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# Chapter 1: Domestic Violence Procedures



## In this Chapter:

In this chapter, you will find the clerical procedures for Domestic Violence cases.

## Definitions

NMSA 1978, § 40-13-2

### **co-parents**

means persons who have a child in common, regardless of whether they have been married or have lived together at any time;

### **court**

means the district court of the judicial district where an alleged victim of domestic abuse resides or is found;

### **domestic abuse**

means any incident by a household member against another household member resulting in: (Please refer to the definition of household member on the next page.)

- physical harm;
- severe emotional distress;
- bodily injury or assault;
- a threat causing imminent fear of bodily injury by any household member;
- criminal trespass;
- criminal damage to property;
- repeatedly driving by a residence or work place;
- telephone harassment;
- stalking;
- harassment; or
- harm or threatened harm to children as set forth in the paragraphs of this subsection;

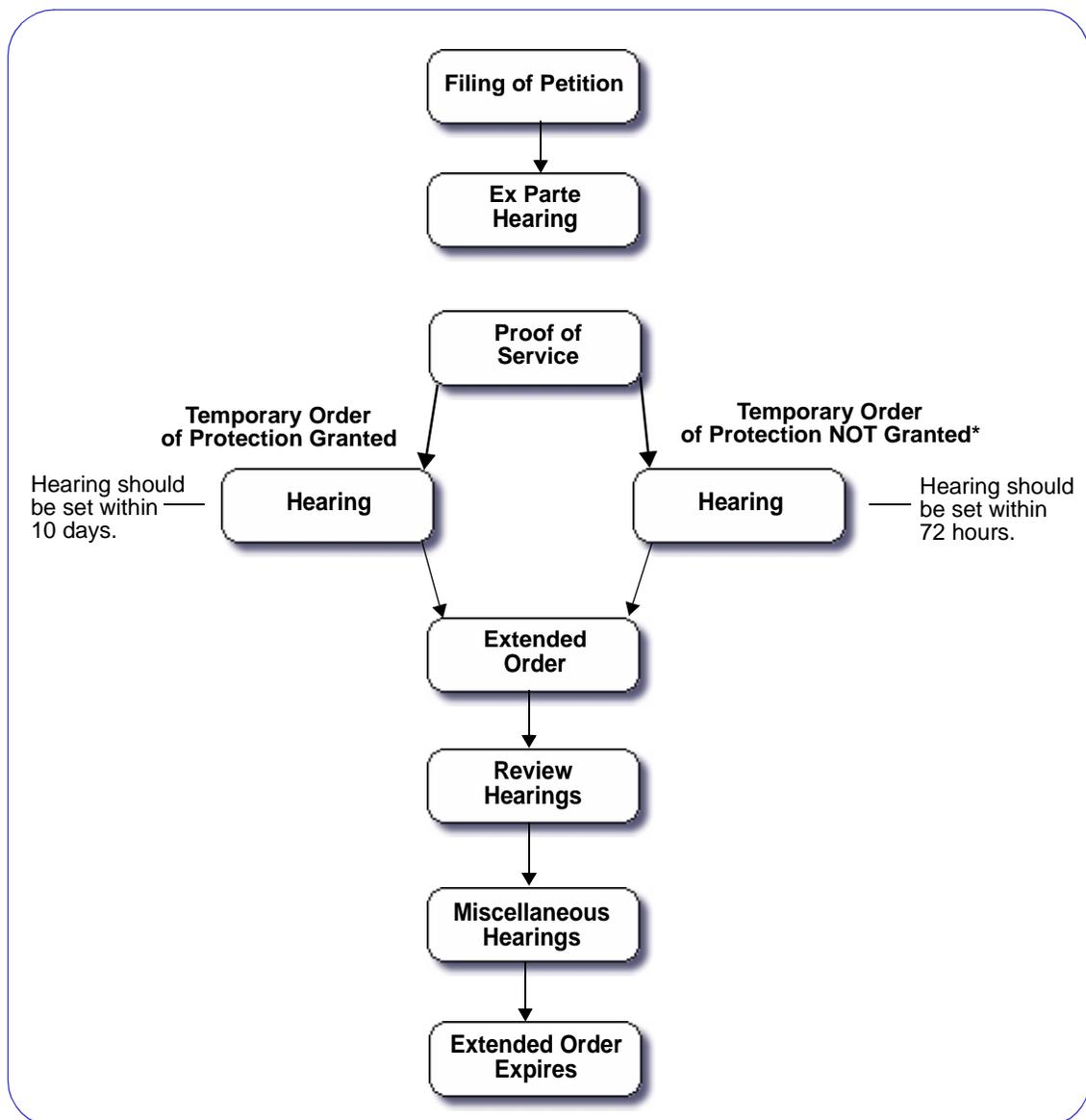
**household member**

means a spouse, former spouse, family member, including a relative, parent, present or former stepparent, present or former in-law, child or co-parent of a child, or a person with whom the petitioner has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for purposes of this section; and

**order of protection**

means a court order granted for the protection of victims of domestic abuse.

## Section 1-1: Domestic Violence Flowchart



## Section 1-2: Domestic Violence Overview



### CLERICAL DUTIES | DOMESTIC VIOLENCE



#### **CAUTION | PRE-SCREENING AND FVPA**

\*If your district does not pre-screen for compliance with the Family Violence Protection Act (FVPA), follow in-house procedure.

1. Determine if Petitioner belongs at District Court.
  - Check that the relationship is listed on the Petition.
  - \*Check subject matter to determine if this is a Domestic Violence case and not a civil matter.
2. Give Petitioner appropriate forms.
  - [PETITION FOR ORDER OF PROTECTION FROM DOMESTIC ABUSE](#)
  - [SERVICE OF PROCESS INFORMATION FOR PETITION AND EMERGENCY ORDER](#)
  - [REQUEST FOR ORDER TO OMIT PETITIONER'S ADDRESS & TELEPHONE](#)
3. Review the Petition and make sure it contains:
  - Whether the Petitioner will need an interpreter for the hearing?
  - Date of incident.
  - Check that the relationship is listed on the Petition.
  - Full names and complete addresses of the parties in the Petition and/or the Request for Order to Omit Petitioner's Address and Telephone.



#### **CAUTION | CONFIDENTIAL ADDRESS**

- Petitioner may maintain a confidential address.
  - If the court wants to keep a record of the Petitioner's confidential address, the form containing the confidential address should be placed and filed in a sealed envelope in the Court file.
  - This sealed address should not be available to anyone other than the judge or commissioner hearing the case.
  - If your district maintains confidential addresses differently, follow in-house procedure.
- The relief requested is checked off on the Petition.
  - Information related to the children of the parties is listed.

**CLERICAL DUTIES | DOMESTIC VIOLENCE (CONTINUED)**

4. Petitioner needs to sign documents before notary.
  - Check signature with proper identification.
  - Follow in-house procedure for administering an oath to the Petitioner.

**CAUTION | NO PHOTO IDENTIFICATION**

If the Petitioner does not have proper identification, please follow in-house procedure.

5. Judge's or Commissioner's Initial Review. Judge/Commissioner will:
  - Approve or deny the Petition. Complete Temporary Order of Protection (TRO), or if TRO is not granted the judge or commissioner will instruct TCAA or clerk to set a **seventy-two (72) hour hearing** and issue a Notice of Hearing.
  - Return TRO to clerk to set hearing within **ten (10) working days** and to obtain judge's signature.
6. The Petitioner leaves the court with the following paperwork:
  - A copy of the Petition for Order of protection and,
  - As many certified copies of the Temporary Order of Protection as she/he needs. (Petitioner should carry one copy with her/him at all times. Follow in-house procedure regarding certification of Temporary Orders.)
  - A verification of service, if appropriate.
7. Follow in-house procedure regarding service of Petition on Respondent.
8. Open case in **FACTS™**.
  - Initiate a case using the Case Master screen.
    - See [CASE INITIATION](#).
  - Attach Parties.
    - See [ATTACH PARTIES TO CASE](#).
  - Enter case using the Civil Complaint/Petition screen.
    - See [ENTERING A CASE](#).
9. Docket Events using the Case Docket screen.
  - See [DOCKETING OF DOMESTIC VIOLENCE CASES](#).
  - Docket Extended Order.
10. Add due dates.
11. Follow in-house procedure for review hearings and violations.

2

**SECOND | CLERICAL DUTIES AT TIME OF HEARING**

1. Check in both parties. If at all possible keep the parties separated prior to and following the hearing.
2. At the completion of the hearing, obtain judge's signature and serve each party with a certified copy of the Extended Order if at all possible.
3. Provide Petitioner with all copies of the Order of Protection that she/he needs.
4. To ensure the Petitioner's safety, allow Petitioner time to leave the courthouse before Respondent is allowed to leave.
5. Docket Extended Order.
6. Follow in-house procedure for review hearings and violations.

## Section 1-3: Instructions for the Petitioners

All court offices assisting victims with pro se petitions should have written instructions available for Petitioners. These instructions should describe the steps needed to obtain the Order of Protection and an explanation of the forms. (Instructions need to be geared to a special needs audience having no prior experience with the court system and minimal education.) This is especially important because the Petitioner may be injured or distraught. These instructions do not constitute the practice of law and Court Clerks are not responsible for incorrect information contained in any petition.

The following areas of instruction require special attention:

|                             |  |
|-----------------------------|--|
| <b>Legible Petitions</b>    | Explain to the Petitioners the purpose of each form and to <b>PRINT LEGIBLY</b> and use <b>DARK INK</b> .  |
| <b>Accuracy of Petition</b> | <ul style="list-style-type: none"> <li>• Petitioners may want first to put all of their answers on scratch paper and then transfer these to the petition.</li> <li>• Petitioners should be told that accuracy is very important.</li> <li>• If the petition is largely inaccurate, the judge could delay entering a Final/ Extended Order of Protection or it could be dismissed.</li> <li>• Petitioners should be told that matters of spelling, punctuation, and grammar are less important than accuracy and completeness.</li> </ul> |

|  |  |
|--|--|
| <b>Confidentiality of Petitioner's Address</b> | Instruct the Petitioner that if she or he wants her/his address to be kept confidential, she or he must fill out the necessary form. |
| <b>Child Custody Information Sheet</b>         | The Child Custody Information Sheet must be completed when there are children between the parties.                                   |
| <b>Failure to Appear</b>                       | The Petitioner must appear for the full hearing or the Judge will terminate the Order of Protection.                                 |
| <b>Interpreter</b>                             | Advise the Petitioner that the court will furnish an interpreter at the hearing if she/he needs one.                                 |

# Section 1-4: Petition Form

DOMESTIC RELATIONS FORM 4-961 NMRA

\_\_\_\_\_ JUDICIAL DISTRICT COURT  
 COUNTY OF \_\_\_\_\_  
 STATE OF NEW MEXICO

\_\_\_\_\_  
 Petitioner  
 v. \_\_\_\_\_ No. \_\_\_\_\_  
 \_\_\_\_\_  
 Respondent

PETITION FOR ORDER OF PROTECTION  
 FROM DOMESTIC ABUSE

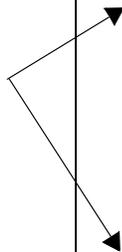
1. COURT ASSISTANCE REQUEST  
 We will need an interpreter in \_\_\_\_\_ to translate at  
 hearings for  me  the respondent.  
 We will need \_\_\_\_\_ (describe other request for  
 special help).

2. INFORMATION ABOUT THE RESPONDENT (the person I am filing  
 against)  
 A. The respondent is:  
 my husband or  my wife  
 my ex-husband or  my ex-wife  
 the parent of my child(ren)  
 a family member  
 \_\_\_\_\_ (describe the family  
 relationship)  
 a person with whom I have had a continuing personal relationship  
 \_\_\_\_\_ (describe the  
 relationship)  
 B. The respondent has the following weapons:  
 \_\_\_\_\_

3. CHILD(REN)  
 A. List minor child(ren) of either party.

| Name  | Date of Birth | Relationship of Child(ren) |               |
|-------|---------------|----------------------------|---------------|
|       |               | To You                     | To Respondent |
| _____ | _____         | _____                      | _____         |
| _____ | _____         | _____                      | _____         |
| _____ | _____         | _____                      | _____         |
| _____ | _____         | _____                      | _____         |

**1**  
**Information  
 on Children**



**1** **Information on Children** If applicable, check that the information on the children is complete.

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

-----  
 -----  
 -----

C. List each address where child(ren) have lived during the last 3 years. (List each child separately if child(ren) did not reside with same person.)

-----  
 -----  
 -----

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

If yes, complete the following for the child(ren):

|              |                        |
|--------------|------------------------|
| Child's name | Person claiming rights |
|--------------|------------------------|

-----  
 -----

4. OTHER CASES

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

| Type of Case | Year Filed<br>(if known) | Case Number<br>(if known) | Where Filed<br>(city and state) |
|--------------|--------------------------|---------------------------|---------------------------------|
|--------------|--------------------------|---------------------------|---------------------------------|

-----  
 -----

5. DOMESTIC ABUSE

A. The respondent 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:

-----  
 -----

**2**  
**Incident**



**CAUTION | PRE-SCREEN AND FVPA**

\*If your district does not pre-screen for compliance with the Family Violence Protection Act (FVPA), follow in-house procedure.

|          |                 |   |
|----------|-----------------|---|
| <b>2</b> | <b>Incident</b> | <ul style="list-style-type: none"> <li>• Does the incident fall within the guidelines described by the FVPA?</li> <li>• See the definition of domestic abuse listed in the See <b>DEFINITIONS</b> section.</li> </ul> |
|----------|-----------------|---|

**2**  
Incident Continued

- 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.

