying parent's death.

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

IT IS SO ORDERED:

DISTRICT COURT JUDGE

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.]