

Third Judicial District
Dona Ana County, New Mexico
Case No. _____

Order of Protection

Amended Order

PROTECTED PARTY ([] PETITIONER [] RESPONDENT)

First Middle Last

And/or on behalf of minor family member(s): (list name and DOB)

PROTECTED PARTY IDENTIFIERS

Date of Birth of Protected Party

Other Protected Persons/DOB

V.

RESTRAINED PARTY

First Middle Last

Relationship to Protected Party: _____

Restrained Party's Address

RESTRAINED PARTY IDENTIFIERS

SEX	RACE	DOB	HT	WT
EYES	HAIR	SOCIAL SECURITY #		
<i>Not used in New Mexico</i>				
DRIVERS LICENSE #		STATE	EXP DATE	

Distinguishing Features _____

CAUTION:

Weapon Involved

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 RESTRAINED PARTY:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, 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 may be 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). 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.

4-971. Stipulated order of protection against petitioner.

**ADDITIONAL PAGES¹ OF
STIPULATED ORDER OF PROTECTION
AGAINST**

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

(check only applicable paragraphs)

1. 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 USC Section 921(a)(32). *(See 2 below)*

2. 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 sixty-four (364) days and a fine of up to one thousand dollars (\$1,000) or both. You may be found to be in contempt of court.
- B. 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 fifty-thousand dollars (\$250,000).
- C. If you are not a citizen of the United States, violation of this order may have a negative effect on your application for residency or citizenship.

3. DOMESTIC ABUSE PROHIBITED

The petitioner shall not abuse the respondent or members of the respondent's household. "Abuse" means any incident by petitioner against the respondent or respondent's household member resulting in (1) physical harm; (2) severe emotional distress; (3) bodily injury or assault; (4) a threat by petitioner causing imminent fear of bodily injury to respondent's or respondent's household members; (5) criminal

trespass; (6) criminal damage to property; (7) repeatedly driving by respondent's or respondent's household members' residence or workplace; (8) telephone harassment; (9) stalking; (10) harassment; or (11) harm or threatened harm to children in any manner set forth above.

Petitioner shall not ask or cause other persons to abuse the respondent or respondent's household members.

4. CONTACT PROHIBITIONS

Petitioner shall stay _____ yards away from the respondent and the respondent's home and workplace at all times, unless at a public place, where the petitioner shall remain _____ yards away from the respondent except as specifically permitted by this order.

Petitioner shall not telephone, talk to, visit or contact respondent in any way except as follows:

- The parties may contact each other by telephone regarding medical emergencies of minor 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)

5. COUNSELING

- Petitioner shall attend and complete counseling at _____, contacting that office within five (5) days. The petitioner shall participate in, attend and complete counseling as recommended by the named agency.
- Respondent shall attend and complete counseling at _____, contacting that office within five (5) days. The respondent shall participate in, attend and complete counseling as recommended by the named agency.

Petitioner shall report to _____ for a
 drug [and] alcohol screen by _____, _____ (date)
with the results returned to this court.

Respondent shall report to _____ for a
 drug [and] alcohol screen by _____, _____ (date) with
the results returned to this court.

Other counseling requirements: _____
_____.

6. CUSTODY²

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.

7. PROVISIONS RELATING TO SUPPORT²

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.

8. PROPERTY, DEBTS, PAYMENTS OF MONEY²

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.

9. 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 ORDERED³: _____

10. RESPONDENT SHALL NOT CAUSE VIOLATION

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

11. NOTICE TO LAW ENFORCEMENT AGENCIES

ANY LAW ENFORCEMENT OFFICER SHALL USE ANY LAWFUL MEANS TO ENFORCE THIS ORDER.

- Petitioner 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.

12. NOTICE TO PETITIONER AND RESPONDENT

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

13. 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 2.

Petitioner's signature

Respondent's signature

Petitioner's counsel, if any

Respondent's counsel, if any

Date

Date

14. 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: 575-528-8316

SO ORDERED.

District Judge

A copy of this order was hand delivered faxed mailed to respondent respondent's counsel on _____ (date).⁴

A copy of this order was hand delivered faxed mailed to petitioner petitioner's counsel on _____ (date).

Signed

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

[Approved, effective April 9, 2002; as amended by Supreme Court Order 07-8300-20, effective September 17, 2007; as amended by Supreme Court Order No. 08-8300-40, effective December 15, 2008.]

Committee commentary. — See Committee Comment to Civil Form 4-970 NMRA.