**3**  
Requested Relief

- 6. REQUESTS TO THE COURT**  
I REQUEST THAT THE COURT ORDER (check all that you want)
- A. that the respondent not contact me, not abuse me and that the respondent stay away from my residence, place of employment and school.
  - B. (1) that the respondent shall immediately leave  my  our residence.
- OR
- (2) that the respondent provide me with temporary suitable alternative housing.
  - C. that the respondent 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

**4**  
Custody

- E. that I be given temporary custody of the child(ren) listed in this petition.
- F. that until the court hearing:  
 respondent shall have the following contact with the child(ren):
- 
- respondent shall have no contact with the child(ren).
- 
- G. that the respondent shall pay:  
 support for the child(ren)  
 support for me.
- H. that the respondent 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):
- 
- 

|          |                         |   |
|----------|-------------------------|---|
| <b>3</b> | <b>Relief Requested</b> | Confirm that relief is checked off on the petition. |
| <b>4</b> | <b>Custody</b>          | If applicable, identify if custody is being sought. |

7. 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 to complete two other forms (Forms 4-961A and 4-961B) 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 \_\_\_\_\_

⑤  
Full Names  
Complete Addresses

8. NOTICE TO RESPONDENT

A. I have not told respondent 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 respondent before coming to court. (Describe what might happen to you or what you are afraid might happen if the respondent knew you were asking for a court order of protection.).

\_\_\_\_\_

\_\_\_\_\_

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

9. LOCATION OF RESPONDENT

Respondent may be found at:

\_\_\_\_\_ (address)  
\_\_\_\_\_ (city)  
\_\_\_\_\_ (state and zip code)  
\_\_\_\_\_ (if in Indian Country, please  
name tribe or pueblo).

⑤  
Full Names  
Complete Addresses

|   |  |  |
|---|--|--|
| ⑤ | <b>Full Name and Complete Addressees</b> | Confirm that the Petitioner wrote full names and addressees on the Petition. |
|---|--|--|

5  
Full Names  
Complete Addresses

Respondent's:

\_\_\_\_\_ (social security number)  
 \_\_\_\_\_ (date of birth)  
 \_\_\_\_\_ (home telephone number)  
 \_\_\_\_\_ (work address)  
 \_\_\_\_\_ (work telephone number).

B. Is respondent in jail? [ ] yes [ ] no

VERIFICATION

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

The petitioner was sworn and states: I have read this petition for order of protection from domestic abuse 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.

6  
Signature

\_\_\_\_\_ *Jane Smith* \_\_\_\_\_  
 Date Signature of Petitioner

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

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

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

6 Signature

Check signature with proper identification and notarize.

## Section 1-5: Service of Process

### WHEN IS SERVICE MADE?

The Respondent in an Order of Protection action should be personally served immediately after the entry of the Temporary Order. Personal service means that the Petition and the Temporary Order are handed to the Respondent.



#### CAUTION | SERVICE

- Follow in-house procedure for service of Petition and Temporary Order of Protection.
- The sheriff's office also needs a copy of the Service of Process information.



#### SECOND | PRIVATE PROCESS SERVER

The Petitioner may elect to use a private process server instead of having the Sheriff's office serve process.

The service of Orders of Protection by law enforcement should take precedence over the service of other documents unless they are of a similar emergency nature. Law Enforcement agencies should attempt service within one day of receiving the Order.

The Respondent must also be served with a copy of the Extended Domestic Violence Order of Protection immediately after it is issued. Both parties should be served at the completion of the hearing with Permanent Order of Protection.

### UNTIMELY SERVICE

If the Respondent appears in court for the **ten (10) day** hearing, the court may proceed even though service was not made or not timely. If the Respondent has not been served and does not appear at the hearing, the Court will schedule another hearing and issue another Temporary Order of Protection or the Court may dismiss if the Petitioner agrees.

**SERVICE OF PROCESS FORM**

DOMESTIC RELATIONS FORM 4-961A. NMRA.

\_\_\_\_\_ JUDICIAL DISTRICT COURT  
COUNTY OF \_\_\_\_\_  
STATE OF NEW MEXICO

\_\_\_\_\_  
Petitioner

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

\_\_\_\_\_  
Respondent

SERVICE OF PROCESS INFORMATION FOR  
PETITION FOR ORDER OF PROTECTION FROM DOMESTIC ABUSE  
AND  
PETITION FOR EMERGENCY ORDER OF PROTECTION  
INFORMATION ABOUT THE RESPONDENT

\_\_\_\_\_  
Respondent's name

\_\_\_\_\_  
Respondent's date of birth

\_\_\_\_\_  
Respondent's social security number

Is respondent in jail?  yes  no  
If yes, where? \_\_\_\_\_

Respondent's physical address is:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (street)  
\_\_\_\_\_ (city)  
\_\_\_\_\_ (county)  
\_\_\_\_\_ (state and zip code)

Tribe  Pueblo of \_\_\_\_\_

**CAUTION | SERVICE OF PROCESS INFORMATION SHEET**

If your Service of Information sheet differs from the example above, use your in-house form.

Respondent's workplace:

\_\_\_\_\_ (employer's name)  
 \_\_\_\_\_ (street)  
 \_\_\_\_\_ (city)  
 \_\_\_\_\_ (county)  
 \_\_\_\_\_ (state and zip code)  
 Tribe  Pueblo of \_\_\_\_\_

Respondent works the following hours:

\_\_\_\_\_ (a.m.) (p.m.) to \_\_\_\_\_ (a.m.) (p.m.)

What does respondent look like?

Hair \_\_\_\_\_ (color) Eyes \_\_\_\_\_ (color)

Height \_\_\_\_\_ Weight \_\_\_\_\_

Race -- ethnicity: \_\_\_\_\_

Other physical characteristics or marks:

\_\_\_\_\_.

Do you consider the respondent to be dangerous?

yes  no If yes, why?

\_\_\_\_\_.

Does respondent have any weapons?  yes  no

If yes, please describe: \_\_\_\_\_.

Places where respondent can be found apart from physical address and workplace:

\_\_\_\_\_.

\_\_\_\_\_ Date

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

\_\_\_\_\_  
 (Petitioner's street address  
 unless petitioner files Form 4-961B)

\_\_\_\_\_  
 (City, state and zip code  
 unless petitioner files Form 4-961B)

## Section 1-6: Request for Confidential Address Form

DOMESTIC RELATIONS FORM 4-961B. NMRA.

|   |                     |                        |
|---|---------------------|------------------------|
| _____ JUDICIAL DISTRICT COURT<br>COUNTY OF _____<br>STATE OF NEW MEXICO   |                     |                        |
| _____<br>Petitioner   |                     |                        |
| v.  |                     | No. _____              |
| _____<br>Respondent   |                     |                        |
| REQUEST FOR ORDER TO OMIT PETITIONER'S ADDRESS<br>AND TELEPHONE NUMBER FROM PETITION,<br>TO PLACE REFERENCES TO PETITIONER'S ADDRESS UNDER<br>SEAL AND FOR AN ORDER PROVIDING<br>ALTERNATIVE MEANS OF SERVICE ON PETITIONER |                     |                        |
| 1. I do not want my current address and telephone number to be made known to the respondent for the following reasons:  |                     |                        |
| _____<br>_____<br>_____<br>_____  |                     |                        |
| 2. My current mailing address and telephone number are:   |                     |                        |
| _____<br>(address)  |                     |                        |
| _____<br>(city, state and zip code)   |                     |                        |
| My telephone numbers are:   |                     |                        |
| phone number<br>_____   | work phone<br>_____ | message phone<br>_____ |
| 3. I ask the court not to disclose my current address and telephone number.   |                     |                        |



Request of petitioner is granted. The respondent shall serve all pleadings and other papers required to be served by filing them with the clerk who will note on the pleading or papers the date and manner of service. The clerk shall promptly serve such pleadings and papers on the petitioner, noting in the court file the date and manner of service upon petitioner.

Request of the petitioner is denied. The petitioner shall place petitioner's name, address and phone number in the appropriate places on the petition prior to service of the petition upon the respondent.

-----  
District Judge

-----  
Date

## Section 1-7: Temporary Order of Protection

For the Temporary Order of Protection, the petition is reviewed at an ex parte proceeding. An ex parte hearing is one in which the court only hears one side. At the ex parte proceeding, the Judge or Special Commissioner determines whether there is probable cause to believe that the Respondent committed an act of domestic abuse.



### TIME LIMIT | HEARING

If the judge/domestic violence commissioner finds probable cause, then s/he signs the Temporary Order and sets a hearing date on the Petition **within ten (10) working days**.

If the judge/domestic violence commissioner does not find probable cause and does not grant the Temporary Order, then a hearing should be set **within seventy-two (72) hours** at which both parties appear.

**TEMPORARY ORDER OF PROTECTION FORM**

DOMESTIC RELATIONS FORM 4-963 NMRA.

\_\_\_\_\_ JUDICIAL DISTRICT COURT  
 COUNTY OF \_\_\_\_\_  
 STATE OF NEW MEXICO

\_\_\_\_\_  
 Petitioner

v.

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

\_\_\_\_\_  
 Respondent

TEMPORARY ORDER OF PROTECTION  
 AND ORDER TO APPEAR

The court has reviewed the sworn petition alleging domestic abuse. The court having considered the petition, FINDS that the court has jurisdiction, that there is probable cause to believe that an act of domestic abuse has occurred and that petitioner or a household member of petitioner will suffer immediate and irreparable injury, loss or damage unless the court enters this order. The court ORDERS:

1. Respondent shall not write to, talk to, visit or contact the petitioner in any way except through petitioner's lawyer, if petitioner has a lawyer.

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

3. Respondent shall not ask or cause other persons to abuse the petitioner or the petitioner's household members.

4. Respondent shall not go within \_\_\_\_\_ yards of the petitioner's home or school or work place. Respondent shall not go within \_\_\_\_\_ yards of the petitioner at all times except \_\_\_\_\_ . If at a public place, such as a store, respondent shall not go within \_\_\_\_\_ yards of petitioner.

5. \_\_\_\_\_ shall have temporary physical custody of the following child(ren): \_\_\_\_\_  
\_\_\_\_\_ .

6. With respect to the child(ren) named in the preceding paragraph,  respondent  petitioner shall have:

A. No contact with the child(ren) until further order of this court and shall stay \_\_\_\_\_ yards away from the child(ren)'s school.

B. Contact with the child(ren), subject to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ .

7. The court may decide temporary child and interim support at the hearing listed below. Both parties shall bring to the hearing proof of income in the form of the two latest pay stubs or the federal tax returns from the previous year, proof of work related day-care costs and proof of medical insurance costs for the child(ren).

8.  A. Respondent is ordered to immediately leave the residence at \_\_\_\_\_ and to not return until further court order.

B. Law enforcement officers are hereby ordered to evict respondent from the residence at \_\_\_\_\_ .

C. Respondent is ordered to surrender all keys to the residence to law enforcement officers.

9. Law enforcement officers or \_\_\_\_\_ shall accompany  respondent  petitioner to remove essential tools (as specified in No. 12), clothing, and personal belongings from the residence at \_\_\_\_\_.

10. Neither party shall transfer, hide, add debt to, sell or otherwise dispose of the other's property or the joint property of the parties except in the usual course of business or for the necessities of life. The parties shall account to the court for all such changes to property made after the order is served or communicated to the party. Neither party shall disconnect the utilities of the other party's residence.

11. This order supersedes inconsistent prior order in Cause No. \_\_\_\_\_ and any other prior domestic relations order and domestic violence restraining orders between these two parties.

12. Other:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_.

13. While this order is in effect, petitioner shall refrain from any act that would cause the respondent to violate this order.

#### HEARING

IT IS FURTHER ORDERED that the parties shall appear in the \_\_\_\_\_ Judicial District Court, Room \_\_\_\_\_, at \_\_\_\_\_, before \_\_\_\_\_, at \_\_\_\_\_ (a.m.) (p.m.) on \_\_\_\_\_ (date) for hearing on whether an extended order of protection against domestic abuse will be issued. Either party may bring witnesses or evidence and may be represented by counsel at this hearing. Respondent may file a Response to the Petition for Order of Protection from Domestic Abuse on or before the hearing. If the respondent fails to attend this hearing, an extended order may be entered by default against respondent and a bench warrant may be issued for respondent's arrest. If petitioner willfully fails to appear at this hearing, the petition may be dismissed. This order remains in force until \_\_\_\_\_, \_\_\_\_\_.

DO NOT BRING ANY CHILDREN TO THE HEARING WITHOUT PRIOR PERMISSION OF THE COURT.

#### ENFORCEMENT OF ORDER

If the respondent violates any part of this order, the respondent may be charged with a crime, arrested, held in contempt of court, fined or jailed.

#### SERVICE AND NOTICE TO LAW ENFORCEMENT AGENCIES

Upon the signing of this order by a district court judge, a law enforcement officer shall serve on the respondent a copy of this order and a copy of the petition.

A LAW ENFORCEMENT OFFICER SHALL USE ANY LAWFUL MEANS TO ENFORCE THIS ORDER.

I have reviewed the petition for an order of protection and made recommendations to the district judge regarding its disposition.

