

## **Legal Traps for the Unwary**

### **Family Law Mistakes to Avoid in Pro Se Representation in New Mexico**

Below are common mistakes made by do it yourself litigants in Divorce, Child Support, Child Custody, cases:

1. Not timely responding to a Summons or Petition, a Default Judgment can be entered by the Court.
2. By failing to respond to a Motion, the Court may also enter a Judgment or Order.
3. Not filing timely claims and counterclaims.
4. Not understanding and timely requesting Spousal Support, Child Support, or Division of Retirement benefits.
5. Being swayed by present emotions to the detriment of long term financial considerations.
6. Not obtaining current credit reports.
7. Not serving discovery and insisting upon full and complete responses in order to make sure all expenses and assets are being accurately considered in making decisions.
8. Failing to fully understand community property law concepts as they relate to division of expenses and assets.
9. Not considering whether or not bequests/inheritances are separate or marital property.
10. Failing to understand the interplay of Statutes, Rules of Procedure, Local Rules, and Rules of Evidence

While the above list is neither exhaustive nor designed as specific legal advice, it is important to understand that family law can be complex. While many people believe that transitioning from a marriage or relationship involving property and or children, is a simple form driven process, this area of the law is complex with many traps for the unwary and counterintuitive processes. Accordingly, it is important to obtain qualified legal assistance from a family lawyer at the beginning of the process. By proceeding in a timely orderly manner, the chaos/heartache/emotional brutality of family law cases may be transformed to a dignified and transformative process.