

4-962A. Counter-petition for order of protection from domestic abuse.

[Family Violence Protection Act,
Sections 40-13-1 to 40-13-8 NMSA 1978]

STATE OF NEW MEXICO

COUNTY OF _____

_____ JUDICIAL DISTRICT COURT

_____, Petitioner

v.

No. _____

_____, Respondent

**COUNTER-PETITION FOR ORDER OF PROTECTION
FROM DOMESTIC ABUSE¹**

1. COURT ASSISTANCE REQUEST

We will need an interpreter in _____ to translate at hearings for me the petitioner.

We will need _____ (*describe other request for special help*).

2. INFORMATION ABOUT THE PETITIONER (*the person I am filing against*)

A. The petitioner is:

my husband or my wife

my ex-husband or my ex-wife

the parent of my [child] [children]

a family member _____ (*describe the family relationship*)

a person with whom I have had a continuing personal relationship _____ (*describe the relationship*)

a person who has sexually assaulted me

a person who has stalked me

B. The petitioner has the following firearms (make/model):

(use additional page if needed)

3. INFORMATION ABOUT [CHILD] [CHILDREN]²

A. List minor [child] [children] of either party, even if from another relationship.

Name	Date of Birth	Relationship of [Child] [Children]	
		To You	To Petitioner
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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

C. List each address where [child] [children] have lived during the last five (5) years. (List each child separately if [child] [children] did not reside with same person.)

D. Does anyone else have physical custody of the [child] [children] or claim to have custody or visitation rights? yes no

If yes, complete the following for the [child] [children]:

Child's name

Person claiming rights

E. Describe how often the [child] [children] have been with the other party during the past six (6) months.

4. OTHER CASES

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

Type of Case

Year Filed
(if known)

Case Number
(if known)

Where Filed
(city and state)

5. DOMESTIC ABUSE

A. The petitioner 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: _____

Date of abuse: _____

Place of abuse: _____

B. Petitioner is a credible threat to my physical safety because: _____

C. Others present during the abuse: _____

D. Did drugs or alcohol play a role in the domestic abuse? yes no

E. Were weapons used during the abuse? yes no

If yes, describe the weapons?

F. Has there been prior domestic abuse? yes no

[continuation sheets to be inserted here]

6. REQUESTS TO THE COURT

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

A. that the petitioner not contact me, not abuse me, and that the petitioner stay away from my residence [and] [place of employment] [and] [school].

B. (1) that the petitioner shall immediately leave my our residence at _____.

(2) that the petitioner provide me with temporary suitable alternative housing.

(3) _____ Provide *(address of the place of eviction)*.

C. that the petitioner shall not sell, remove, pawn, hide, destroy or damage any property owned by me or the two of us jointly.

D. that law enforcement officers assist me in retrieving my clothing and personal belongings from the residence at _____.

E. that I be given temporary custody of the [child] [children] listed in this petition.

F. that until the court hearing:

petitioner shall have the following contact with the [child] [children]:

 petitioner shall have no contact with the [child] [children]:

 G. that the petitioner shall pay:

support for the [child] [children].

support for me.

H. that the petitioner shall pay me for the damage and medical bills resulting from the abuse.

I. other relief that is necessary to resolve this domestic abuse problem *(list or describe what relief is necessary)*

 J. the petitioner be found to be a credible threat and be required to deliver any firearm in the petitioner's care, custody, or control to a law enforcement officer or a federal firearms licensee.

7. INFORMATION ABOUT THE RESPONDENT (ME)

(If you do not want the petitioner to know your address and phone number, do not include it on this form. Tell the court clerk that you need to complete two other forms (Forms 4-961A and 4-961B NMRA) for your name and address and request that the clerk place your address under seal.)

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

OR

B. My physical address is: _____
in the County Indian Country of _____, State of New Mexico.

My mailing address *(if different from above)*:

_____ *(street address)*

_____ *(city and zip)*

My telephone numbers are:

8. NOTICE TO PETITIONER

A. I have not told petitioner that I am filing a petition to ask the court for an order of protection because I believe irreparable harm would result if I told petitioner before coming to court. *(Describe what might happen to you or what you are afraid might happen if the petitioner knew you were asking for a court order of protection.)*

 B. I have told petitioner that I am filing this petition.

9. LOCATION OF PETITIONER

A. Petitioner may be found at:

_____ *(if in Indian Country, please name tribe or pueblo).*

Petitioner's:

B. Is petitioner in jail? yes no

VERIFICATION

I, the Respondent/Counter-Petitioner affirm under penalty of perjury under the laws of the State of New Mexico that I am the Respondent/Counter-Petitioner in the above-entitled cause; that I have read the counter-petition for order of protection from domestic abuse; and that the contents of the counter-petition are true and correct to the best of my information and belief.

Date

Signature of Respondent

USE NOTES

1. Respondent should complete all information known by the respondent.
2. This part must be completed if there are children. NMSA 1978, Section 40-10A-209 of the Uniform Child Custody Jurisdiction Enforcement Act requires the first pleading of every custody action to give information as to the child's present address, the places where the child has lived within the last five (5) five years and the names and present addresses of the persons with whom the child has lived during that period. If a child lives with you now, but you do not want petitioner to know your address, do not put your current address here, but do fill out Forms 4-961A and 4-961B NMRA.
3. Use Notes 1 and 2 are to be printed on pre-printed forms published for use by pro se respondents. This note and Use Note 4 should not be printed on the form. This form has been approved by the Supreme Court of New Mexico for use in the courts of this state and distribution pursuant to NMSA 1978, Section 40-13-3. Pre-printed pro

se forms should include a lined blank page at the end of the form for use by the respondent if the pre-printed form does not include adequate space for a complete answer to a question.

4. NMSA 1978, Section 40-13-3.1(A)(4) provides that a victim in a domestic abuse case shall not be required to pay for “the filing, issuance or service of a petition for an order of protection.”

[Approved, effective November 1, 1999 until July 1, 2001; approved, as amended, effective May 1, 2001; as amended, effective February 16, 2004; as amended by Supreme Court Order No. 08-8300-40, effective December 15, 2008; as amended by Supreme Court Order No. 14-8300-023, effective for all pleadings and papers filed on or after December 31, 2014; as amended by Supreme Court Order No. 19-8300-009, effective for all counter-petitions filed on or after July 1, 2019.]