\_\_\_\_\_  
(Signed)

\_\_\_\_\_  
Court telephone number

\_\_\_\_\_  
(Title)

SO ORDERED:

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

\_\_\_\_\_  
Date and time approved

## Section 1-8: Extended Order of Protection

|                                   |  |
|-----------------------------------|--|
| <b>Full Hearing</b>               | Petitioner and Respondent return for a full hearing on the date set on the Temporary Order.  |
| <b>No Verification of Service</b> | <ul style="list-style-type: none"> <li>• If the Court does not have a completed Verification of Service, it cannot hold the hearing.</li> <li>• The court can extend the Temporary Order and schedule another hearing.</li> <li>• The new or continued Temporary Order must then be certified and distributed as set forth above.</li> </ul>   |
| <b>Proof of Service</b>           | <ul style="list-style-type: none"> <li>• If the Court has proof that the Respondent was served prior to the full hearing, the court can proceed.</li> <li>• The purpose of the ten-day hearing is to determine whether to extend the Temporary Order of Protection.</li> <li>• This can occur whether the Respondent is present for the hearing or not.</li> </ul>   |
| <b>Decision to Extend Order</b>   | Since the Petitioner initiates the Order of Protection, she/he makes the initial decision regarding the extension of the Order.  |
| <b>Determination</b>              | <p>If the Petitioner wishes to have the Order extended, the judge/domestic violence commissioner determines from the evidence presented:</p> <ul style="list-style-type: none"> <li>• If the alleged act of domestic abuse occurred,</li> <li>• If the continued protection of an Order of Protection is needed, or</li> <li>• If the Respondent will stipulate to an Order against him/her.</li> </ul> <p>The Court <b>MAY</b> restrain either or both parties from contact with one another.</p> |



### CAUTION |

The court can only issue a Mutual Order of Protection if:

- The Respondent filed a Counter-Petition,
- The Petitioner was served with the Counter-Petition and
- The same determinations are made against the Petitioner.

|                                     |  |
|-------------------------------------|--|
| <b>Child Custody</b>                | The Court may also address child custody, visitation and support, property division and payment of bills. Either or both parties may be ordered to attend counseling.  |
| <b>Copies of the Extended Order</b> | If the Court issues an Extended Order of Protection, the Petitioner must leave the court with as many certified copies of the Final/ Extended Order of Protection as she/he needs and the Respondent must leave the courtroom with a copy of the Extended Order of Protection. |

**EXTENDED ORDER OF PROTECTION FORM****DOMESTIC RELATIONS FORM 4-965 NMRA**

\_\_\_\_\_ JUDICIAL DISTRICT COURT  
COUNTY OF \_\_\_\_\_  
STATE OF NEW MEXICO

\_\_\_\_\_

Petitioner

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

\_\_\_\_\_

Respondent

**ORDER OF PROTECTION**

MUTUAL  NON-MUTUAL

This order is an order of protection under 18 U.S.C. Section 922, 18 U.S.C. Section 2265 and Section 40-13-6(D) NMSA 1978. This order shall be accorded full faith and credit by the courts of every state and Indian Tribe and shall be enforced as if it were the order of such other State or Tribe.

THIS MATTER came before the court on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ through a hearing on the  petitioner's  respondent's request for an order prohibiting domestic abuse.

The court, having determined that it has legal jurisdiction over the parties and the subject matter, FINDS, CONCLUDES AND ORDERS:

(check only applicable paragraphs)

1. NOTICE AND APPEARANCES

Petitioner was present.

Petitioner was represented by counsel.

Respondent was present.

Respondent was represented by counsel.

Respondent was properly served with a copy of the petition, temporary order of protection prohibiting domestic abuse and order to appear.

Respondent was properly served with a copy of the petition and order to appear.

Respondent was properly served with a copy of the petition and order to appear.

Respondent received actual notice of the hearing and had an opportunity to participate in the hearing.

Petitioner was properly served with a copy of the counter-petition and Order to Appear.

Petitioner was properly served with a copy of the temporary order and Order to Appear.

Petitioner received actual notice of the hearing and had an opportunity to participate in the hearing.

## 2. CONSEQUENCES OF ENTRY OF ORDER OF PROTECTION

Violation of this order by the  respondent  petitioner 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 364 days and a fine of up to \$1,000. You may be found in contempt of court.

B. If you are the spouse of the other party, an individual who lives with or has lived 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 10 years and a fine of up to \$250,000.

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

## 3. FINDING OF DOMESTIC ABUSE

An act of domestic abuse was committed by  respondent  petitioner that necessitates an order of protection.

#### 4. DOMESTIC ABUSE PROHIBITED

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

Respondent  Petitioner shall not ask or cause other persons to abuse the other party or any other household members.

#### 5. CONTACT PROHIBITIONS

Respondent  Petitioner shall stay \_\_\_\_\_ yards away from the other party, the other party's home and any workplace at all times, unless at a public place, where the  respondent  petitioner shall remain \_\_\_\_\_ yards away from the other party except as specifically permitted by this order.

Respondent  Petitioner shall not telephone, talk to, visit or contact the other party in any way except as follows:

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

Other

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_.

The parties may attend joint counseling sessions at the counselor's discretion.

(Unless the court has sealed petitioner's or respondent's address, include address of residence and employment for the appropriate party or parties.)

## Respondent's addresses

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

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

\_\_\_\_\_ (city)

\_\_\_\_\_ (if applicable, tribe or pueblo)

\_\_\_\_\_ (state and zip code)

## Petitioner's addresses

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

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

\_\_\_\_\_ (city)

\_\_\_\_\_ (if applicable, tribe or pueblo)

\_\_\_\_\_ (state and zip code)

## 6. COUNSELING

Respondent shall attend counseling at \_\_\_\_\_, contacting that office within five (5) days. The respondent shall participate in, attend and complete counseling as recommended by the named agency.

Petitioner shall attend counseling at \_\_\_\_\_, contacting that office within five (5) days. The petitioner shall participate in, attend and complete counseling as recommended by the named agency.

Respondent shall report to \_\_\_\_\_, for a  drug [and]  alcohol screen by \_\_\_\_\_, \_\_\_\_\_ (date) with the results returned to this court.

Petitioner shall report to \_\_\_\_\_, for a  drug [and]  alcohol screen by \_\_\_\_\_, \_\_\_\_\_ (date) with the results returned to this court.

Other counseling requirements:

\_\_\_\_\_

\_\_\_\_\_

#### 7. CUSTODY

The court's orders regarding the minor child(ren) are addressed in the Custody, Support and Division of Property Attachment of this Order of Protection.

#### 8. PROVISIONS RELATING TO SUPPORT

The court's orders regarding support issues for the parties are found in the Custody, Support and Division of Property Attachment of this Order of Protection.

#### 9. PROPERTY, DEBTS AND PAYMENTS OF MONEY

The court's orders regarding property, debts and payment of money are found in the Custody, Support and Division of Property Attachment of this Order of Protection.

#### 10. PARTIES SHALL NOT CAUSE VIOLATION

While this order is in effect, the parties shall refrain from any act that would cause the other party to violate this order.

#### 11. ADDITIONAL ORDERS

Review hearing. The parties are ordered to appear for a review hearing on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ (a.m.) (p.m). Any party ordered to attend counseling shall bring proof of counseling to the review hearing.

IT IS FURTHER ORDERED:

\_\_\_\_\_  
 \_\_\_\_\_  
 .

#### 12. EFFECTIVE DATE OF ORDER; EXTENSION; MODIFICATION

This order is effective upon filing with the clerk of the court.

This order [with the exception of the orders in the Custody, Support and Division of Property Attachment shall continue until \_\_\_\_\_ (date), or until modified or rescinded by the court.

## 13. NOTICE TO LAW ENFORCEMENT AGENCIES

ANY LAW ENFORCEMENT OFFICER SHALL USE ANY LAWFUL MEANS TO ENFORCE THIS ORDER.

Respondent  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.

## 14. NOTICE TO PARTIES

This order does not serve as a divorce and does not permanently resolve child custody or support issues.

## 15. RECOMMENDATIONS

I have:

reviewed the petition for order of protection;

reviewed the counter-petition for order of protection;

conducted hearings on the merits of the petition;

after notice and hearing as indicated in this order I prepared this order as my recommendation to the district court judge regarding disposition of requests for order of protection.

-----  
Signed

-----  
Title

COURT'S TELEPHONE NUMBER: \_\_\_\_\_  
SO ORDERED:

-----  
District Judge

-----  
Date

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

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

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

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Title

## Section 1-9: Violations of Orders of Protection

### WHAT SHOULD THE VICTIM DO?

When a Petitioner believes that a violation has occurred she/he should call law enforcement and request emergency assistance. If Petitioner believes Respondent has access to a weapon, she/he should advise law enforcement at the time of the emergency call.

Petitioner may return to the Court and complain that the Respondent has violated the Courts' Order. Since a violation of a Court Order is contempt of Court, the Petitioner should file a motion alleging a violation and that the case be set for a contempt hearing before a Judge or Special Commissioner.

Please note that an Order of Protection is a valid Court Order even if it has not yet been served upon the Respondent. A responding law enforcement officer can serve the Order on the Respondent at the time he/she responds to an emergency call and arrives on the scene.

## **ARRESTING THE VIOLATOR**

If a law enforcement officer has probable cause to believe that the Respondent violated an Order of Protection, then she/he must arrest the Respondent for violation of an order (even without an arrest warrant). The violation:

- Does not need to occur in the presence of a law enforcement officer,
- Does not need to be another act of abuse, and
- The Respondent does not need to be at the scene when law enforcement arrives for an arrest to occur.

## **CHARGES AGAINST VIOLATOR**

A Respondent arrested for violation of an Order of Protection is charged with a criminal misdemeanor. A Petitioner can file a motion asking the Civil Court to find the Respondent in contempt, or the Court may on its own motion hold the Respondent in contempt of its order. Contempt in a civil case may be punishable by a fine, jail or both.

Regardless of whether the Respondent is charged criminally, the Petitioner can ask the Civil Court to hold the Respondent in contempt by filing a Motion Alleging Violation or a Motion to Show Cause.

## **WHAT HAPPENS TO RESPONDENT?**

Law enforcement books the Respondent in the local detention center. The Magistrate or Metropolitan Court Judge will inform the Respondent of the charges against him/her and may set bond for the criminal misdemeanor portion of the violation.

The court considers violation of a civil Order of Protection contempt of court. The Civil Court that issued the Order may also require the Respondent to appear before he/she is released.

## **VICTIM'S RIGHTS**

Victims' Rights Law requires jails or detention centers to make a reasonable attempt to notify the arresting law enforcement officer when the Respondent is released from jail. The arresting officer should notify the Petitioner of the Respondent's release.

Please note, the Petitioner may have a contempt motion filed against her, if the Respondent alleges that she took affirmative steps that caused him to violate the Order.

## COURT PROCEEDINGS

The Magistrate or Metropolitan Court must set a hearing date on the criminal charges. In some counties the district attorney prosecutes criminal charges stemming from violation of Orders of Protection. The criminal charges are placed on the regular criminal calendar.

If the Petitioner requests that the Respondent be found in civil contempt, the District Court sets a hearing date and notifies the Respondent. Court Clerks should receive copies of the contempt charges. The Respondent is not entitled to a trial by jury for contempt charges. In all other ways, the law accords the Respondent the rights of any criminal defendant.

## Section 1-10: Custody/Visitation

In families of abuse, custody and visitation of children are areas of major concern. When exercising their custody or visitation rights, many batterers continue to try and control and abuse the battered partner. The exercise of custody and visitation rights also gives the batterer a legitimate basis for continued access to the battered partner/parent. Orders of Protection must specifically address the safety needs of Petitioner-parents relating to custody and visitation.

### ENFORCEABILITY

A law enforcement officer can better assess if a violation of the order has occurred, if the Custody/Visitation Order states with specificity the visitation days and times. Therefore, victims should request that the Court specifically state in the order the dates, times and arrangements for custody/visitation.

### SAFETY CONDITIONS

The Family Violence Protection Act provides that the Court consider the safety of the victim and children when providing for:

- Temporary custody of any children involved (when appropriate),
- Visitation rights,
- Child support, and
- Temporary support for the Petitioner.

## Chapter 2: Domestic Violence Statutes

### Section 2-1: Petition for Order of Protection

NMSA 1978 §40-13-3.

|                               |  |
|-------------------------------|--|
| <b>Petition</b>               | The document filed by a victim of domestic abuse under the Family Violence Protection Act (FVPA) for an order of protection.   |
| <b>Oath/Affidavit</b>         | The petition shall be made under oath or shall be accompanied by a sworn affidavit setting out specific facts showing the alleged domestic abuse.  |
| <b>Other Pending Action</b>   | The petition shall state whether any other domestic action is pending between the petitioner and the respondent.   |
| <b>Mediation not Required</b> | If any other domestic action is pending between the petitioner and the respondent, the parties shall not be compelled to mediate any aspect of the case arising from the Family Violence Protection Act unless the court finds that appropriate safeguards exist to protect each of the parties and that both parties can fairly mediate with such safeguards. |
| <b>Independent Action</b>     | Any action brought under the FVPA is independent of any proceeding for annulment, separation or divorce between the petitioner and the respondent.   |
| <b>Other Remedies</b>         | Any remedies granted are in addition to other available civil or criminal remedies.  |
| <b>Standard Forms</b>         | <ul style="list-style-type: none"> <li>• Standard simplified petition forms with instructions for completion shall be available to petitioners not represented by counsel.</li> <li>• Law enforcement agencies shall keep such forms and make them available upon request to victims of domestic violence.</li> </ul>  |

## Section 2-2: Costs

NMSA 1978, § 40-13-3.1.

|                     |   |
|---------------------|---|
| <p><b>Costs</b></p> | <p>An alleged victim of domestic abuse shall not be required to bear the cost of:</p> <ul style="list-style-type: none"> <li>• Filing a criminal charge;</li> <li>• The issuance or service of a warrant;</li> <li>• The issuance or service of a witness subpoena; or</li> <li>• The issuance or service of a protection order.</li> </ul> |
|---------------------|---|



**CAUTION |**

No fees may be charged for any costs associated with filing, issuing or enforcing an Order of Protection or with service of the Order of Protection.



**CAUTION | ADDITIONAL TAPES**

When someone requests a tape, follow in-house procedure regarding the collection of fees.

