

**PROPOSED REVISIONS TO THE DOMESTIC RELATIONS FORMS  
PROPOSAL 2020-007**

**March 3, 2020**

The Domestic Relations Forms Committee has recommended the withdrawal of Form 4-971 NMRA for the Supreme Court's consideration.

If you would like to comment on the proposed amendments set forth below before the Court takes final action, you may do so by either submitting a comment electronically through the Supreme Court's web site at <http://supremecourt.nmcourts.gov/open-for-comment.aspx> or sending your written comments by mail, email, or fax to:

Joey D. Moya, Clerk  
New Mexico Supreme Court  
P.O. Box 848  
Santa Fe, New Mexico 87504-0848  
[nmsupremecourtclerk@nmcourts.gov](mailto:nmsupremecourtclerk@nmcourts.gov)  
505-827-4837 (fax)

**Your comments must be received by the Clerk on or before April 2, 2020**, to be considered by the Court. Please note that any submitted comments may be posted on the Supreme Court's web site for public viewing.

**[WITHDRAWN]**

**[4-971. Stipulated order of protection against petitioner.]**

<div style="border-bottom: 1px solid black; margin-bottom: 2px;">Judicial District</div> <div style="border-bottom: 1px solid black; margin-bottom: 2px;">County, New Mexico</div> <div style="border-bottom: 1px solid black; margin-bottom: 2px;">Case No.</div>	<b>Order of Protection</b> [ ] Amended Order
--	---

---

<b>PROTECTED PARTY ([ ] PETITIONER [ ] RESPONDENT)</b>	<b>PROTECTED PARTY IDENTIFIERS</b>
First                      Middle                      Last	Date of Birth of Protected Party
And/or on behalf of minor family member(s): (list name and DOB)	Other Protected Persons/DOB

v.

---

<b>RESTRAINED PARTY</b>	<b>RESTRAINED PARTY IDENTIFIERS</b>
First                      M                      L	D                      H                      W
id                      id                      a	O                      I                      I
B	T                      T

Plaintiff's Name

DATE	FILED	COURT
YEAR	MONTH	SOCIAL SECURITY #
DAY	DAY	Not used in New Mexico
DRIVERS LICENSE #		STATE
		EXPIRATION DATE

Relationship to Protected Party:—

\_\_\_\_\_

Restrained Party's Address

\_\_\_\_\_

\_\_\_\_\_

Distinguishing Features—

\_\_\_\_\_

**CAUTION:**

☐ Weapon Involved

**THE COURT HEREBY FINDS:**

That it has jurisdiction over the parties and subject matter, and the Restrained Party has been provided with reasonable

notice and opportunity to be heard.

Additional findings of this order follow on succeeding pages.

**THE COURT HEREBY ORDERS:**

That the above named Restrained Party be restrained from committing further acts of abuse or threats of abuse.

That the above named Restrained Party be restrained from any contact with the Protected Party.

Additional terms of this order are as set forth on succeeding pages.

The terms of this order shall be effective until

**WARNINGS TO RESTRAINED PARTY:**

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands under 18 U.S.C. Section 2265. Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment under 18 U.S.C. Section 2262.

As a result of this order, it may be unlawful for you to possess or purchase ammunition or a firearm, including a rifle, pistol or revolver, under 18 U.S.C. Section 922(g)(8). If you have any questions whether federal law makes it illegal for you to possess or purchase a firearm, you should consult an attorney.

Only the court can change this order.

Page 1 of \_\_\_\_

Judge's signature on last page

**ADDITIONAL PAGES<sup>1</sup> OF STIPULATED ORDER OF PROTECTION AGAINST PETITIONER**

The court further **FINDS, CONCLUDES AND ORDERS:**

(check only applicable paragraphs)

**1. NOTICE, APPEARANCES AND STATUS.** This order was entered on stipulation of the parties.

☐ The relationship of the parties is that of an "intimate partner" as defined in 18 USC Section 921(a)(32). *(See 2 below)*

**2. EFFECT OF STIPULATION TO ORDER OF PROTECTION.** Violation of this order can have serious consequences, including:

A. If you violate the terms of this order, you may be charged with a misdemeanor, which is punishable by imprisonment of up to three hundred sixty four (364) days and a fine of up to one thousand dollars (\$1,000) or both. You may be found to be in contempt of court.

