

Packet E Checklist

Uncontested Divorce with Children (Petition - Simple)

This is a detailed checklist of all the information that you will need to fill out this form packet. **Print this checklist** and gather the information **BEFORE** you begin to fill out the forms.

Generally you will need:

Information about the people in the case.

Each person's name, address, phone number, the county where they live, their phone number, and their social security number. If you have children you will also need each child's birthdate and social security number.

Information about the issues in the case.

A list and description of all of the property worth over \$250.00 that will be divided in your case. This list should include VIN numbers on cars, bank account numbers, and IRA and retirement account numbers.

A list and description of all of the **debt** that will be divided in your case. This list should include credit card debt, loans, and account numbers.

If you have **children** you will also need detailed information about how you are going to share custody of the children and how child support is going to be paid. For example, you will need to know where the children are going to live, and where they are going to spend weekends, birthdays, vacations and holidays. To calculate child support you will need to know how many days during the year the children will spend with each parent, each parent's gross monthly income, the cost of work-related child care and the cost of health insurance for the children.

NOTE: This packet contains a Parenting Plan. You need a lot of information to fill out the Parenting Plan. Read this Checklist and gather all of the information BEFORE you begin to fill out the Parenting Plan.

To complete Packet E you will need:

- Each party's name, address, county of residence, birth date, and social security number.
- Each child's name, address including city, state, and zip code, birth date, age, and social security number.
- Each child's address for the last three years, who the child has lived with, and how long the child lived at each address.
- To know whether any court has made an order for child support; and if so the state and court that made the order, including the case name and case number and if the amount of child support has been changed.
- To know whether anyone else has or says they have custody or visitation rights to your children.
- To know whether one parent will have sole legal and physical custody of the children or whether both parents will have joint legal custody of the children.

- To have a detailed plan explaining how you will share time with the children including weekdays, weekends, holidays, and vacations.
- To know how and when child support will be paid.
- To calculate child support you will need to know:
 - Each parent's gross monthly income.
 - The number of children
 - The number of 24 hour days the children spend with each parent (total must equal 365 days)
 - The amount paid for the children's health and dental insurance premium (not including parents) and who pays for the children's health and dental insurance premium
 - Work-related child care costs and who pays the cost
 - Additional expenses you may have that are allowed by New Mexico law to be considered, and who pays each expense (See the statutory definition for "additional expenses." It is limited.)
- To know how you will solve problems that you might have later about the children.
- The name of the county where you are filing your papers.
- To know which of you will be the Petitioner and which of you will be the Respondent.
- To know whether or not you or the other party have lived in New Mexico for the past six months.
- A list of all the property, worth over \$250.00, that you are keeping and a list of all the property, worth over \$250.00 that the other person is keeping. These lists should include cars, trucks, trailers, boats and any other motor vehicle and the vehicle identification number (VIN) for each vehicle.
- A list of the debts that you are keeping and a list of the debts that the other person is keeping.
- The last four numbers of all credit cards, bank accounts, and loan accounts.
- To know how you are going to file your tax return for this year. For example, how will you declare your income and deductions for this year? SEE AN ACCOUNTANT OR OTHER PROFESSIONAL about this if necessary.
- The name that the wife will take when the divorce is finalized.

If you are asking the court to waive the filing fee because you cannot afford it, you will also need to know:

- How many dependents you have, including yourself.
- Your employer's name and address, including city, state and zip code.

- What governmental aid you are receiving: (e.g., Food stamps/AFDC, SSI/ Disability, Unemployment, or VA benefits).
- Your total monthly income before taxes and deductions.
- Your monthly total monthly expenses including:
 - Rent/mortgage
 - Food/groceries
 - Child care
 - Car payments
 - Utilities/telephone
 - Medical bills
 - Other

Domestic Relations Information Sheet

To complete this form you will need to know:

Husband's

- name
- address, including city, state and zip code
- birth date
- social security number

Wife's

- name
- address, including city, state and zip code
- birth date
- social security number

Each child's:

- name
- birth date and age
- social security number
- whether any court has made an order for child support for the children in this case
- If yes, what state and court made the order?

