

**APPLICATION FOR
CIVIL RESTRAINING ORDER**

(TEMPORARY RESTRAINING ORDER - TRO)

APPLYING FOR A CIVIL RESTRAINING ORDER

1. Complete the *Verified Application for Restraining Order*. YOU MUST SIGN the Application with proper identification before a Notary Public, which means that you are swearing that everything you've written in the Application is true and correct to the best of your information and belief Fill out the Caption ONLY (Case Name, left side near the top) of the (a) *Temporary Restraining Order* and (b) *Return of Service*.
2. Prepare an original set of the above documents plus an extra set of copies of each form for your own file. In addition, **YOU MUST** prepare an additional set of copies for *each defendant*. Documents which number more than one page must be stapled separately. Sort the documents according to title. Place the original of each form on top of its copy and then paper clip together. *For example:* Place the original Application on top of the copies and then paper clip them together. Repeat the same procedure for the other forms.
3. Go to the **Clerks Office, 1st floor, Room 119** of the Bernalillo County Courthouse at 400 Lomas Blvd. NW, Albuquerque, NM between the hours of **10:00 A.M. and 2:00 P.M., Monday through Friday*** to file the documents. You must also submit the filing fee of **\$132.00** (cash, money order, or cashier's check payable to Clerk of the District Court). At this time, the case is randomly assigned a Civil Judge and given a case number.

*Hours subject to change. Call 505-841-7438 to confirm hours.

4. After the case is filed, bring your application papers to the office of the judge assigned to your case and show your papers to the trial court administrative assistant (TCAA). Ask if the judge is available to review the Application now or if you should leave your papers with the TCAA for later review. The TCAA should tell you when to return to see if the judge has signed the *Temporary Restraining Order* or *Order and Notice of Hearing*.

****If the judge has set a hearing, BE SURE TO** return to Clerks Office on the first floor to file the original *Order*. The clerk will endorse stamp the copies and return them to you.**

5. It is **YOUR responsibility** to arrange for service on the Defendant(s) by having a person over the age of 18 and not a party to this action serve the documents. **YOU CANNOT SERVE THE PAPERS YOURSELF.** You can contact the Sheriffs Department or a private process server (listed in the Yellow Pages of a telephone directory) to serve the papers.

Each Defendant must be served with the following documents:

- a. ENDORSED copy of the *Verified Application for Restraining Order AND*
- b. ENDORSED copy of the *Temporary Restraining Order* or *Order and Notice of Hearing on Application For Temporary Restraining Order*

6. After the Defendant(s) has (have) been served, the Sheriffs Department or process server will fill out and send the completed *Return(s) of Service* to you by mail. **You must** return to the Civil Division on the first floor to file the *Return(s) of Service*, which is (are) **PROOF** that the Defendant(s) was (were) served

7. **ATTEND THE HEARING** at the date and time set. Bring evidence, such as witnesses or documents, and be prepared to prove the claims in your Application. Let the Court know if you need an interpreter.

Failure to attend the hearing or to properly serve the other party may result in your case being dismissed by the judge

STATE OF NEW MEXICO
COUNTY OF _____
JUDICIAL DISTRICT COURT

NO. _____

Plaintiff(s)

vs.

Defendant(s).

VERIFIED APPLICATION FOR RESTRAINING ORDER

1. I (We) live in _____ County, New Mexico.
2. The person(s) I want a Restraining Order against live at (street address, city, state, zip code):

3. I (We) know the Defendant(s) because he/she (they) is (are): (CHECK ALL THAT APPLY)

- my husband or ex-husband OR my wife or ex-wife
- married to or involved with my husband or ex-husband OR my wife or ex-wife
- my boyfriend or ex-boyfriend OR my girlfriend or ex-girlfriend
- the parent of my child(ren) OR married to or involved with the parent of my children)
- a family member _____ (*describe the family relationship*)
- my neighbor(s)
- my co-worker(s)

other _____ (describe
the relationship)

4. Defendant(s) has (have) seriously harmed or threatened to harm me (us). The acts of
ham/threats are: (include the place(s), the date(s) and the time(s) and add extra pages if needed).

5. I (we) should not be required to provide a bond or other security because:
no party will be damaged financially or otherwise should the Temporary
Restraining Order be issued

or (other reason) _____

6. There ARE ARE NOT other current lawsuits between Plaintiff(s) and
Defendant(s). Name, case number and details of any such lawsuits: _____

PLAINTIFF(S) REQUEST(S) that the Court issue a Temporary Restraining Order
without the requirement of a bond or other security until a hearing can be held on this matter.

PLAINTIFF(S) SPECIFICALLY REQUEST(S) that the Court include in the
Temporary Restraining Order that:

Defendant(s) not threaten, harm, harass, or annoy me (us) or my (our) family and
household members;

Defendant(s) stay at least _____ yards away from me (us), my (our) residence(s), my (our) workplace(s) and my (our) children's school;

Defendant(s) not telephone me (us) or contact me (us) in any way;

Defendant(s) not block me (us) in public places or roads;

I (We) also request that Defendant(s) be ordered NOT to do the following:

PLAINTIFF(S) ALSO REQUEST(S) any other relief that the Court deems proper.

