

1 1. Husband filed a petition for dissolution of marriage (the Petition) to
2 which Wife timely answered. Wife did not request spousal support in her answer to
3 the Petition. In July 2023, the district court held a final motions and merits hearing
4 (the final merits hearing). At the final merits hearing, the parties reached agreement
5 on some, but not all of the outstanding issues.

6 2. As to the issue of spousal support, Husband argued that since the claim
7 for spousal support had not been pleaded, the district court did not have jurisdiction
8 to award spousal support. Wife argued that spousal support was a part of the
9 negotiations, but did not place on the record the specifics of the negotiations. The
10 district court ultimately reserved the issue of spousal support with the caveat that it
11 might not hold any further hearings on the subject.

12 3. Approximately ten days after the final merits hearing, Wife filed a
13 motion for spousal support. The district court denied the motion after concluding
14 that “the issue of spousal support was never properly pleaded in this case prior to the
15 [f]inal [h]earing held on July 20, 2023, and as such, the [c]ourt never acquired
16 jurisdiction over any claim to spousal support in this matter.” Wife appeals from the
17 order denying her request for spousal support.

18 4. Wife argues that the district court erred in stating that it lacked
19 jurisdiction to resolve the matter. Husband, apparently able to find only out-of-state
20 authority to support the court’s decision that it lacked jurisdiction, argues instead

1 that (1) Wife did not preserve this issue for appeal; and (2) the district court’s order
2 should be affirmed as right for any reason because the request for spousal support
3 was untimely, and, the record does not contain evidence of Wife’s need for spousal
4 support, thus the district court’s decision to deny spousal support was proper.

5 5. Before turning to the merits of this appeal, we address Husband’s
6 contention that Wife has not preserved her claim of error for appeal. “To preserve
7 an issue for review on appeal, it must appear that appellant fairly invoked a ruling
8 of the district court on the same grounds argued in the appellate court.” *Whitney v.*
9 *Powell*, 2025-NMCA-017, ¶ 5, 571 P.3d 723 (alteration, internal quotation marks
10 and citation omitted); *see* Rule 12-321(A) NMRA (“To preserve an issue for review,
11 it must appear that a ruling or decision by the trial court was fairly invoked.”). The
12 purposes of the preservation rule are “(1) to specifically alert the district court to a
13 claim of error so that any mistake can be corrected at that time, (2) to allow the
14 opposing party a fair opportunity to respond to the claim of error and to show why
15 the court should rule against that claim, and (3) to create a record sufficient to allow
16 this Court to make an informed decision regarding the contested issue.” *State ex rel.*
17 *Child., Youth & Fams. Dep’t v. Rosalia M.*, 2017-NMCA-085, ¶ 7, 406 P.3d 972.

18 6. It is undisputed that, during the final merits hearing, the district court
19 heard legal arguments concerning spousal support from both parties before reserving
20 the issue for further consideration. Consequently, the district court was clearly

1 alerted to the spousal support issue, Husband had an opportunity to respond to the
2 claim, and the arguments on the issue created a record sufficient for review by this
3 Court. Accordingly, we conclude Wife properly preserved the issue of spousal
4 support for review by this Court. We therefore proceed to the merits of Wife’s
5 appeal.

6 7. “Questions regarding a trial court’s jurisdiction are reviewed de novo.”
7 *Rawlings v. Rawlings*, 2024-NMSC-008, ¶ 18, 548 P.3d 43. The term “jurisdiction”
8 encompasses both subject matter jurisdiction and personal jurisdiction. *Marchman*
9 *v. NCNB Tex. Nat’l Bank*, 1995-NMSC-041, ¶ 29, 120 N.M. 74, 898 P.2d 709.
10 “Subject matter jurisdiction is the authority of the court to hear matters within a
11 general class, while personal jurisdiction is the authority of the court to obligate
12 parties to comply with its orders.” *Id.* “A court has subject matter jurisdiction in an
13 action if the case is within the general class of cases that the court has been
14 empowered, by constitution or statute, to hear and determine.” *Id.* ¶ 27.

15 8. In this case, there is no issue concerning the district court’s personal
16 jurisdiction over the parties given that both have resided in New Mexico for more
17 than six months prior to the filing of the Petition. There is also no issue as to the
18 subject matter jurisdiction of the district court to hear the issue regarding spousal
19 support because NMSA 1978, Section 40-4-7 (1997) empowers the district courts to
20 enter an order allowing spousal support. *See* § 40-4-7(A) (“In any proceeding for the

1 dissolution of marriage . . . or spousal support, the court may make and enforce by
2 attachment or otherwise an order to restrain the use or disposition of the property of
3 either party . . . to provide for the support of either party during the pendency of the
4 proceeding, as in its discretion may seem just and proper.”).

5 9. In its order denying spousal support, the district court stated, “In
6 divorce actions, the court acquires jurisdiction over the parties’ claims if there is an
7 appropriate pleading before the court.” The district court further stated, “A party that
8 fails to file a pleading or claim seeking affirmative relief is not entitled to said relief.”

