

Court Service Center

New Hampshire Circuit Court

CIVIL STALKING INFORMATION

General information:

- The District Division of the Circuit Court only has jurisdiction over one type of restraining order: Civil Stalking. The only exception is in locations where a Family Division is not co-located in the courthouse and the District Division continues to handle Domestic Violence Petitions.
- Stalking is covered by RSA 633:3-a and can be referred to for more information.
- If you have a qualifying relationship with the other party, you may want to consider filing a Domestic Violence Restraining Petition because it covers stalking but offers more protections. You can refer to RSA 173-B or your Family Division Court for more information.
- If you do not qualify for a Stalking Order of Protection or a Domestic Violence Order of Protection, you may want to consider filing for a Civil Restraining Order with the Superior Court.
- You should file at the court that has jurisdiction over the town where you or the defendant resides. If you go to a court that doesn't have jurisdiction, your case will be transferred to a court that does.
- If you are in fear for your safety during hours when the court is closed, contact your local police department to file for an emergency protective order. You will then need to come to court to file a regular stalking petition as soon as the court is open again.

Forms listed below are needed to start this action:

- Civil Stalking Petition (NHJB-2051-D)
- Plaintiff Information Sheet (NHJB-2043-DF)
- Defendant Information Sheet (NHJB-2045-DF)

Information needed to fill out the petition:

- An explanation of the events leading you to file the petition.
- 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.

How much will this cost?

- There is no filing fee for this type of case.

What happens next?

- After you file the petition, court staff will review it to make sure it is complete and to take your oath. Don't sign the paperwork until they ask you to do so.
- A judge will review your petition. He/she may ask to speak to you. The judge can issue a temporary restraining order and schedule the matter for a final hearing within thirty days for you and the defendant to both appear 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 form if something else happens and you feel you need protection.
- If the case is scheduled for a hearing (with or without temporary orders), the defendant's local police department will attempt to serve the defendant with the paperwork.

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- If the police can't locate the defendant, you may be asked by the court for any other known addresses where the defendant may be.
- 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.
- You will receive a copy of the petition, notice of hearing, and any temporary orders before leaving the court. Keep a copy of the order on you in case you have any problems and contact the police if anything happens to place you in fear.
- On the day of the hearing, bring any witnesses or evidence with you to court. This is your opportunity to present your case. The defendant will have the same opportunity. At the conclusion of the hearing, the judge will make an order or will advise the parties if that order will be made later. The temporary order remains in effect until there is a new order.
- 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 District Court

Additional information can be found at:

www.courts.state.nh.us/district/