

1 **4-962A. Counter-petition for order of protection from domestic abuse.**

2 [Family Violence Protection Act,

3 Sections 40-13-1 to 40-13-8 NMSA 1978]

4 STATE OF NEW MEXICO

5 COUNTY OF _____

6 _____ JUDICIAL DISTRICT COURT

7 _____, Petitioner

8 v. No. _____

9 _____, Respondent

10 **COUNTER-PETITION FOR ORDER OF PROTECTION**

11 **FROM DOMESTIC ABUSE¹**

12 **1. COURT ASSISTANCE REQUEST**

13 We will need an interpreter in _____ to translate at hearings for me
14 the petitioner.

15 We will need _____ (*describe other request for special help*).

16 **2. INFORMATION ABOUT THE PETITIONER** (*the person I am filing against*)

17 A. The petitioner is:

18 my husband or my wife

19 my ex-husband or my ex-wife

20 the parent of my [child] [children]

21 a family member _____ (*describe the family relationship*)

22 a person with whom I have had a continuing personal relationship

23 _____ (*describe the relationship*)

1 _____
2 _____.

3 D. Does anyone else have physical custody of the [child] [children] or claim to have
4 custody or visitation rights? [] yes [] no

5 *If yes, complete the following for the [child] [children]:*

6	Child's name	Person claiming rights
7	_____	_____
8	_____	_____

9 E. Describe how often the [child] [children] have been with the other party during the
10 past six (6) months.

11 _____
12 _____
13 _____

14 **4. OTHER CASES**

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

17	Type of Case	Year Filed	Case Number	Where Filed
18		<i>(if known)</i>	<i>(if known)</i>	<i>(city and state)</i>
19	_____	_____	_____	_____
20	_____	_____	_____	_____

21 **5. DOMESTIC ABUSE**

1 A. The petitioner committed the following act(s) of domestic abuse against me or a
2 member of my household: *(describe in detail what happened to you or to a member of your*
3 *household and when and where.)*

4 **Physical abuse:**_____.

5 **Threats which caused fear that you or any household member would be injured:**

6 _____.

7 **Other abuse:**_____.

8 **Date of abuse:**_____.

9 **Place of abuse:**_____.

10 B. Petitioner is a credible threat to my physical safety because:_____

11 _____.

12 ~~B.~~C. Others present during the abuse:_____.

13 ~~C.~~D. Did drugs or alcohol play a role in the domestic abuse? [] yes [] no

14 ~~D.~~E. Were weapons used during the abuse? [] yes [] no

15 If yes, ~~what~~ describe the weapons?

16 ~~E.~~F. Has there been prior domestic abuse? [] yes [] no

17 [continuation sheets to be inserted here]

18 **6. REQUESTS TO THE COURT**

19 I REQUEST THAT THE COURT ORDER *(check all that you want):*

20 [] A. that the petitioner not contact me, not abuse me, and that the petitioner stay
21 away from my residence [and] [place of employment] [and] [school].

22 [] B. (1) that the petitioner shall immediately leave [] my [] our residence at

23 _____.

1 (2) that the petitioner provide me with temporary suitable alternative
2 housing.

3 (3) _____ Provide (*address of the*
4 *place of eviction*).

5 C. that the petitioner shall not sell, remove, pawn, hide, destroy or damage any
6 property owned by me or the two of us jointly.

7 D. that law enforcement officers assist me in retrieving my clothing and
8 personal belongings from the residence at _____.

9 E. that I be given temporary custody of the [child] [children] listed in this
10 petition.

11 F. that until the court hearing:

12 petitioner shall have the following contact with the [child] [children]:

13 _____.

14 petitioner shall have no contact with the [child] [children]:

15 _____.

16 G. that the petitioner shall pay:

17 support for the [child] [children].

18 support for me.

19 H. that the petitioner shall pay me for the damage and medical bills resulting
20 from the abuse.

21 I. other relief that is necessary to resolve this domestic abuse problem (*list or*
22 *describe what relief is necessary*)

23 _____

1 _____.
2 J. _____ the petitioner be found to be a credible threat and be required to deliver any
3 firearm in the petitioner's care, custody, or control to a law enforcement officer or a federal
4 firearms licensee.

