

**PROPOSED REVISIONS TO THE DOMESTIC RELATIONS FORMS  
PROPOSAL 2025-010**

**March 6, 2025**

The Domestic Relations Rules Committee has recommended adoption of new Forms 4A-601, 4A-602, 4A-603, 4A-604, 4A-605, 4A-606, 4A-607, 4A-608, 4A-609, 4A-610, 4A-611, 4A-612, 4A-613, and 4A-614 NMRA for the Supreme Court's consideration.

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

Elizabeth A. Garcia, Chief Clerk of Court  
New Mexico Supreme Court  
P.O. Box 848  
Santa Fe, New Mexico 87504-0848  
rules.supremecourt@nmcourts.gov  
505-827-4837 (fax)

**Your comments must be received by the Clerk on or before April 5, 2025**, to be considered by the Court. Please note that any submitted comments may be posted on the Supreme Court's website for public viewing.

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**[NEW MATERIAL]**

**4A-601. Affidavit in support of a petition for an extreme risk firearm protection order.**

[Extreme Risk Firearm Protection Order Act,  
NMSA 1978, Sections 40-17-1 to -13]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

IN THE MATTER OF AN EXTREME RISK  
FIREARM PROTECTION ORDER FOR

\_\_\_\_\_(RESPONDENT) No. \_\_\_\_\_  
YOB: \_\_\_\_\_

**AFFIDAVIT IN SUPPORT OF A PETITION FOR AN  
EXTREME RISK FIREARM PROTECTION ORDER**

**1. INFORMATION ABOUT THE PERSON WHO I BELIEVE POSES A SIGNIFICANT DANGER (RESPONDENT)**

**A.** The name of the person who I believe poses a significant danger of causing imminent personal injury to self or others by having custody or control or by purchasing, possessing or receiving a firearm is: {full legal name}

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**B.** My relationship to this person is (please describe your relationship):

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**C.** Address of person (Respondent) who I believe poses a significant danger:

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*street address*

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*city* *state* *zip code*

**D.** Firearms I believe the Respondent has custody of, controls, owns or possesses:

Type of Firearm	Number	Location	Ammunition
<input type="checkbox"/> Long gun ( <i>includes rifles and shotguns</i> )			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
<input type="checkbox"/> Short gun ( <i>includes revolvers and pistols</i> )			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
<input type="checkbox"/> Other:			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown

**TOTAL NUMBER OF RESPONDENT'S FIREARMS:** \_\_\_\_\_

**2. INFORMATION ABOUT ME (REPORTING PARTY)**

**A. My full name:** \_\_\_\_\_

**B. My address:** \_\_\_\_\_

*street address*

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*city* *state* *zip code*

☐ I DO NOT WANT THE RESPONDENT TO KNOW MY ADDRESS. I REQUEST THE COURT SEAL MY ADDRESS.

**3. FACTS I WANT THE COURT TO KNOW** (*You may attach additional pages, if needed*)

**A.** Any recent act or threat of violence by the Respondent against self or others, regardless of whether the act or threat involved a firearm. *Please describe:*

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**B.** A pattern of acts or threats of violence by the Respondent within the past twelve months, including acts or threats of violence against self or others. *Please describe:*

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**C.** The Respondent's mental health history. *Please describe:*

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**D.** The Respondent's abuse of ☐ controlled substances and/or ☐ alcohol. *Please describe:*

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**E.** The Respondent's previous violations of any court order. *Please describe:*

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**F.** Previous extreme risk firearm protection orders issued against the Respondent.

*Date of Order:* \_\_\_\_\_ *Issued by:* \_\_\_\_\_

**G.** The Respondent's criminal history, including:

Arrests and convictions for violent felony offenses. *Please describe:*

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Arrests and convictions for violent misdemeanor offenses. *Please describe:*

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Arrests and convictions for crimes involving domestic violence or stalking. *Please describe:*

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**H.** The Respondent's history of the use, attempted use or threatened use of physical violence against another person; of stalking another person; or of cruelty to animals. *Please describe:*

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**I.** Any recent acquisition or attempts at acquisition of a firearm by the Respondent. *Please describe:*

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**J.** In addition, I would like the court to also consider the following:

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**4. LEGAL ACTION(S) BETWEEN THE RESPONDENT AND ME**

The following are legal actions between the Respondent and me. *(You may attach additional pages, if needed)*

☐ Lawsuit. *Please describe:* \_\_\_\_\_

☐ Complaint. *Please describe:* \_\_\_\_\_

☐ Petition. *Please describe:* \_\_\_\_\_

☐ Restraining Order. *Date Issued:* \_\_\_\_\_ *Issued by:* \_\_\_\_\_

- ☐ Injunction. *Please describe:* \_\_\_\_\_
- ☐ Other Legal Action. *Please describe:* \_\_\_\_\_
- ☐ None.

## 5. AFFIDAVIT OF REPORTING PARTY

I, *{Reporting Party's Name}* \_\_\_\_\_, hereby swear or affirm that I believe *{Respondent's Name}* \_\_\_\_\_, poses a significant danger of causing imminent personal injury to self or others by having custody or control or by purchasing, possessing or receiving a firearm for the reasons sworn to in this Affidavit.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

➔ Additional pages are attached to this Affidavit? ☐ YES ☐ NO

State of New Mexico  
County of \_\_\_\_\_

SIGNED AND SWORN to before me on \_\_\_\_\_ date  
by \_\_\_\_\_  
*name of person making sworn statement*

\_\_\_\_\_  
*Signature of notarial officer*

{Notary Seal}

My Commission Expires: \_\_\_\_\_

[Adopted by Supreme Court Order No. \_\_\_\_\_, effective for all cases pending or filed on or after \_\_\_\_\_.]

