533-001 - **Family Law**
Fall Semester 2006

UNM School of Law	**Professor Antoinette Sedillo Lopez**
Final Examination	**Friday Dec. 8, 2006, 9:00 a.m. – 12:00 Noon**
Three Credits	**Friday Dec. 15, 2006, 9:00 a.m. - 12:00 Noon**

(3 hours)

Examination Format
Essay Answers

1. **Laptop** computer users: Start the Securexam program entering your examination number, course name, professor's name, & date of examination. Click "proceed" to enter the program. Type START in the next window that is displayed but do NOT press the enter key until the proctor says to begin the exam.

2. **Bluebooks** for writing: write on every-other line and only on the front page of each sheet. On the front of bluebook record the class name, professor's name, date of exam, and your examination number. Make sure to number each bluebook in order. DO NOT WRITE YOUR NAME ON BLUEBOOKS.

A five-minute warning will be given prior to the conclusion of the examination. When time is called, stop immediately. If you are handwriting, lay down your pen & close bluebook immediately. If using a laptop, save & exit the program.

Go to the exam check-in table at the conclusion of the exam & fill out an examination receipt.

Professor's Instructions

Attached to this exam are some materials that may be relevant to your answer.

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Answer each question fully. Use relevant statutes, case law and policy considerations to analyze each problem thoroughly. Do not simply express your opinion.

The time suggested for each question roughly reflects its weight in grading. Note that the time suggested adds up to three hours exactly.

Clearly identify your answers. Clarity of expression will improve your score.

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GOOD LUCK!!!

<u>END OF INSTRUCTIONS</u>

[Exam begins on next page]

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Question One (75 minutes)

Bill and Melinda met when they were in junior high school in Seattle, Washington. Upon graduation from high school in 1976, they both attended the University of New Mexico (UNM), where Bill studied computer science and Melinda studied fine arts. During the first year of college, they lived in separate dormitories. On more than one occasion that year, Bill professed to Melinda that he loved her "like a wife" and viewed himself as married to her.

Melinda responded with similar professions of love and commitment. Bill also promised Melinda that he would always take care of her and that she "would never want for anything." Bill introduced Melinda to all his college friends as his wife and Melinda introduced Bill to her friends as her husband. Their sophomore year, they bought a red 1967 Mustang together, with the car jointly titled in the names of Bill and Melinda Grates. Over the summer following their sophomore year, they rented an apartment as "Mr. and Mrs. Bill Grates" and moved in together. They applied for a joint credit card, and deposited all the money that their parents gave them for living expenses into a joint checking account. They filed joint state tax returns in order to get state rebates, but did not file federal tax forms because Bill insisted that they did not make enough money to have to file. In fact, Melinda, as an individual, made sufficient money to require that she file in her senior year because of her summer employment in El Paso, Texas the summer before as well as her school year employment. She trusted Bill in believing that jointly they did not have to file. Neither of them mentioned to their parents or relatives that they had moved in together or that they were telling everyone that they were married, because they did not want their parents to cut off their support.

Both Bill and Melinda excelled at UNM. They continued to live together in the same apartment until they graduated. As graduation approached in the spring of 1980, they contemplated their future careers. Melinda really wanted to spend her time painting. Her fine arts professors all told her that she had enormous talent, and Melinda sold several paintings at her first "solo" art gallery show. She encouraged Bill to take a good paying job with IBM so she could pursue her painting full-time. But Bill had read an article in Popular Electronics magazine about a new "personal computer" that ran off of a tiny microprocessor. Unlike the huge mainframe computers in use at the time (which occupied entire rooms and needed to be kept in special air-conditioned rooms), this small "personal computer" could fit on a person's desk! While much smaller and less expensive than mainframe computers, this "personal computer" was not used much because no one had developed software to make it perform useful tasks. Bill wanted to try to develop software to run on this new personal computer with a friend. After much negotiation, Bill agreed to put his plans on hold and help Melinda launch an art career. His friend Steven Jobst partnered with another college buddy and launched the Prickly Pear computer company which went on to become a highly successful computer company.