9 10. The district court found that Wife failed to properly plead the issue of
10 spousal support prior to the final merits hearing and, therefore, the court “never
11 acquired jurisdiction over any claim to spousal support in this matter.” The district
12 court erred in its conclusion. We explain.

13 11. It is true that, “[g]enerally, the [district] court may not grant judgment
14 for relief which is neither requested by the pleadings nor within the theory on which
15 the case was tried,” *Credit Inst. v. Veterinary Nutrition Corp.*, 2003-NMCA-010,
16 ¶ 19, 133 N.M. 248, 62 P.3d 339 (internal quotation marks and citation omitted),
17 because parties must have fair notice of the claims being brought against them and
18 the grounds upon which the claims are based. *Cf. Capco Acquisub, Inc. v. Greka*
19 *Energy Corp.*, 2008-NMCA-153, ¶ 49, 145 N.M. 328, 198 P.3d 354 (stating that a
20 defendant added after trial has no opportunity to defend itself on the merits, and thus

1 suffers prejudice in violation of Rule 1-015 NMRA, since the proceedings already
2 have concluded). However, in the case of spousal support, our Supreme Court has
3 held that the failure to affirmatively plead spousal support does not deprive the
4 district court of jurisdiction to make an award of spousal support. *Mitchell v.*
5 *Mitchell*, 1953-NMSC-115, 57 N.M. 776, 264 P.2d 673.

6 12. Specifically, in *Mitchell*, our Supreme Court stated:

7 Asserted as error are various rulings by the trial court; particularly in
8 awarding alimony when none was asked for in the pleadings.
9 Ordinarily, alimony is an incident of divorce proceedings, but the
10 failure to make a request [for alimony] in the pleadings cannot be
11 construed as to deny the trial court statutory authority to make an award
12 of alimony. The rules applicable to pleadings in a divorce case differ in
13 some respects from those applicable in other cases.

14 *Id.* ¶ 3 (citation omitted). Although *Mitchell* is over seventy-three years old it
15 remains good law and we are obligated to follow this precedent. *Cf. N.M. Right to*
16 *Choose/NARAL v. Johnson*, 1999-NMSC-028, ¶ 11, 127 N.M. 654, 986 P.2d 450
17 (explaining that “any departure from precedent demands special justification”)
18 (alteration, omission, internal quotation marks and citation omitted)). It was thus
19 error for the district court to deny Wife’s motion for spousal support on the basis
20 that it lacked the jurisdiction to award spousal support.

21 13. To the extent Husband alternatively requests this Court affirm the
22 district court’s decision based on the facts in the record, we decline to do so. This
23 Court “will uphold a district court’s decision if it is right for any reason so long as

1 (1) reliance on the new ground would not be unfair to the appellant; (2) doing so
2 does not require [this Court] to assume the role of the district court by delving into
3 fact-dependent inquiries; and (3) there is substantial evidence to support the ground
4 on which we rely.” *Barreras v. Archibeque*, 2024-NMCA-053, ¶ 11, 552 P.3d 711
5 (internal quotation marks and citation omitted). As a consequence, “appellate courts
6 usually apply the doctrine to strictly legal questions.” *State v. Marquez*, 2023-
7 NMSC-029, ¶ 32, 539 P.3d 303 (alteration, internal quotation marks, and citation
8 omitted).

9 14. Section 40-4-7(E) identifies ten factors for a district court to consider
10 when determining whether to award spousal support. *See id.* Affirming the district
11 court as “right for any reason” in this case would require us to make factual inquiries
12 as to the ten factors identified in Section 40-4-7(E), thus, we decline to apply the
13 right for any reason doctrine to the district court’s denial of spousal support. *See*
14 *Freeman v. Fairchild*, 2018-NMSC-023, ¶ 35, 416 P.3d 264 (concluding that the
15 right for any reason doctrine is not appropriately applied in a case where the
16 “appellate court would need to undertake a fact-dependent inquiry to accurately
17 determine whether [a party] made a sufficient prima facie showing under [a specific
18 statute]”).

19 15. In sum, the district court erred in denying Wife’s motion for spousal
20 support on the basis that it lacked jurisdiction to award spousal support due to Wife’s

1 failure to plead for such relief. Accordingly, we reverse the district court's order
2 denying spousal support and remand for proceedings consistent with this
3 dispositional order.

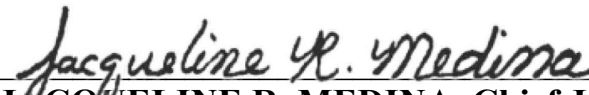
4 **CONCLUSION**

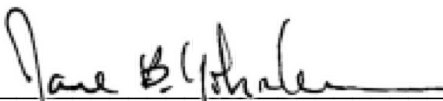
5 Reversed and remanded for proceedings consistent with this dispositional
6 order.

7 **IT IS SO ORDERED.**

8 
9 GERALD E. BACA, Judge

10 **WE CONCUR:**

11 
12 JACQUELINE R. MEDINA, Chief Judge

13 
14 JANE B. YOHALEM, Judge