RESPECTFULLY SUBMITTED,

(Signature of Plaintiff)

_____ Print Name
_____ Address
_____ City/State/Zip Code
_____ Phone or "None"

STATE OF NEW MEXICO
COUNTY OF BERNALILLO) ss.

_____, being first duly sworn upon my oath,
(Print Name)

depose and state that I am the Plaintiff in the above-entitled cause. I have read the Application for Restraining Order. I state that the contents thereof are true and correct to the best of my information and belief

Signature of Plaintiff

SUBSCRIBED AND SWORN TO before me, a notary public, this date:

Notary Public

My Commission Expires: _____

[Seal]

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

No. _____

Plaintiff(s),

vs.

Defendant(s).

REQUEST FOR COURT INTERPRETER

PERSON NEEDING INTERPRETER: Party _____ Witness for _____

NAME OF PERSON NEEDING INTERPRETER: _____

SPECIFIC MATTERS TO BE HEARD: _____

DATE: _____ **TIME:** _____ **LOCATION:** _____

JUDGE: _____ **TIME REQUIRED:** _____

LANGUAGE NEEDED: Spanish _____ Sign _____ Other _____

REQUESTED BY: _____

Signature of party or party's attorney

[BELOW FOR CLERK'S USE ONLY]

NAME OF INTERPRETER: _____

DATE INTERPRETER CONTACTED: _____

DATE/TIME VERIFIED WITH INTERPRETER: _____

BY: _____

Deputy Clerk

USE NOTE

The party requesting the interpreter is responsible for notifying the court clerk's office if cancellation of the interpreter services is required. If the requesting party fails to do so in a timely manner, that party may be responsible for the fees and mileage expenses of the interpreter in accordance with the Administrative Office of the Courts Court Interpreter Standards of Practice and Payment Policies.

[Adopted by Supreme Court Order No. 12-8300-022, effective for all cases filed or pending on or after January 1, 2013].

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

No. _____

Plaintiff(s),

vs.

Defendant(s).

RETURN OF SERVICE - TRO

STATE OF NEW MEXICO
COUNTY OF _____

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and NOT A PARTY TO THIS LAWSUIT, and that I served copies of the Verified Application for Restraining Order and Temporary Restraining Order in _____ County on the _____ day of _____, 20____, by delivering the copies in the following manner:

to Defendant _____, *in person (used when Defendant accepts copies of the application and order or refuses to accept- the copies)*

OR

I was unable to locate and serve Defendant

Fees: _____
Signature of person making service Title (if any)

Subscribed and sworn to before me this _____ day of _____, 20____

Judge, Notary or other officer authorized to administer oaths Expiration date
Official title

***Notarization not required for Sheriff or Deputy Sheriff of a NM county**

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

_____,
Petitioner,

v.

No. D-202-CV-_____

_____,
Respondent.

TEMPORARY RESTRAINING ORDER

THIS MATTER came before the Court on Application for Temporary Restraining Order, The Court, being fully advised in the premises, FINDS:

Immediate and irreparable injury will result to the Plaintiff(s) if a restraining order is not issued immediately, as requested by Plaintiff(s). No notice need be given to Defendant(s) as required by the Rules of Civil Procedure. There are good grounds to show a preliminary injunction may be needed in this case. This Order shall be effective for a period of ten days unless extended or modified.

This Order shall be issued with without the requirement of a bond or other security.

There are insufficient grounds presented for the issuance of a Temporary Restraining Order.

IT IS THEREFORE ORDERED that:

Plaintiff(s) shall immediately arrange for personal service of endorsed copies of the **Verified Application for Restraining Order and this Temporary Restraining Order** on Defendant(s) as required by the Rules of Civil Procedure. **The following prohibitions apply to actions and conduct, whether direct or indirect (acting through others).**

The Motion for Temporary Restraining Order is denied.

Defendant(s) not threaten, harm, harass, or annoy Plaintiff(s);

Defendant(s) not threaten, harm, harass, or annoy Plaintiff(s) or Plaintiffs (their) family and household members as named herein: _____

Defendant(s) stay at least _____ yards away from Plaintiff(s) and from Plaintiffs (their) residence(s), workplace(s) and children's school(s);

Defendant(s) not telephone Plaintiff(s) or contact Plaintiff(s) in any way;

Defendant(s) not block Plaintiff(s) in public places or roads;

Further, Defendant(s) is (are) ordered not to do the following:

Due to good cause shown, no bond or other security is required.

OR Plaintiff(s) will furnish the following security/bond as required by the Rules of Civil Procedure:

IT IS FURTHER ORDERED that Defendant(s) appear at a hearing before the Court on _____ 20____, at _____ am/pm in the Courtroom of the Honorable Judge _____, Second Judicial District Court, 400 Lomas NW (located at Lomas and 4th), Albuquerque, New Mexico, to give reasons or otherwise explain to the Court why the Temporary Restraining Order should not be extended or another order entered, or why the Temporary Restraining Order should be dissolved or modified.

Judge of the Second Judicial District Court

Date Issued: _____
Time Issued: _____

ANY VIOLATION OF THIS ORDER IS SUBJECT TO CIVIL CONTEMPT AND COULD RESULT IN SEVERE SANCTIONS UP TO AND INCLUDING FINES AND JAIL TIME. THIS ORDER SHALL HAVE THE FULL FORCE AND EFFECT OF LAW.