

**4A-302. Custody plan and order.**

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_,  
Petitioner,

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

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

**CUSTODY PLAN AND ORDER<sup>1</sup>**

\_\_\_\_\_ and \_\_\_\_\_ are the parents of the children listed below. This document is the custody plan and is in the best interests of the children.

**I. IDENTIFICATION AND CONTACT INFORMATION**

Parent's name	Physical address and phone number	Place of employment and phone number
_____	_____	_____
_____	_____	_____
_____	_____	_____

Child's name	Year of birth	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

[ ] The parties shall advise each other of any change to this contact information within ten (10) days of new information becoming available.

**II. CUSTODY OF THE CHILDREN<sup>2</sup>**

*(Choose either Option A, Sole legal custody, or Option B, Joint legal custody)*

[ ] A. **Sole legal custody and visitation plan.** *(Do not fill out Option B if you choose this*

**option)**

*(Complete 1, 2, and 3)*

1. \_\_\_\_\_ *(name of parent with sole custody)* shall have sole legal custody of the children. The parent with sole custody shall make the important decisions regarding the children.

2. The reason that sole custody is in the best interest of the children is because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. This is the visitation plan:

*(Choose a, b, or c)*

a. There shall be **no visitation** until further order of the Court.

*(Or)*

b. \_\_\_\_\_ *(name of other parent)* shall have **unsupervised visitation** with the children as follows: *(Fully describe visitation plan to include who shall transport the children and where and when the visitation shall occur. Attach additional sheets if necessary.)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(Or)*

c. \_\_\_\_\_ *(name of other parent)* shall have **supervised visitation** with the children as follows: *(Fully describe visitation plan to include who shall supervise the visitation, who shall transport the children and where and when the visitation shall occur. Attach additional sheets if necessary.)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. **Joint legal custody and parenting plan.** *(Do not fill out Option A if you choose this option)*

1. **Important decisions.** The parents shall share joint legal custody of the children and shall make important decisions about the children together. No change

regarding any of the following shall happen unless the parents both agree to the change in writing or the court changes it:

- a. City and county of residence: \_\_\_\_\_
- b. Religion: \_\_\_\_\_
- c. Activities: \_\_\_\_\_

	<b>Name</b>	<b>Address and telephone</b>
d. Doctor	_____	_____
e. Dentist	_____	_____
f. School	_____	_____
g. Child care	_____	_____
h. Other	_____	_____

2. ***Solving arguments.*** The parents shall resolve any parenting or time-sharing dispute regarding the children in this way (*steps continue until problem solved*):

- a. Talk together; or
- b. Communicate in writing as follows:
  - i. parent requests change, and gives reasons for the change; and
  - ii. answering parent sends response within \_\_\_\_\_ days.

If the answering parent does not agree to the change, that parent must say why, and, if possible, make a new proposal.

- c. Take the following steps:  
(*check all that apply and number them if there is a particular order*)
  - \_\_\_\_\_. Go to couple, family, or other counseling;
  - \_\_\_\_\_. Go to mediation with a neutral party;
  - \_\_\_\_\_. Other: \_\_\_\_\_;
  - \_\_\_\_\_. Go to court.

3. ***Timesharing schedule.***

(*Complete "Schedule 1" or "Schedule 2" below.*)

**Schedule 1. Same schedule each week or every two weeks.**

(Set out the time that each parent shall have the children for that day.)

<b>Week 1</b>	_____’s time (name of parent)	_____’s time (name of parent)
Monday	_____	_____
Tuesday	_____	_____
Wednesday	_____	_____
Thursday	_____	_____
Friday	_____	_____
Saturday	_____	_____
Sunday	_____	_____

<b>Week 2</b>	_____’s time (name of parent)	_____’s time (name of parent)
Monday	_____	_____
Tuesday	_____	_____
Wednesday	_____	_____
Thursday	_____	_____
Friday	_____	_____
Saturday	_____	_____
Sunday	_____	_____

**Schedule 2. Write your own schedule.** (Write your own schedule here or attach a separate sheet or calendar or make additions to Schedule 1.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. **Vacation and holiday plan.**