Both Melinda and Bill were awarded Bachelor of Arts degrees, *magna cum laude*, from UNM in 1980. Upon graduation, Bill did not work for IBM but instead accepted a

position as a high school teacher in the Albuquerque public school system because he felt that that would give him more time to tinker with his software and computer ideas. In his spare time he formed a small corporation. Bill was the sole shareholder in the company, Tinysoft, through which he intended to develop and market software for the new personal computer. Shortly after launching Tinysoft, Bill and Melinda decided it was time to make their relationship "official." They announced their engagement to their parents. Because some of their friends thought they were married and their family believed that they were not married, they decided to get married at a Halloween party. They would dress as a bride and groom and ask a justice of the peace to the party to celebrate the nuptials. They would not tell most guests that it was a real wedding, but let them believe that it was a "put on". They told their family that it was a "real wedding" but that they were doing it this way because they did not want wedding presents since they had lived together for so long before the wedding. They were married, as planned, on October 31, 1981 by a justice of the peace before 100 of their closest friends and family members. Some guests thought it was a Halloween gag, family members thought it was a non-traditional wedding. The couple danced to "*Still the One*" by Orleans after the "ceremony" and everyone clapped and cheered.

In January of 1981, Bill had developed a software product that revolutionized the computer industry. His little company grew and he quit his high school teaching job. Sales skyrocketed, and Bill finally began to draw a salary beginning in September 1982. The computer company required so much time that Melinda's art career suffered and although she occasionally painted, she rarely sold a piece and did not have time to participate in art shows or conduct any of the other activities necessary for success as an artist. She had a child when she was 30 and another when she turned 40, and devoted much time to their needs. Although they could afford it, Melinda refused to hire a nanny and had only occasional help with the running of the household. In the years following the wedding, Bill (and the employees he had hired) continued to develop new software products to operate on personal computers. Tinysoft grew rapidly, and in fact, came to dominate the global market. The company was worth billions.

In 1989, Bill and Melinda purchased a mansion with vast acreage for animals for $30 million, using proceeds from the sale of a small portion of Bill's Tinysoft stock. (Melinda's name was never added as owner of the Tinysoft.) The mansion/ ranch straddles both Bernalillo County and Sandoval County and the deeds recorded in both of those counties list Bill and Melinda as joint owners with right of survivorship. They also used stock proceeds to purchase 5 fancy cars (titled in both their names), jewelry for Melinda (valued at $550,000), and furnishings for the home (valued at $300,000). In 1992, Melinda's father died, and she inherited $3,000,000 from him. She put the $3,000,000 in a separate investment account and used the income primarily to donate to charities of her choice. Their children are now age 9 (fourth grade) and age 18 (senior in high school).

In 2006, Bill informed Melinda that he wanted a divorce. At the time of their separation, his remaining Tinysoft stock was worth $50 billion. His plan is to give it all away to charitable causes except for enough to put into a trust to generate $120,000 per year to

support himself and to use to pay child support and alimony. He would like joint custody of the children; however, he recognizes that Melinda has taken on the greater responsibility for the children. Melinda would like sole custody because she would like to move out of the state although she is willing to wait until her daughter graduates from high school. She is not crazy about Bill's plan to give away all of his fortune and wants her "fair share".

Identify and analyze all issues raised by the foregoing.

Question Two (75 minutes)

Mario is originally from California and Joaquin is originally from New Mexico. While on a vacation in Mexico, several years ago they met and fell in love. Joaquin was offered a post- doctoral fellowship in Spain and asked Mario to join him. While in Spain, the couple married pursuant to Spanish Law. They had a large celebration in Spain and many of their relatives came. After the fellowship was completed, Joaquin was offered a position on the faculty of the Modern Languages Department at UNM as an assistant professor. Mario applied to and was accepted to law school at UNM. Joaquin registered Mario as his "domestic partner" for the purposes of UNM benefits.

On the way back from Spain they took some time to travel around through the New England states and while in Massachusetts, they picked up a marriage license, signed it and filed it with a local county clerk. They did this because they were not sure that their Spanish marriage would be recognized in the United States and they wanted to renew their commitment to each other. They did not have a ceremony or tell anyone else that they did this.

