

SECOND JUDICIAL DISTRICT COURT  
COUNTY OF BERNALILLO  
STATE OF NEW MEXICO

FILED  
SECOND JUDICIAL DISTRICT  
02 JUN -5 PM 3:05

*Barron S*

WATKINSON

Patricia Rae Avery  
Petitioner,

v.

No. DV 2002 - 0761

Stephen A. Avery  
Respondent.

TEMPORARY ORDER OF PROTECTION  
AND ORDER TO APPEAR

The court has reviewed the sworn petition alleging domestic abuse. The court having considered the petition, **FINDS** that the court has jurisdiction, that there is probable cause to believe that an act of domestic abuse has occurred and that petitioner or a household member of petitioner will suffer immediate and irreparable injury, loss or damage unless the court enters this order. The court **ORDERS**:

- 1. Respondent shall not write to, talk to, visit or contact the petitioner in any way except through petitioner's lawyer, if petitioner has a lawyer.
- 2. Respondent shall not abuse the petitioner or the petitioner's household members in any way. "Abuse" means any incident by respondent against petitioner or petitioner's household member resulting in (1) physical harm; (2) severe emotional distress; (3) bodily injury or assault; (4) a threat causing imminent fear of bodily injury; (5) criminal trespass; (6) criminal damage to property; (7) repeatedly driving by a residence or work place; (8) telephone harassment; (9) stalking; (10) harassment; (11) harm or threatened harm to children in any manner set forth above.
- 3. Respondent shall not ask or cause other persons to abuse the petitioner or the petitioner's household members.
- 4. Respondent shall not go within **100** yards of the petitioner's home or school or work place. Respondent shall not go within **100** yards of the petitioner at all times except \_\_\_\_\_  
\_\_\_\_\_. If at a public place, such as a store, respondent shall not go within **25** yards of petitioner.
- 5. \_\_\_\_\_ shall have temporary physical custody of the following child(ren): \_\_\_\_\_  
\_\_\_\_\_
- 6. With respect to the child(ren) named in the preceding paragraph,  respondent  petitioner shall have:

A. No contact with the child(ren) until further order of this court and shall stay 100 yards away from the child(ren)'s school.

B. Contact with the child(ren), subject to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. The court may decide temporary child and interim support at the hearing listed below. Both parties shall bring to the hearing proof of income in the form of the two latest pay stubs or the federal tax returns from the previous year, proof of work related day-care costs and proof of medical insurance costs for the child(ren).

8.  A. Respondent is ordered to immediately leave the residence at \_\_\_\_\_ and to not return until further court order.

B. Law enforcement officers are hereby ordered to evict respondent from the residence at \_\_\_\_\_.

C. Respondent is ordered to surrender all keys to the residence to law enforcement officers.

9. Law enforcement officers or \_\_\_\_\_ shall accompany  respondent  petitioner to remove essential tools (as specified in No. 12), clothing, and personal belongings from the residence at \_\_\_\_\_

10. Neither party shall transfer, hide, add debt to, sell or otherwise dispose of the other's property or the joint property of the parties except in the usual course of business or for the necessities of life. The parties shall account to the court for all such changes to property made after the order is served or communicated to the party. Neither party shall disconnect the utilities of the other party's residence.

11. This order supersedes inconsistent prior order in Cause No. \_\_\_\_\_ and any other prior domestic relations order and domestic violence restraining orders between these two parties.

12. Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. While this order is in effect, petitioner shall refrain from any act that would cause the respondent to violate this order.

### HEARING

IT IS FURTHER ORDERED that the parties shall appear in the Second Judicial District Court, Room 274, at 400 Lomas NW, before Special Commissioner

Japer, at 10:00 (a.m.) (p.m.) on June 26, 2002 (date) for hearing on whether an extended order of protection against domestic abuse will be issued. Either party may bring witnesses or evidence and may be represented by counsel at this hearing. Respondent may file a Response to the Petition for Order of Protection from Domestic Abuse on or before the hearing. If the respondent fails to attend this hearing, an extended order may be entered by default against respondent and a bench warrant may be issued for respondent's arrest. If petitioner willfully fails to appear at this hearing, the petition may be dismissed. This order remains in force until

June 26, 2002

**EXTENDED FOR GOOD CAUSE SHOWN, PURSUANT TO RULE 1-006, RULES OF CP FOR DIST. CT.**

- DO NOT BRING ANY CHILDREN TO THE HEARING WITHOUT PRIOR PERMISSION OF THE COURT.**

### ENFORCEMENT OF ORDER

If the respondent violates any part of this order, the respondent may be charged with a crime, arrested, held in contempt of court, fined or jailed.

### SERVICE AND NOTICE TO LAW ENFORCEMENT AGENCIES

Upon the signing of this order by a district court judge, a law enforcement officer shall serve on the respondent a copy of this order and a copy of the petition.

### A LAW ENFORCEMENT OFFICER SHALL USE ANY LAWFUL MEANS TO ENFORCE THIS ORDER.

- I have reviewed the petition for an order of protection and made recommendations to the district judge regarding its disposition.

[Signature]  
Special Commissioner

841-6731  
Court telephone number

SO ORDERED:

[Signature]  
DISTRICT JUDGE  
CIVIL FORM 4-963

\_\_\_\_\_  
DATE AND TIME APPROVED