## Section 2-3: Ex Parte Emergency Orders of Protection

NMSA 1978, §40-13-3.2.

|   |  |
|---|--|
| <p><b>Emergency Order of Protection</b></p> | <ul style="list-style-type: none"> <li>• The district court may issue an ex parte written emergency order of protection when a law enforcement officer states to the court in person, by telephone or via facsimile and files a sworn written statement, setting forth the need for an emergency order of protection, and the court finds reasonable grounds to believe that the petitioner or the petitioner's child is in immediate danger of domestic abuse following an incident of domestic abuse by a household member.</li> <li>• The written statement shall include the location and telephone number of the respondent, if known.</li> </ul> |
|---|--|

|                                    |  |
|------------------------------------|--|
| <b>Law Enforcement Duties</b>      | <p>A law enforcement officer who receives an emergency order of protection, whether in writing, by telephone or by facsimile transmission, from the court shall:</p> <ul style="list-style-type: none"> <li>• If necessary, pursuant to the judge's or judicial officer's oral approval, write and sign the order on an approved form;</li> <li>• If possible, immediately serve a signed copy of the order on the respondent and complete the appropriate affidavit of service;</li> <li>• Immediately provide the petitioner with a signed copy of the order; and</li> <li>• Provide the original order to the court by the close of business on the next judicial day.</li> </ul> |
| <b>Possible Relief</b>             | <p>The court may grant the following relief in an emergency order for protection upon a probable cause finding that domestic abuse has occurred:</p> <ul style="list-style-type: none"> <li>• Enjoin the respondent from threatening to commit or committing acts of domestic abuse against the petitioner or any designated household members;</li> <li>• Enjoin the respondent from any contact with the petitioner, including harassing, telephoning, contacting or otherwise communicating with the petitioner; and</li> <li>• Grant temporary custody of any minor child in common with the petitioner and the respondent to the petitioner, if necessary.</li> </ul>           |
| <b>District Judge Availability</b> | <p>A district judge shall be available as determined by each judicial district to hear petitions for emergency orders of protection.</p>   |
| <b>Expiration</b>                  | <ul style="list-style-type: none"> <li>• An emergency order of protection expires seventy-two hours after issuance or at the end of the next judicial day, whichever time is latest.</li> <li>• The expiration date shall be clearly stated on the emergency order of protection.</li> </ul>   |
| <b>Appeals</b>                     | <ul style="list-style-type: none"> <li>• A person may appeal the issuance of an emergency order of protection to the court that issued the order.</li> <li>• An appeal may be heard as soon as the judicial day following the issuance of the order.</li> </ul>  |

|                                      |  |
|--------------------------------------|--|
| <b>Temporary Order of Protection</b> | Upon a proper petition, a district court may issue a temporary order of protection that is based upon the same incident of domestic abuse that was alleged in an emergency order of protection.  |
| <b>Enforceability</b>                | Emergency orders of protection are enforceable in the same manner as other orders of protection that are issued pursuant to the provisions of the Family Violence Protection Act [this article]. |

## Section 2-4: Temporary Order of Protection

NMSA 1978, §40-13-4

|   |  |
|---|--|
| Upon the filing of a petition for order of protection, the court shall: |  |
| <b>Temporary Order of Protection</b>                                    | Immediately grant an ex parte temporary order of protection without bond, if there is probable cause from the specific facts shown by the affidavit or by the petition to give the judge reason to believe that an act of domestic abuse has occurred. |
| <b>Service</b>  | Cause the temporary order of protection together with notice of hearing to be served immediately on the alleged perpetrator of the domestic abuse.   |



### CAUTION | SERVICE

Follow in-house procedure regarding service of the temporary order of protection.



### TIME LIMIT | HEARING

Within **ten (10) days** after the granting of the temporary order of protection, hold a hearing on the question of continuing the order.


**TIME LIMIT | TEMPORARY ORDER NOT GRANTED**

- If an ex parte order is not granted, serve notice to appear upon the parties and hold a hearing on the petition for order of protection within **seventy-two (72) hours** after the filing of the petition;
- If notice of hearing cannot be served within **seventy-two (72) hours**, the temporary order of protection shall be automatically extended for **ten (10) days**.

## Section 2-5: Order of Protection

NMSA 1978, §40-13-5.

|  |  |
|--|--|
| <p>Upon finding that domestic abuse has occurred, the court shall enter an order of protection ordering the respondent to refrain from abusing the petitioner or any other household member. The court shall specifically describe the acts the court has ordered the respondent to do or refrain from doing. As a part of any order of protection, the court may:</p> |  |
| <p><b>Possession of Residence</b></p>  | <p>Grant sole possession of the residence or household to the petitioner during the period the order of protection is effective or order the respondent to provide temporary suitable alternative housing for petitioner and any children to whom the respondent owes a legal obligation of support;</p>   |
| <p><b>Temporary Custody</b></p>  | <p>Award temporary custody of any children involved when appropriate and provide for visitation rights, child support and temporary support for the petitioner on a basis that gives primary consideration to the safety of the victim and the children;</p>   |
| <p><b>No Contact</b></p>   | <p>Order that the respondent shall not initiate contact with the petitioner;</p>   |
| <p><b>Disposal of Property</b></p>   | <p>Restrain the parties from transferring, concealing, encumbering or otherwise disposing of petitioner's property or the joint property of the parties except in the usual course of business or for the necessities of life and require the parties to account to the court for all such transferences, encumbrances and expenditures made after the order is served or communicated to the party restrained in court;</p> |

|   |   |
|---|---|
| <b>Reimbursement of Expenses</b>                                      | Order the respondent to reimburse the petitioner or any other household member for expenses reasonably related to the occurrence of domestic abuse, including medical expenses, counseling expenses, the expense of seeking temporary shelter, expenses for the replacement or repair of damaged property or the expense of lost wages;   |
| <b>Social Service Programs</b>  | Order the respondent to participate in, at the respondent's expense, professional counseling programs deemed appropriate by the court, including counseling programs for perpetrators of domestic abuse, alcohol abuse or abuse of controlled substances; and   |
| <b>Other Injunctive Relief</b>  | Order other injunctive relief as the court deems necessary for the protection of the petitioner, including orders to law enforcement agencies as provided by this section.  |
| <b>Violation of Order</b>   | The order shall contain a notice that violation of any provision of the order constitutes contempt of court and may result in a fine or imprisonment or both.   |
| <b>Alteration of Domestic Matters; Child Support or Child Custody</b> | <ul style="list-style-type: none"> <li>• If the order supersedes or alters prior orders of the court pertaining to domestic matters between the parties, the order shall say so on its face.</li> <li>• If an action relating to child custody or child support is pending or has concluded with entry of an order at the time the petition for an order of protection was filed, the court may enter an initial order of protection, but the portion of the order dealing with child custody or child support will then be transferred to the court that has or continues to have jurisdiction over the pending or prior custody or support action.</li> </ul> |
| <b>Title to Property</b>  | No order issued under the Family Violence Protection Act [this article] shall affect title to any property or allow the petitioner to transfer, conceal, encumber or otherwise dispose of respondent's property or the joint property of the parties.   |

**Amending Order**

- Either party may request a review hearing to amend the order.
- An order of protection involving child custody or support may be modified without proof of a substantial or material change of circumstances.

## Section 2-6: Service of Order

NMSA 1978, §40-13-6



### CAUTION | SERVICE

Follow in-house procedure regarding service by law enforcement.

### Filing and Service of Order NMSA 1978, §40-13-6

- An order of protection granted under the Family Violence Protection Act [this article] shall be filed with the clerk of the court and a copy shall be sent by the clerk to the local law enforcement agency.
- The order shall be personally served upon the respondent, unless he or his attorney was present at the time the order was issued.
- The order shall be filed and served without cost to the petitioner.

### Custody or Support

- An order of protection involving [only] custody or support shall be effective for a fixed period of time not to exceed **six (6) months**.
- The order may be extended for good cause upon motion of the petitioner for an additional period of time not to exceed **six (6) months**.
- Injunctive orders shall continue until modified or rescinded upon motion by either party or until the court approves a subsequent consent agreement entered into by the petitioner and the respondent.


**CAUTION | EXPIRATION DATE OF ATTACHMENTS**

- Attachments have a separate expiration date which may differ from the Extended Order.
- The attachments expire **six (6) months** from issue date.

|                                |  |
|--------------------------------|--|
| <b>Violation of Order</b>      | A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order pursuant to this section.   |
| <b>Full Faith and Credit</b>   | State courts shall give full faith and credit to tribal court orders of protection and orders of protection issued by courts of other states. A protection order issued by a State or tribal court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if: <ul style="list-style-type: none"> <li>• no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or</li> <li>• a cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order.</li> </ul> |
| <b>Conviction of Violation</b> | <ul style="list-style-type: none"> <li>• A person convicted of violating an order of protection granted by a court under the Family Violence Protection Act is guilty of a misdemeanor and shall be sentenced in accordance with Section 31-19-1 NMSA 1978.</li> <li>• Upon a second or subsequent conviction, an offender shall be sentenced to a jail term of not less than <b>seventy-two (72) consecutive hours</b> that shall not be suspended, deferred or taken under advisement.</li> </ul>  |

|  |  |
|--|--|
| <b>Restitution and Counseling</b>        | <ul style="list-style-type: none"> <li>In addition to any other punishment provided in the Family Violence Protection Act, the court shall order a person convicted to make full restitution to the party injured by the violation of an order of protection and order the person convicted to participate in and complete a program of professional counseling, at his own expense, if possible.</li> </ul> |
| <b>Other Criminal Charges</b>            | <ul style="list-style-type: none"> <li>In addition to charging the person with violating an order of protection, a peace officer shall file all other possible criminal charges arising from an incident of domestic abuse when probable cause exists.</li> </ul>  |
| <b>Other Civil and Criminal Remedies</b> | <ul style="list-style-type: none"> <li>The remedies provided in the Family Violence Protection Act are in addition to any other civil or criminal remedy available to the petitioner.</li> </ul>   |

## Section 2-7: Law Enforcement Officers and Emergency Assistance

NMSA 1978, §40-13-7.

|                                   |   |
|-----------------------------------|---|
| <b>Law Enforcement Assistance</b> | A person who allegedly has been a victim of domestic abuse may request the assistance of a local law enforcement agency |
|-----------------------------------|---|

**Duties of Responding Officer**

- A local law enforcement officer responding to the request for assistance shall be required to take whatever steps are reasonably necessary to protect the victim from further domestic abuse, including:
- Advising the victim of the remedies available under the Family Violence Protection Act [this article], the right to file a written statement or a request for an arrest warrant and the availability of domestic violence shelters, medical care, counseling and other services;
- Upon the request of the petitioner, providing or arranging for transportation of the victim to a medical facility or place of shelter;
- Upon the request of the petitioner, accompanying the victim to the victim's residence to remove the victim's clothing and personal effects required for immediate needs and the clothing and personal effects of any children then in the care of the victim;
- Upon the request of the petitioner, assist in placing the petitioner in possession of the dwelling or premises or otherwise assist in execution or service of the order of protection;
- Arresting the abusing household member when appropriate and including a written statement in the attendant police report to indicate that the arrest of the abusing household member was, in whole or in part, premised upon probable cause to believe that the abusing household member committed domestic abuse against the victim; and
- Advising the victim when appropriate of the procedure for initiating proceedings under the Family Violence Protection Act or criminal proceedings and of the importance of preserving evidence.

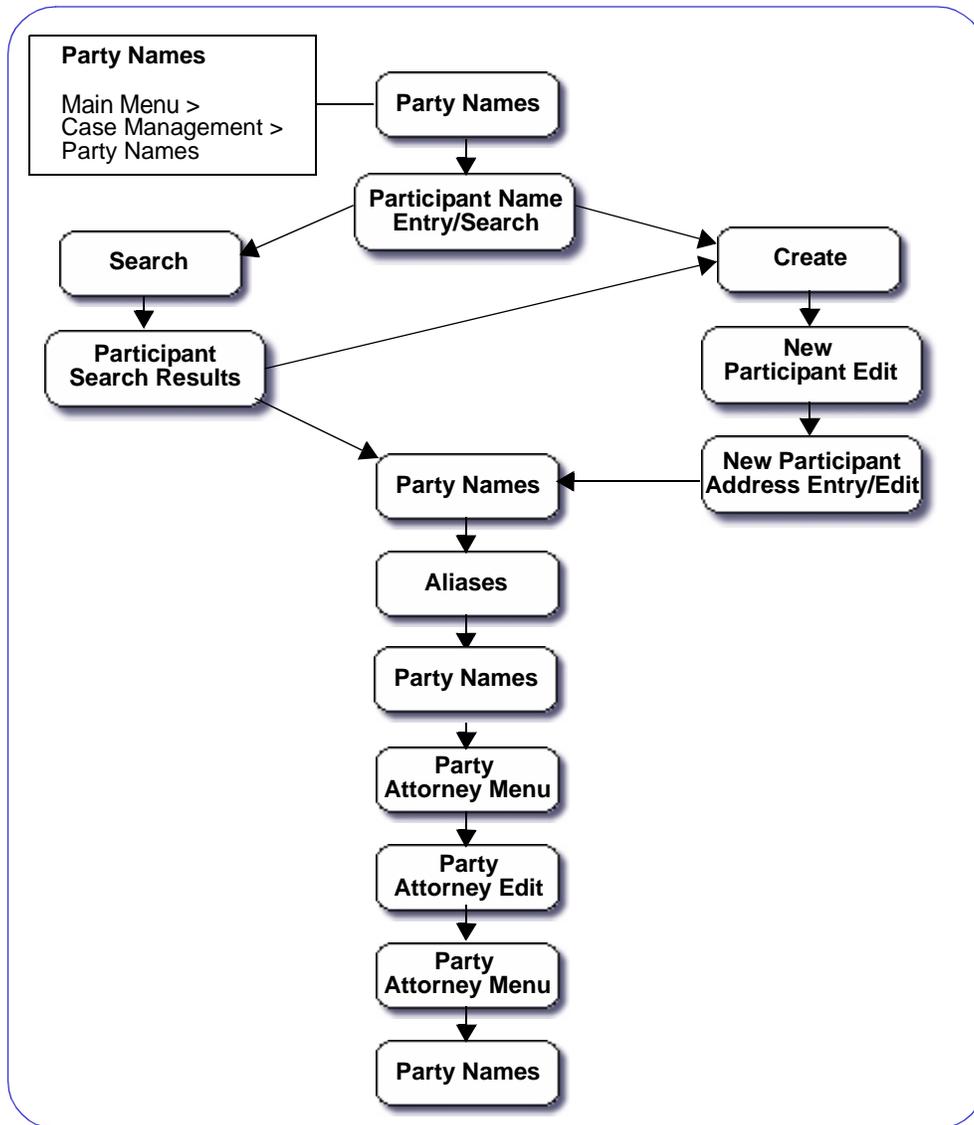
|   |   |
|---|---|
| <b>Notification of Release from Custody</b> | <ul style="list-style-type: none"> <li>• The jail or detention center shall make a reasonable attempt to notify the arresting law enforcement agency or officer when the abusing household member is released from custody.</li> <li>• The arresting law enforcement agency shall make a reasonable attempt to notify the victim that the abusing household member is released from custody.</li> </ul>   |
| <b>Immunity from Civil Liability</b>        | <ul style="list-style-type: none"> <li>• Any law enforcement officer responding to the request for assistance under the Family Violence Protection Act is immune from civil liability to the extent allowed by law.</li> <li>• Any jail, detention center or law enforcement agency that makes a reasonable attempt to provide notification that an abusing household member is released from custody is immune from civil liability to the extent allowed by law.</li> </ul> |
| <b>Conviction Results</b>                   | A statement shall be included in a judgment and sentence document to indicate when a conviction results from the commission of domestic abuse.  |

