

AN ACT
RELATING TO DOMESTIC ABUSE; PROVIDING FINANCIAL REMEDIES FOR
VICTIMS OF DOMESTIC ABUSE; AMENDING A SECTION OF THE FAMILY
VIOLENCE PROTECTION ACT.

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

Section 1. Section 40-13-5 NMSA 1978 (being Laws 1987,
Chapter 286, Section 5, as amended) is amended to read:

"40-13-5. ORDER OF PROTECTION-- CONTENTS-- REMEDIES--
TITLE TO PROPERTY NOT AFFECTED. --

A. Upon finding that domestic abuse has occurred,
the court shall enter an order of protection ordering the
respondent to refrain from abusing the petitioner or any
other household member. The court shall specifically
describe the acts the court has ordered the respondent to do
or refrain from doing. As a part of any order of protection,
the court may:

(1) grant sole possession of the residence
or household to the petitioner during the period the order of
protection is effective or order the respondent to provide
temporary suitable alternative housing for the petitioner and
any children to whom the respondent owes a legal obligation
of support;

(2) award temporary custody of any children
involved when appropriate and provide for visitation rights,

child support and temporary support for the petitioner on a basis that gives primary consideration to the safety of the victim and the children;

(3) order that the respondent shall not initiate contact with the petitioner;

(4) restrain the parties from transferring, concealing, encumbering or otherwise disposing of the petitioner's property or the joint property of the parties except in the usual course of business or for the necessities of life and require the parties to account to the court for all such transferences, encumbrances and expenditures made after the order is served or communicated to the party restrained in court;

(5) order the respondent to reimburse the petitioner or any other household member for expenses reasonably related to the occurrence of domestic abuse, including medical expenses, counseling expenses, the expense of seeking temporary shelter, expenses for the replacement or repair of damaged property or the expense of lost wages;

(6) order the respondent to participate in, at the respondent's expense, professional counseling programs deemed appropriate by the court, including counseling programs for perpetrators of domestic abuse, alcohol abuse or abuse of controlled substances; and

(7) order other injunctive relief as the

court deems necessary for the protection of the petitioner, including orders to law enforcement agencies as provided by this section.

B. The order shall contain a notice that violation of any provision of the order constitutes contempt of court and may result in a fine or imprisonment or both.

C. If the order supersedes or alters prior orders of the court pertaining to domestic matters between the parties, the order shall say so on its face. If an action relating to child custody or child support is pending or has concluded with entry of an order at the time the petition for an order of protection was filed, the court may enter an initial order of protection, but the portion of the order dealing with child custody or child support will then be transferred to the court that has or continues to have jurisdiction over the pending or prior custody or support action.

D. No order issued under the Family Violence Protection Act shall affect title to any property or allow the petitioner to transfer, conceal, encumber or otherwise dispose of the respondent's property or the joint property of the parties.

E. Either party may request a review hearing to amend the order. An order of protection involving child custody or support may be modified without proof of a

substantial or material change of circumstances."

Section 2. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 2001. _____