

**DOMESTIC RELATIONS FORMS
FORM 4-970**

**Supreme Court Approved
November 1, 2020**

1 4-970. Stipulated order of protection.

| | |
|---|--|
| _____ Judicial District _____ County, New Mexico | Order of Protection <input type="checkbox"/> Amended Order |
| Case No. _____ | |

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|--|--|
| PROTECTED PARTY (<input type="checkbox"/> PETITIONER <input type="checkbox"/> RESPONDENT) <div style="border: 1px solid black; height: 30px; width: 100%; margin: 5px 0;"></div> <p style="text-align: center; margin: 0;">First Middle Last</p> And/or on behalf of minor family member(s): (list name and DOB) _____ _____ | PROTECTED PARTY IDENTIFIERS <div style="border: 1px solid black; height: 30px; width: 100%; margin: 5px 0;"></div> <p style="text-align: center; margin: 0;">Date of Birth of Protected Party</p> Other Protected Persons/DOB _____ _____ |
|--|--|

V.

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|-------------------|-------|----------|----|----|--|--|--|--|--|------|------|-------------------|--|--|-------------------------------|--|--|--|--|-------------------|--|--|-------|----------|--|--|--|--|--|
| RESTRAINED PARTY <div style="border: 1px solid black; height: 30px; width: 100%; margin: 5px 0;"></div> <p style="text-align: center; margin: 0;">First Middle Last</p> Relationship to Protected Party: _____ Restrained Party's Address _____ _____ | RESTRAINED PARTY IDENTIFIERS <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 15%;">SEX</td> <td style="width: 15%;">RACE</td> <td style="width: 15%;">DOB</td> <td style="width: 15%;">HT</td> <td style="width: 15%;">WT</td> </tr> <tr> <td colspan="5" style="height: 15px;"></td> </tr> <tr> <td>EYES</td> <td>HAIR</td> <td colspan="3">SOCIAL SECURITY #</td> </tr> <tr> <td colspan="5"><i>Not used in New Mexico</i></td> </tr> <tr> <td colspan="3">DRIVERS LICENSE #</td> <td>STATE</td> <td>EXP DATE</td> </tr> <tr> <td colspan="5" style="height: 15px;"></td> </tr> </table> Distinguishing Features _____ _____ | SEX | RACE | DOB | HT | WT | | | | | | EYES | HAIR | SOCIAL SECURITY # | | | <i>Not used in New Mexico</i> | | | | | DRIVERS LICENSE # | | | STATE | EXP DATE | | | | | |
| SEX | RACE | DOB | HT | WT | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| EYES | HAIR | SOCIAL SECURITY # | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <i>Not used in New Mexico</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| DRIVERS LICENSE # | | | STATE | EXP DATE | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

CAUTION:

- Weapon Involved
- Credible Threat. Firearm Delivery Ordered.

3

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Restrained Party has been provided with reasonable notice and opportunity to be heard.
 Additional findings of this order follow on succeeding pages.

6

THE COURT HEREBY ORDERS:

- That the above named Restrained Party be restrained from committing further acts of abuse or threats of abuse.
- That the above named Restrained Party be restrained from any contact with the Protected Party.
- Additional terms of this order are as set forth on succeeding pages.

9

10

The terms of this order shall be effective until , .

11

WARNINGS TO THE RESTRAINED PARTY:

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

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As a result of this order, it is unlawful for you to possess or purchase ammunition or a firearm, including a rifle, pistol, or revolver, under 18 U.S.C. Section 922(g)(8) and NMSA 1978, Section 30-7-16, and may be unlawful under 18 U.S.C. Section 921(a)(32). If you have any questions whether federal law makes it illegal for you to possess or purchase a firearm, you should consult an attorney.

Only the court can change this order.

Page 1 of _____

Judge's signature on last page

20

1 **ADDITIONAL PAGES¹ OF STIPULATED ORDER OF PROTECTION**

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

3 **1. FINDING OF CREDIBLE THREAT**

4 [] The restrained party presents a credible threat to the physical safety of the protected party
5 or a member of the protected party’s household.

6 [] The restrained party presents a credible threat to the physical safety of the protected party,
7 who is a household member.

8 [] The restrained party shall, within forty-eight (48) hours, deliver any firearm in that party’s
9 possession, care, custody, or control to a law enforcement agency, law enforcement officer, or
10 federal firearms licensee while the order of protection is in effect, and shall refrain from
11 purchasing, receiving, or possessing, or attempting to purchase, receive, or possess, any firearm
12 while the order of protection is in effect.

13 [] The restrained party is responsible for ensuring that the firearm delivery receipt is filed in
14 this case within seventy-two (72) hours of entry of this order.

15 **2. NOTICE, APPEARANCES, AND STATUS**

16 This order was entered on stipulation of the parties.

17 [] The relationship of the parties is that of an “intimate partner” as defined in 18 [USC] U.S.C.
18 Section 921(a)(32). (*See 3 below*.)[-] This order may be entered into a federal firearms database.

19 [] [~~Petitioner~~] The petitioner was present.

20 [] [~~Petitioner~~] The petitioner was represented by counsel.

