

4-964. Order to appear.

[Standard simplified order to appear at hearing,
Family Violence Protection Act, Sections 40-13-1 to 40-13-8 NMSA 1978.]

_____ JUDICIAL DISTRICT COURT
COUNTY OF _____
STATE OF NEW MEXICO

Petitioner

v.

No. _____

Respondent

ORDER TO APPEAR

You are hereby ordered to appear in the _____ judicial district court, room _____, at _____ (*address*), before _____, at _____ (a.m.) (p.m.) on _____ (*date*) for hearing on whether an order of protection against domestic abuse will be issued. You may bring witnesses or evidence and may be represented by counsel at this hearing. You may file a Response to Petition for Order of Protection from Domestic Abuse (Form 4-962 NMRA) at or before the hearing.

If you fail to attend this hearing, an order of protection may be entered by default against you and a bench warrant may be issued for your arrest.

[] DO NOT BRING ANY CHILDREN TO THE HEARING.

District Judge

USE NOTES

This form is for use when petitioner does not seek a temporary order of protection and also when the petitioner seeks a temporary order of protection, but the court denies the request.

The date for hearing should be set in accordance with the mandate of Section 40-13-4(D) NMSA 1978 which provides that "if an ex parte order is not granted," the court "shall serve notice to appear upon the parties and hold a hearing on the petition for order of protection within seventy-two hours after the filing of the petition."

The Order to Appear requires a proof of return of service. The Committee has been informed that each local law enforcement agency has its own return of service form which will be used for this purpose.

[Approved, effective November 1, 1999 until July 1, 2001; approved, effective May 1, 2001.]