**4-972. Petition for emergency order of protection from domestic abuse.**

[Family Violence Protection Act,

Sections 40-13-1 to 40-13-8 NMSA 1978]

STATE OF NEW MEXICO

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO ON BEHALF OF:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Petitioner

v. No. \_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Respondent

**PETITION FOR EMERGENCY ORDER OF PROTECTION**

**FROM DOMESTIC ABUSE1**

**1. INFORMATION ABOUT THE RESPONDENT**

The respondent is:

[ ] the husband of [ ] wife of petitioner

[ ] the ex-husband of [ ] ex-wife of petitioner

[ ] a family member of petitioner *(describe relationship)*

[ ] a person with whom petitioner has had a continuing personal relationship.

*(describe relationship)*

[ ] a person who has sexually assaulted me

[ ] a person who has stalked me

\_\_\_\_\_\_\_\_ **Petitioner’s initials**

**2. CHILD(REN)**

List minor child(ren) who may be in immediate danger or in need of an order of temporary custody.

**Relationship of Child**

**Name Date of Birth To Petitioner To Respondent**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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\_\_\_\_\_\_\_\_ **Petitioner’s initials**

**3. DOMESTIC ABUSE**

A. The respondent committed the following act(s) of domestic abuse against petitioner or the petitioner's child(ren).

*(describe in detail what happened and when and where)*

**Physical abuse:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Threats which caused fear that \_\_\_\_\_\_\_\_\_ or any household member would be injured:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Other abuse:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

B. Others present during the abuse: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

C. Did drugs or alcohol play a role in the domestic abuse? [ ] yes [ ] no

D. Were weapons used during the abuse? [ ] yes [ ] no.

If yes, what weapons?

E. Has there been prior domestic abuse? [ ] yes [ ] no.

\_\_\_\_\_\_\_\_ **Petitioner’s initials**

**4. REQUESTS TO THE COURT**

THE COURT IS REQUESTED TO ENTER AN EMERGENCY ORDER OF PROTECTION prohibiting respondent from abusing petitioner or any member of petitioner's household as follows:

*(check applicable)*

[ ] providing for law enforcement officers to assist [ ] petitioner [ ] respondent in retrieving [ ] petitioner's [ ] respondent's clothing and personal belongings from the residence at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

[ ] granting petitioner temporary custody of the child(ren) listed in this petition.

[ ] prohibiting respondent from contact with the child(ren) listed in this petition.

[ ] other relief that is necessary to resolve this domestic abuse problem *(list or describe what relief is necessary)*:

\_\_\_\_\_\_\_\_ **Petitioner’s initials**

**5. INFORMATION ABOUT THE PETITIONER (ME)**

*(If you do not want the respondent to know your address and phone number, do not include it on this form. Tell the court clerk that you need a separate form (Form 4-961B NMRA) for your name and address and request that the clerk place your address under seal.)*

[ ] A. **I DO NOT WANT RESPONDENT TO KNOW MY ADDRESS NOW OR AFTER THE HEARING FOR THE FINAL ORDER OF PROTECTION. I HAVE COMPLETED FORM 4-961B AND GIVEN IT TO THE COURT CLERK.**

OR

[ ] B. My physical address is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the [ ] County [ ] Indian Country of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, State of New Mexico.

My mailing address is:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(street address)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(city and zip)*

My telephone numbers are:

Home Work Message

\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_ **Petitioner's initials**

**6. LOCATION OF RESPONDENT**

A. Respondent may be found at:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(address)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(city)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(state and zip code)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(if in Indian Country, please name tribe or pueblo)*.

Respondent’s:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(date of birth)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(home telephone number)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(work address)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(work telephone number)*.

B. Is respondent in jail? [ ] yes [ ] no

\_\_\_\_\_\_\_\_ **Petitioner’s initials**

**OATH OF PETITIONER**

**I AFFIRM UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF NEW MEXICO THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF.**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date Signature of petitioner

**OATH OF LAW ENFORCEMENT OFFICER**

I affirm under penalty of perjury under the laws of the State of New Mexico that the facts set forth above are true to the best of my information and belief. I understand that it is a criminal offense subject to the penalty of imprisonment if I make a false statement in this petition.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date Signature of law enforcement officer

USE NOTES

1. Complete all information known by the officer.

2. NMSA 1978, Section 40-13-3.1(A)(4) provides that the petitioner in a domestic abuse case shall not be required to pay for the “the filing, issuance or service of a petition for an order of protection.”

[Approved, effective November 1, 1999 until July 1, 2001; as amended, effective August 29, 2000; approved, effective May 1, 2001; as amended by Supreme Court Order No. 08-8300-40, effective December 15, 2008; as amended by Supreme Court Order No. 14-8300-023, effective for all pleadings and papers filed on or after December 31, 2014.]