

**FIRST JUDICIAL DISTRICT COURT  
STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_**

**Case No.:** \_\_\_\_\_

\_\_\_\_\_  
**Petitioner,**

**-vs.-**

\_\_\_\_\_  
**Respondent.**

**TEMPORARY DOMESTIC ORDER**

THIS ORDER is issued pursuant to Rule 1-121 NMRA. This is not an Order of Protection under federal or state law. It is otherwise fully enforceable. It applies to both parties. This order will continue in effect until modified. The procedure for modification of this order is described below.

**THE COURT ORDERS THE PARTIES AS FOLLOWS:**

1. **DO NOT** injure or physically or mentally abuse, molest, intimidate, threaten or harass the other party or any child of any party.
2. **DO NOT** interfere with the relationship of your spouse with any child of either party. If you are living apart, you shall each continue to have frequent contact and communication with any minor child of both parties, personally and by telephone. A party shall notify the other party of any change of address or telephone number within twenty-four (24) hours of the change.
3. **DO NOT** change a child's school, religion, childcare, doctor, dentist, physical or mental treatment or recreational activity in which the child has been involved.
4. **DO NOT** remove, cause or permit the removal of any minor child of both parties for the State of New Mexico without court order or written consent of the other party.
5. **DO NOT** make the other party leave the family home, whether it be community or separate property, without Court order. You should attempt to resolve the question of who leaves the home in a fair manner. If you cannot agree, you must ask the Court to decide.
  - (a) Whoever moves from the family home may return to pick up personal belongings at a reasonable time as you may agree. Personal belongings do not include

furniture unless you agree or the Court permits. If an order prohibiting domestic violence has been entered, you must arrange to have a law enforcement officer present to monitor the removal of personal belongings. The party moving out of the residence is not prejudiced by reason of the move in any way with respect to custody of any minor child, with respect to a claim of any interest in the family residence or the personal property in or on the premises.

(b) WHOEVER leaves the family residence shall notify the other party, within twenty-four (24) hours of an address where the vacating party can receive mail

(c) At a reasonable time you are entitled to examine the contents of the marital residence and to have access to all properties owned by either of you, for inspection, valuation or appraisal. If you ask, the other party must provide access to the home within fifteen (15) days after the date of the request.

6. **DO NOT** incur unreasonable or unnecessary debts. Any debt which does not contribute to the benefit of both spouses or the minor children of the parties, which is incurred after you have separated, may be the separate debt of the person who incurs the debt.
7. **DO NOT** sell, remove, transfer, dispose or, hide, encumber, or damage any property, real or personal, community or separate, except in the usual course of business or for the necessities of life. Keep an accounting of any transaction to show to the court.
8. **DO NOT** drop or cancel any insurance policy, including automobile or other vehicle insurance, household insurance, medical or dental insurance or life insurance.
9. **DO NOT** terminate or change the beneficiaries of any existing life insurance policy.
10. **DO NOT** close any financial institution account or cancel any credit cards nor remove the other party from any credit card account during the pendency of this case, unless the parties otherwise agree in writing.

### **MODIFICATION BY COURT**

This order may be modified by the court upon request of either party. To request the court to modify this order a motion must be filed with the Clerk of the Court. The motion must include reference to each paragraph number the party is requesting to be modified or terminated. The party making the request must provide the other party with a copy of the motion requesting the change. If the other party agrees with the request, an order approving the request which has been initialed by both parties as “approved” shall be filed with the motion.

### **WAIVER BY THE PARTIES**

The parties may modify a specific provision of this order by entering into a written agreement and filing it with the court. The parties may also waive a provision of this order on a specific occasion if both parties sign an agreement to waive the provision. A waiver must include the paragraph number of each paragraph waived by the parties.

### **OTHER ORDERS**

If an order of protection from a domestic violence case has been served on either party or if there is any other order in effect governing the relationship of the parties, and there is a conflict between this order and the other order, the other order controls unless the court specifically orders otherwise.

### **VIOLATIONS**

Violation of the court order may result in the imposition of a fine or imprisonment. This order is binding on the petitioner at the time the petition is filed. This order is effective on the respondent two (2) days after it is served on the respondent. The parties are cautioned that actions taken by either party that are contrary to the terms of this order are subject to redress by the court including costs and attorney' fees.

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Date

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**DISTRICT JUDGE**