

THIRTEENTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO

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

Petitioner,

v.

No. \_\_\_\_\_ -DR

Respondent.

**ORDER REGARDING PARENTING INSTRUCTIONS**

THE PARTIES SHALL FOLLOW, OBEY AND CAREFULLY ABIDE BY EACH AND ALL OF THE PROVISIONS INITIALED BELOW:

\_\_\_\_\_ 1. Neither parent will threaten, harass, intimidate, unlawfully assault or batter or physically or mentally abuse the other parent, or a minor child. Law enforcement officers are authorized and required to enforce this provision by preparing a report of the incident, and submitting a copy of it to this court's mailing address, which is \_\_\_\_\_ or to this court's chambers at \_\_\_\_\_, New Mexico. The law enforcement officers are also authorized and encouraged to arrest any person they have probable cause to believe has committed unlawful assault (See Section 30-3-1 NMSA 1978) or battery (see Section 30-3-4 NMSA 1978) upon another. See Section 30-3-6 NMSA1978 for authorization regarding warrantless arrests of assailants when there is probable cause to believe such person assaulted or battered another. This provision remains in full force and effect unless and until it is modified or revoked by subsequent written order of this court.

\_\_\_\_\_ 2. Neither parent nor any stepparent, fiancée, or grandparent will criticize, disparage, demean, insult or otherwise "bad-mouth" "the other parent, step-parent, fiancée or grandparent to a child or in the presence of a child, nor allow or encourage anyone else, including relatives and friends, to do so. This prohibition applies even to information that is truthful and accurate.

\_\_\_\_\_ 3. Neither parent will argue or fight, verbally or physically, in the presence or hearing of a child.

\_\_\_\_\_ 4. Neither parent will align or attempt to align child against a parent, or other relative, nor allow or encourage anyone else, including relatives and friends, to do so. This especially means that neither parent will directly or indirectly ask a child to choose between the parents, or choose to reside with one parent instead of the other, or choose one household over the other household.

\_\_\_\_\_ 5. Both parents must encourage a positive parent-child relationship between a child and both parents, and not say or do anything, including "grimace" or put on a "long face", against the child's love for the other parent when a child is about to visit the other parent or asks or talks about the other parent.

\_\_\_\_\_ 6. Neither parent will interfere with the parent-child relationship with the other parent, and neither parent will conceal a child from the other parent during the other parent's period of responsibility(time-sharing).

\_\_\_\_\_ 7. Neither parent will make plans for a child that conflicts with the other parent's period of responsibility with a child, or discuss such plans with a child or make promises about such plans with a child, unless and until both parents agree in advance to the plans. Doing so creates serious risk that a child will count on and look forward to a planned or promised activity, only to be disappointed with and distrustful of the parent who made or promised a plan with a child and then could not carry it out.

\_\_\_\_\_ 8. If a parent asks the other parent for additional time with a child, or for an activity or plan that would conflict with the other parent's scheduled time or plans with the child, the other parent has an absolute right to say "no" and the requesting

parent must accept that answer without bringing such request or negative answer of the other parent to the attention of any of the minor children.

\_\_\_\_\_ 9. Neither parent will ask a child to pass orders or instructions or uncomplimentary messages to the other parent through a child, verbally or in writing. Complimentary messages are allowed and encouraged.

\_\_\_\_\_ 10. Neither parent will ask a child to keep secrets from the other parent or ask or encourage a child to lie to the other parent about events or persons the child experienced during a visit with a parent, grandparent or relative.

\_\_\_\_\_ 11. Neither parent will ask a child to spy on the other parent or the other parent's lifestyle or household; nor ask any detailed, probing questions about the other parent or lifestyle or household of the other parent. This only puts the child in the middle, angering a parent if the question is not answered, or getting the other parent in trouble if it is answered.

\_\_\_\_\_ 12. Children have a right to receive unlimited letters, postcards, cassette tape letters and gifts from each parent; and to write unlimited letters and postcards, including tape-recorded messages and letters, and send gifts to each parent. Homemade video tapes by parents to children (and vice-versa) are allowed and encouraged. All such letters, gifts and tapes shall be provided, read or played forthwith to the children. These letters, cards and tapes must not violate other provisions of this order (see especially Paragraphs 1 through 11 above). This provision shall not be justification or excuse not to provide, read or play the message to any of the children, but the improper words or sentence can be deleted during reading or playing the message to the children. If a parent deletes words, sentences, etc., the parent should keep the original letter and deletions. Children age ten (10) or over should receive the letter, card, or recording unopened and uncensored, and may allow either parent to read or see or hear the message, even if the writing or sending parent does not want the child to do so or asks the child not to do so.

