

CHAPTER 3 – EMERGENCY TELEPHONIC ORDERS

STATUTORY REFERENCES:

**RSA 173-B:4 (Temporary Relief)
RSA 173-B:5 (Relief)**

CROSS REFERENCES:

Chapter 14 (Firearms and Other Deadly Weapons)

INTRODUCTION

RSA 173-B:4 permits the telephonic issuance of temporary orders of protection in domestic violence and stalking cases. Such orders may be requested and granted during non-business hours. The procedure requires a law enforcement officer to listen to the report of abuse or stalking from the plaintiff, assist the plaintiff in recording the information on the Order of Protection and Affidavit of Service Form, then make a telephone call to a judge to relay the information and request the verbal order of protection.

Although any Circuit Court judge in the state may issue a telephonic order, law enforcement officers have been instructed to initially attempt to contact a judge serving within the jurisdiction involved. Law enforcement officers are provided with the telephone numbers of the judges throughout the state.

If granted, the officer should then immediately serve the defendant with the emergency order. Law enforcement officers have been instructed that the return of service should be made to the court having jurisdiction over the case, regardless of the court assignment of the judge who grants the telephonic order.

PROTOCOL 3-1

The telephonic emergency order, once granted, is valid only from the time of issuance to the close of the next court business day. The plaintiff must go to the court before the close of the next court business day to complete a petition for a new (temporary) order of protection if the plaintiff wishes the protection to continue.

COMMENT

The process outlined in RSA 173-B:5, X(a), which pertains to requests made by a defendant for the return of firearms, ammunition, and/or deadly weapons held by a law enforcement agency while the protection order was in effect, also applies to requests for the return of firearms, ammunition and deadly weapons that were relinquished as a result of an emergency, telephonic order of protection regardless of whether the plaintiff follows through with applying for a temporary order of protection pursuant to RSA 173-B:4. *See* Chapter 14- Firearms and Other Deadly Weapons.