

# Court Service Center

## New Hampshire Circuit Courts

### HOW TO FILE A DOMESTIC VIOLENCE RESTRAINING ORDER

#### General information:

- This checklist is a guide only. For further information see NH RSA 173:B

#### Who May File:

- |  |   |
|--|---|
| <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 sexual partner                                    | <input type="checkbox"/> Former sexual partner  |
| <input type="checkbox"/> Current intimate partners and former intimate partners.   |   |

**Note: It is the judge's responsibility, not the staff's, to determine whether the plaintiff qualifies as a protected person under RSA 173-B. Under no circumstances should staff deny anyone the ability to file.**

#### Where to file for a Domestic Violence Restraining Order:

- Petitions may be filed in the county or district where the plaintiff or defendant reside. The statute further provides that if the plaintiff has left the household or premises to avoid further abuse they have the option to commence the proceedings in the county or district where they temporarily reside.
- Protocol 4-1: Permits the plaintiff to file at ANY court location. If necessary, the case should thereafter be transferred to the appropriate court.
- If it is after Court hours the plaintiff can go to any Police Department to file for an Emergency Protective Order

#### What happens next?

- The Plaintiff will need to fill out a form titled "Domestic Violence Petition." This is the formal document that is given to the judge. It is important that they complete the form and fill in all the necessary information. If they need help with the form, they should ask someone at the court.
- They will be required to swear that this information is true and accurate. This information is what the judge reads before making a decision to write an order.
- If the court finds that there is evidence of abuse and a credible threat to their safety, a temporary protective order may be issued.
- If the court finds that there is not evidence of abuse, the petition may be denied. If an order is denied or a request to withdraw an order is granted, they can always come back to the court and ask for another order in the future if they feel they need protection.
- If the judge grants a temporary order, titled the "Domestic Violence Temporary Order" and Notice of Hearing there will be a date given to come back to court for a hearing which is usually within 30 days.
- The other person can ask for a hearing within 3 to 5 days.
- If the other person violates the order, you should call the police right away.

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### 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](#)

**Forms and Instructions are available at any NH Circuit Court**  
**Additional information can be found at:**  
[www.courts.state.nh.us/fdpp](http://www.courts.state.nh.us/fdpp)