

Court Service Center

New Hampshire Trial Court

HOW TO FILE FOR A DOMESTIC VIOLENCE RESTRAINING ORDER

General information:

- This checklist is a guide only. For further information see NH RSA 173:B
- In order to request this type of order, you must be concerned for your safety or your well-being from the defendant (the person who is acting in a way that is causing this concern.)

Who May File:

- | | |
|--|---|
| <input type="checkbox"/> Spouses | <input type="checkbox"/> Ex-spouses |
| <input type="checkbox"/> Persons cohabiting with each other | <input type="checkbox"/> Persons who cohabited with each other but who no longer share the same residence |
| <input type="checkbox"/> Parents of the defendant | <input type="checkbox"/> Children of the defendant (if not minors) |
| <input type="checkbox"/> Persons related to the defendant by consanguinity (blood) | <input type="checkbox"/> Persons related to the defendant by affinity (tie between one spouse and the blood relations of the other) |
| <input type="checkbox"/> Current sexual partner | <input type="checkbox"/> Former sexual partner |
| <input type="checkbox"/> Current intimate partners and former intimate partners. | |

Note: It is the judge's responsibility, not the staff's, to determine whether the plaintiff qualifies as a protected person under RSA 173-B. Under no circumstances should staff deny anyone the ability to file.

Where to file for a Domestic Violence Restraining Order:

- You may file in any Circuit Court during business hours. (NOTE: If you left the household to avoid abuse you may file in the county where you are temporarily living.)
- If it is after court hours you can go to any Police Department to file for an Emergency Protective Order which is in effect until the next court business day. You will have to go to a court the next business day to file for a domestic violence restraining order.

Forms listed below are needed to start this action:

- Domestic Violence Petition (NHJB-20501-DF)
- Plaintiff Information Sheet (NHJB-2043-DF)
- Defendant Information Sheet (NHJB-2045-DF)

How much will this cost?

- There is NO COST to file this petition and NO COST to have it served on the defendant.

Information needed to fill out the petition:

- On the form you will need to explain to the judge why you think you are in immediate danger of abuse from the defendant. Write everything that has happened and the dates it happened. Be very clear and detailed.
- Address information for yourself and the defendant. You may still file a petition if you do not have the defendant's address. However, law enforcement may not be able to find the defendant to give them the paperwork

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What happens next?

- You will be required to swear that the information you put in the form is true and accurate. The court staff will bring the petition to the judge who will read it and decide whether to issue an order.
- The judge can issue a temporary restraining order and schedule the matter for a final hearing or the judge can deny the petition. If a judge denies your request and schedules a hearing you may withdraw your request.
- If the petition is denied, you can come back to fill out another petition if something else happens and you feel you need protection.
- If the judge issues a temporary restraining order, you will be given a copy of the order and will be given a date to come back to the court for a final hearing. The hearing date will be within 30 days.
- The police will bring the papers to the other person, who will learn about the order and the hearing date.
- The other person can ask that the final hearing be held quickly, within 3 to 5 days. If that happens, you will be notified of the new hearing date by the court.
- At the final hearing you and the other person will talk to the judge. You can bring witnesses and other items to prove your case. The court will listen to both of you and make a decision. If the court decides to issue a domestic violence restraining order, you will get a copy of that order before you leave the court. The court will also give the defendant a copy of the order and will make sure you have safely left the court before allowing the defendant to leave.
- If you as plaintiff fail to appear for the hearing, the case may be dismissed.
- If the defendant fails to appear at the hearing, an order may be entered against him/her without their input.
- If you have been issued a final order and it will expire soon and you feel like you still need protection, you may file a motion with the court to extend the order before the order expires. If the order has expired, you will need to file a new petition.
- If the other person disobeys the Court's order, you should immediately call the police.**

Other Help/Resources

- The New Hampshire Coalition Against Domestic and Sexual Violence
- Crisis Centers - New Hampshire Coalition Against Domestic and Sexual Violence
- NH Legal Assistance
- During business hours you can call the court with questions at 1-855-212-1234

**Forms and Instructions are available at any NH Superior or Circuit Court
Additional information can be found at:**

www.courts.state.nh.us/fdpp