

**4A-313. Parenting plan and child support obligation.**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

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

v.

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

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

**PARENTING PLAN  
AND CHILD SUPPORT OBLIGATION<sup>1</sup>**

We, \_\_\_\_\_ and \_\_\_\_\_, are the parents of the children listed below. We both agree to the terms of this parenting plan.

<b>Child's name</b>	<b>Date of birth</b>	<b>Age</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____

- 1. Residence of our [child] [children].** Our [child resides] [children reside] in New Mexico. Neither of us will move our [child] [children] out of state unless we both agree or a judge allows one of us to do so.
- 2. Review of plan.** We understand that the needs of our [child] [children] will change as they

grow older. The plan may also change because of either parent's employment or other circumstances change. We must be flexible and cooperate in helping our [child] [children] grow and change.

We agree to meet  every year or  every \_\_\_\_ years to make sure this plan continues to work well.

## **CUSTODY OF THE CHILDREN<sup>2</sup>**

*(Choose either Option A, Joint legal custody, or Option B, Sole legal custody)<sup>3</sup>*

**A. Joint legal custody.**

We will share joint legal custody of our [child] [children] and will make important decisions about our [child] [children] together. No change regarding an important decision will happen unless we both agree to the change in writing or the court changes it.

### **Joint custody decisions regarding our [child] [children]**

*(Use a separate sheet if necessary.)*

City and county of residence: \_\_\_\_\_

Religion: \_\_\_\_\_

Recreational Activities: \_\_\_\_\_

**Name**

**Address and telephone**

Doctor \_\_\_\_\_

Dentist \_\_\_\_\_  
School \_\_\_\_\_  
Child care \_\_\_\_\_  
Other \_\_\_\_\_

[ ] **B. Sole custody.**<sup>3</sup>

*(Complete all 3 blanks.)*

\_\_\_\_\_ *(name of parent with sole custody)* will have sole legal custody of our [child] [children]. The parent with sole custody will make the important decisions regarding our [child] [children].

\_\_\_\_\_ *(name of other parent)* will have visitation with our children as explained in this agreement.

**Sole custody<sup>3</sup> is in the best interest of our [child] [children] because:**

\_\_\_\_\_  
\_\_\_\_\_

**WHERE OUR CHILDREN SPEND THEIR TIME**

*(Complete whether you chose joint or sole custody.)*

**1. Time sharing.**

We will share time with the [child] [children] as we agree between ourselves. If we cannot agree, we will share time with the [child] [children] as set forth here.<sup>3</sup>

2. **Transfer of the children.**

We will transfer the children as follows:

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**THE USUAL PLAN<sup>4</sup>**

*(Either complete the blank lines in "Plan 1" or write your own plan in "Plan 2" below.)*

**[ ] Plan 1. Same plan each week or every two weeks.**

*(Set out the time that mother or father will have the [child] [children] for that day.)*

<b>Week 1</b>	<b>Mother's time</b>	<b>Father's time</b>
Monday	_____	_____
Tuesday	_____	_____
Wednesday	_____	_____
Thursday	_____	_____
Friday	_____	_____
Saturday	_____	_____
Sunday	_____	_____

<b>Week 2</b>	<b>Mother's time</b>	<b>Father's time</b>
Monday	_____	_____

Tuesday	_____	_____
Wednesday	_____	_____
Thursday	_____	_____
Friday	_____	_____
Saturday	_____	_____
Sunday	_____	_____

[ ] **Plan 2. Write your own plan.** (*Write your own plan here or attach a separate sheet or calendar or make additions to Plan 1*).

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**THE VACATION AND HOLIDAY PLAN**

1. **Vacations.** We will each have \_\_\_\_ [days] [weeks] (*circle one*) of uninterrupted time with the [child] [children] each year. We will give each other at least \_\_\_\_ (days) (weeks) notice of the vacation time. Any dispute will be resolved in the manner agreed to in the "Solving Arguments" section of this parenting plan.

2. **Holidays.** Regardless of the day of the week, the [child] [children] will spend:

<b>Holidays:</b>	<b>Even year</b>	<b>Odd year</b>	<b>Times (<i>if split</i>)</b>
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Mother's Day	Mother	Mother	
Father's Day	Father	Father	
Child's Birthday	_____	_____	
Halloween	_____	_____	
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	_____	_____	
July 4th	_____	_____	
Other religious holidays	_____	_____	
Others:	_____	_____	

The Monday of a 3-day weekend is the same as the Sunday schedule unless we agree differently.

