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HOUSE BILL 230

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO DOMESTIC VIOLENCE; AUTHORIZING ORDERS OF PROTECTION
AGAINST MINORS UNDER THE FAMILY VIOLENCE PROTECTION ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Family Violence
Protection Act is enacted to read:

"NEW MATERIAL ORDERS OF PROTECTION AGAINST MINORS. --

A. Orders of protection may be granted against a
minor pursuant to the Family Violence Protection Act only if:

- (1) the minor does not reside with the
petitioner; and
- (2) the petitioner is not the minor's parent
or legal guardian.

B. An order of protection against a minor shall
describe specifically the acts the minor is ordered to do or

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 refrain from doing.

2 C. An order of protection against a minor shall
3 contain a notice that violation of any provision of the order
4 is a misdemeanor and shall be referred to the juvenile
5 probation and parole office for investigation and possible
6 referral to the children's court attorney as a delinquent act.

7 D. A petition for an order of protection against a
8 minor by a person who resides with the minor or who is the
9 minor's parent or legal guardian shall be referred to the
10 children, youth and families department for appropriate
11 services or action pursuant to the Children's Code. "

12 Section 2. Section 40-13-2 NMSA 1978 (being Laws 1987,
13 Chapter 286, Section 2, as amended) is amended to read:

14 "40-13-2. DEFINITIONS.--As used in the Family Violence
15 Protection Act:

16 A. "co-parents" means persons who have a child in
17 common, regardless of whether they have been married or have
18 lived together at any time;

19 B. "court" means the district court of the judicial
20 district where an alleged victim of domestic abuse resides or
21 is found;

22 C. "domestic abuse" means any incident by a
23 household member against another household member resulting in:

24 (1) physical harm;

25 (2) severe emotional distress;

- 1 (3) bodily injury or assault;
2 (4) a threat causing imminent fear of bodily
3 injury by any household member;
4 (5) criminal trespass;
5 (6) criminal damage to property;
6 (7) repeatedly driving by a residence or work
7 place;
8 (8) telephone harassment;
9 (9) stalking;
10 (10) harassment; or
11 (11) harm or threatened harm to children as
12 set forth in the paragraphs of this subsection;

13 D. "household member" means a spouse; former
14 spouse; family member, including a relative, parent, present or
15 former stepparent, present or former in-law, child or co-parent
16 of a child; or a person with whom the petitioner has had a
17 continuing personal relationship. Cohabitation is not
18 necessary to be deemed a household member for purposes of this
19 section; [~~and~~]

20 E. "minor" means a person under eighteen years of
21 age; and

22 [~~E.~~] F. "order of protection" means a court order
23 granted for the protection of victims of domestic abuse."