**[NEW MATERIAL]**

**4A-602. Petition for extreme risk firearm protection order.**

[Extreme Risk Firearm Protection Order Act,  
NMSA 1978, Sections 40-17-1 to -13]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

IN THE MATTER OF AN EXTREME RISK  
FIREARM PROTECTION ORDER FOR

\_\_\_\_\_ (RESPONDENT) No. \_\_\_\_\_

YOB: \_\_\_\_\_

### PETITION FOR EXTREME RISK FIREARM PROTECTION ORDER

**SECTION I. PETITIONER** (*Petitioner must be a law enforcement officer working for a law enforcement agency as defined under the Extreme Risk Firearm Protection Order Act ("Act")*)

**Petitioner is employed by the following type of agency:**

- ☐ Police Department
- ☐ Sheriff's Office
- ☐ State Police
- ☐ District Attorney's Office
- ☐ Attorney General's Office

1. Petitioner's name: \_\_\_\_\_  
Badge/CAID Number: \_\_\_\_\_
2. Law Enforcement Agency: \_\_\_\_\_
3. Law Enforcement Agency's address: [*street address, city, state, and zip code*]:  
\_\_\_\_\_
4. Law Enforcement Agency's telephone number: \_\_\_\_\_

### SECTION II. REPORTING PARTY

1. Reporting Party's full name: \_\_\_\_\_
  2. Reporting Party's address [*street address, city, state, and zip code*]:  
\_\_\_\_\_
- ☐ Address sealed upon request of Reporting Party.

3. Reporting Party's relationship to Respondent: \_\_\_\_\_

### SECTION III. RESPONDENT

1. Respondent's full legal name \_\_\_\_\_
2. Respondent's date of birth: \_\_\_\_\_
3. Respondent's permanent address: [*street address, city, state, and zip code*]  
\_\_\_\_\_

### SECTION IV. BASIS FOR PETITION

In support of this petition, the undersigned Law Enforcement Officer swears or affirms that based upon credible information contained in the attached affidavit (*Exhibit A*) there is probable cause to believe the Respondent poses a significant danger of causing imminent personal injury to self or others by having custody or control of a firearm *or* by purchasing, possessing or receiving a firearm. The undersigned Law Enforcement Officer has probable cause to believe the following factors should be considered by the Court when determining whether to issue a temporary extreme risk firearm protection order:

[ ] A recent act or threat of violence by the Respondent against self or others, regardless of whether the act or threat involved a firearm;

[ ] A pattern of acts or threats of violence by the Respondent within the past twelve months, including acts or threats of violence against self or others;

[ ] The Respondent's mental health history;

[ ] The Respondent's abuse of controlled substances or alcohol;

[ ] The Respondent's previous violations of any court order;

[ ] Previous extreme risk firearm protection orders issued against the Respondent;

[ ] The Respondent's criminal history, including arrests and convictions for violent felony offenses, violent misdemeanor offenses, crimes involving domestic violence or stalking;

[ ] The Respondent's history of the use, attempted use or threatened use of physical violence against another person; of stalking another person; or of cruelty to animals; and

[ ] Any recent acquisition or attempts at acquisition of a firearm by the Respondent.

[ ] Other considerations:

**FIREARMS.** The quantities, types, and total number of all firearms the Petitioner believes to be in the Respondent's ownership, possession, custody, or control are listed below and/or attached as Exhibit B.

☐ Long gun Quantity \_\_\_\_\_ Location \_\_\_\_\_ Ammunition ☐ Yes ☐ No  
(includes rifles and shotguns) ☐ Unknown

☐ Short gun Quantity \_\_\_\_\_ Location \_\_\_\_\_ Ammunition ☐ Yes ☐ No  
(includes revolvers and pistols) ☐ Unknown

☐ Other Quantity \_\_\_\_\_ Location \_\_\_\_\_ Ammunition ☐ Yes ☐ No  
(includes any other firearms) ☐ Unknown

**TOTAL NUMBER OF FIREARMS:**

**LEGAL ACTION(S) BETWEEN REPORTING PARTY AND THE RESPONDENT.**

- ☐ Lawsuit. *Please describe:* \_\_\_\_\_  
☐ Complaint. *Please describe:* \_\_\_\_\_  
☐ Petition. *Please describe:* \_\_\_\_\_  
☐ Restraining Order. *Date Issued:* \_\_\_\_\_ *Issued by:* \_\_\_\_\_  
☐ Injunction. *Please describe:* \_\_\_\_\_  
☐ Other Legal Action. *Please describe:* \_\_\_\_\_  
☐ None.

For the foregoing reasons, Petitioner respectfully requests the Court enter a Temporary Extreme Risk Firearm Protection Order and schedule a hearing to be held within 10 days of the issuance of a Temporary Extreme Risk Firearm Protection Order to determine if a One-Year Extreme Risk Firearm Protection Order should be entered.

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
*Signature of Petitioner*

STATE OF NEW MEXICO            )  
  ) ss.  
COUNTY OF                            )

Acknowledged, subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_, the petitioner.



My commission expires: \_\_\_\_\_  
\_\_\_\_\_ Notary Public

[Adopted by Supreme Court Order No. \_\_\_\_\_, effective for all cases filed on or after \_\_\_\_\_.]

**[NEW MATERIAL]**

**4A-603. Temporary extreme risk firearm protection order.**

[Extreme Risk Firearm Protection Order Act,  
NMSA 1978, Sections 40-17-1 to -13]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

IN THE MATTER OF AN EXTREME RISK  
FIREARM PROTECTION ORDER FOR

\_\_\_\_\_ (RESPONDENT) No. \_\_\_\_\_  
YOB: \_\_\_\_\_

**TEMPORARY EXTREME RISK FIREARM PROTECTION ORDER**

**THIS MATTER** came before the court upon a Petition for an Extreme Risk Firearm Protection Order. The court has reviewed the Petition and the sworn affidavit of the Reporting Party, including the allegations regarding:

- ☐ Any recent act or threat of violence by the Respondent against self or others, regardless of whether the act or threat involved a firearm;
- ☐ A pattern of acts or threats of violence by the Respondent within the past twelve months, including acts or threats of violence against self or others;
- ☐ The Respondent's mental health history;
- ☐ The Respondent's abuse of controlled substances or alcohol;
- ☐ The Respondent's previous violations of any court order;
- ☐ Previous extreme risk firearm protection orders issued against the Respondent;
- ☐ The Respondent's criminal history, including arrests and convictions for violent felony offenses, violent misdemeanor offenses, crimes involving domestic violence or stalking;

☐ The Respondent's history of the use, attempted use or threatened use of physical violence against another person; of stalking another person; or of cruelty to animals; and

☐ Any recent acquisition or attempts at acquisition of a firearm by the Respondent.

