

[4A-113] 4A-203. Motion to modify temporary order (domestic relations actions).

[For use with Rules 1-121 and 1-122 NMRA]

STATE OF NEW MEXICO
[COUNTY] COUNTY OF _____
_____ JUDICIAL DISTRICT

_____,
Petitioner,

v. No. _____

_____,
Respondent.

**MOTION TO MODIFY TEMPORARY ORDER
(domestic relations actions)¹**

I, _____ (name of [~~petitioner or respondent~~] Petitioner or Respondent) request the court to: (*check and complete [applicable alternatives] all that apply*)

modify paragraph ____ of the temporary domestic order as follows:

_____.

terminate the temporary domestic order because:

_____.

terminate or modify the temporary child support because:

_____.

modify the temporary division of income and debts of the parties because²:

_____.

dismiss the temporary restraining order because³:

_____.

terminate or modify the temporary wage withholding order because:

_____.

terminate or modify the temporary order establishing timesharing or visitation schedule because:

_____.

I have tried to talk to _____ . *(name of the other party or the other party's attorney if represented)*

This is what happened: (You MUST check one of these boxes.)

- The other party AGREES with my motion.
- The other party DOES NOT AGREE with my motion.
- The other party WILL NOT TALK TO ME about my motion.
- I CANNOT TALK TO THE OTHER PARTY because there is a protective order between us and the other party does not have a lawyer.
- I HAVE NOT TALKED TO THE OTHER PARTY because:

_____.

Signature

Name (printed)

Address

Telephone number

CERTIFICATE OF SERVICE

I [~~hereby~~] certify that on [this _____ day of _____, _____ this motion was] _____ *(date), I (check the applicable item below and fill in all information)*

[f] mailed a copy of this motion by United States mail, postage prepaid, [~~and addressed~~] to:

Name: _____

[Address] Mailing address: _____

City, state, and zip code: _____ [?];

delivered a copy of this motion to _____ (*the other party or the other party's attorney*); or

faxed a copy of this motion [by _____ (*name of person who faxed*)] to _____ (*[defendant or defendant's] the other party or the other party's attorney*) using the following fax number: _____. The transmission was reported as complete and without error. The time and date of the transmission was _____ (a.m) (p.m) on _____ (*date*). [?]

[e-mailed by _____ (*name of person who transmitted*) to _____ at _____ (*electronic address of recipient*) who agreed to service in this manner. The transmission was successful. The time and date of the transmission was _____ (a.m) (p.m) on _____ (*date*).] [?]

Signature of attorney

Date of signature

If this notice was served by a person other than an attorney, the following must also be completed and filed with the court:

[~~AFFIDAVIT~~] VERIFICATION OF SERVICE

I [~~declare~~] affirm under penalty of perjury under the laws of the State of New Mexico that a copy of this motion was served by [mail] [fax] [electronic transmission] as described above on [this ____ day of _____, _____] _____ (*date*).

Signature of person who made service

[Subscribed and sworn to before me
this ____ day of _____, _____.

Judge, notary or other officer
authorized to administer oaths

Official title

Signature

Date of signature]

USE NOTE

1. This form may be used anywhere in this state to request the court to modify a temporary order entered by the court in a domestic relations action.

2. If a court order of temporary division of income and debts is being challenged, you must complete an [~~“interim income and expense” form~~] Interim Monthly Income and Expenses Statement (Form 4A-212 NMRA) and file it with the court at the time you file this [~~response~~] motion.

3. If you believe that your spouse may injure you or cause some other harm to you, your children, or other household member, you may file a petition for a temporary restraining order or you may file a “Petition for Order for Protection from Domestic [~~Abuse~~].” Abuse.” See Form 4-961 NMRA.

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001; 4A-113 recompiled and amended as 4A-203 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, 4A-113 NMRA was recompiled and amended as 4A-203 NMRA effective May 31, 2013.

Withdrawals. – Pursuant to Supreme Court Order No. 13-8300-010, former 4A-203 NMRA, relating to forms not available through the courts, was withdrawn effective May 31, 2013.