- a. **Vacations.** The parents shall each have \_\_\_\_ [days] [weeks] (*circle one*) of uninterrupted time with the children each year. Each parent shall give the other parent at least \_\_\_\_ [days] [weeks] (*circle one*) notice of the vacation time.
- b. **Holidays.** Regardless of the day of the week, the children shall spend holidays as follows: (*Insert name of parent who will have the children on each holiday*)

<b>Holidays:</b>	<b>Even year</b>	<b>Odd year</b>	<b>Times (if split)</b>
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Mother's Day	_____	_____	From _____
			To _____
Father's Day	_____	_____	From _____
			To _____
Child's Birthday	_____	_____	From _____
			To _____
Halloween	_____	_____	From _____
			To _____
Thanksgiving break	_____	_____	From _____
			To _____
Winter religious holidays	_____	_____	From _____
			To _____
1st 1/2 winter break	_____	_____	From _____
			To _____
2nd 1/2 winter break	_____	_____	From _____
			To _____
Spring Break	_____	_____	From _____
			To _____
July 4th	_____	_____	From _____
			To _____
Other religious holidays	_____	_____	From _____
			To _____
Others:	_____	_____	From _____
			To _____

The Monday of a 3-day weekend due to a school, federal, or state holiday is the same as the Sunday schedule unless we agree differently.

5. ***Details about the timesharing.***

- a. **Communication.** Each parent may have reasonable communication with the children at all times. Neither parent shall unreasonably interfere with the children's communications with the other parent.
- b. **Transfer of children.** Responsibility for transferring the children from one parent to the other shall be as follows (*write what you will do here*):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

- c. **Long-distance transfer of children.** Responsibility for transferring the children from one parent to the other in long-distance arrangements shall be as follows (*write down what you will do here*):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

- d. **Emergencies.** If there is a medical emergency, the parent with the children shall try to call the other parent about the emergency. If the other parent cannot be reached, any decision for emergency medical treatment shall be made by the available parent in the best interest of the children.
- e. **Changes.** Each parent may ask the other for changes to this schedule. The other parent has the right to say “no.” If the other parent says “no,” the parent asking for changes shall not argue or criticize the other parent’s decision.
- f. **Review of plan.** The parents agree to meet  every year (*or*)  every \_\_\_\_\_ years to make sure this plan continues to work well.

### VERIFICATION

I affirm under oath and penalty of perjury under the laws of the State of New Mexico that I have read this document, that I agree with everything in it, and that the statements in it are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Name of parent (*print*)

\_\_\_\_\_  
Name of parent (*print*)

\_\_\_\_\_  
Parent’s signature

\_\_\_\_\_  
Parent’s signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mailing address

\_\_\_\_\_  
Mailing address

\_\_\_\_\_  
Physical address

\_\_\_\_\_  
Physical address

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Telephone

STATE OF NEW MEXICO            )  
COUNTY OF \_\_\_\_\_        ) ss

Acknowledged, signed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_, the parent.

\_\_\_\_\_  
Notary public

My commission expires: \_\_\_\_\_.

STATE OF NEW MEXICO            )  
COUNTY OF \_\_\_\_\_        ) ss

Acknowledged, signed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_, the parent.

\_\_\_\_\_  
Notary public

My commission expires: \_\_\_\_\_.

Approved, adopted, and ordered by the District Court

\_\_\_\_\_  
Date

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

USE NOTE

1. A custody plan must be filed in every dissolution of marriage case if the parties have minor children or a child under nineteen years of age who is attending high school. For more information about filling out this form, *see* Form 4A-300 NMRA.

2. The parties should understand the difference between the rights and obligations of joint custodians and a sole custodian. Descriptions of these terms are set out in NMSA 1978, Section 40-4-9.1. See an attorney with questions you may have. Joint custody does not imply an equal division of the child's time between the parents or an equal division of financial responsibility for the child.

[Approved 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. 14-8300-011, effective for all pleadings and papers filed on or after December 31, 2014, in all cases filed or pending on or after December 31, 2014; as amended by Supreme Court Order No. 15-8300-024, effective for all pleadings and papers filed after November 18, 2015.]