

June 29, 2010

Temporary Domestic Orders in New Mexico Divorce Cases

The court rules governing divorce and family law in New Mexico provide that, whenever a petition for dissolution of marriage is filed, the district court shall enter a temporary domestic order, or TDO. In Albuquerque, Rio Rancho and Santa Fe, the TDO is automatically issued by the court along with the summons when the petition for dissolution of marriage is filed. The TDO applies to both parties to the divorce action and should be personally served upon the respondent, along with the petition for dissolution.

The language of the TDO order may vary from county to county. However, the underlying purpose of the TDO is to ensure that the parties maintain the status quo while the divorce action is pending. This means that neither party can make the other leave the marital residence and neither party can run up debt or sell off assets. The TDO also forbids both parties from removing their children from the state or to otherwise interfere with the children's relationship with the other party.

Parties often disregard the TDO as unimportant, generic paperwork issued by the court. In fact, they may not even read the TDO, which is a big mistake. Violation of the TDO is treated the same way as any other violation a court order and can result in a holding of contempt against the offending party. A contempt finding may result in fines and even jail time.

Due to the potentially severe consequences of violation, any deviation from the terms of the TDO must be approved by the Court prior the action being taken. Given that the TDO applies from the moment a petition for dissolution of marriage is entered, the parties to a divorce action should contact an experience divorce and family law attorney immediately in order to ensure that they understand their rights and responsibilities under the TDO.

Main Office:
400 Gold Ave. SW
Suite 500
Albuquerque, NM 87102
(505) 242-5958

<http://www.albuquerquedivorcelawyerblog.com/>