They moved to New Mexico in August of this year (2006). As a beginning law student, Mario took out $15,000 as a student loan. About $5000 of the student loan was used as a down payment on the purchase of an apartment at the Lofts at the Albuquerque High. Joaquin used $10,000 that he had inherited from a great aunt for the other part of the down payment. However, since Mario had bad credit and the mortgage rate would be rather high if Mario was on the loan application, Joaquin took out the mortgage based on his salary as an assistant professor and the title to the Loft was issued in his name alone. The purchase price of the loft was $150,000. There was a "due on transfer" clause on the mortgage that made the entire mortgage due if the title to the property was changed, so Joaquin told Mario that he could not quit claim a half interest to him, but stated, "It is a community property state, anyway, you don't need the title in your name. You know what is mine is yours." Neither one of them revealed their marriage to the mortgage authorities.

The pressures of the first year of law school were great. Joaquin was just as pressured as a new assistant professor and felt that Mario was neglecting their relationship. While on a trip to a conference in San Francisco, California, Joaquin picked up a form for dissolution of a civil union, filled it out and filed it with the local San Francisco authorities. He then hired a process server to serve it on Joaquin in New Mexico.

Meanwhile, Joaquin filed for a legal separation in New Mexico to determine their property rights. Mario moved to dismiss the Petition for Legal Separation or in the alternative, counter-claimed for a Dissolution of Marriage.

Analyze the issues raised by the foregoing. HINT: Do not neglect any constitutional issues raised by the foregoing.

Question 3 (30 Minutes)

Using reading material and classroom discussion from class this semester to support your ideas, please comment on the following excerpts from a recent article published in the Wall Street Journal. Address the question of whether this initiative is good family law social policy.

How a U.S. Official Promotes Marriage To Help Poor Kids

To Encourage Couples to Wed, Wade Horn Plans to Spend $500 Million in Five Years

By LAURA MECKLER
November 20, 2006; Page A1

The notion that government can help children escape poverty by promoting marriage for their parents was once considered a fringe idea from right field. It is now federal policy.

In very large part, that's due to Wade Horn, a child psychologist turned bureaucrat who has put marriage atop the Bush administration's limited antipoverty agenda.

As head of the federal Administration for Children and Families, Dr. Horn has employed the zeal of an ideologue and the discipline of an academic to inject marriage promotion into a host of government programs under his purview, even before Congress authorized an official marriage program. Today, more than 200 programs are at work across the country, seeking to change public attitudes surrounding marriage, persuade teenagers to aspire to matrimony and teach relationship skills to young couples.

Along the way, Dr. Horn has co-opted critics, fine-tuned his rhetoric, and persuaded Congress to insert his marriage agenda into this year's welfare legislation, winning $500 million over five years. A host of grants were doled out last month, to organizations ranging from large coalitions of social-services groups to antiabortion pregnancy-counseling centers that plan relationship classes for teens.

"Wade Horn has shown the influence a bureaucrat can have," says Ronald Haskins, a welfare expert who has worked for Congress and the current President Bush's White House. "Anything that wasn't nailed down over there is now devoted to marriage."

Not everyone is persuaded. Women's groups say his emphasis on marriage unfairly demonizes unwed mothers, and pressures women to stay in sometimes unhealthy, violent relationships. Libertarians say government has no business using tax dollars to probe so deeply into people's personal lives. Some note that there's no proof yet that any of these efforts can work. Others say the money would be better spent elsewhere.

de F. Horn, Ph.D. ..

* * *

Study after study show children are better off in two-parent homes. They are less likely to be poor, drop out of school, become teen parents or get arrested. The theory: Two parents bring stability and emotional support to children and one another, not to mention providing two incomes. But can government do anything to actually promote marriage? And should it?

* * *

WHAT QUALIFIES

Eight types of activities may be funded under the Bush administration's "Healthy Marriage Initiative."

• Public advertising campaigns on the value of marriage and the skills needed to increase marital stability and health.

• Education in high schools on the value of marriage, relationship skills and budgeting.