# Chapter 3: Domestic Violence Flowcharts

## Section 3-1: Case Initiation



## Section 3-2: Attach Parties to Case

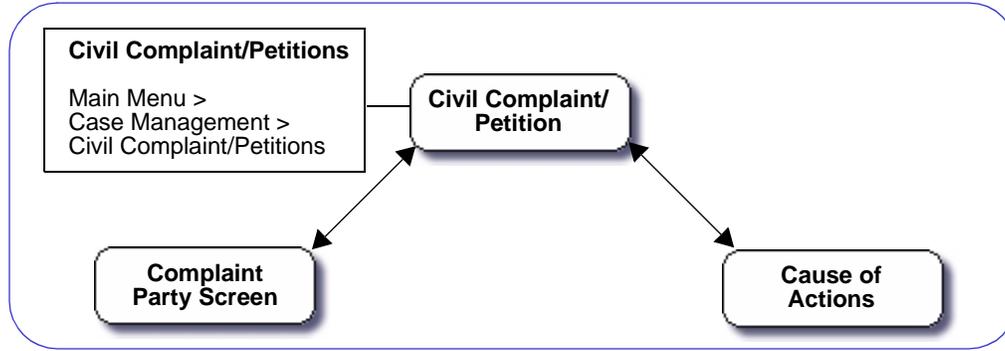


**CAUTION | SEARCHING OPTIONAL**

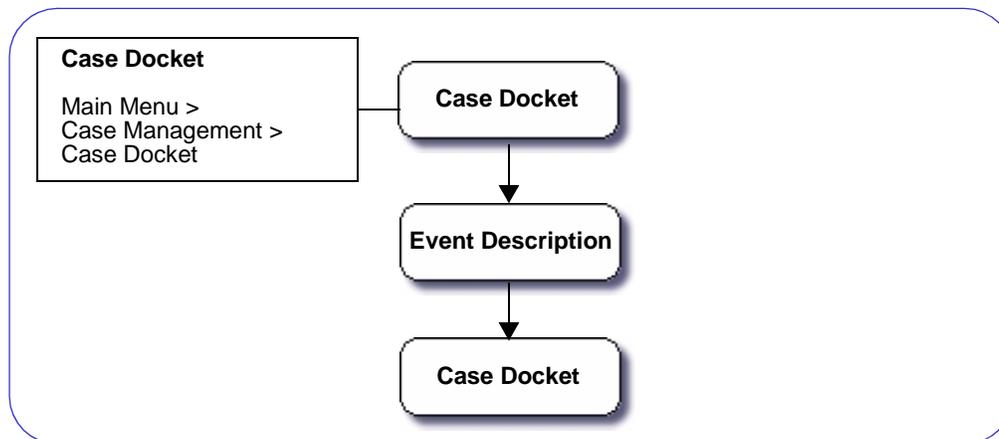
Follow in-house procedure regarding searching.



### Section 3-3: Entering a Case



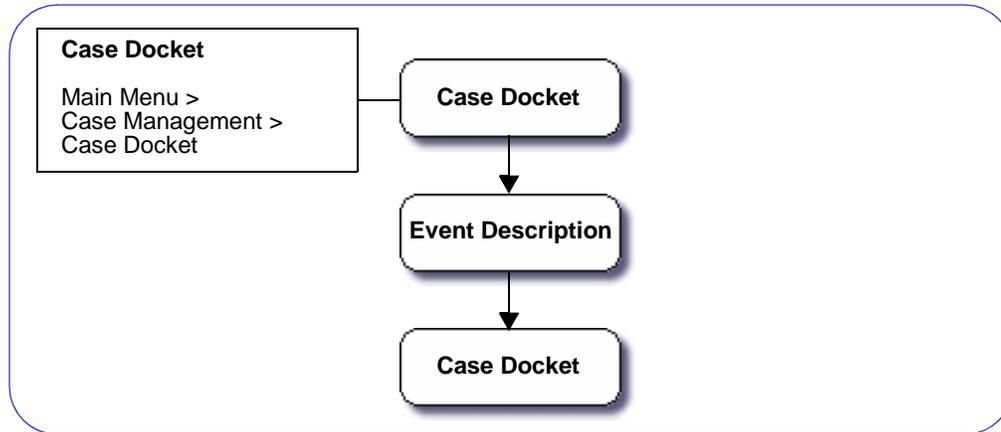
### Section 3-4: Docketing of Domestic Violence Cases



### Section 3-5: Close Case



## Section 3-6: Docketing Closing Event



# Chapter 4: Domestic Violence FACTS™ Procedures

## Section 4-1: Case Initiation

Initiating a new case **WITHOUT** a filing fee.

- **MAIN MENU** >
- **CASE MANAGEMENT** >
- **CASE MASTER.** The Case Master screen will appear. (FIGURE: 4-1.1)

Figure 4-1.1: Case Master

| FIELD NAME                                      | INSTRUCTIONS   |
|---|--|
| <b>Case Number:</b>                             | Enter through to assign a new case number, or  |
| <b>Court</b>                                    | Enter D for District Court.  |
| <b>Location</b>                                 | Enter the four-digit court location code, for example, 0101, 0202.   |
| <b>Category</b>                                 | <ul style="list-style-type: none"> <li>• Enter case category, DV.</li> <li>• Press <b>ENTER</b>.</li> </ul>  |
| <b>Number</b>                                   | <ul style="list-style-type: none"> <li>• FACTS™ will ask: "Do you want to enter a new Case?"</li> <li>• Press <b>ENTER</b> or</li> <li>• Click on <b>YES</b> to indicate that you want to add a new case.</li> </ul> |
| <b>Case Status:</b><br>(Default PN for Pending) | <ul style="list-style-type: none"> <li>• Press <b>ENTER</b>.</li> </ul>  |

| FIELD NAME                                       | INSTRUCTIONS (CONTINUED)  |
|--|---|
| <b>Status Date:</b><br>(Default-current date)    | <ul style="list-style-type: none"> <li>• Press <b>ENTER</b> or</li> <li>• Delete and enter appropriate date.</li> </ul>   |
| <b>Type of Filing</b><br>(Default N for New)     | <ul style="list-style-type: none"> <li>• Press <b>ENTER</b>.</li> </ul>   |
| <b>Filing Date:</b><br>(Default to current date) | <ul style="list-style-type: none"> <li>• Press <b>ENTER</b> or</li> <li>• Delete and enter appropriate date.</li> </ul>   |
| <b>Title</b>                                     | <ul style="list-style-type: none"> <li>• Enter Case Title from Petition (HALL B VS HALL J) and</li> <li>• Press <b>ENTER</b>.</li> </ul>  |
| <b>Case Type</b>                                 | Enter DVL for Domestic Violence Case.   |
| <b>Save Button</b>                               | <ul style="list-style-type: none"> <li>• Mouse click on <b>SAVE</b> button.</li> <li>• The system will generate new case number and assign a judge.</li> <li>• Screen prompt will show case number and judge assignment; press <b>ENTER</b> key to save data.</li> <li>• A message box will appear that states data has been saved.</li> <li>• Press <b>ENTER</b> or click <b>OK</b>. This action will take the user to the Party Names screen.</li> <li>• Press the <b>ESC</b> key to return to the Case Master screen.</li> </ul> |



## Section 4-2: Relating Cases to Domestic Violence Cases



### CLERICAL DUTIES |

1. Prior to adding parties to all Domestic Violence cases, check for any related cases. A related case is another **DOMESTIC MATTERS** case with the same parties involved, such as, divorce, custody or other issues. A related case is located by doing a name search of both parties.
2. If a related case is found, the clerk must pull the related case file and “relate” the cases. The clerk writes “case related to \_\_\_\_\_” on the front of both files.



#### CAUTION |

- Step 2 may not apply in all courts.
- Some courts do not allow writing on file folders.
- Check your local policy.

#### Case Title:

- If you find a related case, return to the **Case Master** screen and change the Case Title to reflect this (r SMITH J VS SMITH K)
- Click into the **Title** field, enter to the caption field and then click the **SAVE** button.



#### CAUTION | JUDGE ASSIGNMENT

- **DO NOT** enter through to the case type field, the judge assignment may change.



Use the Related Cases screen to show case relationships in the following manner:

- **MAIN MENU >**
- **CASE MANAGEMENT >**
- **RELATED CASES.** The Related Cases screen will pop-up. (FIGURE: 4-2.1)

| Crt | Loc | CT | C Number   | Reason Description | Sch | Doc |
|-----|-----|----|------------|--------------------|-----|-----|
| D   | 307 | DU | 0009800167 |                    | n   | y   |
|     |     |    |            |                    |     |     |
|     |     |    |            |                    |     |     |
|     |     |    |            |                    |     |     |

Figure 4-2.1: Related Cases

|   |   |
|---|---|
| Fill in the Related Cases screen in the following manner: |   |
| <b>Subject Case Number:</b>                               | Enter the new case number.  |
| <b>Case Number:</b>                                       | Enter the “old” case number.  |
| <b>Reason Code:</b>                                       | Enter the reason “Same Parties.”  |
| <b>Comment:</b>   | Enter any appropriate comments.   |
| <b>Relationship:</b>                                      | Click in the <b>Docketing</b> box.  |
| <b>Saving:</b>  | <ul style="list-style-type: none"> <li>• Click on the <b>SAVE</b> button.</li> <li>• The cursor will return to the Case Number field.</li> <li>• If there was more than one case to relate enter the next case number; otherwise close the screen.</li> </ul> |

**CAUTION | JUDGE ASSIGNMENT**

- In some courts, when more than one case is pending involving the same parties, all cases are to be assigned to the same judge.
- Check your local policy.



## Section 4-3: Changing Judge Assignment

If you have determined by relating cases that the judge assignment needs changing follow the instructions below:

- **MAIN MENU >**
- **CASE MANAGEMENT >**
- **RANDOM JUDGE ASSIGNMENT MENU >**
- **JUDGE HISTORY.** The Judge History screen will pop-up. (FIGURE: 4-3.1)

The screenshot shows a window titled "Judge History" with the following fields and values:

- Case Number: D 0307 DU 0009800168 HALL B US HALL J
- Case Type: DUL DOMESTIC VIOLENCE
- Jurisdiction Area: [Empty]
- Date Assigned: 11-08-2001
- Deputy Code: 301 TRAIN CUI 301
- Event Code: 8030 JDG: JUDGE ASSIGN ADMIN
- Automatically Assign Judge (Y/N)? : N
- Judge: DU2 DOMESTIC VIOLENCE COMMISS #2
- Enter Description (Y/N)? : [Empty]

Updated 11/08/2001 By train1 At 07:59

Save

Figure 4-3.1: Judge History

|   |  |
|---|--|
| <b>Case Number</b>                              | Enter the appropriate case number. The Case Type, Date Assigned, and Judge fields will automatically populate. |
| <b>Case Type</b>                                |  |
| <b>Jurisdiction Area;</b>                       |  |
| <b>Date Assigned:</b><br>(Default-Current Date) |  |
| <b>Event Code:</b>                              | Use event code 8030 Judge Assignment Administration.   |
| <b>Automatically Assign Judge:</b>              | Enter N for no.  |
| <b>Judge:</b>                                   | Enter the three-letter code of the judge the case is being assigned to.  |
| <b>Enter Description (Y/N):</b>                 | If there is descriptive text to enter, enter Y for yes; otherwise enter N for no.                              |



## Section 4-4: Attach Parties to Case

After the case has been initiated, the **PARTY NAMES** screen will automatically pop-up or can be accessed by making the following menu choices:

- **MAIN MENU >**
- **CASE MANAGEMENT >**
- **PARTY NAMES.** The Party Names screen will appear. (FIGURE: 4-4.1)

Figure 4-4.1: Party Names

| FIELD NAMES  | INSTRUCTIONS   |
|--|--|
| <b>Case Number:</b><br>(Default-last case number, if coming from the Case Master screen) | If you are beginning a new session or need to enter data from a different case, fill in each of the four subfields as follows: |
| <b>Court</b><br>(Default-D for District)   |  |
| <b>Location</b><br>(Default-four digit location code, for example, 0101)                 |  |
| <b>Category</b>  | Enter category, DV.  |
| <b>Number</b>  | Enter case number.   |
| <b>Party Type:</b>   | Enter appropriate party type, from the list below.   |

|    |                      |
|----|----------------------|
| PT | Petitioner           |
| RS | Respondent           |
| SC | Special Commissioner |