In addition, the court has considered other relevant information as follows:

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Based on the allegations contained in the Petition and affidavit of the Reporting Party, the court finds there is probable cause to believe the Respondent poses a significant danger of causing imminent personal injury to self or others by having in the Respondent's custody or control or by purchasing, possessing or receiving a firearm before notice can be served and a hearing held.

Wherefore, the court orders:

☐ The Reporting Party's address is hereby sealed.

**FIREARM PROHIBITION.** *The Respondent is prohibited from having in the Respondent's possession, custody or control any firearm. The Respondent is also prohibited from purchasing, receiving or attempting to purchase or receive any firearm while this Order is in effect.*

**RELINQUISHMENT OF FIREARMS.** The Respondent is hereby ordered to safely relinquish (surrender) all firearms in the Respondent's possession, custody or control to a law enforcement agency, a law enforcement officer or a federal firearms licensee (FFL):

☐ within forty-eight (48) hours after you are served with this Order; OR

☐ \_\_\_\_\_  
(an earlier timeframe, at the discretion of the court)

***Failure to relinquish (surrender) all firearms, is a misdemeanor criminal offense, punishable by up to 364 days in jail and/or a \$1,000 fine, pursuant to Section 31-19-1 NMSA 1978.***

### **NOTICE AND HEARING**

This Order shall remain in effect for ten (10) days or until the hearing date noted below, whichever date is earlier. A hearing to determine whether a One-Year Extreme Risk Firearm Protection Order shall be issued will be held on the date and time noted below. **Failure to appear at this hearing may result in the court issuing an order against you, which would be valid for one (1) year.**

**You may seek the advice of an attorney for any matter associated with this Temporary Extreme Risk Firearm Protection Order.**

The hearing for a One-Year Extreme Risk Firearm Protection Order will be held before Judge \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ ☐ am ☐ pm at the \_\_\_\_\_ Judicial District Court, located at \_\_\_\_\_. This hearing may only be continued at the request of the Respondent, but if continued must be re-set within thirty days of the Respondent's request for a continuance.

**by:** \_\_\_\_\_  
District Court Judge

\_\_\_\_\_ Judicial District Court  
{Address}  
{City}, {State} {Zip Code}

**Issued this** \_\_\_\_\_ **day of** \_\_\_\_\_, \_\_\_\_\_ **at** \_\_\_\_\_ ☐ **am** ☐ **pm**  
*day month year time*

[Adopted by Supreme Court Order No. \_\_\_\_\_, effective for all cases pending or filed on or after \_\_\_\_\_.]

**[NEW MATERIAL]**

**4A-604. Order denying temporary extreme risk firearm protection order.**

[Extreme Risk Firearm Protection Order Act,  
NMSA 1978, Sections 40-17-1 to -13]

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

IN THE MATTER OF AN EXTREME RISK  
FIREARM PROTECTION ORDER FOR

\_\_\_\_\_(RESPONDENT) No. \_\_\_\_\_  
YOB: \_\_\_\_\_

**ORDER DENYING TEMPORARY EXTREME RISK  
FIREARM PROTECTION ORDER**

**THIS MATTER** came before this court upon a Petition for an Extreme Risk Firearm Protection Order. The court, having considered the Petition, sworn affidavit of the Reporting Party,

and being otherwise fully advised in the premises, hereby **DENIES** the issuance of a Temporary Extreme Risk Firearm Protection Order.

The court does not find, from specific facts shown by the Petition and accompanying Affidavit, that there is probable cause to believe that the Respondent poses a significant danger of causing imminent personal injury to self or others by having in the Respondent's custody or control or by purchasing, possessing or receiving a firearm before notice can be served and a hearing held. Therefore, the court denies the issuance of a Temporary Extreme Risk Firearm Protection Order.

The court further finds there is good cause to deny the issuance of a Temporary Extreme Risk Firearm Protection Order for the following reason(s):

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**IT IS SO ORDERED.**

by: \_\_\_\_\_  
District Court Judge  
\_\_\_\_\_ Judicial District Court  
{Address}  
{City}, {State} {Zip Code}

☐ A copy of this Order was: ☐ hand delivered ☐ mailed ☐ faxed ☐ e-mailed  
to: ☐ Respondent ☐ Respondent's counsel on \_\_\_\_\_.  
*date*

☐ A copy of this Order was: ☐ hand delivered ☐ mailed ☐ faxed ☐ e-mailed  
to: ☐ Petitioner ☐ Petitioner's counsel on \_\_\_\_\_.  
*date*

☐ A copy of this Order was: ☐ hand delivered ☐ mailed ☐ faxed ☐ e-mailed  
to: ☐ Reporting Party \_\_\_\_\_ on \_\_\_\_\_.  
*name date*

\_\_\_\_\_  
*Signed*

\_\_\_\_\_  
*Title*

[Adopted by Supreme Court Order No. \_\_\_\_\_, effective for all cases pending or filed on or after \_\_\_\_\_.]

**[NEW MATERIAL]**

**4A-605. Respondent's motion to postpone a hearing for a one-year extreme risk firearm protection order.**

[Extreme Risk Firearm Protection Order Act,  
NMSA 1978, Sections 40-17-1 to -13]

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

IN THE MATTER OF AN EXTREME RISK  
FIREARM PROTECTION ORDER FOR

\_\_\_\_\_(RESPONDENT) No. \_\_\_\_\_  
YOB: \_\_\_\_\_

**RESPONDENT'S MOTION TO POSTPONE A HEARING FOR A ONE-YEAR  
EXTREME RISK FIREARM PROTECTION ORDER**

**SECTION I.**

1. I am the Respondent in this case, and my name is:  
\_\_\_\_\_
2. I currently live at the following address {street address, city, state, and zip code}:  
\_\_\_\_\_
3. My attorney's name, address, and telephone number are:  
\_\_\_\_\_  
*If you do not have an attorney, write "none."*

**SECTION II.**

1. This is a request to postpone a hearing for a One-Year Extreme Risk Firearm Protection Order set for \_\_\_\_\_ by Judge \_\_\_\_\_.  