• Marriage education, marriage skills and relationship skills programs that may include parenting skills, financial management, conflict resolution and job and career advancement for non-married pregnant women and non-married expectant fathers.

• Pre-marital education and marriage skills training for engaged couples and for couples or persons interested in marriage.

• Marriage enhancement and marriage skills training programs for married couples.

• Divorce reduction programs that teach relationship skills.

• Marriage mentoring programs, which use married couples as role models and mentors in at-risk communities.

• Programs to reduce the disincentives to marriage in means-tested aid programs if offered in conjunction with any of the other seven activities.

END OF EXAMINATION

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N. M. S. A. 1978, § 40-4-11.1

J. Whenever application of the **child support guidelines** set forth in this section requires a person to pay to another person more than forty percent of his gross income for a single **child support** obligation for current **support**, there shall be a presumption of a substantial hardship, justifying a deviation from the **guidelines**.

K. BASIC CHILD SUPPORT SCHEDULE.--

BASIC CHILD SUPPORT SCHEDULE

Both Parents' Combined Gross Monthly Income	Number of children					
	1	2	3	4	5	6
$0-800	$100	$150	$150	$150	$150	$150
850	119	150	150	150	150	150
900	153	155	157	158	160	162
950	187	189	191	193	196	198
1,000	206	223	226	228	231	233
1,050	215	257	260	263	266	269
1,100	224	291	294	298	301	304
1,150	232	325	329	332	336	339
1,200	241	351	363	367	371	375
1,250	250	363	397	401	406	410
1,300	258	375	431	436	441	445
1,350	267	387	457	470	475	481
1,400	275	399	471	505	510	516
1,450	283	411	485	536	545	551
1,500	292	423	499	551	579	585
1,550	300	435	513	567	613	620
1,600	308	447	527	582	631	654
1,650	316	458	540	597	647	689
1,700	324	470	554	612	664	710
1,750	333	482	568	628	680	728
1,800	341	494	582	643	697	746
1,850	349	506	596	658	714	764
1,900	357	517	609	673	730	781
1,950	365	529	623	689	747	799
2,000	373	541	637	704	763	816
2,050	382	553	651	719	780	834
2,100	390	564	665	734	796	852
2,150	398	576	678	750	813	869
2,200	406	588	692	765	829	887
2,250	414	600	706	780	846	905
2,300	422	611	720	795	862	922
2,350	430	623	733	810	879	940
2,400	438	635	747	825	895	957
2,450	443	641	754	834	904	967
2,500	447	647	761	841	912	976
2,550	451	652	768	849	920	984
2,600	455	658	775	856	928	993
2,650	459	664	782	864	936	1,002

2,700	463	670	788	871	944	1,010
2,750	467	675	795	878	952	1,019
2,800	471	681	802	886	960	1,027
2,850	474	687	808	893	968	1,036
2,900	478	692	815	900	976	1,044
2,950	482	698	822	908	984	1,053
3,000	486	704	828	915	992	1,062
3,050	490	710	835	923	1,000	1,070
3,100	494	715	842	930	1,008	1,079
3,150	497	720	847	936	1,014	1,085
3,200	500	723	851	940	1,019	1,090
3,250	503	727	855	945	1,024	1,095
3,300	505	731	859	949	1,029	1,101
3,350	508	734	863	954	1,033	1,106
3,400	511	738	867	958	1,038	1,111
3,450	513	742	871	963	1,043	1,116
3,500	516	745	875	967	1,048	1,121
3,550	519	749	879	971	1,053	1,127
3,600	522	752	883	976	1,058	1,132
3,650	524	756	887	980	1,063	1,137
3,700	527	760	891	985	1,067	1,142
3,750	530	763	895	989	1,072	1,147
3,800	532	767	899	994	1,077	1,153
3,850	535	771	903	998	1,082	1,158
3,900	540	777	911	1,007	1,091	1,168
3,950	545	785	919	1,016	1,101	1,178
4,000	550	792	927	1,025	1,111	1,189
4,050	554	799	936	1,034	1,121	1,199
4,100	559	806	944	1,043	1,130	1,209
4,150	564	812	952	1,052	1,140	1,220
4,200	569	819	960	1,060	1,150	1,230
4,250	574	826	968	1,069	1,159	1,241
4,300	579	833	976	1,078	1,169	1,251
4,350	584	840	984	1,087	1,179	1,261
4,400	589	847	992	1,096	1,188	1,272
4,450	594	854	1,000	1,105	1,198	1,282
4,500	599	861	1,008	1,114	1,208	1,292
4,550	604	868	1,016	1,123	1,217	1,303
4,600	608	875	1,024	1,132	1,227	1,313
4,650	612	880	1,030	1,139	1,234	1,321
4,700	615	885	1,036	1,145	1,241	1,328
4,750	619	890	1,042	1,152	1,248	1,336
4,800	622	895	1,048	1,158	1,256	1,344
4,850	625	900	1,054	1,165	1,263	1,351
4,900	629	905	1,060	1,172	1,270	1,359
4,950	632	910	1,066	1,178	1,277	1,367
5,000	635	915	1,072	1,185	1,284	1,374
5,050	639	920	1,078	1,192	1,292	1,382
5,100	642	926	1,085	1,199	1,300	1,391
5,150	646	931	1,092	1,206	1,308	1,399
5,200	650	937	1,098	1,214	1,316	1,408

