

_____, Petitioner

v.

_____, Respondent

**COUNTER-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 PETITIONER (*the person I am filing against*)

- A. The petitioner is:
- my husband or my wife
 - my ex-husband or my ex-wife
 - the parent of my [child] [children]
 - a family member _____ (*describe the family
relationship*)
 - a person with whom I have had a continuing personal relationship

(*describe the relationship*)

B. The petitioner has the following weapons: _____

3. [CHILD] [CHILDREN]

A. List minor [child] [children] of either party.

Name	Date of Birth	Relationship of [Child] [Children] To You	Relationship of [Child] [Children] To Respondent
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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

- C. List each address where [child] [children] have lived during the last (5) five years. *(List each child separately if [child] [children] did not reside with same person.)*

- D. Does anyone else have physical custody of the [child] [children] or claim to have custody or visitation rights? yes no
If yes, complete the following for the [child] [children]:

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 petitioner or the state:

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

5. **DOMESTIC ABUSE**

- A. The petitioner 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:

- 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

6. REQUESTS TO THE COURT

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

- A. that the petitioner not contact me, not abuse me and that the petitioner stay away from my residence [and] [place of employment] [and] [school].
- B. (1) that the petitioner shall immediately leave my our residence.
- OR
- (2) that the petitioner provide me with temporary suitable alternative housing.
- C. that the petitioner 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

- E. that I be given temporary custody of the [child] [children] listed in this petition.
- F. that until the court hearing:
- petitioner shall have the following contact with the [child]
 [children]. _____
- petitioner shall have no contact with the [child] [children].
- G. that the petitioner shall pay:
- support for the [child] [children]
 support for me.
- H. that the petitioner 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*):
- _____
- _____

7. INFORMATION ABOUT THE RESPONDENT (ME)

(If you do not want the petitioner 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 PETITIONER 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
_____	_____	_____

8. NOTICE TO PETITIONER

A. I have not told petitioner that I am filing a counter-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 petitioner knew you were asking for a court order of protection.)*

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

9. LOCATION OF PETITIONER

A. Petitioner may be found at:

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

Petitioner's:

_____ *(social security number)*
_____ *(date of birth)*
_____ *(home telephone number)*
_____ *(work address)*
_____ *(work telephone number).*

B. Is petitioner in jail? yes no

VERIFICATION

STATE OF NEW MEXICO }
COUNTY OF _____ }
TRIBE OR PUEBLO _____ }

The respondent was sworn and states: I have read this counter-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.

_____ *Date*

_____ *Signature of Respondent*

Signed and sworn before me on this ____ day of _____, _____.

Notary public

My commission expires: _____.

STATE OF NEW MEXICO
COUNTY OF _____
THIRTEENTH JUDICIAL DISTRICT

Petitioner,

Vs.

No. _____

Respondent.

REQUEST FOR ORDER TO OMIT RESPONDENT'S ADDRESS
AND TELEPHONE NUMBER FROM COUNTER-PETITION,
TO PLACE REFERENCES TO RESPONDENT'S ADDRESS UNDER SEAL
AND FOR AN ORDER PROVIDING ALTERNATIVE MEANS OF SERVICE
UPON RESPONDENT (FORM 4-961B)

1. I do not want my current address and telephone number to be made known to the Petitioner for the following reasons:

2. My current mailing address and telephone numbers (home, cell, work) are:

3. I ask the court not to disclose my current address and telephone numbers.
4. I ask that if my request is granted, all process and papers be served on my by delivering them to the clerk of the court who shall serve me at my current address.
5. I agree that if either my address or telephone numbers change during this lawsuit, I will immediately file another form like this one giving my new address and telephone numbers.

STATE OF NEW MEXICO
COUNTY OF _____
THIRTEENTH JUDICIAL DISTRICT

Petitioner,

Vs.

No. _____

Respondent.

**SERVICE OF PROCESS INFORMATION FOR
COUNTER-PETITION FOR ORDER OF PROTECTION
FROM DOMESTIC VIOLENCE AND
COUNTER-PETITION FOR TEMPORARY ORDER OF PROTECTION**

INFORMATION ABOUT PETITIONER

Petitioner's name

Petitioner's date of birth

Petitioner's social security number

Is the Petitioner in jail? yes no

If yes, where? _____

Petitioner's physical address is:

_____ (street)

_____ (city)

_____ (county)

_____ (state and zip code)

Tribe or Pueblo of _____

Petitioner's workplace:

_____ (employer's name)

_____ (street)

_____ (city)

_____ (county)

_____ (state and zip code)

Tribe or Pueblo of _____

Petitioner works the following hours: _____ a.m. p.m. to _____ a.m. p.m.

What does Petitioner look like?

Hair _____ (color) Eyes _____ (color)

Height _____ Weight _____

Race/Ethnicity _____

Other physical marks or characteristics: _____

Do you consider the Petitioner to be dangerous? yes no If yes, describe why: _____

Does the Petitioner have any weapons? yes no If yes, describe _____

Places where the Petitioner may be found beside the physical address and workplace:

Date _____ Signature of Respondent _____

Respondent's street address (unless Respondent has completed Request for Order to Omit)

City, state and zip code (unless Respondent has completed Request for Order to Omit)

STATE OF NEW MEXICO
COUNTY OF _____
THIRTEENTH JUDICIAL DISTRICT

Petitioner,

Vs.

No. _____

Respondent.

SHERIFF'S/OFFICER'S RETURN OF SERVICE

I, _____, a duly qualified and acting Deputy Sheriff/Officer in and for the County and State aforesaid, hereby certify that I received a Petition/Counter-Petition, a Temporary Order of Protection and an Order to Appear in the above-entitled matter on the _____ day of _____, 2_____, and that I served the same on the _____ day of _____, 2_____, by delivering to:

_____ *(name of respondent/petitioner if serving counter-petition)* in

person, within the County and State aforesaid, a true copy of the said Temporary Order of Protection and Order to Appear to which was attached a true and correct copy of the Petition/Counter-Petition filed in the above-entitled action.

Dated this _____ day of _____, 2_____.

_____ COUNTY SHERIFF

_____ (other law enforcement agency)

By: _____
Deputy/Officer