- Did the court change the amount of child support requested?

Application for Free Process

To complete this form you will need:

Information for the case caption

- Judicial District Number (The computer will have a listing for you to refer to. e.g. First for Santa Fe, Rio Arriba, Los Alamos counties or Second for Bernalillo county)
- County you are filing in
- Name of Petitioner (either Husband or Wife)
- Name of Respondent (either Husband or Wife)

Information for the form

- To know the age of the Petitioner (the person who is filing the document, who can't afford the filing fee)
- Number of Dependents, including yourself
- Your employer's name
- Your employer's address, including city, state and zip code
- What governmental aid you are receiving: (e.g. Food stamps/ AFDC, SSI/ Disability, Unemployment, or VA benefits)
- Your total monthly income before taxes and deductions
- Your monthly expenses for:
 - Rent/ Mortgage
 - Food/ Groceries
 - Child Care
 - Car Payments
 - Utilities/ Telephone
 - Medical Bills
 - Other

Your total monthly expenses

Information for the signature block

- Your name
- Your address, including city, state and zip code

- Your telephone number

Joint Petition for Divorce and Marital Settlement Agreement

To complete this form you will need:

Information for the case caption and case filing

- Judicial District Number (The computer will have a listing for you to refer to. e.g. First for Santa Fe, Rio Arriba, Los Alamos counties or Second for Bernalillo county)
- County you are filing in
- Name of Petitioner (either Husband or Wife)
- Name of Respondent (either Husband or Wife)
- To know whether one or both of you have lived in New Mexico for the past six months

For each child, provide:

- Child's name
- Child's date of birth and age

Information regarding property and debts

- List of all of property, that is worth over \$250, that Husband is keeping (including bank accounts, personal items, family collectibles)
- List of all of property that is worth over \$250 that Wife is keeping (including bank accounts, personal items, family collectibles)
- List of all debt that Husband will be keeping
- List of all debt that Wife will be keeping
- The last four numbers of each credit card, bank account, and loan account
- To know how you are going to file your tax return for this year, including how you are going to declare your income, withholding and deductions. SEE AN ACCOUNTANT OR OTHER PROFESSIONAL about this if necessary.

Information for the signature block

- Husband's name
- Husband's address, including city, state and zip code
- Husband's telephone number
- Wife's name
- Wife's address, including city, state and zip code

- Wife's telephone number

Child Support Worksheet

To complete this form you will need:

Information for the case caption and case filing

- Judicial District Number (The computer will have a listing for you to refer to. e.g. First for Santa Fe, Rio Arriba, Los Alamos counties or Second for Bernalillo county)
- County you are filing in
- Name of Petitioner (either Husband or Wife)
- Name of Respondent (either Husband or Wife)

Information needed to complete a child support worksheet

- Gross monthly income of each parent
- Number of children
- Number of 24 hour days the children spend with each parent (total must equal 365 days)
- Amount paid for the children's health and dental insurance premium (not including parents)
- Who pays for the children's health and dental insurance premium
- Work-related child care costs
- Who pays for work-related child care costs
- Additional expenses you may have that are allowed by New Mexico law to be considered, and who pays each expense (See the statutory definition for "additional expenses." It is limited.)

Parenting Plan

NOTE: This form is very long. Gather all of the information on this checklist **BEFORE** you try and fill out the form.

To complete this form you will need:

Information for the case caption and case filing

- Judicial District Number (The computer will have a listing for you to refer to. e.g. First for Santa Fe, Rio Arriba, Los Alamos counties or Second for Bernalillo county)
- County you are filing in
- Name of Petitioner (either Husband or Wife)

- Name of Respondent (either Husband or Wife)

Information regarding legal custody of your children

- Will one parent have sole legal and physical custody of the children? If so, why is sole custody in the best interest of the children?
- Will both parents will have joint custody of the children?
- What is the children's
 - 1) City, county and state of residence
 - 2) Religion
 - 3) Doctor
 - 4) Dentist
 - 5) School
 - 6) Child care including name, address and telephone
 - 7) Major recreational activities, including the schedule
 - 8) Other important issues relating to the children