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N. M. S. A. 1978, § 40-4-11.1

5,250	654	942	1,105	1,221	1,324	1,416
5,300	657	948	1,112	1,228	1,332	1,425
5,350	661	954	1,119	1,236	1,340	1,433
5,400	666	960	1,126	1,244	1,349	1,443
5,450	671	967	1,134	1,253	1,358	1,453
5,500	675	973	1,141	1,261	1,367	1,463
5,550	680	980	1,149	1,269	1,376	1,472
5,600	685	987	1,156	1,278	1,385	1,482
5,650	690	993	1,164	1,286	1,394	1,492
5,700	695	1,000	1,171	1,294	1,403	1,501
5,750	700	1,007	1,179	1,303	1,412	1,511
5,800	704	1,013	1,186	1,311	1,421	1,521
5,850	709	1,020	1,194	1,319	1,430	1,530
5,900	714	1,027	1,201	1,328	1,439	1,540
5,950	719	1,033	1,209	1,336	1,448	1,549
6,000	724	1,040	1,216	1,344	1,457	1,559
6,050	728	1,047	1,224	1,353	1,466	1,569
6,100	733	1,053	1,232	1,361	1,475	1,579
6,150	738	1,060	1,240	1,370	1,485	1,589
6,200	742	1,067	1,247	1,378	1,494	1,599
6,250	747	1,073	1,255	1,387	1,504	1,609
6,300	751	1,080	1,263	1,396	1,513	1,619
6,350	756	1,087	1,271	1,405	1,523	1,629
6,400	760	1,093	1,279	1,413	1,532	1,639
6,450	765	1,100	1,287	1,422	1,541	1,649
6,500	770	1,107	1,295	1,431	1,551	1,660
6,550	774	1,113	1,303	1,439	1,560	1,670
6,600	779	1,120	1,311	1,448	1,570	1,680
6,650	783	1,127	1,318	1,457	1,579	1,690
6,700	788	1,133	1,326	1,466	1,589	1,700
6,750	792	1,140	1,334	1,474	1,598	1,710
6,800	797	1,147	1,342	1,483	1,607	1,720
6,850	802	1,153	1,350	1,492	1,617	1,730
6,900	806	1,160	1,358	1,500	1,626	1,740
6,950	811	1,167	1,366	1,509	1,636	1,751
7,000	815	1,173	1,374	1,518	1,645	1,761
7,050	820	1,180	1,382	1,527	1,655	1,771
7,100	824	1,187	1,389	1,535	1,664	1,781
7,150	828	1,193	1,396	1,543	1,673	1,789
7,200	832	1,198	1,403	1,550	1,680	1,798
7,250	836	1,203	1,409	1,557	1,688	1,806
7,300	840	1,209	1,416	1,564	1,696	1,814
7,350	843	1,214	1,422	1,572	1,704	1,823
7,400	847	1,220	1,429	1,579	1,711	1,831
7,450	851	1,225	1,435	1,586	1,719	1,839
7,500	855	1,231	1,442	1,593	1,727	1,847
7,550	858	1,236	1,448	1,600	1,735	1,856
7,600	862	1,241	1,455	1,607	1,742	1,864
7,650	866	1,247	1,461	1,614	1,750	1,872
7,700	869	1,252	1,467	1,622	1,758	1,881
7,750	873	1,258	1,474	1,629	1,766	1,889

