

**4-970. Stipulated order of protection.**

_____ Judicial District _____ County, New Mexico	<h2 style="margin: 0;">Order of Protection</h2> <p style="margin: 0;">[ ] Amended Order</p>
Case No. _____	

PROTECTED PARTY ( [ ] PETITIONER [ ] RESPONDENT ) <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div> <p style="margin: 5px 0 0 20px;">First                      Middle                      Last</p> <p style="margin: 5px 0 0 20px;">And/or on behalf of minor family member(s): (list name and DOB)</p> <p>_____</p> <p>_____</p>	PROTECTED PARTY IDENTIFIERS <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div> <p style="margin: 5px 0 0 20px;">Date of Birth of Protected Party</p> <p style="margin: 5px 0 0 20px;">Other Protected Persons/DOB</p> <p>_____</p> <p>_____</p>
---	--

**V.**

RESTRAINED PARTY <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div> <p style="margin: 5px 0 0 20px;">First                      Middle                      Last</p> <p style="margin: 5px 0 0 20px;">Relationship to Protected Party:</p> <p>_____</p> <p style="margin: 5px 0 0 20px;">Restrained Party's Address</p> <p>_____</p> <p>_____</p>	RESTRAINED PARTY IDENTIFIERS <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width: 15%;">SEX</td> <td style="width: 15%;">RACE</td> <td style="width: 15%;">DOB</td> <td style="width: 15%;">HT</td> <td style="width: 15%;">WT</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td>EYES</td> <td>HAIR</td> <td colspan="3">SOCIAL SECURITY #</td> </tr> <tr> <td colspan="5" style="text-align: center;"><b>Not used in New Mexico</b></td> </tr> <tr> <td colspan="2">DRIVERS LICENSE #</td> <td>STATE</td> <td colspan="2">EXP DATE</td> </tr> <tr> <td colspan="2"> </td> <td> </td> <td colspan="2"> </td> </tr> </table> <p style="margin: 5px 0 0 20px;">Distinguishing Features _____</p> <p>_____</p>	SEX	RACE	DOB	HT	WT						EYES	HAIR	SOCIAL SECURITY #			<b>Not used in New Mexico</b>					DRIVERS LICENSE #		STATE	EXP DATE						
SEX	RACE	DOB	HT	WT																											
EYES	HAIR	SOCIAL SECURITY #																													
<b>Not used in New Mexico</b>																															
DRIVERS LICENSE #		STATE	EXP DATE																												

**CAUTION:**

- [ ] Weapon Involved
- [ ] Credible Threat. Firearm Delivery Ordered.

**THE COURT HEREBY FINDS:**

That it has jurisdiction over the parties and subject matter, and the Restrained Party has been provided with reasonable notice and opportunity to be heard.

[ ] Additional findings of this order follow on succeeding pages.

**THE COURT HEREBY ORDERS:**

[ ] That the above named Restrained Party be restrained from committing further acts of abuse or threats of abuse.

[ ] That the above named Restrained Party be restrained from any contact with the Protected Party.

[ ] Additional terms of this order are as set forth on succeeding pages.

The terms of this order shall be effective until  ,  .

**WARNINGS TO THE RESTRAINED PARTY:**

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, and any U.S. Territory, and may be enforced by Tribal Lands under 18 U.S.C. Section 2265. Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment under 18 U.S.C. Section 2262.

As a result of this order, it is unlawful for you to possess or purchase ammunition or a firearm, including a rifle, pistol, or revolver, under 18 U.S.C. Section 922(g)(8) and NMSA 1978, Section 30-7-16, and may be unlawful under 18 U.S.C. Section 921(a)(32). If you have any questions whether federal law makes it illegal for you to possess or purchase a firearm, you should consult an attorney.

Only the court can change this order.

## ADDITIONAL PAGES<sup>1</sup> OF STIPULATED ORDER OF PROTECTION

The court further **FINDS, CONCLUDES AND ORDERS:**

### 1. FINDING OF CREDIBLE THREAT

The restrained party presents a credible threat to the physical safety of the protected party or a member of the protected party's household.

The restrained party presents a credible threat to the physical safety of the protected party, who is a household member.

