

**[NEW MATERIAL]**

1 **4-972**

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 STATE OF NEW MEXICO ON BEHALF OF:

12  
13 \_\_\_\_\_  
14 Petitioner

15  
16 v.

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

17  
18 \_\_\_\_\_  
19 Respondent

20  
21  
22 **PETITION FOR EMERGENCY ORDER OF PROTECTION**  
23 **FROM DOMESTIC ABUSE<sup>1</sup>**

24  
25 **1. INFORMATION ABOUT THE RESPONDENT**

26  
27 The respondent is:

- 28  the husband of  wife of petitioner  
29  the ex-husband of  ex-wife of petitioner  
30  a family member of petitioner (*describe relationship*)

31 \_\_\_\_\_  
32  a person with whom petitioner has had a continuing personal relationship.  
33 (*describe relationship*) \_\_\_\_\_

34  
35 \_\_\_\_\_ **Petitioner's initials**

36  
37 **2. CHILD(REN)**

38  
39 List minor child(ren) who may be in immediate danger or in need of an order of  
40 temporary custody.

Name	Date of Birth	Relationship of Child To Petitioner To Respondent	
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

48  
49  
50 \_\_\_\_\_ **Petitioner's initials**

**[NEW MATERIAL]**

1  
2 **3. DOMESTIC ABUSE**  
3

4 A. The respondent committed the following act(s) of domestic abuse against  
5 petitioner or the petitioner's child(ren) (*describe in detail what happened and when*  
6 *and where*)  
7

8 **Physical abuse:** \_\_\_\_\_  
9 \_\_\_\_\_.

10  
11 **Threats which caused fear that \_\_\_\_\_ or any household**  
12 **member would be injured:** \_\_\_\_\_  
13 \_\_\_\_\_.

14  
15 **Other abuse:** \_\_\_\_\_  
16 \_\_\_\_\_.

17  
18 B. Others present during the abuse \_\_\_\_\_.

19  
20 C. Did drugs or alcohol play a role in the domestic abuse? [ ] yes [ ] no.

21  
22 D. Were weapons used during the abuse? [ ] yes [ ] no.  
23 *If yes, what weapons?* \_\_\_\_\_  
24

25 E. Has there been prior domestic abuse? [ ] yes [ ] no.  
26

27 \_\_\_\_\_ **Petitioner's initials**  
28

29 **4. REQUESTS TO THE COURT**  
30

31 THE COURT IS REQUESTED TO ENTER AN EMERGENCY ORDER OF  
32 PROTECTION AS FOLLOWS: (*check applicable*)  
33

34 prohibiting respondent from abusing petitioner or any member of petitioner's  
35 household;  
36

37 [ ] providing for law enforcement officers to assist [ ] petitioner [ ] respondent  
38 in retrieving [ ] petitioner's [ ] respondent's clothing and personal  
39 belongings from the residence at \_\_\_\_\_.  
40

41 [ ] granting petitioner temporary custody of the child(ren) listed in this  
42 petition.  
43

44 [ ] prohibiting respondent from contact with the child(ren) listed in this  
45 petition.  
46

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

**[NEW MATERIAL]**

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

2  
3 **5. INFORMATION ABOUT THE PETITIONER (ME)**

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

8  
9  A. **I DO NOT WANT RESPONDENT TO KNOW MY**  
10 **ADDRESS NOW OR AFTER THE HEARING FOR THE**  
11 **FINAL ORDER OF PROTECTION. I HAVE COMPLETED**  
12 **FORM 4-961B AND GIVEN IT TO THE COURT CLERK.**

13  
14 OR

15  
16  B. My physical address is: \_\_\_\_\_ in the  
17  County  Indian Country of \_\_\_\_\_, State  
18 of New Mexico.

19  
20 My mailing address is:

21 \_\_\_\_\_ *(street address)*  
22 \_\_\_\_\_ *(city and zip)*

23  
24 My telephone numbers are:

25  
26 Home \_\_\_\_\_ Work \_\_\_\_\_ Message \_\_\_\_\_  
27

28  
29 \_\_\_\_\_ **Petitioner's initials**

30  
31 **6. LOCATION OF RESPONDENT**

32  
33 Respondent may be found at:

34 \_\_\_\_\_ *(address)*  
35 \_\_\_\_\_ *(city)*  
36 \_\_\_\_\_ *(state and zip code)*  
37 \_\_\_\_\_ *(if in Indian Country,*  
38 *please name tribe or pueblo).*

39  
40 Respondent's:

41 \_\_\_\_\_ *(social security number)*  
42 \_\_\_\_\_ *(date of birth)*  
43 \_\_\_\_\_ *(home telephone number)*  
44 \_\_\_\_\_ *(work address)*  
45 \_\_\_\_\_ *(work telephone number).*

46  
47 B. Is respondent in jail?  yes  no

48  
49 \_\_\_\_\_ **Petitioner's initials**

**[NEW MATERIAL]**

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**VERIFICATION OF PETITIONER**

STATE OF NEW MEXICO }  
COUNTY OF \_\_\_\_\_ }  
TRIBE OR PUEBLO \_\_\_\_\_ }

\_\_\_\_\_ (*petitioner*) was sworn and states: I have read this Petition for Emergency Order of Protection Against Respondent and it is true to the best of my knowledge and belief. I understand that I can be punished both civilly and criminally if any information in this petition is false.

\_\_\_\_\_  
*Date* \_\_\_\_\_  
*Signature of petitioner*

Signed and sworn before me on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary public  
\_\_\_\_\_

My commission expires: \_\_\_\_\_.

**VERIFICATION OF LAW ENFORCEMENT OFFICER**

STATE OF NEW MEXICO }  
COUNTY OF \_\_\_\_\_ }  
TRIBE OR PUEBLO \_\_\_\_\_ }

\_\_\_\_\_ (*name of law enforcement officer*) was sworn and states: I have read this Petition for Emergency Order of Protection Against Respondent and it is true to the best of my knowledge and belief. I understand that I can be punished both civilly and criminally if any information in this petition is false.

\_\_\_\_\_  
*Date* \_\_\_\_\_  
*Signature of law enforcement officer*

Signed and sworn before me on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary public  
\_\_\_\_\_

My commission expires: \_\_\_\_\_.

**USE NOTES**

1. Complete all information known by the officer.

**[NEW MATERIAL]**

- 1           2.       Section 40-13-3.1 NMSA 1978 provides that the petitioner  
2                    in a domestic abuse case shall not be required to pay for the  
3                    issuance or service of a protection order. This has been  
4                    construed to mean that the petitioner is not required to pay  
5                    a docket or other filing fees or fee for service of process.  
6

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

8 DBD::DB2::st execute failed: [IBM][CLI Driver][DB2/6000] SQL0530N The insert or  
9 update value of the FOREIGN KEY "DBUSER.BILLDETAIL.SQL980508102800170"  
10 is not equal to any value of the parent key of the parent table. SQLSTATE=23503  
11 DBD::DB2::st execute failed: [IBM][CLI Driver][DB2/6000] SQL0530N The insert or  
12 update value of the FOREIGN KEY "DBUSER.BILLDETAIL.SQL980508102800170"  
13 is not equal to any value of the parent key of the parent table. SQLSTATE=23503  
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