*date**name of Judge who entered Order*
2. I have not previously requested postponement of a hearing in this case.

3. I am requesting to postpone the hearing for the reasons stated below:

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*Add another page if necessary*

\_\_\_\_\_  
*Signature of Respondent*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Printed Name of Respondent*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on \_\_\_\_\_ {date} a copy of this Request to Postpone a Hearing for a One-Year Extreme Risk Firearm Protection Order was served on the

☐ Petitioner by \_\_\_\_\_ at \_\_\_\_\_  
*enter service method (U.S. Mail, personal service, etc.) street address*

\_\_\_\_\_, \_\_\_\_\_  
*city state zip code*

☐ Petitioner's attorney by \_\_\_\_\_ at \_\_\_\_\_  
*enter service method (U.S. Mail, personal service, etc.) street address*

\_\_\_\_\_, \_\_\_\_\_  
*city state zip code*

\_\_\_\_\_  
*Signature of Respondent*

[Adopted by Supreme Court Order No. \_\_\_\_\_, effective for all cases filed on or after \_\_\_\_\_.]

**[NEW MATERIAL]**

**4A-606. Order granting respondent's motion to postpone a hearing for a one-year extreme risk firearm protection order.**

[Extreme Risk Firearm Protection Order Act,  
NMSA 1978, Sections 40-17-1 to -13]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

IN THE MATTER OF AN EXTREME RISK  
FIREARM PROTECTION ORDER FOR

\_\_\_\_\_(RESPONDENT) No. \_\_\_\_\_  
YOB: \_\_\_\_\_

**ORDER GRANTING RESPONDENT'S MOTION TO POSTPONE A HEARING FOR A  
ONE-YEAR EXTREME RISK FIREARM PROTECTION ORDER**

**THIS MATTER** came before the court upon the Respondent's motion to postpone a hearing for a One-Year Extreme Risk Firearm Protection Order originally scheduled to be heard on \_\_\_\_\_ (date). The court, having reviewed the file and determined the Respondent has not previously requested such relief, **ORDERS** this matter to be reset for hearing as follows:

**NOTICE OF NEW HEARING DATE**

The hearing to determine whether to issue a One-Year Extreme Risk Firearm Protection Order is reset, upon the request of the Respondent. The date and time for the new hearing is \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ ☐ a.m. ☐ p.m. before Judge \_\_\_\_\_ in Courtroom \_\_\_\_\_ at the \_\_\_\_\_ Judicial District \_\_\_\_\_ Court, \_\_\_\_\_ located \_\_\_\_\_ at \_\_\_\_\_.

Pending the hearing set above, the Temporary Extreme Risk Firearm Protection Order, entered herein on \_\_\_\_\_ (date) shall remain in full force and effect.

**ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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

☐ A copy of this Order was: ☐ hand delivered ☐ mailed ☐ faxed ☐ e-mailed  
to: ☐ Respondent ☐ Respondent's counsel on \_\_\_\_\_  
\_\_\_\_\_ date

☐ A copy of this Order was: ☐ hand delivered ☐ mailed ☐ faxed ☐ e-mailed  
to: ☐ Petitioner ☐ Petitioner's counsel on \_\_\_\_\_  
date

☐ A copy of this Order was: ☐ hand delivered ☐ mailed ☐ faxed ☐ e-mailed  
to: ☐ Reporting Party \_\_\_\_\_ on \_\_\_\_\_  
name date

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Title

[Adopted by Supreme Court Order No. \_\_\_\_\_, effective for all cases filed on or after  
\_\_\_\_\_.]

**[NEW MATERIAL]**

**4A-607. Order denying respondent's motion to postpone a hearing for a one-year extreme risk firearm protection order.**

[Extreme Risk Firearm Protection Order Act,  
NMSA 1978, Sections 40-17-1 to -13]

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

IN THE MATTER OF AN EXTREME RISK  
FIREARM PROTECTION ORDER FOR

\_\_\_\_\_ (RESPONDENT) No. \_\_\_\_\_  
YOB: \_\_\_\_\_

**ORDER DENYING RESPONDENT'S MOTION TO POSTPONE A HEARING FOR A  
ONE-YEAR EXTREME RISK FIREARM PROTECTION ORDER**

**THIS MATTER** comes before the court upon Respondent's motion to postpone a hearing for a One-Year Extreme Risk Firearm Protection Order originally scheduled to be heard on \_\_\_\_\_ (date). The court, having considered the Respondent's request, and being otherwise fully advised, hereby **DENIES** the request for a postponement of the hearing.

The reason(s) for the denial are as follows:



☐ The Respondent was already granted a postponement of the One-Year Extreme Risk Firearm

Protection Order hearing on: \_\_\_\_\_.  
*date*

☐ Other reason(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

☐ A copy of this Order was: ☐ hand delivered ☐ mailed ☐ faxed ☐ e-mailed  
to: ☐ Respondent ☐ Respondent's counsel on \_\_\_\_\_.  
*date*

☐ A copy of this Order was: ☐ hand delivered ☐ mailed ☐ faxed ☐ e-mailed  
to: ☐ Petitioner ☐ Petitioner's counsel on \_\_\_\_\_.  
*date*

☐ A copy of this Order was: ☐ hand delivered ☐ mailed ☐ faxed ☐ e-mailed  
to: ☐ Reporting Party \_\_\_\_\_ on \_\_\_\_\_.  
*name date*

\_\_\_\_\_  
*Signed*

\_\_\_\_\_  
*Title*

[Adopted by Supreme Court Order No. \_\_\_\_\_, effective for all cases pending or filed  
on or after \_\_\_\_\_.]

