

8. HOW TO CALL IN FOR YOUR COURT HEARING

- The hearing will be telephonic.
- Call in to court 15 minutes before hearing.
 - Phone: (505) 841-6737
- You may have to call in repeatedly if the lines goes to voicemail. **Please call as many times as it takes to get through to the court clerk.**
- Tell the court clerk your name and that you have a hearing.
- This call to the court clerk notifies the court that a party is attempting to attend their hearing.
 - The clerk should provide a 1-800 number and an access code that you will need for your hearing.
 - **Please call that number right at hearing time.**
 - Please do not call before your scheduled hearing time.
- **PLEASE DO NOT CALL LATE!**

9. WHAT TO EXPECT AT THE HEARING

- If the Respondent is represented by an attorney, you may receive a phone call from the attorney prior to hearing. Also, the attorney may talk to you before the hearing begins.
- The conference call will include you, the respondent, court personnel, and other parties.
- **You will not be able to have private conversations without the respondent hearing.**
- The Respondent might testify.
- **Plan what you will say—including date, time, place, and specific details of what happened.**
- The Respondent or their attorney may ask you questions about what you said.
- **If you have witnesses, they will have to call into the court clerk to check-in and receive court hearing instructions.**
- State how long you need the Order to last.
- **If you have children, state who should have custody.**
- You have ten (10) business days to file written objections if you disagree with the outcome.

10. DIFFERENCE BETWEEN AN ORDER OF PROTECTION AND A STIPULATED ORDER

- **The only difference: A Stipulated Order of Protection is agreed to by the parties & it does not state a finding of domestic abuse against the Respondent.**
- If the parties agree, there will be no hearing.
- **The same penalties apply if the Respondent violates a stipulated order.**
- Either may include **custody and visitation, custody, support, and exchange of property provisions.**



ALBUQUERQUE RESOURCES

Family Advocacy Center

(505) 243-2333

625 Silver Avenue SW, #2
Albuquerque, NM 87102

Family Advocacy Center Services

Domestic Violence Resource Center

(505) 248-3165
dvrc@dvrcnm.org

New Mexico Legal Aid

(833) 545-4357
<https://www.newmexicolegalaid.org/>
Domestic Violence, Sexual Assault and Stalking-Helpline:
(877) 974-3400

Other Services in Albuquerque

Enlace Comunitario

(505) 246-8972
2425 Alamo Avenue SE
Albuquerque, NM 87106

The Arc of New Mexico

(505) 883-4630
3655 Carlisle Boulevard NE
Albuquerque, NM 87110

Rape Crisis Center

(505) 266-771
24-Hour Crisis Hotline:
(505) 266-7711

Sexual Assault Nurse Examiners (“SANE”)

Domestic Violence and Sexual Assault medical examination
(505) 243-2333

Catholic Charities

(505) 724-4649
2010 Bridge SW
Albuquerque, NM 87105

Safe to be You

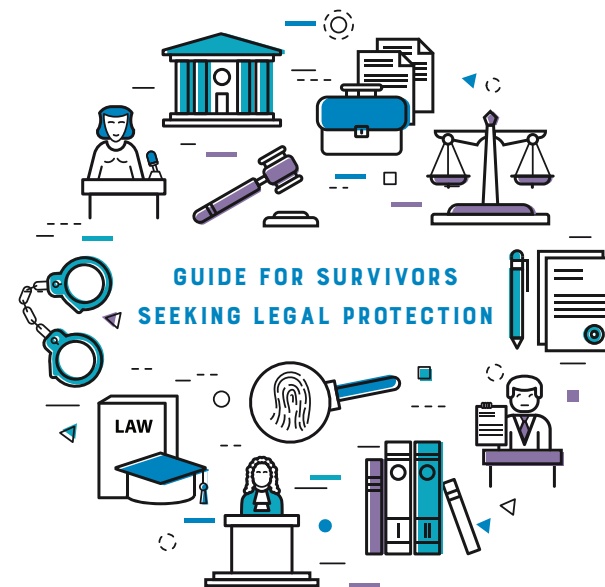
LGBTQ+ Legal assistance
(877) 545-7270

THIS BROCHURE HAS BEEN COORDINATED BY:



Bernalillo County
Multidisciplinary
Team

SEEKING SAFETY: IN TIMES OF COVID-19



**ALWAYS CALL 911 IF YOU ARE IN DANGER!
BUT AFTER THE POLICE LEAVE, WHAT'S NEXT?**

This brochure provides information about the Order of Protection from Domestic Abuse filing process.