The restrained party shall, within forty-eight (48) hours, deliver any firearm in that party's possession, care, custody, or control to a law enforcement agency, law enforcement officer, or federal firearms licensee while the order of protection is in effect, and shall refrain from purchasing, receiving, or possessing, or attempting to purchase, receive, or possess, any firearm while the order of protection is in effect.

The restrained party is responsible for ensuring that the firearm delivery receipt is filed in this case within seventy-two (72) hours of entry of this order.

### 2. NOTICE, APPEARANCES, AND STATUS

This order was entered on stipulation of the parties.

The relationship of the parties is that of an "intimate partner" as defined in 18 U.S.C. Section 921(a)(32). (*See 3 below.*) This order may be entered into a federal firearms database.

The petitioner was present.

The petitioner was represented by counsel.

The respondent was present.

The respondent was represented by counsel.

### 3. EFFECT OF STIPULATION TO ORDER OF PROTECTION

Violation of this order can have serious consequences, including:

A. If you violate the terms of this order, you may be charged with a misdemeanor, which is punishable by imprisonment of up to three hundred and sixty-four (364) days and a fine of up to one thousand dollars (\$1,000.00) or both. You may be found to be in contempt of court.

B. If you receive, transport, or possess a firearm or destructive device while the order of protection is in effect, you may be charged with a misdemeanor, which is punishable by imprisonment for up to three hundred and sixty-four (364) days and a fine of up to one thousand dollars (\$1,000.00).

C. If you are the spouse or former spouse of the other party, an individual who cohabitates with or has cohabitated with the other party, or if you and the other party have had a child together, federal law prohibits you from possessing or transporting firearms or ammunition while this order is in effect. If you have a firearm or ammunition, you should immediately dispose of the firearm or ammunition. Violation of this law is a federal crime punishable by imprisonment for up to ten (10) years and a fine of up to two hundred and fifty thousand dollars (\$250,000.00). 18 U.S.C. § 922, *et seq.*

D. If you are not a citizen of the United States, violation of this order will have a negative effect on your application for residency or citizenship.

**4. DOMESTIC ABUSE PROHIBITED**

The restrained party shall not abuse the protected party or members of the protected party’s household. “Abuse” means any incident by one party against the other party or another household member resulting in (1) physical harm; (2) severe emotional distress; (3) bodily injury or assault; (4) a threat causing imminent fear of bodily injury to the other party or any household member; (5) criminal trespass; (6) criminal damage to property; (7) repeatedly driving by the protected party’s or a household members’ residence or work place; (8) telephone harassment; (9) stalking; (10) harassment; or (11) harm or threatened harm to children in any manner set forth above.

The restrained party shall not ask or cause other persons to abuse the other party or any other household members.

**5. CONTACT PROHIBITIONS**

The restrained party shall stay one hundred (100) yards away from the protected party and the protected party’s home and work place at all times, unless at a public place, where the restrained party shall remain twenty-five (25) yards away from the protected party except as specifically permitted by this order.

The restrained party shall not telephone, talk to, visit, or contact the protected party in any way except as follows:

*(check only applicable paragraphs)*

The parties may contact each other by telephone regarding medical emergencies of minor children;

\_\_\_\_\_

The restrained party shall not post or cause another to post anything about the protected party on any form of social media, including, but not limited to, Facebook, Twitter, Instagram, or Snapchat. This prohibition includes posts about the protected party’s family members, significant other, and children.

The parties may attend joint counseling sessions at the counselor’s discretion.

***(Unless the court has entered an order sealing the protected party’s address, include it below.)***

**Protected party’s addresses:**

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

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

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

\_\_\_\_\_  
*(if applicable, tribe or pueblo)*

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

**6. COUNSELING**

The petitioner shall attend counseling at \_\_\_\_\_, contacting that office within five (5) days. The petitioner shall participate in, attend, and complete counseling as recommended by the named agency.

The respondent shall attend counseling at \_\_\_\_\_, contacting that office within five (5) days. The respondent shall participate in, attend, and complete counseling as recommended by the named agency.

The petitioner shall report to \_\_\_\_\_ for a  drug  alcohol screen by \_\_\_\_\_, \_\_\_\_\_ (date) with the results returned to this court.

The respondent shall report to \_\_\_\_\_ for a  drug  alcohol screen by \_\_\_\_\_, \_\_\_\_\_ (date) with the results returned to this court.