3. Write in any other information regarding the plan or the vacation schedule here: \_\_\_\_\_  
\_\_\_\_\_.

### **DETAILS ABOUT THE CUSTODY PLAN**

1. **Telephone and mail.** The [child] [children] may call each of us and receive letters and packages from each of us. We will not interfere with the [child's] [children's] communication with the other parent.
2. **Transportation.** We will share responsibility for getting the [child] [children] to and from each other's house, day care, school, etc., as follows: *(write what you will do here)*  
\_\_\_\_\_  
\_\_\_\_\_.
3. **Emergencies.** If there is a medical emergency, the parent with the child 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 child.
4. **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. If we don't agree, we will follow the "solving arguments" section of this agreement.

### **CHILD SUPPORT**

1. **Child Support Worksheet.**<sup>5</sup> We attach a signed worksheet to this plan. (*Complete and sign a child support worksheet prior to completing this section.*)

**Child support:** \_\_\_\_\_ pays \_\_\_\_\_ \$\_\_\_\_\_.

(*Choose A or B*)

- A. This amount is the amount shown on the worksheet; or
- B. We ask the judge to order an amount different from the child support amount in the worksheet because (*fill in the reason here*)<sup>6</sup>

\_\_\_\_\_  
\_\_\_\_\_.

2. **Health insurance coverage**<sup>7</sup>

[Father] [Mother] agrees to keep the minor [child] [children] covered by health and dental insurance under the policy of insurance available to [father] [mother] from the [father's] [mother's] employer or other group health care insurance plan.

3. **Additional expenses to be determined by percentage.** We have not included the following costs on the child support worksheet because we do not have actual dollar figures to include on the worksheet. We will split the following expenses by percentage of the actual cost incurred<sup>5</sup>.

**Additional expenses**

**Mother pays**

**Father pays**

(*List percent for each that applies to you*)

Medical co-payments and deductibles	_____ %	_____ %
Medical expenses not paid by insurance	_____ %	_____ %
Dental expenses if no insurance or co-payments and deductible	_____ %	_____ %
Dental expenses not paid by insurance	_____ %	_____ %
Counseling expenses for [child] [children]	_____ %	_____ %
Educational expenses or child care expenses, such as camp, not listed on worksheet	_____ %	_____ %
Transportation and communication expenses if child does not live in same city as one parent	_____ %	_____ %
Increase in medical premium		

	_____ %	_____ %
Increase in dental premium	_____ %	_____ %
Day care, school tuition or additional educational or child care expenses, such as camp, not listed on worksheet	_____ %	_____ %
Increase in counseling expenses	_____ %	_____ %
Other costs not listed on worksheet	_____ %	_____ %

4. **Child support.** Payments shall begin on \_\_\_\_\_ (*date*) and continue until the child is eighteen (18) years of age or nineteen (19) years of age if attending high school, whichever happens last.

5. **Wage withholding of child support.**

(Choose A or B)

**A. Withhold wages for child support.** Child support payment will be withheld from \_\_\_\_\_'s monthly paycheck. We attach a Wage Withholding Order<sup>8</sup>.

**or**

**B. Do not withhold wages for child support<sup>9</sup>.** We agree not to do wage withholding at this time.

6. **Health and dental insurance.** Unless we agree otherwise, we will:

follow the insurance plan in selecting a doctor or dentist;

not use a doctor or dentist who is not on the insurance plan;

make sure each parent has a copy of the insurance card and policy; and

cooperate and work together to promptly submit all insurance forms.

7. **Exchange of information.** We agree that once a year either one of us can ask, in writing,

for the other one to give us:

federal and state tax returns for the prior year;

W-2 statements for the prior year;

IRS form 1099's for the prior year;

work related day care statements for the prior year;

dependent medical insurance premiums for the prior year; and

wage and payroll statements for the four months prior to the request.