**CAUTION | DV SPECIAL COMMISSIONERS**

- Follow in-house procedures regarding entering DV Special Commissioners as parties.
- If your court has Domestic Violence Special Commissioners and inputs them as parties, use the standardized procedure for attaching parties to a case.

|                        |  |
|------------------------|--|
| <b>Party No.:</b>      | FACTS™ will assign a party number.   |
| <b>Party Status:</b>   | Enter “A” ( <b>active</b> ) and press <b>ENTER</b> .   |
| <b>Party Date:</b>     | <ul style="list-style-type: none"> <li>• <b>ENTER</b> through or delete and type correct date.</li> <li>• Press <b>ENTER</b>.</li> </ul>   |
| <b>Participant ID:</b> | <ul style="list-style-type: none"> <li>• In this field, the user can enter a <b>Participant ID number</b> and press tab.</li> <li>• If the user does not have a <b>PARTICIPANT ID NUMBER</b> for the participant, press <b>ENTER</b> and the Party Name / Entry screen will pop-up. (FIGURE: 4-4.2)</li> </ul> |

Figure 4-4.2: Party Name Entry / Search

|                       |   |
|-----------------------|---|
| <b>Person?</b>        | Enter Y.  |
| <b>Date of Birth:</b> | Optional  |
| <b>Search Button</b>  | <ul style="list-style-type: none"> <li>• Search first.</li> <li>• If there is a chance that this participant is already in the database, click on this button to search.</li> <li>• A message box may appear that states: "There are participant(s) on the system who match your criteria. Would you like to choose among them?" Click on the <b>YES</b> button.</li> </ul> |

## Track 1

| Participant Name | P | Part. ID | SSN       | DL Number | St | DOB        |
|------------------|---|----------|-----------|-----------|----|------------|
| HALL BROOKE      | Y | 32163    | 123456789 |           |    | 10-28-1975 |
|                  |   |          |           |           |    |            |
|                  |   |          |           |           |    |            |

Figure 4-4.3: Participant Search Results

## Search Results

- Highlight the appropriate participant with the arrow keys.
- Press **ENTER** to select the matching participant.
- If search result is negative, FACTS™ defaults to the New Participant Edit screen. (FIGURE: 4-4.4)

## Track 2

Figure 4-4.4: New Participant Edit

**CAUTION | POPULATED DATA**

- Please note that the data you entered on the Participant Name / Entry Search screen will appear on this screen in the appropriate fields and does not need to be reentered.
- You may **ENTER** through the fields already populated (filled-in).

|                |  |
|----------------|--|
| <b>Person:</b> | Enter <b>Y</b> , if the Participant is a person.   |
| <b>Last:</b>   | Enter the <b>person's last name</b> .  |
| <b>First</b>   | Enter the <b>person's first name</b> .   |
| <b>Middle:</b> | Enter the <b>person's middle name</b>  |
| <b>Suffix:</b> | This field supports the entry of suffixes such as: JR, SR, III, MD, PHD, etc.            |
| <b>DOB:</b>    | Enter Date of Birth.   |
| <b>Sex:</b>    | Enter <b>F</b> for <b>female</b> or <b>M</b> for <b>male</b> , if the data is available. |

|                             |   |
|-----------------------------|---|
| <b>SSN:</b>                 | Enter the <b>participant's social security number</b> , if the data is available. |
| <b>Drivers License No.:</b> | <b>OPTIONAL</b> -If you have a driver's license number, enter data.               |

Figure 4-4.5: New Participant Edit

|  |  |
|--|--|
| <b>STATE TRACKING NUMBER</b>               |  |
| <b>DEFENDANT ID: # (AFIS)</b>              |  |
| <b>STATE ID # (SID)</b>                    |  |
| <b>FBI NUMBER</b>                          |  |
| <b>DA SEQUENCE NUMBER</b>                  |  |
| <b>Correspondence Address Information:</b> | <ul style="list-style-type: none"> <li>• Enter appropriate Correspondence Address Type from the list below.</li> <li>• This field indicates the address where notices are sent.</li> </ul> |

| CODE      | DESCRIPTION      | CODE      | DESCRIPTION        |
|-----------|------------------|-----------|--------------------|
| <b>BU</b> | Business Address | <b>PT</b> | Party Address      |
| <b>EM</b> | Employer Address | <b>RL</b> | Relative's Address |
| <b>HO</b> | Home Address     |           |                    |

|                         |  |
|-------------------------|--|
| <b>Delivery Method:</b> |  |
| <b>Edit Button</b>      | Click on the <b>EDIT</b> button to type address information. The New Participant Address Entry / Edit will pop-up. (FIGURE: 4-4.6) |


**CAUTION | CURRENT ADDRESS**

Please note the information indicated under Current Address is where notices get mailed.

Figure 4-4.6: New Participant Address Entry / Edit

|                        |   |
|------------------------|---|
| <b>Restricted:</b>     | Enter Y for yes, or N for no.                         |
| <b>Line 1:/Line 2:</b> | Enter the Participant's street address.               |
| <b>City:</b>           | Enter the Participant's city.                         |
| <b>State:</b>          | Enter the Participant's state.                        |
| <b>Zip Code:</b>       | Enter the Participant's zip code.                     |
| <b>Business Phone:</b> | Enter the Participant's business phone, if available. |
| <b>Current From:</b>   |   |
| <b>Entry Date:</b>     |   |

Participant ID: [-----]  HALL BROOKE A

Person?  Y Last Name: HALL

First: BROOKE Middle: A Suffix:

Full Name: HALL BROOKE A

Birth Date: 10-27-1975 Juvenile?  N SSN: 111223333

Height: Feet Inches Sex: F Weight: Lbs

Origin: Eye: Hair:

Ending Date: - - Driver License: State:

Date of Death: - - Filing Address: PT 1

Alias Name?  N  Attorney?  Y  Military?

Figure 4-4.7: Party Names

|                                |   |
|--------------------------------|---|
| <b>Participant ID:</b>         | <ul style="list-style-type: none"> <li>• Tab twice.</li> <li>• As a result of the tabbing, FACTS™ will fill in the name and information fields.</li> <li>• Enter through these fields or fill in the information if available.</li> </ul> |
| <b>Alias Name? Edit Button</b> | <ul style="list-style-type: none"> <li>• If answer is no, then tab past this button,</li> <li>• If answer is yes, then click the button and the Party Aliases screen will pop-up. (FIGURE: 4-4.8)</li> </ul>                              |

Party Aliases

Participant ID: [ ]  HALL BROOKE A

| Alias Name | Alias Type | DBA | DOB |
|------------|------------|-----|-----|
|            |            |     |     |
|            |            |     |     |
|            |            |     |     |
|            |            |     |     |

Doing Business As?  N Last Name: WAVERLY

First: BROOKE Middle: A Suffix:

Full: WAVERLY BROOKE A

Birth Date: - - SSN: [ ]

Driver License No.: [ ] State: [ ]

Alias Type:  F  F.K.A.

Figure 4-4.8: Party Aliases

Press F2 key to add a new alias.

|                              |   |
|------------------------------|---|
| <b>Doing Business As?</b>    | The field is not used in DV cases.                                |
| <b>Last Name:</b>            | Enter the <b>alias last name</b> .                                |
| <b>First Name:</b>           | Enter the <b>alias first name</b> .                               |
| <b>Middle Name:</b>          | Enter the <b>alias middle name</b> if there is one.               |
| <b>Suffix:</b>               | Enter the <b>alias suffix</b> if there is one.                    |
| <b>Full:</b>                 | If the alias is a person, this field will populate automatically. |
| <b>Birth Date:</b>           | Enter the <b>alias birth date</b> if one exists.                  |
| <b>SSN:</b>                  | Enter the <b>alias social security number</b> if one exists.      |
| <b>Driver's License No.:</b> | Enter the <b>alias driver's license number</b> if one exists.     |
| <b>State:</b>                | Enter the <b>state</b> of the alias driver's license number.      |
| <b>Alias Type:</b>           | Enter the appropriate code from the following table.              |

| CODE | TYPE | DESCRIPTION       |
|------|------|-------------------|
| A    | AKA  | Also known as     |
| F    | FKA  | Formerly known as |
| N    | NKA  | Now known as      |
| O    | OBO  | On behalf of      |

Figure 4-4.9: Party Aliases

|                                   |  |
|-----------------------------------|--|
| <p><b>Done Editing Button</b></p> | <ul style="list-style-type: none"> <li>• Click on the <b>DONE EDITING</b> button when you have entered <b>ALL</b> the data for that alias.</li> <li>• Verify that the data entered on the grid is correct.</li> <li>• Press <b>F2</b> to enter another alias.</li> </ul> |
| <p><b>Save Alias Button</b></p>   | <ul style="list-style-type: none"> <li>• Click the <b>SAVE ALIASES</b> button to save the data.</li> <li>• You will return to the Party Names screen. <a href="#">(FIGURE: 4-4.10)</a></li> </ul>  |

**Party Names**

Case Number: D 0307 DU 0009800168 HALL B US HALL J

Party Type/No.: PT 1 Party Status/Date: A 11-08-2001 ACTIVE

Participant ID: ----- Edit HALL BROOKE A

Person?  Y

Last Name: HALL  
 First: BROOKE Middle: A Suffix:   
 Full Name: HALL BROOKE A

Birth Date: 10-27-1975 Juvenile?  N SSN: 111223333

Height: Feet Inches Sex: F Weight: Lbs

Origin: Eye: Hair:   
 Ending Date: - - Driver License: State:   
 Date of Death: - - Filing Address: PT 1 Edit   
 Alias Name?  N Edit Attorney?  Y Edit Military?

In Custody?  Security Required?  Interpreter:   
 Restricted?

Save This is a new party

Figure 4-4.10: Party Names

|                                |  |
|--------------------------------|--|
| <b>Alias Name? Edit Button</b> | Tab past this button   |
| <b>Attorney? Edit Button</b>   | <ul style="list-style-type: none"> <li>To <b>add an attorney</b> for this party, click this button.</li> <li>The Party Attorney Menu screen will pop-up. (FIGURE: 4-4.11)</li> </ul> |

**Party Attorney Menu**

Party Attorney Edit

Party Attorney Delete

Party Attorney View

Figure 4-4.11: Party Attorney Menu

|                            |  |
|----------------------------|--|
| <b>Party Attorney Edit</b> | <ul style="list-style-type: none"> <li>Click this button to enter a party attorney.</li> <li>The Party Attorney Edit screen will pop-up. (FIGURE: 4-4.12)</li> </ul> |
|----------------------------|--|

**Party Attorney Edit**

Case Data

Case Number: D 0307 DU 0009800168 HALL B US HALL J

Party Type: PT

Party Number: 1 HALL BROOKE A

Attorney Data

Attorney Code: 89266 CHARLES J. VIGIL

Attorney Type:

Attorney Status:

Attorney Inactive (Y/N)? N Party/Attorney Status Date: --

Contact Attorney (Y/N)?

This is a new case

Figure 4-4.12: Party Attorney Edit

|               |   |
|---------------|---|
| Case Number   | You <b>MUST ENTER</b> through this field.   |
| Party Type    | You <b>MUST ENTER</b> through this field.   |
| Party Number  | You <b>MUST ENTER</b> through this field.   |
| Attorney Code | <ul style="list-style-type: none"> <li>Enter <b>attorney code</b>.</li> <li>Press <b>F1</b> for the <b>attorney names and codes</b>, or</li> <li>Enter "PROSE" for self-represented litigants.</li> </ul> |

**Attorney Select**

Attorney Starting Code:

Name to Search For: VIGIL

| Attorney Code | Name                      | Bin No. |
|---------------|---------------------------|---------|
| 89239         | T. LORRAINE MONTOYA-VIGIL |         |
| 89266         | CHARLES J. VIGIL          |         |
| 89267         | DOUGLAS E VIGIL           | 080498  |

Figure 4-4.13: Attorney Select

**TIP** | FASTER SEARCHING

- Tab through the **ATTORNEY STARTING CODE** field.
- Type the attorney's last name in the **NAME TO SEARCH FOR:** field and press **ENTER**.
- Highlight the appropriate attorney with the arrow keys and press **ENTER**.

Attorney Data

Attorney Code: 89266 CHARLES J. VIGIL

Attorney Type:

Figure 4-4.14: Party Attorney Edit

|                       |   |
|-----------------------|---|
| <b>Attorney Type:</b> | <ul style="list-style-type: none"> <li>• If appropriate, enter <b>PA</b> for private attorney.</li> <li>• Follow in-house procedure for entering pro se litigants as an attorney type.</li> </ul> |
|-----------------------|---|

Attorney Inactive (Y/N)?  N Party/Attorney Status Date: --

Contact Attorney (Y/N)?

