

Domestic Violence Implementation Lab

Interjurisdictional Service in New Mexico

A Resource from the
Pandemic Rapid Response Team

August 2022



	Ex Parte Protective Order (Temporary/Emergency)	Final Protective Order
Statute	New Mexico Statutes Annotated 40-13	
Terminology	Ex Parte Emergency or Temporary Order of Protection	Order of Protection
Length of Order	<ul style="list-style-type: none"> • Emergency Order: Up to 72 hours after issued or at the end of the next court day, whichever is latest • Temporary Order: Up to 10 business days after issued, unless otherwise ordered by the court 	<p>Order of Protection: As ordered by the court</p> <ul style="list-style-type: none"> • If Order involves custody or support: Up to 6 months as ordered by the court
Available Relief	<ul style="list-style-type: none"> • Orders restrained party to not threaten/commit acts of abuse against protected parties • Orders restrained party to refrain from contacting protected parties • Grants temporary custody of minor children in common to the protected party 	<p>In addition to relief provided by an ex parte order:</p> <ul style="list-style-type: none"> • Grants sole possession of the residence or household to the protected party, children, and other dependents during the period the order; • Awards custody/visitation rights/child support/other temporary support of any children involved • Restrain parties from transferring, concealing, encumbering or otherwise disposing of the other party's or the joint property;

Available Relief (continued)		<ul style="list-style-type: none"> • Orders the restrained party to reimburse the protected party or any other household member for expenses reasonably related to the occurrence of domestic abuse (e.g., medical/counseling expenses, temporary lodging costs, expenses for replacing/repairing damaged property or the expense of lost wages, etc.) • Orders the restrained party to participate in counseling programs, including programs for domestic abuse, alcohol abuse or abuse of controlled substances • Other relief as ordered by the court
Protected Parties	<ul style="list-style-type: none"> • Spouse/former spouse • Dating or intimate relationship • Adults with children in common • Parent • Present or former stepparent/parent in-law • Grandparent/grandparent-in-law • Child/stepchild/grandchild 	
Requirements for Service	<ul style="list-style-type: none"> • The Clerk of Court will send a copy of the order of protection to the local law enforcement agency. • The order of protection will be personally served upon the restrained party. • The local law enforcement agency will enter the order into the national crime information center within 72 hours or receipt. 	
Registration Required for Enforcement	<ul style="list-style-type: none"> • Not required • If registered, notice is made within 12 hours after service is made 	
Military Jurisdictions	<p>Military Bases:</p> <ul style="list-style-type: none"> • 150 SOW • Cannon AFB • Holloman AFB • Kirtland Air Force Base • U.S. Army Garrison White Sands Missile Range <p>Processes on Military Jurisdictions: Contact the individual military jurisdiction for service process details.</p>	

Tribal Jurisdictions

Federally Recognized Tribe:

- Jicarilla Apache Nation
- Mescalero Apache Tribe of the Mescalero Reservation
- Navajo Nation (Arizona, New Mexico and Utah)
- Ohkay Owingeh (formerly the Pueblo of San Juan)
- Pueblo of Acoma
- Pueblo of Cochiti
- Pueblo of Jemez
- Pueblo of Isleta
- Pueblo of Laguna
- Pueblo of Nambe
- Pueblo of Picuris
- Pueblo of Pojoaque
- Pueblo of San Felipe
- Pueblo of San Ildefonso
- Pueblo of Sandia
- Pueblo of Santa Ana
- Pueblo of Santa Clara
- Kewa Pueblo
- Pueblo of Taos
- Pueblo of Tesuque
- Pueblo of Zia
- Ute Mountain Tribe of the Ute Mountain Reservation (Colorado, New Mexico, and Utah)
- Zuni Tribe of the Zuni Reservation

State Recognized Tribes: None

Processes on Tribal Jurisdictions: Contact the individual tribal jurisdiction for service process details.

Other Information	None
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Out of State Service Fees¹:

None

For more information, please contact State Point of Contact Patricia Galindo (aocpmg@nmcourts.gov).

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.