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N. M. S. A. 1978, § 40-4-11.1

7,800	877	1,263	1,480	1,636	1,773	1,897
7,850	881	1,269	1,487	1,643	1,781	1,905
7,900	884	1,274	1,493	1,650	1,789	1,914
7,950	888	1,279	1,500	1,657	1,797	1,922
8,000	892	1,285	1,506	1,665	1,804	1,930

For gross monthly income greater than $8,000,
multiply gross by the following percentages:

| 11% | 16.1% | 18.8% | 20.8% | 22.6% | 24%. |

WORKSHEET A--BASIC VISITATION

_____ JUDICIAL DISTRICT COURT
COUNTY OF _____
STATE OF NEW MEXICO
     NO. _____
_____,
     Petitioner,
vs.
_____,
     Respondent.

MONTHLY CHILD SUPPORT OBLIGATION

		Custodial Parent		Other Parent		Combined
1.	Gross Monthly Income	$	+	$	=	$
		---------		------		---------
2.	Percentage of Combined Income (Each parent's income divided by combined income)	%	+	%	=	100%
		---------		------		---------
3.	Number of Children _____					
4.	Basic Support from Schedule (Use combined income from Line 1)				=	---------
5.	Children's Health and Dental Insurance Premium		+		=	
		---------		------		---------
6.	Work-Related Child Care		+		=	
		---------		------		---------
7.	Additional Expenses		+		=	
		---------		------		---------

N. M. S. A. 1978, § 40-4-11.1

8. Total Support (Add Lines 4,   +   =
    5, 6 and 7 for each parent
    and for combined column)

    ---------   ------   ---------

9. Each Parent's Obligation   ---------   ------
    (Combined Column Line 8 X
    each parent's Line 2)

10. Enter amount for each parent   -   -
    from Line 8

    ---------   ------

11. Each parent's net obligation   Other
    (Subtract Line 10 from Line
    9 for each parent).

    ---------   ------   Parent
                                   pays
                                   Custodial
                                   Parent
                                   this
                                   Amount

_____PAYS_____EACH MONTH $_____

_____   _____
Petitioner's Signature   Respondent's Signature

Date: _____

BASIC VISITATION

INSTRUCTIONS FOR WORKSHEET A

Line 1. Gross Monthly Income:

Includes all income, except AFDC, food stamps and supplemental security income. If a parent pays child support by court order to other children, subtract from gross income. Use current income if steady. If income varies a lot from month to month, use an average of the last twelve months, if available, or last year's income tax return. Add both parents' gross incomes and put total under the combined column.

Line 2. Percentage of Combined Income:

Divide each parent's income by combined income to get that parent's percentage of combined income.

Line 4. Basic Support:

Fill in number of children on worksheet (Line 3). Round combined income to nearest one hundred dollars ($100).

NM ST § 40-4-11.1   FOR EDUCATIONAL USE ONLY   Page 8

N. M. S. A. 1978, § 40-4-11.1

Look at the basic child support schedule. In the far left-hand column of the basic child support schedule, find the rounded combined income figure. Read across to the column with the correct number of children. Enter that amount on Line 4.

Line 5. Children's Health and Dental Insurance Premium:

Enter the cost paid by a parent for covering these children with medical and dental insurance under that parent's column on Line 5. Add costs paid by each parent and enter under the combined column on Line 5.

Line 6. Work-Related Child Care:

Enter the cost paid by each parent for work-related child care. If the cost varies (for example, between school year and summer), take the total yearly cost and divide by twelve. Enter each parent's figure in that parent's column on Line 6. Add the cost for both parents and enter in the combined column on Line 6.