21 [] [~~Respondent~~] The respondent was present.

22 [] [~~Respondent~~] The respondent was represented by counsel.

23 **3. EFFECT OF STIPULATION TO ORDER OF PROTECTION**

1 Violation of this order can have serious consequences, including:

2 A. If you violate the terms of this order, you may be charged with a misdemeanor, which is
3 punishable by imprisonment of up to three hundred and sixty-four (364) days and a fine of up to
4 one thousand dollars [~~(\$1,000)~~] (\$1,000.00) or both. You may be found to be in contempt of court.

5 B. If you receive, transport, or possess a firearm or destructive device while the order of
6 protection is in effect, you may be charged with a misdemeanor, which is punishable by
7 imprisonment for up to [~~three hundred and sixty-four~~] three hundred and sixty-four (364) days and
8 a fine of up to [~~one thousand~~] one thousand dollars (\$1,000.00).

9 C. If you are the spouse or former spouse of the other party, an individual who cohabitates
10 with or has cohabitated with the other party, or if you and the other party have had a child together,
11 federal law prohibits you from possessing or transporting firearms or ammunition while this order
12 is in effect. If you have a firearm or ammunition, you should immediately dispose of the firearm
13 or ammunition. Violation of this law is a federal crime punishable by imprisonment for up to ten
14 (10) years and a fine of up to [~~two hundred fifty thousand~~] two hundred and fifty thousand dollars
15 [~~(\$250,000)~~] (\$250,000.00). 18 U.S.C. § 922, *et seq.*

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

18 **4. DOMESTIC ABUSE PROHIBITED**

19 The restrained party shall not abuse the protected party or members of the protected party's
20 household. "Abuse" means any incident by one party against the other party or another household
21 member resulting in (1) physical harm; (2) severe emotional distress; (3) bodily injury or assault;
22 (4) a threat causing imminent fear of bodily injury to the other party or any household member;
23 (5) criminal trespass; (6) criminal damage to property; (7) repeatedly driving by the protected

1 party's or a household members' residence or work place; (8) telephone harassment; (9) stalking;
2 (10) harassment; or (11) harm or threatened harm to children in any manner set forth above.

3 The restrained party shall not ask or cause other persons to abuse the other party or any other
4 household members.

5 **5. CONTACT PROHIBITIONS**

6 ~~[Restrained]~~ The restrained party shall stay [100] one hundred (100) yards away from the protected
7 party and the protected party's home and [workplace] work place at all times, unless at a public
8 place, where the restrained party shall remain [25] twenty-five (25) yards away from the protected
9 party except as specifically permitted by this order.

10 The restrained party shall not telephone, talk to, visit, or contact the protected party in any way
11 except as follows:

12 *(check only applicable paragraphs)*

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

15 _____
16 _____.

17 The restrained party shall not post or cause another to post anything about the protected
18 party on any form of social media, including, but not limited to, Facebook, Twitter, Instagram, or
19 Snapchat. This prohibition includes posts about the protected party's family members, significant
20 other, and children.

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

23 **Protected party's addresses:**

1 _____ (home address)

2 _____ (work address)

3 _____ (city)

4 _____ (if applicable, tribe or pueblo)

5 _____ (state and zip code)

6 **6. COUNSELING**

7 ~~[Petitioner]~~ The petitioner shall attend counseling at _____, contacting that
8 office within five (5) days. The petitioner shall participate in, attend, and complete counseling as
9 recommended by the named agency.

10 ~~[Respondent]~~ The respondent shall attend counseling at _____, contacting
11 that office within five (5) days. The respondent shall participate in, attend, and complete
12 counseling as recommended by the named agency.

13 ~~[Petitioner]~~ The petitioner shall report to _____ for a drug [and]
14 alcohol screen by _____, _____ (date) with the results returned to this court.

15 ~~[Respondent]~~ The respondent shall report to _____ for a drug [and]
16 alcohol screen by _____, _____ (date) with the results returned to this court.

17 Other counseling requirements: _____.

18 **7. CUSTODY²**

19 The court's orders regarding the minor [child] [children] of the parties are found in the
20 Custody, Support and Division of Property Attachment of this order of protection.

21 **8. PROVISIONS RELATING TO SUPPORT²**

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

1 **9. PROPERTY, DEBTS, [~~PAYMENTS~~] PAYMENT OF MONEY²**

2 [] The court's orders regarding property, debts, and payment of money are addressed in the
3 Custody, Support and Division of Property Attachment of this order of protection.

4 **10. ADDITIONAL ORDERS**

5 [] Review hearing. The parties are ordered to appear for a review hearing on the
6 _____ day of _____, _____, at _____ (a.m.) (p.m.). Failure to
7 appear may result in the issuance of a bench warrant for your arrest or dismissal of this order.

8 Any party ordered to attend counseling shall bring proof of counseling to the review hearing.

9 IT IS FURTHER ORDERED³: _____
10 _____
11 _____.

12 **11. PROTECTED PARTY SHALL NOT CAUSE VIOLATION**

13 While this order of protection is in effect, the protected party should refrain from any act that
14 would cause the restrained party to violate this order. This provision is not intended to and does
15 not create a mutual order of protection. Under NMSA 1978, Section 40-13-6(D), [~~NMSA 1978~~]
16 only the restrained party can be arrested for violation of this order.

