

Domestic Violence Implementation Lab

Interjurisdictional Service in New Hampshire

A Resource from the
Pandemic Rapid Response Team

August 2022



	Ex Parte Protective Order (Temporary/Emergency)	Final Protective Order
Statute	New Hampshire Statutes XII-173-B	
Terminology	Temporary Protective Order	Final Protective Order
Length of Order	<ul style="list-style-type: none"> • Emergency, after-hours telephonically issued temporary orders are effective until the close of the next court business day. • Temporary orders issued during business hours are effective up to 5 business days if the defendant requests an expedited hearing, unless otherwise ordered by the court. <ul style="list-style-type: none"> ○ If no such request is made, a hearing is scheduled within 30 days of the petition's filing, or within 10 days of service upon the defendant, whichever occurs later, unless otherwise ordered by the court. <p>Temporary orders are in effect until a final order is issued.</p>	<ul style="list-style-type: none"> • Up to one year from the date of issuance. • The order may be extended by the court upon motion by the plaintiff, showing good cause, with notice to the defendant for one year after the expiration of the first order. • Thereafter, each extension may be for up to 5 years, upon the request by the plaintiff and at the court's discretion.
Available Relief	<ul style="list-style-type: none"> • Directs the defendant to relinquish to law enforcement any and all firearms, ammunition, and other deadly weapons in the control, ownership, or possession of the defendant or any other person on behalf of the defendant for the duration of the order • Prohibits the defendant from purchasing, receiving or possessing any deadly weapons and any and all firearms, ammunition, and other deadly weapons 	<p>In addition to relief provided by a temporary order:</p> <ul style="list-style-type: none"> • Restrains the defendant from withholding items of the plaintiff's personal property • Ordering the defendant to make automobile insurance, health care, utilities, rent or mortgage payments

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Available Relief (continued)	<ul style="list-style-type: none"> • Restrains the defendant from: <ul style="list-style-type: none"> ○ Abusing the plaintiff, plaintiff's relatives, or plaintiff's household members ○ Entering the premises and curtilage where the plaintiff resides ○ Withholding items of the plaintiff's personal property ○ Contacting the plaintiff or entering the place of employment, school, or any specified place frequented regularly by the plaintiff or by any family or household member ○ Taking, converting, or damaging property in which the plaintiff may have a legal or equitable interest ○ Taking any action which would lead to the disconnection of utilities and services to the household or discontinuance of business or service contracts, including mortgage or rental agreements • Awarding custody of minor children • Denying visitation, orders supervised visitation, orders a visitation schedule, etc. • Grants exclusive care, custody, or control of any animal owned, possessed, leased, kept or held and order the defendant to stay away from the animal and forbidding the defendant from taking, transferring, encumbering, concealing or committing any act of cruelty or neglect or disposing of the animal • Awarding the plaintiff the exclusive use and possession of the residence, car, furniture, etc. unless the defendant exclusively owns or leases these items, and the defendant has no legal duty to support the plaintiff or minor children on the premises 	<ul style="list-style-type: none"> • Awarding temporary custody of the minor children and establish visitation rights pending a hearing in a family proceeding • Directing the defendant to pay financial support to the plaintiff or minor children unless the defendant has no legal duty to support • Directing the defendant to engage in a batterer's intervention program or personal counseling • Ordering the defendant to pay the plaintiff monetary compensation for losses suffered as a direct result of the abuse • Ordering the defendant to pay reasonable attorney's fees

Protected Parties	<ul style="list-style-type: none"> • Spouses, ex-spouses, persons cohabitating with each other, persons who cohabitated with each other but who no longer share the same residence, persons related to the defendant by consanguinity, persons related to the defendant by affinity, current or former sexual partners, current or former intimate partners • Parents of the defendant • Minor children and step-children of the defendant are not entitled to be party plaintiffs under this statute, but all other relationships above are eligible
Requirements for Service	<p>Emergency, Ex Parte Telephonic Orders are returnable to the Circuit Court where the plaintiff resides or to which the plaintiff has fled, unless otherwise ordered by the issuing judge. Law enforcement officers follow their departmental procedures regarding service upon the defendant and transmit the emergency protective order to the Department of Safety.</p> <p>Law enforcement promptly serve the defendant with the temporary orders of protection. Service results for Temporary Orders are transmitted to the Administrative Office of the Courts. The Administrative Office of the Courts enters the order into the National Crime Information Center (NCIC) in addition to the state repository providing law enforcement with access to the order around the clock.</p> <p>Final orders of protection shall be sent to the defendant’s last address of record. Final Orders are transmitted to the Administrative Office of the Courts for entry into NCIC and the state’s repository.</p>
Registration Required for Enforcement	<ul style="list-style-type: none"> • Not required
Military Jurisdictions	<p>Military Bases:</p> <ul style="list-style-type: none"> • 157 ARW <p>Processes on Military Jurisdictions: Contact the individual military jurisdiction for service process details.</p>

Tribal Jurisdictions	<p>Federally Recognized Tribe: None</p> <p>State Recognized Tribes: None</p> <p>Processes on Tribal Jurisdictions: Contact the individual tribal jurisdiction for service process details.</p>
<p>Other Information</p>	<p>None</p>

Out of State Service Fees¹:

None

For more information, please contact State Point of Contact Jean Kilham (jkilham@courts.state.nh.us).

If you would like to provide suggestions/feedback on this Profile, visit:
https://ncsc2.iad1.qualtrics.com/jfe/form/SV_eQzzYCcGK38Q64C

¹ Courts should not charge a victim of domestic violence, dating violence, stalking, or sexual assault any costs associated with the filing, issuance, registration, or service of protection orders, whether issued by civil or criminal courts, including intra- and inter-jurisdictional orders. This no-cost provision also applies to any fees or costs associated with a criminal matter related to domestic violence, stalking, dating violence, and sexual assault (42 U.S.C. § 3796 hh(c)(4)). Charging any of these costs will render a jurisdiction ineligible for certain VAWA funds.