B. If you are the spouse or former spouse of the other party, an individual who cohabitates with or has cohabitated with the other party, or if you and the other party have had a child together, federal law prohibits you from possessing or transporting firearms or ammunition while this order is in effect. If you have a firearm or ammunition, you should immediately dispose of the firearm or ammunition. Violation of this law is a federal crime punishable by imprisonment for up to ten (10) years and a fine of up to two hundred fifty thousand dollars (\$250,000).

C. If you are not a citizen of the United States, violation of this order may have a negative effect on your application for residency or citizenship.

**3. DOMESTIC ABUSE PROHIBITED.** The petitioner shall not abuse the respondent or members of the respondent's household. "Abuse" means any incident by petitioner against the respondent or respondent's household member resulting in (1) physical harm; (2) severe emotional distress; (3) bodily injury or assault; (4) a threat by petitioner causing imminent fear of bodily injury to respondent's or respondent's household members; (5) criminal trespass; (6) criminal damage to property; (7) repeatedly driving by respondent's or respondent's household members' residence or workplace; (8) telephone harassment; (9) stalking; (10) harassment; or (11) harm or threatened harm to children in any manner set forth above.

Petitioner shall not ask or cause other persons to abuse the respondent or respondent's household members.

**4. CONTACT PROHIBITIONS.** Petitioner shall stay \_\_\_\_\_ yards away from the respondent and the respondent's home and workplace at all times, unless at a public place, where the petitioner shall remain \_\_\_\_\_ yards away from the respondent except as specifically permitted by this order. Petitioner shall not telephone, talk to, visit or contact respondent in any way except as follows:

☐ The parties may contact each other by telephone regarding medical emergencies of minor children;

☐ \_\_\_\_\_

☐ The parties may attend joint counseling sessions at the counselor's discretion. *(Unless the court has entered an order sealing the protected party's address, include it below.)*

**Protected party's addresses**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ *(home address)*

\_\_\_\_\_  
\_\_\_\_\_ *(work address)*



☐ Petitioner is ordered to surrender all keys to the residence to law enforcement officers.

☐ Law enforcement officers or \_\_\_\_\_ shall be present during any property exchange.

☐ This order supersedes prior orders in \_\_\_\_\_ County, State of \_\_\_\_\_, Cause No. \_\_\_\_\_ to the extent that there are contradictory provisions.

**12. NOTICE TO PETITIONER AND RESPONDENT.** This order does not serve as a divorce and does not permanently resolve child custody or support issues.

**13. AGREEMENT OF PARTIES.** Without admitting that domestic abuse has occurred, the parties stipulate to the entry of this order and affirm that they have read and do understand the effects of this order as stated in Paragraph 2.

\_\_\_\_\_  
Petitioner's signature

\_\_\_\_\_  
Respondent's signature

\_\_\_\_\_  
Petitioner's counsel, if any

\_\_\_\_\_  
Respondent's counsel, if any

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**14. RECOMMENDATIONS.** I have:

☐ reviewed the pleading for order of protection;

☐ prepared this order as my recommendation to the district court judge regarding disposition of requests for order of protection.

\_\_\_\_\_  
Signed

Domestic Violence Commissioner

Court's telephone number:  
\_\_\_\_\_

**SO ORDERED.**

\_\_\_\_\_  
District Judge

☐ A copy of this order was ☐ hand delivered ☐ faxed ☐ mailed to ☐ respondent ☐ respondent's counsel on \_\_\_\_\_ (date).<sup>4</sup>

☐ A copy of this order was ☐ hand delivered ☐ faxed ☐ mailed to ☐ petitioner ☐ petitioner's counsel on \_\_\_\_\_ (date).

\_\_\_\_\_  
Signed

#### USE NOTES

1. The first page of this stipulated order of protection form shall be in the uniform format preceding the heading for additional pages of the order.

2. See Form [4-967](#) NMRA, "Custody, Support and Division of Property Attachment".

3. If appropriate, an order providing for restitution may be included in this paragraph.

~~4. Petitioner may be served at the time this order is issued. If petitioner is not present at the time this order is issued, service upon petitioner shall be made by delivering a copy to the party. See Section [40-13-6](#)(A) NMSA 1978.]~~

[Approved, effective April 9, 2002; as amended by Supreme Court Order No. 07-8300-20, effective September 17, 2007; by Supreme Court Order No. 08-8300-40, effective December 15, 2008; withdrawn by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]

~~[Committee commentary. See Committee Comment to Civil Form [4-970](#) NMRA.]~~

~~[Withdrawn by Supreme Court Order No. \_\_\_\_\_, effective \_\_\_\_\_.]~~