17 **12. NOTICE TO LAW ENFORCEMENT AGENCIES**

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

20 [] _____ (*name*) is ordered to surrender all keys to the residence to law enforcement
21 officers.

22 [] Law enforcement officers or _____ shall be present during any property exchange.

1 This order supersedes prior orders in _____ County, State of
2 _____, Cause No. _____ to the extent that there are contradictory
3 provisions.

4 **13. NOTICE TO PARTIES**

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

7 **14. AGREEMENT OF PARTIES**

8 Without admitting that domestic abuse has occurred, the parties stipulate to the entry of this order
9 and affirm that they have read and do understand the effects of this order as stated in Paragraph 3.

10 _____

11 Protected party's signature

Restrained party's signature

12 _____

13 Protected party's counsel, if any

Restrained party's counsel, if any

14 _____

15 Date

Date

16 **15. RECOMMENDATIONS**

17 I have:

18 reviewed the pleading for order of protection;

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

Signed

Domestic Violence Commissioner

Court's telephone number: _____

1 **SO ORDERED.**

District Judge

DATE

2 [] A copy of this order was [] hand delivered [] faxed [] mailed to [] the restrained party []
3 the restrained party's counsel on _____ (date).³

4 [] A copy of this order was [] hand delivered [] faxed [] mailed to [] the protected party []
5 the protected party's counsel on _____ (date).

6 _____

7 Signed

8 _____

9 Title

10 **USE NOTES**

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

13 2. See Form 4-967 NMRA, "Custody, Support and Division of Property
14 Attachment,"[-]

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

16 4. [~~Restrained~~] The restrained party may be served at the time this order is issued. If
17 the restrained party is not present at the time this order is issued, service [~~upon~~] on the restrained
18 party shall be made by delivering a copy to the party. See NMSA 1978, Section 40-13-6(A)[
19 ~~NMSA 1978~~].

1 [Approved, effective November 1, 1999 until July 1, 2001; approved, as amended, effective May
2 1, 2001; April 9, 2002; as amended by Supreme Court Order No. 07-8300-020 effective September
3 17, 2007; by Supreme Court Order No. 08-8300-040, effective December 15, 2008; as amended
4 by Supreme Court Order No. 19-8300-009, effective for all orders issued on or after July 1, 2019;
5 as amended by Supreme Court Order No. 19-8300-015, effective for all cases pending or filed on
6 or after December 31, 2019; as amended by Supreme Court Order No. 20-8300-010, effective for
7 all cases pending or filed on or after December 31, 2020.]

8 **Committee commentary.**— This [~~Stipulated Order of Protection~~] stipulated order of
9 protection is not the same as an [~~Order of Protection~~] order of protection entered [~~pursuant to~~]
10 under Form 4-965 NMRA. This order provides fewer protections to the parties than does the Form
11 4-965 Order of Protection. The decreased protection is the result of the fact that the order is not
12 based upon findings of abuse, but is entered without reference to whether abuse has occurred.
13 Nonetheless, there may be occasions when the parties and the court are satisfied that this
14 [~~Stipulated Order of Protection~~] stipulated order of protection provides adequate relief to the
15 parties.

16 The general provisions of the order of protection, including injunctive orders, shall
17 “continue until modified or rescinded [::] . . . or until the court approves a subsequent consent
18 agreement[::] . . .” NMSA 1978, Section 40-13-6(B)[~~NMSA 1978~~]. In contrast, “[a]n order of
19 protection [::] . . . involving custody or support shall be effective for a fixed period of time not to
20 exceed six months.”[;] *Id.* The custody or support “order may be extended for good cause upon
21 motion [::] . . . for an additional period of time not to exceed six months.”[;] *id.*, unless “the order
22 supersedes or alters prior orders of the court” pertaining to child custody or child support. *See*
23 NMSA 1978, § [Section] 40-13-5(C)[~~NMSA 1978~~]. In the latter situation, “the court may enter

1 an initial order of protection, but the portion of the order dealing with child custody or child support
2 will then be transferred to the court that has or continues to have jurisdiction over the pending or
3 prior custody or support action.”[:] *Id.*

4 **Factual Distinction Between Mutual Order of Protection and Stipulated Order of**
5 **Protection**

6 The core factual difference between the Form 4-965 NMRA order of protection and this
7 stipulated order of protection is that Form 4-965 NMRA requires the court to make findings that
8 each party has committed an act of domestic abuse. In contrast, this order is entered by the court
9 with no finding of domestic abuse by the respondent, but rather, is based solely on the stipulation
10 of the parties that, without admitting to acts of abuse, each party is willing to have the restraining
11 order issued against the restrained party.

12 [Amended by Supreme Court Order No. 08-8300-040, effective December 15, 2008; as amended
13 by Supreme Court Order No. 19-8300-009, effective for all orders issued on or after July 1, 2019;
14 as amended for stylistic compliance by Supreme Court Order No. 20-8300-010, effective for all
15 cases pending or filed on or after December 31, 2020.]