This is a new case

Figure 4-4.15: Party Attorney Edit

|                                    |   |
|------------------------------------|---|
| <b>Attorney Inactive (Y/N)?</b>    | <ul style="list-style-type: none"> <li>• If this is the active attorney on the case answer <b>N</b> for no.</li> <li>• If the attorney is <b>NOT</b> active, answer <b>Y</b> for yes.</li> </ul>                                |
| <b>Party/Attorney Status Date.</b> | <ul style="list-style-type: none"> <li>• Enter the date the attorney became active or inactive.</li> </ul>  |
| <b>Contact Attorney (Y/N)?</b>     | <ul style="list-style-type: none"> <li>• Enter <b>Y</b> if notices are to be sent to this attorney or</li> <li>• <b>N</b> if nothing is to be sent to this attorney.</li> </ul>   |
| <b>Press Enter Key</b>             | <ul style="list-style-type: none"> <li>• Press <b>ENTER</b>, while cursor is in the Contact Attorney field to save the data on this screen.</li> <li>• A Message box will pop-up that says that data has been saved.</li> </ul> |
| <b>Enter Other Attorneys</b>       | <ul style="list-style-type: none"> <li>• To enter another attorney, press the <b>ESC</b> key once to be taken to the top of the screen.</li> </ul>  |

**Go Back to Party Names Screen**

- To exit the Attorney Names screen, press the **ESC** key twice.
- You will return to the Party Attorney Menu screen.
- To close this screen, press the **ESC** key or click on the “**X**” in the upper right-hand corner.
- You will return to the Party Names screen. (FIGURE: 4-4.16)



**CAUTION | ESCAPE (ESC) KEY**

- Do not press the **ESC** key four times in a row from the Party Attorney Edit screen.
- You will lose the data you entered on the Party Names screen.

Figure 4-4.16: Party Names

|                              |   |
|------------------------------|---|
| <b>Attorney Edit? Button</b> | Tab past this button to continue.           |
| <b>Restricted?</b>           | Enter Y for yes, or N for no.               |
| <b>Save Button</b>           | Tab to <b>SAVE</b> button and click button. |



## Section 4-5: Entering Additional Addresses

When the Service Information Sheet has more than one address, proceed to the Participant Address screen on the to enter additional addresses.

- **MAIN MENU >**
- **CASE MANAGEMENT >**
- **PARTICIPANT ADDRESSES.**

**Participant Addresses**

Figure 4-5.1: Participant Addresses Button

The screenshot shows a web application window titled "Participant Addresses". At the top, there is a "Participant ID:" field. Below it, there are fields for "Address Type:", "Sequence:", "Restricted?", and "Mail Drop:". The main section contains several rows of address information: "Line 1:", "Line 2:", "Line 3:", "City:", "Town./Municip.:", "State:", "County:", and "Country:". Below these are fields for "E-mail:", "Web Page URL:", and "Misc.:". At the bottom, there is a "Current From:" field with a date picker, a "to" field, an "Entry Date:" field with a date picker (showing 12-06-2001), and a "Save" button.

Figure 4-5.2: Participant Addresses Screen

### Address Type:

- This field indicates the address type.
- Please refer to the following choices and enter the two character address type:

|    |                    |
|----|--------------------|
| BU | Business Address   |
| EM | Employer Address   |
| HO | Home Address       |
| PT | Party Address      |
| RL | Relative's Address |

The screenshot shows a web form titled "Participant Addresses". At the top, there is a "Participant ID:" field. Below it are "Address Type:" and "Sequence:" dropdown menus, and "Restricted?" and "Mail Drop:" checkboxes. The address fields include "Line 1:", "Line 2:", "Line 3:", "City:", "Town./Municip.:", "State:", "County:", and "Country:". Below these are "E-mail:", "Web Page URL:", and "Misc.:" text input fields. At the bottom, there is a "Current From:" field with a "to" separator and a date field "Entry Date:" set to "12-06-2001". A "Save" button is in the bottom right corner.

Figure 4-5.3: Participant Addresses

|                        |   |
|------------------------|---|
| <b>Sequence</b>        |   |
| <b>Restricted:</b>     | Enter <b>Y</b> for yes, or <b>N</b> for no.           |
| <b>Line 1:/Line 2:</b> | Enter the Participant's street address.               |
| <b>City:</b>           | Enter the Participant's city.                         |
| <b>State:</b>          | Enter the Participant's state.                        |
| <b>Zip Code:</b>       | Enter the Participant's zip code.                     |
| <b>Business Phone:</b> | Enter the Participant's Business Phone, if available. |
| <b>Current From:</b>   |   |
| <b>Entry Date:</b>     |   |
| <b>Saving</b>          | Click on the <b>SAVE</b> button.                      |



## Section 4-6: Entering a Case

The Civil Complaint/Petitions screen is used to open and close civil complaints.

- **MAIN MENU** >
- **CASE MANAGEMENT** >
- **CIVIL COMPLAINT/PETITIONS.** The Civil Complaints/Petition screen will appear. (FIGURE: 4-6.1)

The screenshot shows a software window titled "Civil Complaint/Petitions". At the top, there is a "Case Number:" field with sub-fields containing "D", "0307", "DV", and "0009800168", followed by a text field containing "HALL B US HALL J". Below this are several rows of input fields: "Complaint Date:" (11-08-2001), "Complaint Sequence:" (01), "Complaint Event Code:" (1519) with a dropdown menu showing "OPN: DOMESTIC VIOLENCE PETITN", "Jury(Y/N):" (N), "Identify Party(s) on the event comments? (Y/N):" (Y), "Party? (Y/N):" (Y), "Cause of Actions? (Y/N):" (Y), "Relief Code(s)? (Y/N):" (empty), "Disposition Code:" (empty), "Date:" (--), "Disposition/Judgment Event:" (empty), and "Judgment Code(s)? (Y/N):" (empty). At the bottom, there are "Save" and "Related Cases" buttons, and a status bar that reads "Updated By At 0 : :".

Figure 4-6.1: Civil Complaint/Petitions

| FIELDS  | INSTRUCTIONS  |
|---|---|
| <b>Case Number:</b><br>(Default last case number) | If you are beginning a new session or need to enter data from a different case, fill in each of the four subfields as follows:        |
| <b>Court</b>                                      | Enter D for District Court.   |
| <b>Location</b>                                   | Enter the four-digit court location code, for example, 0101, 0202.  |
| <b>Category</b>                                   | Enter category, DV.   |
| <b>Number</b>                                     | Enter case number.  |
| <b>Complaint Date</b><br>(Default-current date)   | <ul style="list-style-type: none"> <li>• Enter the date the case was initiated or reopened.</li> <li>• Press <b>ENTER</b>.</li> </ul> |

| FIELDS  | INSTRUCTIONS  |
|---|---|
| <b>Complaint Sequence</b>                             | <ul style="list-style-type: none"> <li>Type in the sequence number.</li> <li>If you <b>ENTER</b> through, the number will default.</li> </ul>   |
| <b>Complaint Event Code</b>                           | <ul style="list-style-type: none"> <li>Type in the event code <b>1519 OPN: Domestic Violence Petition</b> or</li> <li>For reopened cases, enter <b>2529 RPN: Domestic Violence Petition</b>.</li> </ul> |
| <b>Jury</b>   | <b>ENTER</b> through this field.  |
| <b>Identify Parties on the event comments? (Y/N):</b> | Enter Y.  |
| <b>Party:</b>   | <ul style="list-style-type: none"> <li>Enter Y.</li> <li>The Complaint Party Screen will pop-up. <a href="#">(FIGURE: 4-6.2)</a></li> </ul>   |

Case: D 0307 DV 0009800168 HALL B US HALL J

Case Type: DVL DOMESTIC VIOLENCE

Complaint Event: 1519 OPN: DOMESTIC VIOLENCE PETITN

Identify Party(s) on the Event comments (Y/N)? Y

| Ty | Nbr | Plaintiff Party Name |
|----|-----|----------------------|
| PT | 1   | HALL BROOKE A        |
|    |     |                      |
|    |     |                      |
|    |     |                      |

| Ty | Nbr | Defendant Party Name |
|----|-----|----------------------|
| RS | 1   | HALL JORDAN          |
|    |     |                      |
|    |     |                      |
|    |     |                      |

This is a new record

Figure 4-6.2: Complaint Party Screen

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>Check the parties to see if they are correct. If they are, press <b>CTRL T</b> to save.</li> <li>If not, delete any parties that do not apply to this complaint, e.g., Special Commissioner, or</li> <li>If parties are missing go up to <b>SCREENS &gt; CASE MANAGEMENT &gt; PARTY NAMES</b> and enter the missing parties.</li> </ul> |
|  | You will return to the Civil Complaints/Petition screen. <a href="#">(FIGURE: 4-6.3)</a>   |

Identify Party(s)  
 on the event comments? (Y/N):  Y  
 Party? (Y/N):  Y  
 Cause of Actions? (Y/N):  Y  
 Relief Code(s)? (Y/N):

Figure 4-6.3: Civil Complaint/Petitions

**Cause of Actions: (Y/N)**

- Enter Y for yes and press **ENTER**. The Cause of Actions screen will pop-up. (FIGURE: 4-6.4)
- Any information entered in the Party Names screen will appear on the Cause of Actions screen.

Case: D 0307DU 0009800168 HALL B US HALL J

Case Type: DVL DOMESTIC VIOLENCE

Complaint Event: 15190PN: DOMESTIC VIOLENCE PETITN

Event Date: 11-08-2001

Sequence: 01

Cause of Actions sequence: 0001 Cause of Actions: DUN DU/NO CHILD, NO OTHER DM ACTN

Contested:  Yes  No

Jury:  Yes  No

Disposition Code:

Disposition Date:

Disposition Event Code:

| PT | No  | Plaintiff Party Name |
|----|-----|----------------------|
| PT | 001 | HALL BROOKE A        |
|    |     |                      |
|    |     |                      |

| PT | No  | Defendant Party Name |
|----|-----|----------------------|
| RS | 001 | HALL JORDAN          |
|    |     |                      |
|    |     |                      |

Updated By At

Figure 4-6.4: Cause of Actions



**CAUTION** | DO NOT ENTER MINOR CHILDREN IN EITHER THE PLAINTIFF OR DEFENDANT PARTY NAME FIELDS.

**Cause of Actions:**

- Enter DVC for a case with children, or
- DVN for a case without children.

**Contested:**

- Press Enter twice.
- Enter all the way down to the Plaintiff Party Name field.
- The other fields are not used in this state.

|                              |  |
|------------------------------|--|
| <b>Plaintiff Party Name:</b> | <ul style="list-style-type: none"> <li>The cursor will rest in the PT field and flash.</li> <li>Type in PT and press <b>ENTER</b>.</li> <li>The petitioner's name will default.</li> <li>Press <b>F3</b> to move cursor to the PT field on the Defendant Party Name side.</li> </ul>   |
| <b>Defendant Party Name:</b> | <ul style="list-style-type: none"> <li>The cursor will rest in the D field and flash.</li> <li>Type in D and press <b>ENTER</b>.</li> <li>The respondent's name will default.</li> <li>Press <b>F2</b> to move cursor to the PT field on the Plaintiff Party Name side, if needed.</li> </ul>  |
|                              | <ul style="list-style-type: none"> <li>Press the <b>CTRL T</b> keys to save and press <b>ENTER</b>.</li> <li>A message will appear stating that the data has been saved.</li> <li>Close this screen by clicking on the "X" in the upper right hand corner or by pressing the <b>ESC</b> key.</li> <li>You will then be returned to the <b>Civil Complaint/Petitions</b> screen. (FIGURE: 4-6.5)</li> </ul> |

Figure 4-6.5: Civil Complaint/Petitions



**CAUTION | SAVE BUTTON**

You **MUST** click on the **SAVE** button when you return to the Civil Complaint / Petition screen. Otherwise, data will be corrupted.

**Save Button**

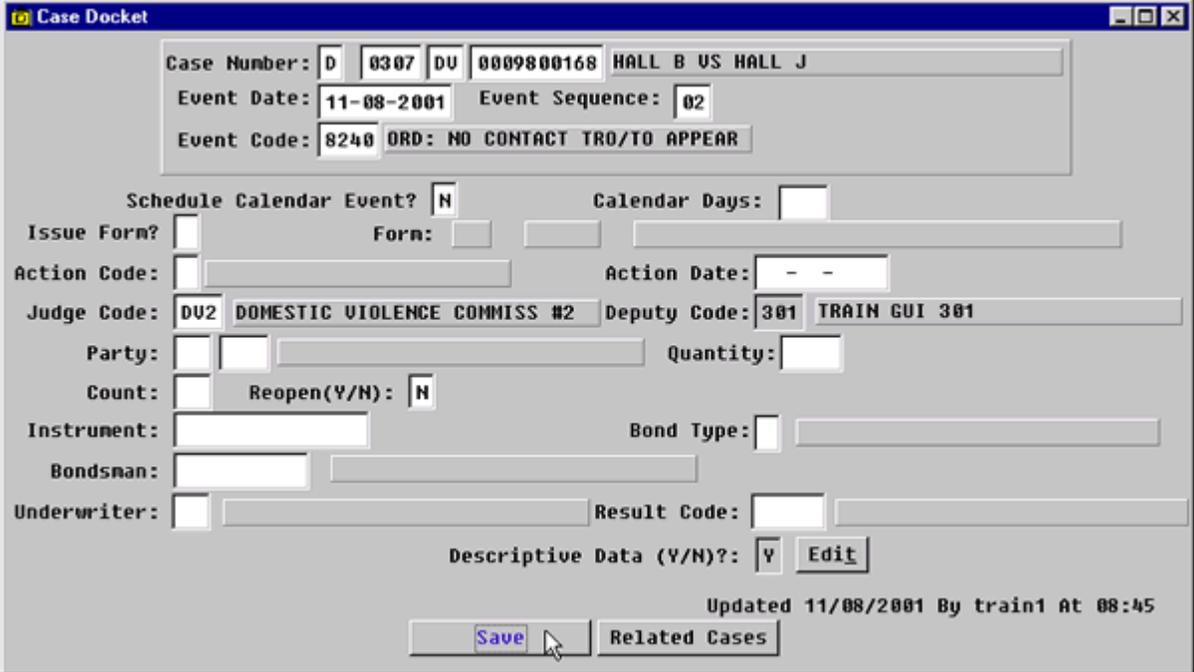
As soon as you have completed the appropriate fields, use the **SAVE** button.



## Section 4-7: Docketing of Domestic Violence Cases

Use the Case Docket screen to record events that occur in a case. These events record the progression of a case.

