

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 **8:00 A.M. and 4:00 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.

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 Sheriff's 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 Sheriff's 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