

A Checklist for Divorce (with children):

1. Docketing Information Sheet [LR1-Form E]

This is an information sheet to alert the court that CHILDREN are involved in the legal case. It should be filled out as completely as possible. When completed, give it to the Clerk of the Court along with all the other papers.

2. Petition for Dissolution of Marriage

This is the formal request for the court to DISSOLVE the marriage, resolve any questions regarding the CHILDREN as well as clear up any disputes about PROPERTY and DEBT. A copy of the Petition must be promptly served upon the other party [called the Respondent]. [See “Service” Section]

3. Temporary Domestic Order

This is a court order which is issued to help the parties while the case is being resolved. The Temporary Domestic Order [or “TDO”] makes provision for keeping the peace, caring for the children and keeping the bills up. The TDO must be promptly served upon the other party.

The TDO also arranges for two very important meetings with the court:

A. An INFORMATION SESSION on CHILDREN and SEPARATION to alert you to changing parental roles while the divorce is happening. This session is MANDATORY.

B. An INTERIM SUPPORT and EXPENSE hearing to establish responsibility for sharing the income of the parties and to make sure the bills are paid. This hearing is MANDATORY.

4. Summons and Return of Service

A SUMMONS is notice given to the Respondent that a formal written response must be filed with the court within 30 days after the Summons, Petition and TDO are served. If there is no response after proper service, the Judge can then enter a Default Decree.

SERVICE IS VERY IMPORTANT

“Serve” means placing the PETITION [as well as the SUMMONS and TEMPORARY DOMESTIC ORDER] in the hands of the other party; in other words, service must be personal. Mailing the papers is NOT good enough, even if it’s certified mail.

Anyone who is over 18 and who is not a party to the case may serve the papers. That means you -- the Petitioner -- CANNOT serve the papers yourself. The Sheriff’s Office or a professional process server can serve but they usually charge a fee. If the court has already found that you can’t pay court fees, the Sheriff will serve the papers for free.

To prove service, ask the person performed service to complete a RETURN OF SERVICE and then make sure the Return of Service is filed with the Clerk of the Court.

5. After a RESPONSE is filed, you may request a hearing using a REQUEST FOR HEARING form. See the Judge’s Trial Court Assistant for help on requests for hearing and notices of hearing.

If no written response has been filed within 30 days of service, you may apply to the Court for a “Default Decree.”

6. The parties must develop a PARENTING PLAN by the time the Final Decree is entered. You may develop your own Parenting Plan so long as it is specific and complete. A sample Parenting Plan is available in this Packet.

If you don't develop a Parenting Plan very soon after the legal case is filed, the court will order you to attend MEDIATION at the Family Court Services. Mediation is not free but the fee is based upon your income. Two or three sessions are usually enough but sometimes more sessions will be required.

7. If your debts and property are large or complicated, you may wish to develop a MARITAL SETTLEMENT AGREEMENT with detailed provisions for distributing property and debts. Because no case is alike, the court cannot offer you a sample Marital Settlement Agreement.

8. When all your disputes have been resolved [either by your agreement or by court decision] a FINAL DECREE is entered. This is the document which marks the official end of the marriage. A sample Final Decree [involving children] is included in this Packet.

Useful Telephone Numbers:

Santa Fe Police Dept.	473-5080	Child Support Office	827-5050
Santa Fe Sheriff	986-2455	Court Clerk	476-0134
Rio Arriba Sheriff	753-3320	Mediation Services	827-1278
Los Alamos Sheriff	662-8028	Domestic Violence Section	827-4350