

[NEW MATERIAL]

1 **4-961**

2 *[Standard simplified petition form,*
3 *Family Violence Protection Act,*
4 *Sections 40-13-1 to 40-13-8 NMSA 1978.]*

5 _____
6 JUDICIAL DISTRICT COURT
7 COUNTY OF _____
8 STATE OF NEW MEXICO

9 _____
10
11 Petitioner

12
13 v. No. _____

14
15 _____
16 Respondent

17
18 **PETITION FOR ORDER OF PROTECTION**
19 **FROM DOMESTIC ABUSE¹**

20
21 **1. COURT ASSISTANCE REQUEST**

- 22
23 We will need an interpreter in _____ to translate at hearings for me
24 the respondent.
25 We will need _____ (*describe*
26 *other request for special help*).
27

28 **2. INFORMATION ABOUT THE RESPONDENT** (*the person I am filing*
29 *against*)

- 30
31 A. The respondent is:
32 my husband or my wife
33 my ex-husband or my ex-wife
34 the parent of my child(ren)
35 a family member _____ (*describe the family*
36 *relationship*)
37 a person with whom I have had a continuing personal relationship
38 _____
39 (*describe the relationship*)
40

41 B. The respondent has the following weapons: _____
42

43 **3. CHILD(REN)²**

44
45 A. List minor child(ren) of either party.

46
47

Name	Date of Birth	Relationship of Child(ren) To You	Relationship of Child(ren) To Respondent
_____	_____	_____	_____
_____	_____	_____	_____

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B. List address and with whom the child(ren) are currently living. (*List each child separately if child(ren) do not reside with same person.*)

C. List each address where child(ren) have lived during the last 3 years. (*List each child separately if child(ren) did not reside with same person*)

D. Does anyone else have physical custody of the child(ren) or claim to have custody or visitation rights? yes no.
If yes, complete the following for the child(ren):

Child's name	Person claiming rights
_____	_____
_____	_____

4. OTHER CASES

The following divorce, separation, order of protection, child support, paternity, abuse or neglect cases have been previously filed by me, the respondent or the state:

Type of Case	Year Filed <i>(if known)</i>	Case Number <i>(if known)</i>	Where Filed <i>(city and state)</i>
_____	_____	_____	_____
_____	_____	_____	_____

5. DOMESTIC ABUSE

A. The respondent committed the following act(s) of domestic abuse against me or a member of my household: (*describe in detail what happened to you or to a member of your household and when and where*)

Physical abuse: _____

Threats which caused fear that you or any household member would be injured: _____

Other abuse: _____

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- 1 _____.
- 2
- 3 B. Others present during the abuse _____.
- 4
- 5 C. Did drugs or alcohol play a role in the domestic abuse? [] yes [] no.
- 6
- 7 D. Were weapons used during the abuse? [] yes [] no.
- 8 *If yes, what weapons?* _____
- 9
- 10 E. Has there been prior domestic abuse? [] yes [] no.
- 11

12 **6. REQUESTS TO THE COURT**

13

14 I REQUEST THAT THE COURT ORDER (*check all that you want*)

15

- 16 [] A. that the respondent not contact me, not abuse me and that the
- 17 respondent stay away from my residence, place of employment and
- 18 or school.
- 19
- 20 [] B. (1) that the respondent shall immediately leave [] my [] our
- 21 residence.
- 22
- 23 OR
- 24
- 25 [] (2) that the respondent provide me with temporary suitable
- 26 alternative housing.
- 27
- 28 [] C. that the respondent shall not sell, remove, pawn, hide, destroy or
- 29 damage any property owned by me or the two of us jointly.
- 30
- 31 [] D. that law enforcement officers assist me in retrieving my clothing and
- 32 personal belongings from the residence at
- 33 _____.
- 34
- 35 [] E. that I be given temporary custody of the child(ren) listed in this
- 36 petition.
- 37
- 38 [] F. that until the court hearing:
- 39 [] respondent shall have the following contact with the
- 40 child(ren): _____
- 41 _____.
- 42 [] respondent shall have no contact with the child(ren).
- 43
- 44 [] G. that the respondent shall pay:
- 45 [] support for the child(ren)
- 46 [] support for me.
- 47
- 48 [] H. that the respondent shall pay me for the damage and or medical bills
- 49 resulting from the abuse.

[NEW MATERIAL]

1 _____ (city)
2 _____ (state and zip code)
3 _____ (if in Indian Country, please
4 name tribe or pueblo).

5
6 Respondent's:
7 _____ (social security number)
8 _____ (date of birth)
9 _____ (home telephone number)
10 _____ (work address)
11 _____ (work telephone number).

12
13 B. Is respondent in jail? [] yes [] no

14
15 **VERIFICATION**

16
17 STATE OF NEW MEXICO }
18 COUNTY OF _____ }
19 TRIBE OR PUEBLO _____ }

20
21 The petitioner was sworn and states: I have read this petition for order of protection from
22 domestic abuse and it is true to the best of my knowledge and belief. I understand that I
23 can be punished both civilly and criminally if any information in this petition is false.

24
25 _____
26 *Date* *Signature of Petitioner*

27
28 Signed and sworn before me on this ____ day of _____, _____.

29
30 Notary public
31 _____
32

33
34 My commission expires: _____.

35
36 **USE NOTES**

- 37
38 1. Petitioner should complete all information known by the
39 petitioner.
40
41 2. This part must be completed if there are children. Section
42 40-10-10 NMSA 1978 of the Child Custody Jurisdiction
43 Act requires the first pleading of every custody action to
44 give information under oath as to the child's present
45 address, the places where the child has lived within the last
46 3 years and the names and present addresses of the persons
47 with whom the child has lived during that period. If a child
48 lives with you now, but you do not want respondent to
49 know your address, do not put your current address here,

[NEW MATERIAL]

1 but do fill out Forms 4-961A and 4-961B.
2

3 3. Use notes 1 and 2 are to be printed on pre-printed forms
4 published for use by pro se petitioners. This note and Use
5 Note 4 should not be printed on the form. This form has
6 been approved by the Supreme Court of New Mexico for
7 use in the courts of this state and distribution pursuant to
8 Section 40-13-3 NMSA 1978. Pre-printed pro se forms
9 should include a lined blank page at the end of the form for
10 use by the petitioner if the pre-printed form does not include
11 adequate space for a complete answer to a question.
12

13 4. Section 40-13-3.1 NMSA 1978 provides that the petitioner
14 in a domestic abuse case shall not be required to pay for the
15 issuance or service of a protection order. This has been
16 construed to mean that the petitioner is not required to pay
17 a docket or other filing fees or fee for service of process.
18

19 [Approved, effective November 1, 1999 until November 1, 2000.]

20 DBD::DB2::st execute failed: [IBM][CLI Driver][DB2/6000] SQL0530N The insert or
21 update value of the FOREIGN KEY "DBUSER.BILLDETAIL.SQL980508102800170"
22 is not equal to any value of the parent key of the parent table. SQLSTATE=23503
23