

Court Service Center

New Hampshire Trial Court

HOW TO FILE FOR A DOMESTIC VIOLENCE OR STALKING PROTECTION ORDER

General information:

- This checklist is a guide only.

For further information, see NH RSA 173-B (Domestic Violence) or NH RSA 633:3-a (Stalking) and Orders of Protection and Restraining Orders | New Hampshire Judicial Branch (nh.gov)

Who May be Eligible for a Domestic Violence or Stalking Order of Protection:

DOMESTIC VIOLENCE:

- | | |
|--|---|
| <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 or former sexual partners | <input type="checkbox"/> Current or former intimate partners |
- 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.)

AND

- Has experienced Domestic Violence as defined in NH RSA 173-B.

STALKING:

- | | |
|--|---|
| <input type="checkbox"/> No relationship required. | <input type="checkbox"/> Has experienced Stalking as defined in NH RSA 633:3-a. |
|--|---|

NOTE: It is the judicial officer's responsibility, not the court staff's, to determine whether the plaintiff qualifies as a protected person under RSA 173-B or RSA 633:3-a. Under no circumstances should court staff deny anyone the ability to file.

NOTE: If you do not qualify for either protection order, you may want to consider filing for a civil restraining order with the Superior Court.

Where and when to file for a Domestic Violence or Stalking Protection Order:

- You may file in any Circuit Court during business hours (8AM-4PM). Petitions will not be accepted after 4PM.
- If it is after court hours, you can go to any police department to file for an Emergency Protection Order which is in effect until the end of the next court business day. You will have to go to a Circuit Court the next business day to file for a Temporary Order of Protection if you wish for the protection to continue.
- You may contact the New Hampshire Coalition against Domestic & Sexual Violence hotline number at 1-866-644-3574 for assistance from a local, confidential crisis center advocate. An advocate may help you with safety planning, finding shelter, legal referrals, and other services. An advocate may be able to accompany you to the police department to seek an Emergency Protection Order. An advocate may also be able to accompany you to the courthouse to apply for a Temporary Order of Protection.
- A crisis center advocate may assist you with filing an emailed domestic violence or stalking petition. The court will accept emailed petitions during the hours of 8AM and 3PM. Emailed petitions are only available through a crisis center advocate.

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Forms listed below are needed to start this action:

- Domestic Violence Petition (NHJB-2050-DF); or Stalking Petition (NHJB-2051-D); and
- Plaintiff Information Sheet (NHJB-2043-DF); and
- Defendant Confidential Information Sheet for Law Enforcement (NHJB-2045-DF); and
- UCCJEA Affidavit (only for parties w/ children in common) (NHJB-2660-DFP)

How much will this cost?

- There is NO COST to file either petition or have it served upon the defendant.

Information needed to fill out the petition:

- An explanation of the events leading you to file the petition. Write everything that has happened and the dates it happened. Be very clear, detailed, and include everything you want the judicial officer to know.
- Address information for yourself (plaintiff) and the defendant (if known) on the designated forms. Law enforcement is responsible for serving the paperwork upon the defendant and they need to know where to find the defendant.

Additional Information:

- You should tell court staff if there are other pending court cases involving you and the defendant in any court in New Hampshire or outside of New Hampshire (e.g., parenting, marital, criminal, etc.).

What happens when you submit your petition?

- You will be required to swear that the information you put on the forms is true and accurate. Please do not sign the paperwork until the court staff asks you to do so. The court staff will bring the petition to the judicial officer who will read it and decide whether to issue an order.

NOTE: A judicial officer may ask to speak with you about the petition.

- Upon review of the petition, one of three things may happen:
 1. The judicial officer could issue a temporary order of protection and schedule the matter for a final hearing; or
 2. The judicial officer could decide not to issue a temporary order of protection but will schedule the matter for a final hearing; or
 3. The judicial officer may deny the petition and dismiss the case.

NOTE: If the judicial officer does not grant a request for a temporary order of protection but instead schedules the matter for a final hearing without issuing temporary orders, you may withdraw your request.

- If the petition is denied, you may come back to fill out another petition if something else happens and you feel you need protection.

What should the plaintiff and defendant expect next?

- If the judicial officer issues a Temporary Order of Protection, the plaintiff will be given a copy of the order, petition, and a date to come back to the court for a final hearing within 30 days.
- The police will bring the papers to the defendant, who will learn about the petition, order, and hearing date.
- The defendant can ask that the final hearing be held quickly, within 3 to 5 business days. If that happens, the plaintiff will be notified of the new hearing date and time by court staff. It is important that the plaintiff keep the court apprised of current contact information.

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- Either party may be represented by an attorney at any point in this process, although an attorney is not required. The court is unable to appoint an attorney for either the plaintiff or the defendant.
- At the final hearing, the plaintiff and the defendant will have an opportunity to talk to the judicial officer. The plaintiff and defendant may bring witnesses and other evidence to prove their case. The judicial officer will listen to both parties and make a decision. At the conclusion of the hearing, the judicial officer will issue an order or will advise the parties that an order will be issued at a later date. If a temporary order was issued, it will remain in effect until there is a new order. Court security officers will make sure the plaintiff has safely left the courthouse before allowing the defendant to leave.
- If the judge issues a Final Order or Protection, it is important for the plaintiff to pay attention to the expiration date. Prior to the expiration date, if the plaintiff desires further protection, the plaintiff may file a motion with the court to extend the final order. If the Final Order of Protection has expired, the plaintiff will need to file a new petition.
- If the defendant disobeys the Court's order, the plaintiff should immediately call the police.**

Other Resources:

The New Hampshire Coalition Against Domestic and Sexual Violence

1-866-644-3574

<https://www.nhcadv.org/member-programs.html>

603 Legal Aid

1-800-639-5290 or 603-224-3333

<https://www.603legalaid.org>

NH Judicial Branch

1-855-212-1234

<https://courts.nh.gov>

<https://www.courts.nh.gov/self-help/getting-started/legal-assistance>

NH Law Library

603-271-3777

<https://www.courts.nh.gov/resources/nh-law-library>

NH Legal Assistance

1-800-562-3174

<https://www.nhla.org>

The Disability Rights Center –NH

603-228-0432

<https://drcnh.org>

Forms and Instructions are available at any NH Superior or Circuit Court

Additional information can be found at:

[Orders of Protection and Restraining Orders | New Hampshire Judicial Branch \(nh.gov\)](#)