\_\_\_\_\_ 13. If the parents are not in locations requiring long-distance calls to contact the children, the children will have a right to make unlimited phone calls to the absent parent during the absent parent's normal waking hours. Also, the absent parent may make up to two 15-minute calls per week (Monday to Monday week) with the minor children, but should never force them to remain on the phone longer than the children want to. This will only cause the children to not want to receive phone calls from the absent parent. The parent having time-sharing with a child at the time of a phone call between a child and the absent parent must not listen in on both sides of the phone call, nor in any way cause a child to believe the custodial parent is intentionally listening in on the child's words or taking note of what the child said during the conversation. Also, the parent having time-sharing shall never ask, order or encourage a child not to be available to receive a phone call or not to answer the phone, or to refuse to speak with the calling parent or to hang up or terminate the call sooner than the child wants to on the child's own initiative.

\_\_\_\_\_ 14. If the parents are in locations requiring long-distance phone calls to contact a minor child of the parties, then:

A. the absent parent will have a right to make up to two 15-minute calls each week (Monday to Monday week) with each child, at the expense of the calling parent. These calls ordinarily should be made in the evening or on weekends to enable the children to be at home to receive the call, and to reduce the costs of phone calls themselves;

B. each child shall have the right to make up to two 15-minute calls per week (Monday to Monday week) to the absent parent. The first call during that week will be at the expense of the custodial parent. Unless both parents agree otherwise before the second call, the second call will be at the expense of the parent receiving the call (i.e. collect to the receiving parent with request that the receiving parent call back station-to-station to the phone number where the child will receive the call).

\_\_\_\_\_ 15. Unless there is a court order or written parenting plan providing for out-of-state time-sharing with children for more than fifteen (15) days, neither parent will remove a child from this state for more than fifteen (15) days without notifying the other parent in writing at least thirty (30) days before such removal, and must specify the purpose and destination of the trip and expected date of return. Any visitation period of the other parent that is reduced or overridden by such vacation period shall be made up in full to the other parent.

\_\_\_\_\_ 16. Each parent must notify the other parent in writing of any change of home address, mailing address, if different from home address, and all home telephone numbers no later than seven (7) calendar days from any such change, and preferably even before a change occurs. This insures that written and telephone communications between the children and absent parent can continue, and that child support payments and other written communications can be completed. This court recommends, but does not order or require, that each parent provide the parent's work telephone number to the other parent and children for use on

urgent or emergency matters. Neither parent shall telephone the other parent or employer or supervisor of a parent and threaten, harass, intimidate, or mentally abuse the parent or employer or supervisor nor allow or encourage or cause anyone else, including the children or relative or friend, to do so.

\_\_\_\_\_ 17. If both parents reside within 60 miles of one another, neither parent may relocate out of state or more than 100 miles from the other parent without giving the other parent at least sixty (60) days advance written notice, and specifying therein where the planned new permanent residence will be.

\_\_\_\_\_ 18. In the event of a move or planned move as described in Paragraph 17 the parents should quickly begin discussions before the move occurs about child time-sharing or visitation. If they cannot agree on a new time-sharing plan at least thirty (30) days before the date of the move, they must engage in mediation pursuant to LR13-703. It is highly recommended that a new written parenting plan be agreed upon and signed by both parents and a district judge before the move occurs or is completed, so that the moving parent will not have to return and complete the mediation and new parenting plan.

\_\_\_\_\_ 19. Unless both parents agree otherwise in advance, the clothing, books and toys a child takes to the other parent shall be returned with the child at the conclusion of that parent's responsibility or visitation with the child - even if the original clothes, books, and toys are returned in a bag carried by the child. Preferably, the clothes should be washed before their return with the child.

\_\_\_\_\_ 20. Each child shall have a right to have a photograph of each parent and grandparent in the child's room or child's private area; such photographs shall be clearly visible to the child and not hidden in drawers or turned toward a wall.

\_\_\_\_\_ 21. Child support shall not be reduced, delayed, or cut off because of disagreements between the parents or because visitation had been reduced or cut off. (The court can handle wrongful reduction or cutting off of visitation by contempt of court or other remedy, without penalizing child's right to be both supported emotionally and financially by both parents.)

\_\_\_\_\_ 22. Time sharing or visitation shall not be reduced or cut off because of disagreements between the parents, or because child support is not being paid in full or on time. (The court can handle wrongful reduction or cutting off of visitation by contempt of court or other remedy, without penalizing a child's right to visitation and good relationship with the other parent.)

\_\_\_\_\_ 23. Both parents and all others driving a child in a motor vehicle shall have the children securely fastened in child restraint devices, for younger children, and seatbelts and shoulder harnesses, for older children, whenever the engine of the vehicle is running, or the motor vehicles moving. If the vehicle is a bicycle, motor scooter, motorcycle or three-wheeler four-wheel motorized all-terrain vehicle (ATV), parents and drivers of such vehicle shall have the child-passenger wear a securely fastened helmet approved by the federal Department of Transportation (DOT) or Snell Memorial Foundation whenever the engine of the vehicle is running or the bicycle or vehicle is moving.

\_\_\_\_\_ 24. Neither parent, nor their spouse, fiancée or girlfriend or boyfriend may possess, use or be under the influence of any alcoholic beverages, including hang-overs, or illegal drugs in the presence of a child.