



NEW MEXICO

Each state has different requirements for getting a civil domestic violence protective order. Because it makes protective orders extremely difficult for teens to obtain, New Mexico's grade for protecting teen victims of domestic and dating violence is a D.

Do I Qualify for an Order of Protection in New Mexico?

Type of Relationship

In order to qualify for an order of protection, the abuser must be someone:

- You are or used to be involved in a personal relationship with¹
- You live with or used to live with²
- You have a child with³
- You are married to or used to be married to⁴
- Who is your parent or your child⁵
- You are related to by blood or marriage (including stepparent or in-laws)⁶

Type of Abuse⁷

A judge is allowed to give you an order of protection when your abuser has:

- Physically abused you
- Attempted to physically abuse you
- Harassed you, including telephone harassment
- Stalked you
- Caused you emotional distress
- Criminally damaged your property
- Harmed or threatened to harm your children

Age

If you are 18 or older, you can obtain an order of protection yourself without an adult's permission. If you are under 18, the law does not say who can file for you. It will be up to the individual courts and judges whether you can get an order of protection without your parent's permission. Check with a local domestic violence organization to see how your local courts handle minors who want orders of protection.

How Do I Get an Order of Protection?

If your situation is urgent, you can get an emergency order of protection from the police at any time. An emergency order lasts for 72 hours.⁸ Whether or not you have an emergency order, you can go to court to file for a temporary order of protection. The judge can give you the temporary order that day and will schedule a full hearing within 10 days.⁹ After the hearing, a judge can grant you a permanent order of protection which lasts 6 months and is renewable for an additional 6 months.¹⁰

What Can I Ask for in an Order of Protection?

You may ask the court for the following in an order of protection:

- The abuser must stay away from you¹¹
- The abuser cannot abuse or contact you¹²
- Temporary child custody and visitation^{13,14}
- Temporary child and spousal support¹⁵
- Counseling¹⁶
- Money for damages caused by the abuser¹⁷
- Use of property¹⁸

How Much Will It Cost?

It is free.¹⁹

You have the right to a safe and healthy relationship...
free from violence and free from fear.

¹ N.M. Stat. Ann §40-13-2(D) (2007).

² *Id.*

³ *Id.* §40-13-2(A),(D).

⁴ *Id.*

⁵ *Id.* §40-13-2(D).

⁶ *Id.*

⁷ *Id.* §§40-4-8, 40-13-2.

⁸ *Id.* §40-13-3.2(E).

⁹ *Id.* §40-13-4(C), (D).

¹⁰ *Id.* §40-13-6(B).

¹¹ *Id.* §40-13-5(A).

¹² *Id.* §40-13-5(A)(3).

¹³ *Id.* §40-13-5(A)(2).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.* §40-13-5(A)(6).

¹⁷ *Id.* §40-13-5(A)(5).

¹⁸ *Id.* §40-13-5(A)(1).

¹⁹ *Id.* §40-13.3.1.

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