Line 7. Additional Expenses:

Enter the amounts paid by each parent for additional expenses provided by Subsection I of this section on Line 7. Add the cost for both parents and enter in the combined column on Line 7.

Line 8. Total Support:

Total the basic support amount from Line 4 in the combined column with the combined column on Lines 4, 5, 6 and 7 and enter the totals in combined column on Line 8.

Line 9. Each Parent's Obligation:

Multiply the total child support amount on Line 8 by each parent's percentage share on Line 2, and enter each parent's dollar share under that parent's column on Line 9.

Line 10. Total Support:

Enter the total amount shown for each parent on Line 8 beside the "minus" marks on Line 10.

Line 11. Net Obligation:

For each parent, subtract the amount on Line 10 from the amount on Line 9. Enter the difference for each parent in that parent's column on Line 11. The amount in the box "other parent" is what that parent pays to the custodial parent each month. Do not subtract the amount on the custodial parent's Line 11 from the amount in the other parent's box. The custodial parent is presumed to use the amount in that parent's column on Line 11 for the children.

SHARED RESPONSIBILITY

INSTRUCTIONS FOR WORKSHEET B

_____ JUDICIAL DISTRICT COURT

COUNTY OF _____

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N. M. S. A. 1978, § 40-4-11.1

STATE OF NEW MEXICO
      NO. _____

_____,
      Petitioner,
vs.

_____,
      Respondent.

MONTHLY CHILD SUPPORT OBLIGATION

		Mother		Father		Combined
Part 1--Basic Support:						
1.	Gross Monthly Income	$		$		$
		------		------		--------
2.	Percentage of Combined Income (Each parent's income divided by combined income)	%	+	%	=	100%
		------		------		--------
3.	Number of Children _____					
4.	Basic Support from Schedule (Use combined income from Line 1)				=	

5.	Shared Responsibility Basic Obligation (Line 4 x 1.5)					--------
6.	Each Parent's Share (Line 5 x each parent's Line 2)	------		------		
7.	Number of 24 hour days with each parent (must total 365)		+			
		------		------		--------
8.	Percentage with each parent (Line 7 divided by 365)	%	+	%		100%
		------		------		--------
9.	Amount retained (Line 6 x Line 8 for each parent)	------		------		
10.	Each Parent's Obligation (subtract Line 9 from Line 6)	------		------		
11.	Amount Transferred (subtract smaller amount on Line 10 from larger amount on Line 10.) Parent with larger amount on Line 10 pays other parent the difference.					--------

PART 2--ADDITIONAL PAYMENTS:

		Mother		Father		Combined
12.	Children's Health and Dental Insurance Premium		+		=	
		------		------		--------

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NM ST § 40-4-11.1   FOR EDUCATIONAL USE ONLY   Page 10

N. M. S. A. 1978, § 40-4-11.1

13.	Work-Related Child Care	+		=	
		------	------		--------
14.	Additional Expenses	+		=	
		------	------		--------
15.	Total Additional Payments (Add Lines 12, 13 and 14 for each parent and for combined column)	+		=	
		------	------		--------
16.	Each Parent's Obligation (Combined Column Line 15 x each parent's Line 2)	------	------		
17.	Amount transferred (Subtract each parent's Line 16 from his Line 15). Parent with "minus" figure pays that amount to other parent.	------	------		

PART 3--NET AMOUNT TRANSFERRED:

18.   Combine Lines 11 and 17 by   --------
      addition if same parent pays on
      both lines, otherwise by
      subtraction.

_____PAYS_____EACH MONTH $_____

_____   _____
Petitioner's Signature   Respondent's Signature

Date: _____

SHARED RESPONSIBILITY

INSTRUCTIONS FOR WORKSHEET B

Part 1--Basic Support:

Line 1. Gross Monthly Income:

Includes all income, except AFDC, food stamps and supplemental security income. See text for allowed deductions from income. Use current income if steady. If income varies a lot from month to month, use an average of the last twelve months, if available, or last year's income tax return.

Add both parents' gross incomes and put total under the combined column.