**[NEW MATERIAL]**

**4A-608. One-year extreme risk firearm protection order.**

[Extreme Risk Firearm Protection Order Act,  
NMSA 1978, Sections 40-17-1 to -13]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

IN THE MATTER OF AN EXTREME RISK  
FIREARM PROTECTION ORDER FOR

\_\_\_\_\_ (RESPONDENT)

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

YOB: \_\_\_\_\_

### **ONE-YEAR EXTREME RISK FIREARM PROTECTION ORDER**

**THIS MATTER** came before the court on a Petition for Extreme Risk Firearm Protection Order and hearing on \_\_\_\_\_, 20\_\_\_\_. The court, having reviewed the Petition and accompanying Affidavit, having received sworn testimony, and all other relevant evidence presented, and being otherwise fully advised, hereby **FINDS** and **ORDERS**:

#### **NOTICE AND JURISDICTION**

On \_\_\_\_\_ (date), a notice of this hearing was served upon the Respondent together with a copy of the ☐ Petition and ☐ a Temporary Extreme Risk Firearm Protection Order.

The court has jurisdiction over the parties and subject matter.

#### **STIPULATION**

☐ The court accepted a stipulation from the parties agreeing to the entry of this One-Year Extreme Risk Firearm Protection Order.

#### **EVIDENCE AND FINDINGS**

At the hearing, the court heard evidence regarding the Respondent. This evidence included:

- ☐ A recent act or threat of violence by the Respondent against self or others, regardless of whether the act or threat involved a firearm;
- ☐ A pattern of acts or threats of violence by the Respondent within the past twelve months, including acts or threats of violence against self or others;
- ☐ The Respondent's mental health history;
- ☐ The Respondent's abuse of controlled substances and/or alcohol;
- ☐ The Respondent's previous violations of any court order;

- ☐ Previous extreme risk firearm protection orders issued against the Respondent;
- ☐ The Respondent's criminal history, including arrests and convictions for violent felony offenses, violent misdemeanor offenses, crimes involving domestic violence or stalking;
- ☐ The Respondent's history of the use, attempted use or threatened use of physical violence against another person; of stalking another person; or of cruelty to animals; and
- ☐ Any recent acquisition or attempts at acquisition of a firearm by the respondent Respondent.

In addition, the court considered other relevant evidence as follows:

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The court has considered whether a mental health evaluation or substance abuse evaluation is appropriate. Based upon the facts established at this hearing, the court finds:

- ☐ such an evaluation is not recommended at this time.

(OR)

- ☐ the evidence supports a recommendation that the Respondent obtain:
  - ☐ a mental health evaluation.
  - ☐ a substance abuse evaluation.

Based upon these specific facts and evidence presented, the court finds, by a preponderance of evidence, that the Respondent poses a significant danger of causing imminent personal injury to self or others by having in the Respondent's custody or control or by purchasing, possessing or receiving a firearm.

For the foregoing reasons, the **COURT HEREBY ORDERS:**

THE RESPONDENT IS PROHIBITED FROM HAVING IN THE RESPONDENT'S POSSESSION, CUSTODY OR CONTROL ANY FIREARMS. THE RESPONDENT IS ALSO PROHIBITED FROM PURCHASING, RECEIVING OR ATTEMPTING TO PURCHASE OR RECEIVE A FIREARM WHILE THIS ORDER IS IN EFFECT.

**EXPIRATION DATE OF ORDER**

**This Order shall remain in effect until** \_\_\_\_\_ (date and time).

**This is a final appealable Order.**

## RELINQUISHMENT OF FIREARMS

Upon being served with this One-Year Extreme Risk Firearm Protection Order, ***the Respondent is ordered to safely relinquish (surrender) all firearms in the Respondent's possession, custody or control to a law enforcement agency, a law enforcement officer or a federal firearms licensee (FFL):***

- ☐ *within forty-eight (48) hours of service of this Order; OR*

☐ \_\_\_\_\_  
(an earlier timeframe at the discretion of the court).

- ☐ The court has received a Firearm Relinquishment Receipt indicating compliance by the Respondent, who has already surrendered all firearms.

**FAILURE TO RELINQUISH (SURRENDER) ALL FIREARMS, IS A CRIMINAL OFFENSE, PUNISHABLE BY UP TO 364 DAYS IN JAIL, AND/OR A \$1,000 FINE, PURSUANT TO SECTION 31-19-1 NMSA 1978.**

## TERMINATION OR EXTENSION OF ORDER

Notice to Petitioner: This One-Year Extreme Risk Firearm Protection Order will last until the expiration date noted above. The Petitioner may request an extension of this Order at any time, but not less than one month before the expiration of this Order by filing a Petition to Extend One-Year Extreme Risk Firearm Protection Order. An extension of this Order may be granted for one additional year.

Notice to Respondent: You have the right to request a hearing to terminate this Order at any time while this Order is in effect. You may seek the advice of an attorney as to any matter connected with this order.

**IT IS SO ORDERED.**

by: \_\_\_\_\_  
 \_\_\_\_\_ District Court Judge  
 \_\_\_\_\_ Judicial District Court  
 {Address}  
 {City}, {State} {Zip Code}

Issued this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ ☐ am ☐ pm  
*day month year time*

- ☐ A copy of this Order was: ☐ hand delivered ☐ mailed ☐ faxed ☐ e-mailed  
to: ☐ Respondent ☐ Respondent's counsel on \_\_\_\_\_.

*date*

☐ A copy of this Order was: ☐ hand delivered ☐ mailed ☐ faxed ☐ e-mailed  
to: ☐ Petitioner ☐ Petitioner's counsel on \_\_\_\_\_.

*date*

☐ A copy of this Order was: ☐ hand delivered ☐ mailed ☐ faxed ☐ e-mailed  
to: ☐ Reporting Party \_\_\_\_\_ on \_\_\_\_\_.  
*name* *date*

\_\_\_\_\_  
*Signed*

\_\_\_\_\_  
*Title*

[Adopted by Supreme Court Order No. \_\_\_\_\_, effective for all cases filed on or after  
\_\_\_\_\_.]

**[NEW MATERIAL]**

**4A-609. Order denying one-year extreme risk firearm protection order.**

[Extreme Risk Firearm Protection Order Act,  
NMSA 1978, Sections 40-17-1 to -13]

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

IN THE MATTER OF AN EXTREME RISK  
FIREARM PROTECTION ORDER FOR

\_\_\_\_\_  
YOB: \_\_\_\_\_ (RESPONDENT) No. \_\_\_\_\_

**ORDER DENYING  
ONE-YEAR EXTREME RISK FIREARM PROTECTION ORDER**

**THIS MATTER** comes before the court on a Petition for Extreme Risk Firearm Protection Order and hearing on \_\_\_\_\_, 20\_\_\_\_. The court having reviewed the Petition and accompanying Affidavit, and all other relevant evidence presented, and being otherwise fully advised in the premises, hereby **DENIES** the Petition and **DENIES** the issuance of a One-Year Extreme Risk Firearm Protection Order.

