

4A-306. Final decree of dissolution of marriage (with children).

STATE OF NEW MEXICO

COUNTY OF _____
_____ JUDICIAL DISTRICT

Petitioner,

v. _____ No. _____

Respondent.

FINAL DECREE OF DISSOLUTION OF MARRIAGE
(with children)¹

This matter was brought before the Court to enter a Final Decree of Dissolution of Marriage by Petitioner and Respondent (“the parties”).

The following documents are referenced in this decree:

- A Marital Settlement Agreement (*select only one*),
 - signed and filed by the parties, that settles the claims related to their marital relationship;
 - (*Or*)
 - attached as Exhibit A, because the parties did not agree on the terms of a Marital Settlement Agreement;²
- A Custody Plan and Order (*select only one*),
 - signed and submitted by the parties, that sets out the custody of their children;
 - (*Or*)
 - attached as Exhibit B, because the parties did not agree on the terms of a Custody Plan;²
- A Child Support Obligation and Order, including a child support worksheet (*select only one*),

signed and submitted by the parties, that sets out the child support for their children;

(Or)

attached as Exhibit C, because the parties did not agree on the terms of a Child Support Obligation.²

The Court, having considered the evidence FINDS AND CONCLUDES:

1. The Court has jurisdiction over the subject matter of this action and over the parties and the children.

2. The parties are incompatible.

3. The Marital Settlement Agreement is fair and reasonable and should be adopted by the Court.

4. The Custody Plan and Order is fair and reasonable and should be adopted by the Court.

5. The Child Support Obligation and Order is fair and reasonable and should be adopted by the Court.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

1. The marriage of Petitioner and Respondent is dissolved on the grounds of incompatibility.

2. The parties are ordered to comply with the terms of the Marital Settlement Agreement, which (*select one*)

has been filed with the Court and is incorporated here by reference.

(Or)

is attached and adopted as the order of the Court.

3. The parties are ordered to comply with the terms of the Custody Plan and Order, which (*select one*)

has been adopted by the Court and is incorporated here by reference.

(Or)

is attached and adopted as the order of the Court.

4. The parties are ordered to comply with the terms of the Child Support Obligation and Order, which (*select one*)

has been adopted by the Court and is incorporated here by reference.

(*Or*)

is attached and adopted as the order of the Court.

5. Petitioner (*or*) Respondent is ordered to pay child support in the amount of \$_____ per month to the other parent.

6. Legal custody of the children is as follows (*select one*):

The parties have joint legal custody of the children.

(*Or*)

Petitioner (*or*) Respondent has sole legal custody of the children.

7. The Court has continuing jurisdiction over issues relating to the children of the marriage until the children reach the age of majority as provided by law.

(*Select and complete the following paragraphs if applicable*)

8. The Court retains jurisdiction to enter QDROs or other orders dividing the retirement plans referenced in the Marital Settlement Agreement.

9. Judgment in favor of Petitioner (*or*) Respondent is awarded in the amount of \$_____, as set forth in Section III of the Marital Settlement Agreement (Cash Payment). The statutory interest rate shall apply as provided in Section 56-8-4(A) NMSA 1978.

10. Petitioner's name is restored to the former name of _____.

11. Respondent's name is restored to the former name of _____.

SO ORDERED:

District Court Judge

By signing below I affirm under penalty of perjury under the laws of the State of New Mexico that everything in this document is true and correct to the best of my knowledge, information and belief, including the following:

1. **Right to trial is waived.** I understand that by signing the Final Decree, I am waiving my right to a trial before a Judge.
2. **No duress or coercion; complete agreement.** I am not under force, threats, duress, coercion or undue influence from anyone, including the other party, to sign this Final Decree. This Decree and any attachments that I have signed is our full agreement. I have not agreed to something different from what is stated in writing in this Decree.
3. **Legal advice.** I understand that even if I am representing myself without an attorney, I have the right to be represented by an attorney. I have the right to call an attorney and get legal advice before I sign this Final Decree.

Petitioner's signature

Date: _____

Mailing address: _____

Telephone: _____

Respondent's signature

Date: _____

Mailing address: _____

Telephone: _____

USE NOTE

1. This form may be used anywhere in this state by the court to enter a final decree of dissolution of marriage when the parties have minor children or a child under nineteen years of age who is attending high school.

2. If the parties are not in agreement, each party must complete and submit a proposed draft of this document to the court with this decree. *See* Form 4A-301 NMRA (Marital Settlement Agreement); Form 4A-302 NMRA (Custody Plan and Order); Form 4A-303 NMRA (Child Support Obligation and Order). The court may approve some or all of the proposed terms of either party, or it may order any other terms that it deems are just and proper.

[Approved 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.]