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## **Children Protected Under Temporary Domestic Order in New Mexico Divorce Cases**

Divorce can be a time of enormous conflict and confusion. Unfortunately, it is also a time when numerous important decisions must be made in the midst of less than ideal circumstances. Early decisions involving child custody and time-sharing though temporary often significantly impact the children.

As an aid in preserving some routine in the lives of children until certain decisions can be made, New Mexico law provides for the automatic issuance of a Temporary Domestic Order (TDO) in divorce cases in most districts including Santa Fe, Albuquerque and Rio Rancho. The TDO is a binding court document that essentially restrains each parent from changes to the status quo while the divorce case is pending.

The Temporary Domestic Order forbids damaging, hiding or selling off of assets. It also bans the parties from running up unreasonable debt, the closing of financial accounts or the cancellation of insurance policies. Perhaps most importantly, a typical TDO restricts parents from any behavior that might harm the children or the relationship of the children with the other party.

Provisions within a TDO that specifically relate to children involve prohibiting one parent from interfering with the relationship the child has with the other parent, maintaining contact with a parent living outside the home, and forbidding changes in a child's

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school, daycare, healthcare providers, recreational activities or religious activities. The TDO will also expressly prohibit one spouse from taking the child out of state without written permission of the other spouse or court order.

Modifications can be made to a TDO through a motion to the court or upon the agreement of the parties. However, until modified, the terms of the TDO are fully binding on both parties. Violation of the terms of the TDO can have serious consequences including charges of contempt. In particularly grievous situations where one parent leaves the state with the children, very serious criminal charges may be filed against the violating party

The TDO is the first important order that will issue from the Court in a New Mexico divorce case. It is important to understand and fully abide by the Order. In case of confusion as to the terms or obligations under the TDO, it would be wise to consult with an experienced divorce and family law attorney.

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