5 **7. INFORMATION ABOUT THE RESPONDENT (ME)**

6 *(If you do not want the petitioner to know your address and phone number, do not include it on*
7 *this form. Tell the court clerk that you need to complete two other forms (Forms 4-961A and 4-*
8 *961B NMRA) for your name and address and request that the clerk place your address under seal.)*

9 A. **I DO NOT WANT PETITIONER TO KNOW MY ADDRESS NOW**
10 **OR AFTER THE HEARING FOR THE FINAL ORDER OF PROTECTION. I HAVE**
11 **COMPLETED FORM 4-961B AND GIVEN IT TO THE COURT CLERK.**

12 OR

13 B. My physical address is: _____ in the
14 County
15 Indian Country of _____, State of New Mexico.

16 My mailing address *(if different from above)* [~~is~~]:
17 _____ *(street address)*
18 _____ *(city and zip)*

19 My telephone numbers are:
20 Home Work Message
21 _____

22 **8. NOTICE TO PETITIONER**

1 A. I have not told petitioner that I am filing a petition to ask the court for an
2 order of protection because I believe irreparable harm would result if I told petitioner before
3 coming to court. (*Describe what might happen to you or what you are afraid might happen if the*
4 *petitioner knew you were asking for a court order of protection.*)

5 _____.

6 B. I have told petitioner that I am filing this petition.

7 **9. LOCATION OF PETITIONER**

8 A. Petitioner may be found at:

9 _____ (*address*)

10 _____ (*city*)

11 _____ (*state and zip code*)

12 _____ (*if in Indian Country, please name tribe or pueblo*).

13 Petitioner's:

14 _____ (*date of birth*)

15 _____ (*home telephone number*)

16 _____ (*work address*)

17 _____ (*work telephone number*).

18 B. Is petitioner in jail? yes no

19 **VERIFICATION**

20 I, the Respondent/Counter-Petitioner affirm under penalty of perjury under the laws of the
21 State of New Mexico that I am the Respondent/Counter-Petitioner in the above-entitled cause; that
22 I have read the counter-petition for order of protection from domestic abuse; and that the contents
23 of the counter-petition are true and correct to the best of my information and belief.

1 _____

2 *Date*

_____ *Signature of Respondent*

3 **USE NOTE**

4 1. Respondent should complete all information known by the respondent.

5 2. This part must be completed if there are children. NMSA 1978, Section 40-10A-
6 209 of the Uniform [~~Child Custody~~] Child Custody Jurisdiction Enforcement Act requires the first
7 pleading of every custody action to give information as to the child's present address, the places
8 where the child has lived within the last five (5) five years and the names and present addresses of
9 the persons with whom the child has lived during that period. If a child lives with you now, but
10 you do not want petitioner to know your address, do not put your current address here, but do fill
11 out Forms 4-961A and 4-961B NMRA.

12 3. Use Notes 1 and 2 are to be printed on pre-printed forms published for use by pro
13 se respondents. This note and Use Note 4 should not be printed on the form. This form has been
14 approved by the Supreme Court of New Mexico for use in the courts of this state and distribution
15 pursuant to NMSA 1978, Section 40-13-3. Pre-printed pro se forms should include a lined blank
16 page at the end of the form for use by the respondent if the pre-printed form does not include
17 adequate space for a complete answer to a question.

18 4. NMSA 1978, Section 40-13-3.1(A)(4) provides that a victim in a domestic abuse
19 case shall not be required to pay for "the filing, issuance or service of a petition for an order of
20 protection."

21 [Approved, effective November 1, 1999 until July 1, 2001; approved, as amended, effective May
22 1, 2001; as amended, effective February 16, 2004; as amended by Supreme Court Order No. 08-
23 8300-40, effective December 15, 2008; as amended by Supreme Court Order No. 14-8300-023,

- 1 effective for all pleadings and papers filed on or after December 31, 2014; as amended by Supreme
- 2 Court Order No. 19-8300-009, effective for all counter-petitions filed on or after July 1, 2019.]