4-974. Order of dismissal.

[Family Violence Protection Act, Section 40-13-3.2 NMSA 1978.]

STATE OF NEW MEXICO

COUNTY OF _____

_____ JUDICIAL DISTRICT COURT

_____, Petitioner

v. No. _____

_____, Respondent

ORDER OF DISMISSAL[1]

This matter coming before the court on _____ (*date*) and the court having reviewed the pleadings and being sufficiently advised,

FINDS AND ORDERS:

(*check applicable*)

[ ] The petitioner failed to appear at the hearing and therefore failed to prosecute this case.

[ ] The petitioner appeared at the hearing and requested dismissal of this case.

[ ] The respondent has not been served despite reasonable attempts.

[ ] The allegations in the petition do not allege "domestic abuse" as defined in Section 40-13-2 NMSA 1978.

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[ ] The allegations in the petition involve child custody and divorce issues which should be addressed in the proper court proceeding.

[ ] The allegations in the petition do not involve a "household member" as defined in Section 40-13-2 NMSA 1978.

[ ] Other _____.

[ ] The petition for order of protection from domestic abuse is denied.

[ ] This cause of action is dismissed without prejudice.

[ ] This cause of action is dismissed with prejudice.

RECOMMENDATIONS

I have:

[ ] reviewed the petition for order of protection;

[ ] reviewed the counter-petition for order of protection;

[ ] conducted hearings on the merits of the petition;

[ ] after notice and hearing, I prepared this order as my recommendation to the district court judge regarding disposition of the request for order of protection. If any party disagrees with the recommendations, that party may, but is not required to, file written objections and a request for hearing on those objections with the district court

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within ten (10) days. A copy of those objections and a request for hearing must be served by mail on the other party.

_____

Signed

_____

Title

Court's telephone number: _____

The court has reviewed the recommendations and adopts them. This order remains in effect unless and until it is modified by a district court judge or it expires. If objections are filed the court may conduct a hearing to resolve the objections. (*See* Rule 1-053.1(H)(1)(a) NMRA).

SO ORDERED.

_____ _____

District Judge Date and time approved

USE NOTE

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1. This form may be modified and used for dismissal of a petition upon motion of the respondent.

[Approved, effective February 16, 2004; as amended by Supreme Court Order No. 08-8300-40, effective December 15, 2008.]

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