1. The court denies the issuance of a One-Year Extreme Risk Firearm Protection Order for the following reasons:

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2. Based on the foregoing, the court **does not find** by a preponderance of the evidence that the Respondent poses a significant danger of causing imminent personal injury to self or others by having in the Respondent's custody or control or by purchasing, possessing or receiving a firearm.

Based on the foregoing **IT IS HEREBY ORDERED** that the Petition for Extreme Risk Firearm Protection Order is **DENIED**.

**IT IS FURTHER ORDERED** that any firearms the Respondent relinquished in accordance with a Temporary Extreme Risk Firearm Protection Order be returned to the Respondent.

**IT IS SO ORDERED.**

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

☐ A copy of this Order was: ☐ hand delivered ☐ mailed ☐ faxed ☐ e-mailed  
to: ☐ Respondent ☐ Respondent's counsel on \_\_\_\_\_.  
*date*

☐ A copy of this Order was: ☐ hand delivered ☐ mailed ☐ faxed ☐ e-mailed  
to: ☐ Petitioner ☐ Petitioner's counsel on \_\_\_\_\_.  
*date*

☐ A copy of this Order was: ☐ hand delivered ☐ mailed ☐ faxed ☐ e-mailed  
to: ☐ Reporting Party \_\_\_\_\_ on \_\_\_\_\_.  
*name* *date*

\_\_\_\_\_  
*Signed*

\_\_\_\_\_  
*Title*

[Adopted by Supreme Court Order No. \_\_\_\_\_, effective for all cases filed on or after \_\_\_\_\_.]

**[NEW MATERIAL]**

**4A-610. Petition to extend one-year extreme risk firearm protection order.**

[Extreme Risk Firearm Protection Order Act,  
NMSA 1978, Sections 40-17-1 to -13]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

IN THE MATTER OF AN EXTREME RISK  
FIREARM PROTECTION ORDER FOR

\_\_\_\_\_(RESPONDENT) No. \_\_\_\_\_

YOB: \_\_\_\_\_

**PETITION TO EXTEND ONE-YEAR EXTREME  
RISK FIREARM PROTECTION ORDER**

COMES NOW, the Petitioner, pursuant to the Extreme Risk Firearm Protection Order Act, and hereby requests the Court extend the One-Year Extreme Risk Firearm Protection Order in this case for one (1) additional year, and as grounds alleges that:

1. A One-Year Extreme Risk Firearm Protection Order was entered against the Respondent on \_\_\_\_\_ (date).

2. The One-Year Extreme Risk Firearm Protection Order expires on \_\_\_\_\_ (date).

3. The name and address of the Reporting Party is: \_\_\_\_\_  
\_\_\_\_\_

OR ☐ sealed upon request of the Reporting Party.

4. The name and address of the Respondent is: \_\_\_\_\_  
\_\_\_\_\_.

5. The relationship between the Reporting Party and the Respondent is: \_\_\_\_\_.

6. In support of this Petition, the undersigned law enforcement officer swears and affirms that based upon credible information contained in the attached Affidavit (*Exhibit A*) there is probable cause to believe the Respondent *continues* to pose a significant danger of causing imminent personal injury to self or others by having custody or control of a firearm or by purchasing,

24



SIGNED AND SWORN to before me on \_\_\_\_\_  
date

by \_\_\_\_\_  
name of person making sworn statement

\_\_\_\_\_  
Signature of notarial officer

{Notary Seal}

My Commission Expires: \_\_\_\_\_

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on \_\_\_\_\_ (date) {date} a copy  
of this Petition to Extend One-Year Extreme Risk Firearm Protection Order was served on the  
Respondent by

\_\_\_\_\_ at \_\_\_\_\_  
enter service method (U.S. Mail, personal service, etc.) street address

\_\_\_\_\_, \_\_\_\_\_  
city state zip code

\_\_\_\_\_  
Signature of Petitioner

[Adopted by Supreme Court Order No. \_\_\_\_\_, effective for all cases filed on or  
after \_\_\_\_\_.]

### **[NEW MATERIAL]**

**4A-611. Order denying petition to extend a one-year extreme risk firearm protection order.**

[Extreme Risk Firearm Protection Order Act,  
NMSA 1978, Sections 40-17-1 to -13]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

IN THE MATTER OF AN EXTREME RISK  
FIREARM PROTECTION ORDER FOR

\_\_\_\_\_(RESPONDENT) No. \_\_\_\_\_  
YOB: \_\_\_\_\_

**ORDER DENYING PETITION TO EXTEND A ONE-YEAR EXTREME  
RISK FIREARM PROTECTION ORDER**

**THIS MATTER** came before the court upon a Petition to Extend a One-Year Extreme Risk Firearm Protection Order and hearing on \_\_\_\_\_, 20\_\_\_\_. The court having reviewed the Petition and accompanying Affidavit, and all other relevant evidence presented, and being otherwise fully advised in the premises, hereby **DENIES** the Petition to Extend the One-Year Extreme Risk Firearm Protection Order.

1. The court denies the request to extend the One-Year Extreme Risk Firearm Protection Order for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Based on the foregoing, the court **does not find** by a preponderance of the evidence that the Respondent continues to pose a significant danger of causing imminent personal injury to self or others by having in the Respondent's custody or control or by purchasing, possessing or receiving a firearm.

**IT IS FURTHER ORDERED** that any firearms the Respondent relinquished in accordance with a Temporary or One-Year Extreme Risk Firearm Protection Order be returned to the Respondent.