We agree to review and adjust, if necessary, the child support payments (*fill in your plan here*)<sup>10</sup>

Annually

When a major change of circumstances happens

Other: \_\_\_\_\_

8. **Tax issues.** Here is our plan about tax issues that relate to our [child] [children] (Who will declare the [child] [children] as dependents, who will take the child care deduction, etc.<sup>11</sup>)

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9. **Other expenses.** Each of us will provide our [child] [children] with items that they need while they are with us.

10. **Additional expenses.** We agree to the following support issues related to our [child] [children]: \_\_\_\_\_

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## **SOLVING ARGUMENTS**

1. **Dispute resolution.** We will resolve any custody, visitation or time-sharing dispute regarding our [child] [children] in this way:

2. **Solving problems.** (*steps continue until problem solved*)

A. Talk together; or

B. Communicate through writing:

requesting parent sends document listing the change and why; and

answering parent sends response within \_\_\_\_ days.

If the answering parent does not agree to the change the response 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. **Cost of dispute resolution.**

Mother will pay \_\_\_\_\_% and father will pay \_\_\_\_\_% of all dispute resolution costs, except legal and court costs. If we have to go to court to solve our argument, the judge will decide how much we each must pay. If we have a disagreement, we will continue to follow the time-sharing plan until the disagreement is resolved.

**GENERAL AGREEMENTS; HOW WE TREAT OUR CHILDREN**

1. We will both actively be responsible for and involved in our [child's] [children's] lives.
2. As our [child grows] [children grow] [his] [her] [their] needs will change. We will talk about the changing needs.
3. We will support our [child's] [children's] relationship with the other parent and not interfere in it. We will be positive about that relationship.
4. We both have a right to medical and educational information about our [child] [children]. We each may talk with our [child's] [children's] doctors and schools. If either of us learns

that our [child is] [children are] involved in any other legal proceeding, we agree to notify the other parent.

- 5. We will consider what our [child wants] [children want] when we make decisions about the [child] [children]. We will never ask our [child] [children] to make decisions that they are not old enough or mature enough to make. We will never ask a child to choose between us.

When I sign here, I am telling the judge that I have read this document and agree with everything in it. I state, upon oath, that this document, and the statements in it, are true and correct as far as I know and believe.

\_\_\_\_\_  
Husband's signature

\_\_\_\_\_  
Wife's signature

Address: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

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

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

STATE OF NEW MEXICO )

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

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

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

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

STATE OF NEW MEXICO     )

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

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

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

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

**USE NOTES**

1. The court may require the use of a different parenting plan. The parties should check with the clerk of the court prior to completing a parenting plan. For a further explanation of this form, *see* Domestic Relations Form 4A-205 NMRA. The parenting plan will become a part of the judge's final order when the Final Decree of Dissolution of Marriage, with children, Domestic Relations Form 4A-322, is signed by the judge.
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 legal custody does not necessarily mean that the [child] [children] must spend fifty percent (50%) of the time with each parent.

3. The law prefers joint custody for most children. Many judges will require a hearing before granting sole custody.
4. In developing a parenting plan, consider the needs of younger children. See a professional specializing in child development for a plan appropriate for your children.
5. *See* Section 40-4-11.1 NMSA 1978 for the child support worksheet. An interactive version of this worksheet may be found at *www.nmcourts.com*, click on "Family Law Forms". *See also* Domestic Relations Form 4A-205 NMRA for a further explanation of the child support worksheet. The child support worksheet is used to determine the monthly child support obligation.
6. The judge may or may not accept a proposed change from the worksheet amount.
7. *See* Section 40-4C-4 NMSA 1978 for medical support orders.
8. *See* Domestic Relations Form 4A-341 NMRA for the Wage Withholding Order. A Wage Withholding Order is required if either party or the children born of this marriage are receiving public assistance. Either party may request the court to enter a Wage Withholding Order. *See also* Domestic Relations Form 4A-205 NMRA for a further explanation of the Wage Withholding Order.
9. The court will sign a Wage Withholding Order upon request of either party. If child support is not paid in a timely manner, interest will be added to the amount owed at the rate provided by law. *See* Section 40-4-7.3 NMSA 1978 for accrual of interest on delinquent child and spousal support. The rate is the rate in effect pursuant to Section 56-8-4 NMSA 1978.
10. You need a court order to adjust child support payments.
11. See a professional about tax issues that relate to any children.

[As amended, effective December 15, 2005.]

