

CIVIL RESTRAINING ORDER		NEEDED ✓
See Supreme Court <i>Representing Yourself-Basic Information</i> guide		✓
What is the difference between a Civil Restraining Order and a Domestic Violence Order of Protection?		
<p>A Civil Restraining Order is used when the person you are filing against is:</p> <ul style="list-style-type: none"> • Brother, sister, aunt, uncle, niece, nephew or cousin • Any current or former in-law, other than father-in-law or mother-in-law • Any current or former step-sibling, step-grandparent or step-grandchild • Any other relationship not listed under Domestic Violence • Neighbor, former friend, acquaintance or co-worker 	<p>A Domestic Violence Order of Protection is when the person you are filing against is:</p> <ul style="list-style-type: none"> • Husband, wife, ex-husband or ex-wife • Parent, Child • Boyfriend, girlfriend, former boyfriend, former girlfriend • Any current or former father-in-law or mother-in-law • Grandparent, grandparent-in-law, adult grand child or grandchild-in-law • Someone who is stalking you • Someone that has sexually assaulted you 	
I need a Civil Restraining Order, what do I do?		
<ol style="list-style-type: none"> 1. Complete a Verified Application for Civil Restraining Order and have it notarized (do not sign until you are in front of a Notary Public or District Court Clerk). 2. Complete the caption only (top section) of the Temporary Restraining Order. Do not check any boxes – the Judge will complete the rest of the form. 3. File the Verified Application for Civil Restraining Order with the Clerk’s Office and pay the filing fee of \$132.00. Give the Temporary Restraining Order form to the Clerk’s Office. 		✓
I can’t afford to pay the filing fee. What do I do?		
<ul style="list-style-type: none"> • Complete an Application for Free Process and submit along with a proposed Order to the court. 		✓
<ul style="list-style-type: none"> • If you receive public assistance, attach proof. 		✓
I have filed the Verified Application for Civil Restraining Order and Provided the Clerk with a Temporary Restraining Order form. What do I do next?		
<ul style="list-style-type: none"> • A judge will review your Verified Application for Civil Restraining Order; complete and sign the Temporary Restraining Order and set a hearing; or the judge may deny your Application (for additional information regarding this process, see our FAQs on the back side of this guide). • The Clerk’s Office will let you know if you should wait for a judge to review the documents, or if they will call you when the documents are ready to be picked up. 		✓
I have received copies of the Verified Application for Civil Restraining Order and Temporary Restraining Order from the Clerk’s Office. The judge approved the Temporary Restraining Order and set a hearing. What do I do next?		
<ul style="list-style-type: none"> • You must have the Defendant(s) served with a copy of the Verified Application for Restraining Order and the Temporary Restraining Order. • See the <i>Service of Process</i> guide for instructions on serving the Defendant(s) and filing the Return. 		✓
I have received copies of the Verified Application for Civil Restraining Order and Temporary Restraining Order from the Clerk’s Office. The judge denied the Temporary Restraining Order but set a hearing. What do I do next?		
<ul style="list-style-type: none"> • You must have the Defendant(s) served with a copy of the Verified Application for Restraining Order and the Temporary Restraining Order. • See the <i>Service of Process</i> guide for instructions on serving the Defendant(s) and filing the Return. 		✓
I have received copies of the Verified Application for Civil Restraining Order and Temporary Restraining Order from the Clerk’s Office. The judge denied the Temporary Restraining Order and dismissed the case. What do I do next?		
<ul style="list-style-type: none"> • If the case was dismissed by the judge, nothing else will be done and the case will be closed by the Clerk’s office. • If there is additional information that you want the judge to consider, you may file an Amended Application for Civil Restraining Order within thirty (30) days from the date the case was dismissed. • There is no filing fee to reopen a case within ninety (90) days from the date the case was dismissed. After ninety (90) days, a new filing fee is required. See Rule 1-099, NMRA. 		

FAQs

What do I need to include in the Verified Application for Civil Restraining Order?

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| <ul style="list-style-type: none">• Answer every question in the Verified Application for Civil Restraining – do not leave any blanks.• Question no. 4, include details of the incident(s). Be specific – date(s), place(s) and what exactly happened on each date and at each location.• Question no. 6, explain why you need a restraining order.• Question no. 7, if you checked yes, describe what makes you believe that there is immediate and irreparable injury. |
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I have served the Defendant(s), filed the Return of Service with the Clerk's Office, and a hearing has been scheduled. What else do I need to do?
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| <ul style="list-style-type: none">• Attend the hearing that has been scheduled.• If the hearing is scheduled in person, see <i>Appearing in Court – In Person</i>.• If the hearing is scheduled virtually, see <i>Appearing in Court – Video or Phone</i>. |
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