

**4A-305. Final decree of dissolution of marriage.**

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

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

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

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

**FINAL DECREE OF DISSOLUTION OF MARRIAGE<sup>1</sup>**

This matter was brought before the Court to enter a Final Decree of Dissolution of Marriage  
by

Petitioner and Respondent (“the parties”).

*(Or)*

Petitioner, alone. Respondent, who was properly served with the Petition for  
Dissolution of Marriage, has failed to answer or otherwise respond within the time  
permitted by the New Mexico Rules of Civil Procedure.

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;<sup>2</sup>

*(Select and complete the following options if the parties have children)*

A Custody Plan (*select only one*),

signed and filed by the parties, that sets out the custody of their children;

(or)

attached as Exhibit \_\_\_\_\_, because the parties did not agree on the terms of a Custody Plan;<sup>2</sup>

A Child Support Obligation, including a child support worksheet (*select only one*),

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

(or)

attached as Exhibit \_\_\_\_\_, because the parties did not agree on the terms of a Child Support Obligation.<sup>2</sup>

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 (*if applicable*).

2. The parties are incompatible.

3. As to the Marital Settlement Agreement (*select only one*),

The Marital Settlement Agreement filed by the parties is fair and reasonable and should be adopted by the Court. The parties have sworn, under oath, that the Marital Settlement Agreement divides all of their known property and debt, settles their rights and obligations, and is fair and complete.

(Or)

The Court has considered the terms of the proposed Marital Settlement Agreements submitted by the parties, or by Petitioner alone if Respondent is in default, and finds that the attached Marital Settlement Agreement divides all of the parties' known property and debt, settles their rights and obligations, is fair and reasonable, and should be adopted.<sup>2</sup>

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

4. As to the Custody Plan (*select only one*),

The Custody Plan filed by the parties is fair and reasonable and should be adopted by the court. The parties have sworn, under oath, that the Custody Plan is complete, true, correct, and in the best interests of the children,

*(Or)*

The Court has considered the terms of the proposed Custody Plans submitted by the parties, or by Petitioner alone if Respondent is in default, and finds that the attached Custody Plan is fair, reasonable, and in the best interests of the children, and should be adopted.<sup>2</sup>

5. As to the Child Support Obligation (*select only one*),

The Child Support Obligation filed by the parties is fair and reasonable and should be adopted by the Court, including the terms of child support. The parties have sworn, under oath, that the Child Support Obligation is complete, true, correct, and in the best interests of the children.

*(Or)*

The Court has considered the terms of the proposed Child Support Obligations submitted by the parties, or by Petitioner alone if Respondent is in default, and finds that the attached Child Support Obligation is fair, reasonable, and in the best interests of the children, and should be adopted, including the terms of child support.<sup>2</sup>

6. Respondent's default has been certified 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.

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

3. The parties are ordered to comply with the terms of the Custody Plan, 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.

4. The parties are ordered to comply with the terms of the Child Support Obligation, 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.

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.

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 *(or)*  Respondent's name is restored to the former name of \_\_\_\_\_.

SO ORDERED

\_\_\_\_\_  
District court judge

\_\_\_\_\_

\_\_\_\_\_

Petitioner's signature

Respondent's signature (*if applicable*)

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

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

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Telephone: \_\_\_\_\_

STATE OF NEW MEXICO )

COUNTY OF \_\_\_\_\_ ) ss.

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

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

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

STATE OF NEW MEXICO )

COUNTY OF \_\_\_\_\_ ) ss.

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

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

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

USE NOTE

1. This form may be used anywhere in this state by the court to enter a final decree of dissolution of marriage.

2. If the parties are not in agreement, each party (or the petitioner alone, if the respondent is in default) 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); Form 4A-303 NMRA (Child Support Obligation). 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. 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.]