

CHAPTER 3 – EMERGENCY TELEPHONIC ORDERS

INTRODUCTION

RSA 173-B:4 permits the issuance by telephone of temporary restraining orders in domestic violence cases. Such orders by telephone may be requested and granted only during hours other than regular court business hours. The procedure requires a law enforcement officer to listen to the report of abuse from the plaintiff, assist the plaintiff in recording the information on the Emergency Order of Protection and Affidavit of Service Form, make a telephone call to a judge to relay the information and request the verbal order for protection. If granted, the officer should then immediately serve the defendant with the temporary 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

Although any District, Superior or Family Court judge in the state may issue a telephonic order, our expectation is that law enforcement officers will contact the on call judge based upon the existing policies in their county. If unable to reach a judge assigned to the court having jurisdiction over the town in which the plaintiff resides, the officer will try to reach a judge who resides in a city or town close to the town in which the plaintiff resides.

COMMENT

Many of the Family Division counties use an on call system with the Bureau of Emergency Communications.

NOTE: Law enforcement is provided with the home telephone numbers of judges in their areas.

PROTOCOL 3-2

The order, once granted, is valid only from the time of issuance and service 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 and complete a petition for a new (temporary) order of protection if the plaintiff wishes the protection to continue.

COMMENT

To make certain that the record upon which any order is based is complete, any information that is not part of the plaintiff's written allegations, as related to the judge by the police officer, must be reduced to writing and be appended to the file.

PROTOCOL 3-3

The clerk should enter each DV telephonic order as he/she would any other DV order, **except** note that a new case filing type has been created for these cases. Once the clerk has entered the case, it should be closed, having expired usually within 24-48 hours.

COMMENT

If a temporary order was granted, following the issuance of the emergency order, that case should be entered separately. Staff should not attempt to combine these types of cases.