**IT IS SO ORDERED.**

\_\_\_\_\_  
District Court Judge  
\_\_\_\_\_  
Judicial District Court  
{Address}  
{City}, {State} {Zip Code}

☐ A copy of this Order was: ☐ hand delivered ☐ mailed ☐ faxed ☐ e-mailed  
to: ☐ Respondent ☐ Respondent's counsel on \_\_\_\_\_.  
*date*

☐ A copy of this Order was: ☐ hand delivered ☐ mailed ☐ faxed ☐ e-mailed  
to: ☐ Petitioner ☐ Petitioner's counsel on \_\_\_\_\_.  
*date*

☐ A copy of this Order was: ☐ hand delivered ☐ mailed ☐ faxed ☐ e-mailed

to: ☐ Reporting Party \_\_\_\_\_ on \_\_\_\_\_.  
*name* *date*

*Signed*

*Title*

[Adopted by Supreme Court Order No. \_\_\_\_\_, effective for all cases filed on or after \_\_\_\_\_.]

**[NEW MATERIAL]**

**4A-612. Respondent's motion to terminate a one-year extreme risk firearm protection order.**

[Extreme Risk Firearm Protection Order Act,  
NMSA 1978, Sections 40-17-1 to -13]

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

IN THE MATTER OF AN EXTREME RISK  
FIREARM PROTECTION ORDER FOR

\_\_\_\_\_(RESPONDENT) No. \_\_\_\_\_  
YOB: \_\_\_\_\_

**RESPONDENT’S MOTION TO TERMINATE A ONE-YEAR  
EXTREME RISK FIREARM PROTECTION ORDER**

1. I am the Respondent in this case.
2. I currently live at the following address {street address, city, state, and zip code}:  
\_\_\_\_\_
3. My attorney's name, address, and telephone number are:  
\_\_\_\_\_  
*If you do not have an attorney, write "none".*
4. A One-Year Extreme Risk Firearm Protection Order was entered against me on \_\_\_\_\_ (date).
5. The One-Year Extreme Risk Firearm Protection Order expires on \_\_\_\_\_ (date).



*Signature of Respondent*

[Adopted by Supreme Court Order No. \_\_\_\_\_, effective for all cases filed on or after \_\_\_\_\_.]

**[NEW MATERIAL]**

**4A-613. Order on respondent's motion to terminate a one-year extreme risk firearm protection order.**

[Extreme Risk Firearm Protection Order Act,  
NMSA 1978, Sections 40-17-1 to -13]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

IN THE MATTER OF AN EXTREME RISK  
FIREARM PROTECTION ORDER FOR

\_\_\_\_\_ (RESPONDENT) No. \_\_\_\_\_  
YOB: \_\_\_\_\_

**ORDER ON RESPONDENT'S MOTION TO TERMINATE A ONE-YEAR  
EXTREME RISK FIREARM PROTECTION ORDER**

**THIS MATTER** came before the court upon the Respondent's Motion to Terminate a One-Year Extreme Risk Firearm Protection Order issued on \_\_\_\_\_, 20\_\_\_\_\_. The court having reviewed the Respondent's request and all other relevant evidence presented, and being otherwise fully advised in the premises, hereby:

☐ **DENIES** the Respondent's Motion to Terminate the One-Year Extreme Risk Firearm Protection Order. The court finds that the Respondent *continues* to pose a significant danger of causing imminent personal injury to self or others by having in the Respondent's custody or control or by purchasing, possessing or receiving a firearm. THE EXTREME RISK FIREARM PROTECTION ORDER REMAINS IN EFFECT UNTIL \_\_\_\_\_; OR

☐ **GRANTS** the Respondent's Motion to Terminate the One-Year Extreme Risk Firearm Protection Order. The court finds that the Respondent *no longer* poses a significant danger of causing imminent personal injury to self or others by having in the Respondent's custody or control or by purchasing, possessing or receiving a firearm. THE EXTREME RISK FIREARM PROTECTION ORDER IS HEREBY TERMINATED.

**IT IS FURTHER ORDERED:**



[Extreme Risk Firearm Protection Order Act,  
NMSA 1978, Sections 40-17-1 to -13]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

IN THE MATTER OF AN EXTREME RISK  
FIREARM PROTECTION ORDER FOR

\_\_\_\_\_(RESPONDENT) No. \_\_\_\_\_  
YOB: \_\_\_\_\_

### FIREARM RELINQUISHMENT RECEIPT FORM

1. **Person Relinquishing Firearms**

Name: \_\_\_\_\_

2. **Respondent's Information – Person Subject to an Extreme Risk Firearm Protection Order (ERFPO)**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email: \_\_\_\_\_

Please provide a phone number where you can be reached to reclaim your firearm(s):

Phone Number: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ ☐ cell ☐ home ☐ work

3. **To the Respondent**

If the court has ordered you to turn in your firearms, you must use this form to prove to the court that you have obeyed its orders. When you deliver your ***unloaded firearm(s)***, ask the law enforcement officer to complete item 4 or the federal firearms licensee (licensed gun dealer) to complete item 5. You must fill out item 6 (list of all firearms) and item 7 and have it ready when you are ready to turn in your firearms. After the form is signed, **you must immediately file it with the court after turning in your firearms.** You should make a copy of this form for yourself.

4. **To Be Completed By Law Enforcement**

Fill out items 4 and 6 of this form. Keep a copy

and give the original to the person who turned in the firearm(s).

The firearm(s) listed in 6 were turned in on:

Date: \_\_\_\_\_ at \_\_\_\_\_ ☐ am ☐ pm

To: \_\_\_\_\_  
*Name of Law Enforcement Agency - Please Print*

\_\_\_\_\_  
*Address*

I declare under penalty of perjury under the laws of the State of New Mexico that the information above is true and correct.

\_\_\_\_\_  
Signature of Law Enforcement Officer

\_\_\_\_\_  
Name of Officer – Please Print

**5. To Be Completed By Firearms Dealer**

Fill out items 5 and 6 of this form. Keep a copy and give the original to the person who turned in the firearm(s).

The firearm(s) listed in 6 were:

☐ sold to me ☐ transferred to me for storage on:

Date: \_\_\_\_\_ at \_\_\_\_\_ ☐ am ☐ pm

To: \_\_\_\_\_  
*Name of Federal Firearms Licensee (FFL) – Please Print*

\_\_\_\_\_  
*Licensee number*

\_\_\_\_\_  
*Telephone*

I declare under penalty of perjury under the laws of the State of New Mexico that the information above is true and correct.

