

Information For Orders of Protection

Getting Started

Terms to know:

Petitioner: You, the person wanting an Order of Protection

Respondent: The person you are seeking protection against; the restrained party

☐ **Filing Out the Required Paperwork**

- ☐ Answer all questions which apply to your situation
- ☐ Do Not write on the back or outside the space provided
- ☐ Be specific as possible with details and date(s) of abuse
- ☐ Please print and write neatly
- ☐ Page 5 is the only sheet allowed to provide more detailed information.
- ☐ Do not add any additional sheets

☐ **Who Can You File Against?**

You can petition against a household member, current or past intimate partner where there are acts or threats of abuse or one of the following:

- ☐ Parent
- ☐ Child
- ☐ Spouse, or former spouse
- ☐ Current or former girlfriend/boyfriend
- ☐ Grandparent/grandchild
- ☐ Someone that has stalked you
- ☐ Someone that has sexually assaulted you

☐ **Filing Your Petition**

Completed paperwork may be submitted two ways:

1. **In person Monday-Friday, 8:30am-10:30am & 1:00pm- 3:00pm** at the Second Judicial District Court House at 400 Lomas Blvd NW, Room 274
OR
2. **Online:** E-mail all completed documents to **albd-dvfilings@nmcourts.gov**

There are no fees to file an Order of Protection

Next Steps After Filing

● After You File

- The DV clerks will briefly review your paperwork to make sure everything is complete.
- The decision if your petition is approved is generally made the same day. If you turn in your petition at the end of the day, you may not find out until the following morning.
- If you file in person, this may take up to four hours for approval.
- If your request for petition is granted, you will be given a Temporary Order of Protection with instructions of a hearing date and time. (This may be virtual or in person)
- If more information is urgently needed, you may be given an Order to Appear for a hearing, so the Court can get more information about why you are requesting an Order of Protection.

● Serving Your Temporary Order of Protection

- If a service address is provided, the DV Office will automatically send your order to the Bernalillo County Sheriff's Office on your behalf. BCSO will make three (3) attempts to try to serve your order.
- **It is extremely important for you to include address(s) the respondent may be found** (home, work, etc.) *If there is not an address or phone number provided, Sheriff Deputies will not be able to attempt service.*
- This can be served by **any** law enforcement officer if they are at a **call for service and the respondent is present.** ***Keep extra copies of your order with you***
- *Other Options (Non-Law Enforcement):* Process Server, or a person over the age of 18, who is not a party to the case can attempt service. An **Affidavit of Service** is required for them to fill out, be notarized, and file back to the DV Office at Second Judicial District Court, Room 274

● What if the Other Party Violates the Order?

- Contact Law Enforcement- **Request** a police report to be taken.
 - 911 if it is an emergency OR
 - Non-emergency dispatch in your area if there is not a life threatening action.
- Both parties should follow the order and neither party have contact with one another.
- You can file a motion to request to hold the restrained party in contempt with the DV Office at Second Judicial Court
 - This will allow you to provide your statement and or evidence of violations so the Courts may determine what needs to happen next.