Time-Sharing Information

- Where will the children live during the week and on weekends?
- When and where will the children be picked up or delivered to spend time with the other parent?
- When do weekends begin and end? (For example, do they begin on Friday and end on Sunday?)
- Where will the children vacations?
- How much notice each parent will give the other about vacations
- Will the vacation schedule change as the children get older? And, if so, how will it change?
- Where will the children spend their birthdays in odd-numbered years? In even-numbered years?
- Where will the children spend their Spring Break in odd-numbered years? In even-numbered years?
- Where will the children spend Thanksgiving in odd-numbered years? In even-numbered years?
- Where will the children spend their "Winter" or "Christmas" break in odd-numbered years? In even-numbered years?
- How will you take care of transporting the children?
- Is this a temporary or permanent plan?
- If the plan is temporary, how long you will try it?

Child Support and Children's Expenses

- Who will pay child support and in what amount?
- When will child support begin?
- Are you using the child support amount on the child support worksheet?
 - If not, why?
- Will child support be withheld from the paycheck of the person who owes it?
- How often do you want to review the child support amount to see if it should change?
- What you will do about tax issues relating to your children? NOTE: SEE A PROFESSIONAL ABOUT TAX ISSUES THAT RELATE TO YOUR CHILDREN
- Who will provide health and dental insurance for the children?
- How will you split/ pay for health and dental expenses not covered by insurance?
- How will you split/ pay for other expenses of the children?

Resolving disputes about the children

- If one parent wants to change the parenting plan, and suggests a change in writing, how long will the other parent have to respond?
- If you can't agree by talking or sending a written proposal, what else will you do to solve the problem? (You can choose more than one choice listed below. If you do choose more than one, number them in the order you will try them.)
 - 1) Go to a counselor
 - 2) Agree now to follow the counselor's advice
 - 3) Go to mediation
 - 4) Go to arbitration
 - 5) Decide now that one named parent can make decisions about religion
 - 6) Decide now that one named parent can make decisions about the residence of the children
 - 7) Decide now that one named parent can make medical decisions
 - 8) Decide now that one named parent can make education decisions
 - 9) Decide now that one named parent can make recreation decisions
 - 10) Go to court

If there are costs associated with the dispute, how will these be paid?

Information for the signature block

- Husband's name
- Husband's address, including city, state and zip code
- Husband's telephone number
- Wife's name
- Wife's address, including city, state and zip code

- Wife's telephone number

Wage Withholding Order

Information for the case caption and case filing

- Judicial District Number (The computer will have a listing for you to refer to. e.g. First for Santa Fe, Rio Arriba, Los Alamos counties or Second for Bernalillo county)
- County you are filing in
- Name of Petitioner (either Husband or Wife)
- Name of Respondent (either Husband or Wife)

Information to complete if child support is paid by wage withholding or receiving parent receives state assistance

- Paying parent's name, address and social security number
- Name of employer of paying parent
- Address of employer of paying parent
- To know whether the employer is to pay directly to child support
- If the receiving parent receives support from the state for child support
- The account number for this case at Child Support Enforcement

Information for the signature block

- Husband's name
- Husband's address, including city, state and zip code
- Husband's telephone number
- Wife's name
- Wife's address, including city, state and zip code
- Wife's telephone number

Final Decree of Dissolution of Marriage

To complete this form you will need:

Information for the case caption

- Judicial District Number (The computer will have a listing for you to refer to. e.g. First for Santa Fe, Rio Arriba, Los Alamos counties or Second for Bernalillo county)

- County you are filing in
- Name of Petitioner (either Husband or Wife)
- Name of Respondent (either Husband or Wife)

Information regarding children

- To know whether you are using the amount of child support provided by the Child Support Worksheets
- To know who pays child support and in what amount
- To know if one parent has sole custody or if both parents have joint custody

Information regarding change of name

- The name that Wife will take when the divorce is finalized

Information for the signature block

- Husband's name
- Husband's address, including city, state and zip code
- Husband's telephone number
- Wife's name
- Wife's address, including city, state and zip code
- Wife's telephone number