This brochure is not intended to replace legal advice from a licensed attorney.

This brochure does not provide information about an Emergency Order of Protection or a tribal court Order of Protection process.

1. WHAT CAN YOU DO?

- Ask a police officer at the scene for an **emergency restraining order**.
- File an **Order of Protection** at the Second Judicial District Court.
- File your **Tribal Order of Protection** in your respective tribal court. *Your tribal order of protection is valid on non-tribal lands.*

2. HOW TO GET AN EMERGENCY ORDER OF PROTECTION

- You can ask police at the scene for an immediate protection.
- You can ask police at the scene for an advocate.
- The ERO can be completed by the police officer right away.
- An ERO will last through the next business day or up to 72 hours.
- If you want an Order of Protection beyond 72 hours, you will need to file a Petition for Protection from Domestic Abuse.

3. IMPORTANT

| Not Needed to FILE See section 7 for use of evidence for a hearing | Not Allowed in COURTHOUSE |
|--|--|
| <ul style="list-style-type: none"> • Court Documents • Medical Records • Photos • Cell phone (if you requested and were given permission) • Police reports • Witnesses | <ul style="list-style-type: none"> • Cell Phones (unless you asked on the TRO and receive permission) • Lighters • Tobacco • Controlled Substances • Children |

4. HOW TO FILE AN ORDER OF PROTECTION

- **Three ways to file:**
 - In-person** @ Second Judicial District Court's Domestic Violence Division.
 - Location: 400 Lomas Blvd. NW, Room 274 on the 2nd Floor
 - Court Hours:
 - 8:00 a.m. to 12:00 p.m.
 - 1:00 p.m. to 5:00 p.m.
 - **Important:** Bring a valid form of identification.
 - **Please note:** You may wait several hours to get your paperwork finalized. Please be patient and don't leave the court until you get it!

4. HOW TO FILE AN ORDER OF PROTECTION

- Email:**
 - Filing email: albd-dvfilings@nmcourts.gov
 - Title of email: Order of Protection
 - If emailed after business hours, the application will be processed the following business day.
- Fax:**
 - (505) 841-5460
- **Order of Protection forms can be found online at www.nmcourts.gov.**
 - Select "forms".
 - Select "Domestic Violence Forms".
 - Select 4-961 and 4-961A.
 - Fill out online but print it out to bring.**
 - Be specific about incidents of abuse.**
- **What you need in order to file:**
 - Name** of the person against whom you want to file (**Respondent**).
 - If possible, **Respondent's current address**.
- If possible, Respondent's **date of birth** and any other identifying information.

5. TYPES OF EVIDENCE

- Police reports.
- Text messages.
- Video and audio recordings
- Medical records.
- Detailed statement with specific incidents
- Other evidence you may have.



COLLECT YOUR EVIDENCE



6. NEXT STEPS AFTER FILING

- If your petition is granted, you will be issued a **Temporary Order of Protection** and an **Order Regarding Exhibits in Domestic Violence Cases**.
- The Temporary Order becomes effective **after** the Respondent is personally served.
- **A Temporary Order cannot be served by you.**
- The Sheriff's Office will automatically receive a copy to serve the Respondent.
- After a Temporary Order is granted, a hearing will be scheduled.
- **To submit evidence for the hearing, you must follow the instructions on the [Order Regarding Exhibits in Domestic Violence Cases](#).**

7. HOW TO SUBMIT EVIDENCE FOR THE COURT HEARING

- **Evidence must be submitted to the court two (2) business days before the hearing date.**
 - For example, if you hearing is on Monday, you must submit by Thursday.
- **You must provide the court with a copy of the evidence.**
 - You can drop off copies to the court
 - **Email:** albd-dvfilings@nmcourts.gov
 - **Title:** Case number and your name
 - Emailed evidence must be less than 10 pages.**
 - The evidence must be numbered.**
 - You can handwrite the number on the document.
- **You must provide the respondent with a copy of the evidence.**
 - If you do not, your evidence will not be reviewed at the hearing.
 - You can mail or email this evidence to the respondent.
 - Make a copy of your mailing.
 - **Do not include anything but the evidence. No comments, just the evidence.**
- Take screenshots of your texts messages.
- You can include audio or video files on a CD or a jump drive.
- You must provide a CD or jump drive for both court and respondent.
 - This evidence will not be returned to you.