

**4-972. Petition for emergency 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

STATE OF NEW MEXICO ON BEHALF OF:

\_\_\_\_\_, Petitioner

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

\_\_\_\_\_, Respondent

**PETITION FOR EMERGENCY ORDER OF PROTECTION  
FROM DOMESTIC ABUSE<sup>1</sup>**

**1. INFORMATION ABOUT THE RESPONDENT**

The respondent is:

- the husband of  wife of petitioner
- the ex-husband of  ex-wife of petitioner
- a family member of petitioner (*describe relationship*)
- a person with whom petitioner has had a continuing personal

relationship.

(*describe relationship*)

- a person who has sexually assaulted me
- a person who has stalked me

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

**2. CHILD(REN)**

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

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

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

**3. DOMESTIC ABUSE**

- A. The respondent committed the following act(s) of domestic abuse against petitioner or the petitioner's child(ren).

*(describe in detail what happened and when and where)*

**Physical abuse:** \_\_\_\_\_

**Threats which caused fear that \_\_\_\_\_ or any household member would be injured:** \_\_\_\_\_

**Other abuse:** \_\_\_\_\_

- B. Others present during the abuse: \_\_\_\_\_

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

- D. Were weapons used during the abuse?  yes  no.

If yes, what weapons?

- E. Has there been prior domestic abuse?  yes  no.

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

#### 4. REQUESTS TO THE COURT

THE COURT IS REQUESTED TO ENTER AN EMERGENCY ORDER OF PROTECTION prohibiting respondent from abusing petitioner or any member of petitioner's household as follows:

*(check applicable)*

- providing for law enforcement officers to assist  petitioner  respondent in retrieving  petitioner's  respondent's clothing and personal belongings from the residence at \_\_\_\_\_.

granting petitioner temporary custody of the child(ren) listed in this petition.

prohibiting respondent from contact with the child(ren) listed in this petition.

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

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

#### 5. INFORMATION ABOUT THE PETITIONER (ME)

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

- A. **I DO NOT WANT RESPONDENT 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 is:  
\_\_\_\_\_  
\_\_\_\_\_  
*(street address)*  
*(city and zip)*

My telephone numbers are:  
Home                      Work                      Message  
\_\_\_\_\_  
\_\_\_\_\_

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

**6. LOCATION OF RESPONDENT**

A. Respondent may be found at:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*(address)*  
*(city)*  
*(state and zip code)*  
*(if in Indian Country, please name tribe or pueblo).*

Respondent's:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*(date of birth)*  
*(home telephone number)*  
*(work address)*  
*(work telephone number).*

B. Is respondent in jail?  yes  no

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

**OATH OF PETITIONER**

**I AFFIRM UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF NEW MEXICO THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF.**

\_\_\_\_\_ Date

\_\_\_\_\_ Signature of petitioner

**OATH OF LAW ENFORCEMENT OFFICER**

I affirm under penalty of perjury under the laws of the State of New Mexico that the facts set forth above are true to the best of my information and belief. I understand that it is a criminal offense subject to the penalty of imprisonment if I make a false statement in this petition.

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Date

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Signature of law enforcement officer

#### USE NOTES

1. Complete all information known by the officer.
2. NMSA 1978, Section 40-13-3.1(A)(4) provides that the petitioner in a domestic abuse case shall not be required to pay for the “the filing, issuance or service of a petition for an order of protection.”

[Approved, effective November 1, 1999 until July 1, 2001; as amended, effective August 29, 2000; approved, effective May 1, 2001; 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.]