Other counseling requirements: \_\_\_\_\_.

**7. CUSTODY<sup>2</sup>**

The court's orders regarding the minor [child] [children] of the parties are found in the Custody, Support and Division of Property Attachment of this order of protection.

**8. PROVISIONS RELATING TO SUPPORT<sup>2</sup>**

The court's orders regarding support issues for the parties are found in the Custody, Support and Division of Property Attachment of this order of protection.

**9. PROPERTY, DEBTS, PAYMENT OF MONEY<sup>2</sup>**

The court's orders regarding property, debts, and payment of money are addressed in the Custody, Support and Division of Property Attachment of this order of protection.

**10. ADDITIONAL ORDERS**

Review hearing. The parties are ordered to appear for a review hearing on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ (a.m.) (p.m.). Failure to appear may result in the issuance of a bench warrant for your arrest or dismissal of this order.

Any party ordered to attend counseling shall bring proof of counseling to the review hearing.

IT IS FURTHER ORDERED<sup>3</sup>:

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

**11. PROTECTED PARTY SHALL NOT CAUSE VIOLATION**

While this order of protection is in effect, the protected party should refrain from any act that would cause the restrained party to violate this order. This provision is not intended to and does not create a mutual order of protection. Under NMSA 1978, Section 40-13-6(D), only the restrained party can be arrested for violation of this order.

**12. NOTICE TO LAW ENFORCEMENT AGENCIES ANY LAW ENFORCEMENT OFFICER SHALL USE ANY LAWFUL MEANS TO ENFORCE THIS ORDER.**

\_\_\_\_\_ (name) is ordered to surrender all keys to the residence to law enforcement officers.

Law enforcement officers or \_\_\_\_\_ shall be present during any property exchange.

This order supersedes prior orders in \_\_\_\_\_ County, State of \_\_\_\_\_, Cause No. \_\_\_\_\_ to the extent that there are contradictory provisions.

**13. NOTICE TO PARTIES**

This order does not serve as a divorce and does not permanently resolve child custody or support issues.

**14. AGREEMENT OF PARTIES**

Without admitting that domestic abuse has occurred, the parties stipulate to the entry of this order and affirm that they have read and do understand the effects of this order as stated in Paragraph 3.

\_\_\_\_\_  
Protected party's signature

\_\_\_\_\_  
Restrained party's signature

\_\_\_\_\_  
Protected party's counsel, if any

\_\_\_\_\_  
Restrained party's counsel, if any

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**15. RECOMMENDATIONS**

I have:

reviewed the pleading for order of protection;

prepared this order as my recommendation to the district court judge regarding disposition of requests for order of protection.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Domestic Violence Commissioner  
Court's telephone number: \_\_\_\_\_

**SO ORDERED.**

\_\_\_\_\_  
District Judge

\_\_\_\_\_  
Date

A copy of this order was  hand delivered  faxed  mailed to  the restrained party  the restrained party's counsel on \_\_\_\_\_ (date).<sup>3</sup>

A copy of this order was  hand delivered  faxed  mailed to  the protected party  the protected party's counsel on \_\_\_\_\_ (date).

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Title

#### USE NOTES

1. The first page of this stipulated order of protection form shall be in the uniform format preceding the heading for additional pages of the order.

2. See Form 4-967 NMRA, "Custody, Support and Division of Property Attachment."

3. If appropriate, an order providing for restitution may be included in this paragraph.

4. The restrained party may be served at the time this order is issued. If the restrained party is not present at the time this order is issued, service on the restrained party shall be made by delivering a copy to the party. See NMSA 1978, Section 40-13-6(A).

[Approved, effective November 1, 1999 until July 1, 2001; approved, as amended, effective May 1, 2001; April 9, 2002; as amended by Supreme Court Order No. 07-8300-020 effective September 17, 2007; by Supreme Court Order No. 08-8300-040, effective December 15, 2008; as amended by Supreme Court Order No. 19-8300-009, effective for all orders issued on or after July 1, 2019; as amended by Supreme Court Order No. 19-8300-015, effective for all cases pending or filed on or after December 31, 2019; as amended by Supreme Court Order No. 20-8300-010, effective for all cases pending or filed on or after December 31, 2020.]