- **MAIN MENU** >
- **CASE MANAGEMENT** >
- **CASE DOCKET.** The Case Docket screen will appear. (FIGURE: 4-7.1) or
- Click on the **CASE DOCKET** button  on the toolbar at the top of the screen.



The screenshot shows the 'Case Docket' window with the following data entered:

- Case Number: D 0307 DU 0009800168 HALL B US HALL J
- Event Date: 11-08-2001 Event Sequence: 02
- Event Code: 8240 ORD: NO CONTACT TRO/TO APPEAR
- Schedule Calendar Event?: N Calendar Days: [ ]
- Issue Form?: [ ] Form: [ ]
- Action Code: [ ] Action Date: [ ]
- Judge Code: DV2 DOMESTIC VIOLENCE COMMISS #2 Deputy Code: 301 TRAIN GUI 301
- Party: [ ] Quantity: [ ]
- Count: [ ] Reopen(Y/N): N
- Instrument: [ ] Bond Type: [ ]
- Bondsman: [ ]
- Underwriter: [ ] Result Code: [ ]
- Descriptive Data (Y/N): Y [Edit]
- Updated 11/08/2001 By train1 At 08:45
- Buttons: Save, Related Cases

Figure 4-7.1: Case Docket

| FIELD NAMES   | INSTRUCTIONS  |
|---|---|
| <b>Case Number:</b><br>(Default-last case number you worked in) | Enter the data as follows if you start a new session or enter data from a different case. |
| <b>Court</b>  | Enter D for District Court.   |
| <b>Location</b>   | Enter the four-digit court location code, for example, 0101, 0202.                        |
| <b>Category</b>   | Enter category, DV.   |
| <b>Number</b>   | Enter case number.  |
| <b>Event Date</b><br>(Default-current date)                     | Enter file stamp date.  |

| FIELD NAMES  | INSTRUCTIONS  |
|--|---|
| <b>Event Sequence:</b>   | <ul style="list-style-type: none"> <li>This field will default to the next sequence number or</li> <li>Press <b>F1</b> for a list that has already been entered.</li> </ul> |
| <b>Event Code:</b>   | Enter appropriate event code.   |
| <b>Schedule Calendar Event?</b>  |   |
| <b>Calendar Days:</b>  |   |
| <b>Issue Form:</b>   |   |
| <b>Action Code:</b>  | FACTS™ will input a default value based on the event code you entered.  |
| <b>Action Date:</b>  |   |
| <b>Judge Code:</b>   | <ul style="list-style-type: none"> <li>Judge will default.</li> <li>Delete if another judge presided over event, and</li> <li>Enter correct judge.</li> </ul>               |
| <b>Deputy Code:</b><br>(Default-User login)  |   |
| <b>Party:</b>  | <ul style="list-style-type: none"> <li>Enter Party type and number, if appropriate.</li> <li>Press <b>ENTER</b> button.</li> </ul>  |
| <b>Enter through other Fields or mouse down to Descriptive Data (Y/N)?:</b> field. |   |
| <b>Descriptive Data (Y/N)?:</b>  | <ul style="list-style-type: none"> <li>Click on the <b>EDIT</b> button.</li> <li>The Event Description screen will pop-up.<br/>(<a href="#">FIGURE: 4-7.2</a>)</li> </ul>   |

The screenshot shows a window titled "Event Description" with a "Case Details" section containing the following information:

- Case Number: D 0307 DV 0009800168
- Event Date: 11-08-2001
- Event Seq: 02
- Event Code: 8240
- ORD: NO CONTACT TRO/TO APPEAR
- Standard Description Code: [ ]

Below the case details is a "Comments" section with a text area containing the text: "TEMPORARY ORDER OF PROTECTION AND ORDER TO APPEAR (NOVEMBER 12, 2001)".

Figure 4-7.2: Event Description

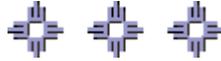


**CAUTION | TEXT WRAPPING**

- The text does not wrap to the next line.
- Press **ENTER** to go to the next line.



| CODE | DESCRIPTION                   | PLEADING NAME   |
|------|-------------------------------|---|
| 8678 | Return of Service             | Return of Service, Sheriff's Return, etc.                           |
| 8210 | ORD: Prohibiting DV           | Order of Protection with Check Off for Mutual or Non-Mutual.        |
| 6578 | MTN/NTC: DV Alleged Violation | Use this event code for motion and notice following extended order. |



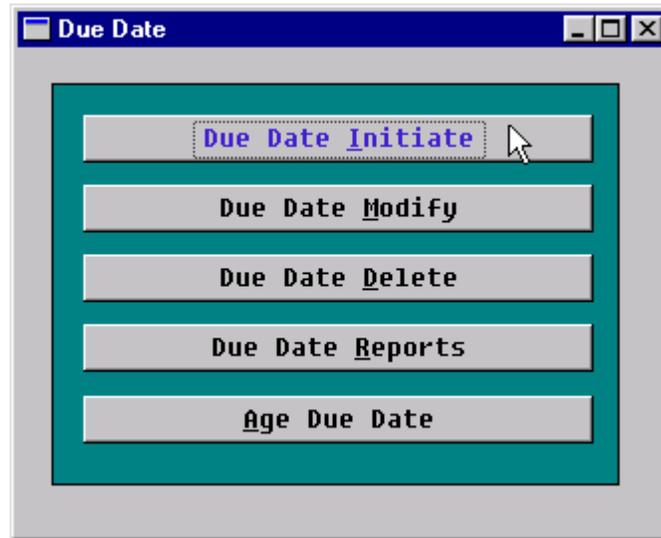
**CAUTION | EVENT CODE 8210**

If you enter the event code 8210, ORD: Prohibiting Domestic Violence, the case status will change to PE.

## Section 4-8: Due Dates

Create a due date to flag expiration of order by following these directions:

- **MAIN MENU >**
- **CASE MANAGEMENT >**
- **DUE DATE.** The Due Date screen will pop-up:



Click on the Due Date Initiate button. The Due Date Initiate screen will pop-up.

| Count | Seq | Complaint | Seq |
|-------|-----|-----------|-----|
|       |     |           |     |
|       |     |           |     |
|       |     |           |     |
|       |     |           |     |

|                              |   |
|------------------------------|---|
|                              | Fill in the Due Date Initiate screen in the following manner:   |
| <b>Due Date Code</b>         | Enter DVEXP.  |
| <b>Transaction Date:</b>     | <ul style="list-style-type: none"> <li>• This field will default to today's date.</li> <li>• Enter through or delete and enter the appropriate date.</li> </ul> |
| <b>Due Date Status Code:</b> | Enter "A" for active.   |
| <b>Calculation Method</b>    | Enter "4" for manual.   |


**CAUTION | EXPIRATION DATE OF ATTACHMENTS**

- Attachments have a separate expiration date which may differ from the Extended Order.
- The attachments that involve children will expire **six (6) months** from issue date.

|                     |  |
|---------------------|--|
| <b>Due Date:</b>    | Enter the expiration date of the DV order. |
| <b>Comments:</b>    | Enter any appropriate descriptive text.    |
| <b>Case Number:</b> | Enter the appropriate case number.         |
| <b>Saving</b>       | Click on the <b>SAVE</b> button.           |

**TIP | EFFICIENCY**

To increase efficiency, you can enter multiple cases at the same time, provided they have the same expiration date.

## Section 4-9: Closing Case Using the Civil Complaint/Petitions Screen

Domestic Violence cases are closed when the Domestic Violence Protective Order expires or when the petition is dismissed. The petition may be dismissed:

- prior to the granting of an Order of Protection because the Petitioner did not appear,
- there is not enough evidence to issue a protective order, or
- on a petitioner's motion.

Close a Domestic Violence case using the Civil Complaint / Petition screen as follows:

- **MAIN MENU >**
- **CASE MANAGEMENT >**
- **CIVIL COMPLAINT/PETITIONS.** The Civil Complaints/Petition screen will appear. (FIGURE: 4-9.1)

The screenshot shows a software window titled "Civil Complaint/Petitions". At the top, there is a "Case Number:" field with four sub-fields containing "D", "0307", "DV", and "0009800168", followed by a "HALL B VS HALL J" field. Below this are several input fields: "Complaint Date:" (11-08-2001), "Complaint Sequence:" (1), "Complaint Event Code:" (1519) with a dropdown menu showing "OPN: DOMESTIC VIOLENCE PETITN", and "Jury(Y/N):" (N). A section titled "Identify Party(s) on the event comments? (Y/N):" has a "Y" in the first field, and "Party? (Y/N):", "Cause of Actions? (Y/N):", and "Relief Code(s)? (Y/N):" all have empty fields. The "Disposition Code:" is "DS DISMISSED" and the "Date:" is "11-30-2001". The "Disposition/Judgment Event:" is "3548" with a dropdown menu showing "CLS: ORD OF DISMISSAL". The "Judgment Code(s)? (Y/N):" field is empty. At the bottom, there are "Save" and "Related Cases" buttons.

Figure 4-9.1: Civil Complaint/Petitions

| FIELD NAMES                                       | INSTRUCTIONS   |
|---|--|
| <b>Case Number:</b><br>(Default last case number) | Enter the appropriate case number by filling in each of the four subfields as follows: |
| <b>Court</b>                                      | Enter D for District Court.  |
| <b>Location</b>                                   | Enter the four-digit court location code, for example, 0101, 0202.                     |
| <b>Category</b>                                   | Enter category, DV.  |

| FIELD NAMES   | INSTRUCTIONS   |
|---|--|
| <b>Number</b>   | Enter case number.   |
| <b>Complaint Date:</b><br>(Default-current date)                | Press the <b>F1</b> key to look up the complaint date.   |
| <b>Complaint Sequence:</b><br>(Default-next complaint sequence) | Delete the number and do an <b>F1</b> look up and select the appropriate sequence.   |
| <b>Complaint Event Code:</b>                                    |  |
| <b>Jury (Y/N):</b>  |  |
| <b>Identify Parties on the event comments? (Y/N):</b>           |  |
| <b>Party:</b>   |  |
| <b>Cause of Actions? (Y/N):</b>                                 |  |
| <b>Relief Code(s)? (Y/N):</b>                                   |  |
| <b>Disposition Code:</b>  | <ul style="list-style-type: none"> <li>• If the Domestic Violence Protective Order has expired, use the disposition code <b>NT</b> (Non-Jury Trial).</li> <li>• If the case has been dismissed, use the <b>DS</b> (Dismissed) code.</li> </ul> |
| <b>Date:</b>  | Enter file stamp date of the pleading.   |
| <b>Disposition/Judgment Event:</b>                              | Enter the appropriate closing event code from the following list:  |

| REASON FOR CASE CLOSURE                                 | CODE        | EVENT DESCRIPTION                |
|---|-------------|----------------------------------|
| Domestic Violence Protective Order Expired (Non-Mutual) | <b>3566</b> | CLS: ORD Prohibiting DV          |
| Domestic Violence Protective Order Expired (Mutual)     | <b>3573</b> | CLS: Mutual Order Prohibiting DV |
| Petition Dismissed-Petitioner did not appear            | <b>3548</b> | CLS: Order of Dismissal          |
| Petition Dismissed-Lack of evidence                     | <b>3548</b> | CLS: Order of Dismissal          |
| Petition Dismissed-Petitioner's Motion                  | <b>3508</b> | CLS: Dismissal by Party          |

Disposition/Judgment Event: 3548 CLS: ORD OF DISMISSAL

Judgment Code(s)? (Y/N):

Save Related Cases

Figure 4-9.2: Civil Complaints/Petitions

| Judgment Code(s)? (Y/N): |  |
|--------------------------|--|
| Save Button              | Click on the <b>SAVE</b> button at the bottom of the screen, and a message announcing that the data has been saved appears.  |
|                          | <ul style="list-style-type: none"> <li>Return to Case Docket screen and enter descriptive text regarding when the Extended Domestic Violence Order will expire.</li> <li>For more information on docketing, refer to the section, <a href="#">DOCKETING OF DOMESTIC VIOLENCE CASES</a>.</li> </ul> |



## Addendum: Forms

### Section 5-1: Local Rules

- [LOCAL RULES](#)

### Section 5-2: Form Links

- [DOMESTIC VIOLENCE FORMS IN WORD AND PDF FORMATS](#)

### Section 5-3: Domestic Violence Forms

|        |   |
|--------|---|
| 4-961  | <a href="#">PETITION FOR ORDER OF PROTECTION FROM DOMESTIC ABUSE</a>            |
| 4-961A | <a href="#">SERVICE OF PROCESS INFORMATION FOR PETITION AND EMERGENCY ORDER</a> |
| 4-961B | <a href="#">REQUEST FOR ORDER TO OMIT PETITIONER'S ADDRESS &amp; TELEPHONE</a>  |
| 4-962  | <a href="#">RESPONSE TO PETITION FOR ORDER OF PROTECTION</a>                    |
| 4-963  | <a href="#">TEMPORARY ORDER OF PROTECTION &amp; ORDER TO APPEAR</a>             |
| 4-964  | <a href="#">ORDER TO APPEAR</a>   |
| 4-965  | <a href="#">ORDER OF PROTECTION AGAINST RESPONDENT</a>                          |
| 4-966  | <a href="#">ORDER OF PROTECTION AGAINST PETITIONER</a>                          |
| 4-967  | <a href="#">COUNSELING, CUSTODY, SUPPORT AND DIVISION OF PROPERTY ORDER</a>     |
| 4-968  | <a href="#">APPLICATION TO MODIFY, TERMINATE OR RENEW ORDER OF PROTECTION</a>   |

### Section 5-4: Reference

- [FINDLAW LEGAL DICTIONARY](#)
- [MERRIAM-WEBSTER DICTIONARY](#)
- [WEBOPEDIA COMPUTER TERMS DICTIONARY](#)