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N. M. S. A. 1978, § 40-4-11.1

Enter the cost paid by a parent for covering these children with medical and dental insurance under that parent's column on Line 12. Add costs paid by each parent and enter under the combined column on Line 12.

Line 13. Work-Related Child Care:

Enter the cost paid by each parent for work-related child care. If the cost varies (for example, between school year and summer), take the total yearly cost and divide by twelve. Enter each parent's figure in that parent's column on Line 13. Add the cost for both parents and enter in combined column on Line 13.

Line 14. Cost Paid For Additional Expenses:

Enter the cost paid by each parent for additional expenses provided by Subsection I of this section on Line 14.

Line 15. Enter Total of Lines 12, 13 and 14:

For each parent, total the amount paid by him for insurance, child care and additional expenses (Lines 12, 13 and 14). Enter the total in that parent's column on Line 15 and the total of both parents' expenses under the combined column on Line 15.

Line 16. Each Parent's Obligation:

Multiply the total additional payments (combined column on Line 15) by each parent's percentage share of income on Line 2, and enter each parent's dollar share of the additional payments on his Line 16.

Line 17. Amount Transferred:

Subtract each parent's obligation for additional expenses (that parent's Line 16) from the total additional payments made by that parent (that parent's Line 15). The parent with a "minus" figure pays the other parent the amount on Line 17.

Part 3--Net Amount Transferred:

Line 18. Combine Lines 11 and 17:

Combine the amount owed by one parent to the other for basic support (Line 11) and the amount owed by one parent to the other for additional payments (Line 17). If the same parent owes for both obligations, add Lines 11 and 17, and enter the total on Line 18. If one parent owes for basic support and the other owes for additional payments, subtract the smaller amount from the larger and enter on Line 18. Fill in the blanks by stating which parent pays and which parent receives the net amount transferred.

L. 1988, Ch. 87, § 2; L. 1991, Ch. 206, § 1; L. 1995, Ch. 142, § 1, eff. June 16, 1995.

CROSS REFERENCES

"Acknowledged father" for purpose of Adoption Act, see § 32A-5-3.

Adoptions, response to petition, see § 32A-5-28.

Child in need of court-ordered services, parental responsibility for costs, see § 32A-3B-20.

Delinquent youth, parental responsibility for costs, see § 32A-2-28.

N. M. S. A. 1978, § 40-4-11.1

Expenses due to detention of child and payment for ancillary services, calculation, see § 4-36-9.

Kinship Guardian Act, parental payment of costs, see § 40-10B-8.

Pro se forms, parenting plan and child support agreement, see NMRA, Form 4A-331.

Reasonable payments to persons other than parents, see § 32A-1-19.

Relinquishment of parental rights, parental responsibility for costs, see § 32A-5-24.

LAW REVIEW AND JOURNAL COMMENTARIES

Morgan, Positive Parenting and Negative Contributions: Why Payment of Child Support Should Not Be Regarded as Dissipation of Marital Assets, 30 N.M. L. Rev. 1 (2000).

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Westlaw Key Number Searches: 76Ek142 to 76Ek148.
C.J.S. Parent and Child § 224.

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Application Of Child Cases Of Joint-, Split-, Or Similar Shared-Custody Arrangements, 57 American Law Reports 5th 389.

Education As Element In Allowance For Benefit Of Child In Decree Of Divorce Or Separation, 56 American Law Reports 2nd 1207.

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29 Causes of Action 141.

UNITED STATES SUPREME COURT

Child support,
In general,

Preemption, veteran's benefits as source of child support, see Rose v. Rose, U.S.Tenn.1987, 107 S.Ct. 2029, 481 U.S. 619, 95 L.Ed.2d 599.

Presumption of ability to pay, civil or criminal contempt, see Hicks on Behalf of Feiock v. Feiock, U.S.Cal.1988, 108 S.Ct. 1423, 485 U.S. 624, 99 L.Ed.2d 721, on remand 263 Cal.Rptr. 437, 215 Cal.App.3d 141, review denied.

Varying age majority for male and female, validity of support payments, see Stanton v. Stanton, U.S.Utah1975, 95 S.Ct. 1373, 421 U.S. 7, 43 L.Ed.2d 688.

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