

4A-302. Custody plan.

STATE OF NEW MEXICO

COUNTY OF _____

_____ JUDICIAL DISTRICT

_____,
Petitioner,

v. _____ No. _____

_____,
Respondent.

CUSTODY PLAN¹

We, _____ and _____, are the parents of the children listed below. We agree that we are submitting this document as our custody plan and that our plan 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 will advise each other of any change to this contact information within ten (10) days of new information becoming available.

II. CUSTODY OF THE CHILDREN²

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

A. Sole legal custody and visitation plan.

(Complete 1, 2, and 3)

1. _____ (name of parent with sole custody) will have sole legal custody of our children. The parent with sole custody will make the important decisions regarding our children.

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

3. We agree to the following visitation plan:

(Choose a, b, or c)

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

(or)

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

(or)

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

B. **Joint legal custody and parenting plan.**

1. **Important decisions.** We will share joint legal custody of our children and will make important decisions about our children together. No change regarding any of the following will happen unless we both agree to the change in writing or the court changes it:

a. City and county of residence: _____

- b. Religion: _____
- c. Activities: _____

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

2. **Solving arguments.** We will resolve any parenting or time-sharing dispute regarding our 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 mother or father will have the children for that day.*)

Week 1	Mother's time	Father's time
Monday	_____	_____
Tuesday	_____	_____
Wednesday	_____	_____
Thursday	_____	_____
Friday	_____	_____
Saturday	_____	_____

Sunday	_____	_____
Week 2	Mother's time	Father's time
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.** We will each have ____ [days] [weeks] (*circle one*) of uninterrupted time with the children each year. We will give each other at least ____ [days] [weeks] (*circle one*) notice of the vacation time. Any dispute will be resolved in the manner agreed to in the "Solving Arguments" section of this parenting plan.

b. **Holidays.** Regardless of the day of the week, the children will spend:

Holidays:	Even year	Odd year	Times (if split)
Mother's Day	Mother	Mother	
Father's Day	Father	Father	
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.** We each may have reasonable communication with the children at all times. Neither of us will 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 will 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 will be as follows (*write down what you will do here*):

 _____.

d. **Emergencies.** If there is a medical emergency, the parent with the children will try to call the other parent about the emergency. If the other parent cannot be reached, any decision for emergency medical treatment will be made by the available parent in the best interest of the children.

e. **Changes.** We may ask each other for changes to this schedule. The other parent has the right to say “no.” If the other parent says “no,” we will not argue or criticize the other parent’s decision.

f. **Review of plan.** We agree to meet [] every year (*or*) [] every ____ years to make sure this plan continues to work well.

VERIFICATION

When I sign here, I am telling the judge under oath and penalty of perjury 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.

Father's signature

Mother's signature

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 father.

Notary public

My commission expires: _____.

STATE OF NEW MEXICO)
COUNTY OF _____) ss

Acknowledged, signed and sworn to before me this ____ day of _____, ____ by _____, the mother.

Notary public

My commission expires: _____.

Approved 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 Section 40-4-9.1 NMSA 1978. 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.]

Compiler's note. – Pursuant to Supreme Court Order No. 13-8300-010, a new 4A-302 NMRA was adopted effective May 31, 2013.

Withdrawals. – Pursuant to Supreme Court Order No. 13-8300-010, former 4A-302 NMRA, relating to petition for dissolution of marriage with children, was withdrawn effective May 31, 2013.