\_\_\_\_\_  
Signature of Federal Firearms Licensee (FFL)

\_\_\_\_\_  
\_\_\_\_\_



Address Where Firearms Are Stored

6. **List of Firearms**

	<u>Make</u>	<u>Model</u>	<u>Serial Number</u>	<u>Initials of Person Accepting Firearms</u>
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____
9.	_____	_____	_____	_____
10.	_____	_____	_____	_____

☐ Check this box if more than ten (10) firearms were turned in, sold, or stored. Attach another sheet to this form that lists the make, model, serial number and the initials of the person accepting firearms. (Please note that only law enforcement or a federal firearms licensee may accept your firearms.)

7. Do you have, own or possess, or control any other firearms besides the firearm listed in ⑥?  
☐ Yes ☐ No If you answered yes, where are these firearms? \_\_\_\_\_

***I declare under penalty of perjury under the laws of New Mexico that the information provided above is true and correct.***

Name – Please Print

Signature

Date: \_\_\_\_\_ Total Number of Firearms Surrendered: \_\_\_\_\_

[Adopted by Supreme Court Order No. \_\_\_\_\_, effective for all cases filed on or after  
\_\_\_\_\_.]



New Mexico  
Courts

Alyssa Segura <supams@nmcourts.gov>

[rules.supremecourt-grp] Open for Comment Form submitted on Supreme Court

1 message

Supreme Court <noreply@nmcourts.gov>  
Reply-To: noreply@nmcourts.gov  
To: rules.supremecourt@nmcourts.gov

Fri, Apr 4, 2025 at 11:19 AM

Name	Patricia
	Galindo
Phone Number	505-670-2656
Email	<a href="mailto:aocpmg@nmcourts.gov">aocpmg@nmcourts.gov</a>
Proposal Number	2025-010
Comment	Please see attachment.
File Upload	<a href="https://supremecourt.nmcourts.gov/wp-content/uploads/sites/2/formidable/6/Proposed-Rule-Changes-2025-010.pdf">https://supremecourt.nmcourts.gov/wp-content/uploads/sites/2/formidable/6/Proposed-Rule-Changes-2025-010.pdf</a>

Name Patricia Galindo

Phone Number 505-670-2656

Email [aocpmg@nmcourts.gov](mailto:aocpmg@nmcourts.gov)

Proposal Number 2025-010

Comment

Please see attachment.

<https://supremecourt.nmcourts.gov/wp-content/uploads/sites/2/formidable/6/Proposed-Rule-Changes-2025-010.pdf>

 **Proposed-Rule-Changes-2025-010.pdf**  
121K

To: New Mexico Supreme Court

From: Patricia M. Galindo, Supervising Attorney AOC Legal Services

Date: April 4, 2025

Re: Proposed revisions to the Domestic Relations Forms Proposal 2025-010

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For the most part, the proposed changes to the series of 14 forms created for the Extreme Risk Firearm Protection Order (ERFPO) Act are minor, stylistic changes. It's important to note that almost of the petitioners who file an ERFPO are law enforcement officers. As the judiciary moves towards making forms more user-friendly, one suggestion is to keep the format of the original forms since it makes it easier for a law enforcement to use, and creates shorter forms. In addition, the ERFPO forms used by either the petitioner or the respondent, have been distributed as locked, word-fillable forms that utilize check boxes and fields that make completing the forms easier. For these reasons, the following formatting styles should remain:

- Footers. Keeping the name of the form and the page number in a footer helps ensure the correct form is used and pages are not omitted.
- Check boxes. Easier to use and read than using brackets.
- Left indent. Should be shortened to eliminate unnecessary white space, which also lengthens the forms.
- Charts. Obtaining information in a chart reduces the length of the form and makes it easy to identify the information that needs to be completed. *It is highly recommended that the chart format remain in Form 4A-614 since law enforcement or a federal firearm licensee must complete this receipt.* Eliminating the current formatting increases the length of the firearm receipt and may inadvertently result in information not being completed.

The following suggestions apply to the proposed changes to the all of the ERFPO forms:

1. Caption – the “In the matter of” caption for ERFPO cases was carefully considered by judges prior to new ERFPO law taking effect in 2020. The caption was chosen to mirror mental health cases, since the subject of the ERFPO is the focus of the case. Including “(RESPONDENT)” after the caption title is not consistent other mental health (SI) or adult guardianship (PQ) cases.
2. Including the Year of Birth (YOB) in the caption of the case title. The inclusion of the respondent’s year of birth (YOB) on all pleadings is confusing and unnecessary. This information is also not sufficient for reporting these types of cases to the National Instant Criminal Background Check System (NICS). Since law enforcement is almost always the petitioner in an ERFPO case, law enforcement would likely already have contact with the respondent, or with someone familiar with the respondent, so the year of birth would not assist law enforcement with identifying or serving the respondent. The respondent’s full date of birth is already included in Section II of the Petition. *The respondent’s date of*

*birth was removed from page 2 of the Affidavit, and should be replaced since the affiant will be the individual who most likely knows the respondent's full date of birth.*

House Bill 12 (2025 Legislative session). The legislature passed, and the Governor has signed, HB 12, which makes two significant changes to the ERFPO process. First, a law enforcement officer who receives “credible information” while carrying out the officer’s official duties may file an ERFPO petition, that includes:

1. A description of the circumstance under which the petitioner collected credible information that gave rise to the petition; and
2. A statement regarding why the law enforcement officer believes the respondent poses a significant danger of causing imminent personal injury to self or others by having custody or control of or by purchasing, possessing or receiving a firearm.

It appears that a different petition (Form 4A-602) and affidavit (Form 4A-601) may need to be created to comply with the statutory changes to Section 40-17-5(H) NMSA 1978 made by HB 12.

The other significant change HB 12 makes to the ERFPO process is the relinquishment of firearms. HB 12 amends Section 40-17-10 NMSA 1978 by requiring the respondent to relinquish all firearms “immediately upon service of the order or as directed by the court”. For the reason, proposed Forms 4A-603, 4A-608 and 4A-614 must be changed to comply with the upcoming statutory changes.