

NEW HAMPSHIRE CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In New Hampshire, there are 2 types of civil protection orders:

- Protection of Persons from Domestic Violence Orders** are available for individuals seeking protection from domestic violence committed by a family or household member or an intimate partner (N.H. Rev. Stat. § 173-B.).
- Interference with Freedom Orders** are available for individuals who are seeking protection from any individual who stalked them (N.H. Rev. Stat. § 633.3-a.).

PROTECTION OF PERSONS FROM DOMESTIC VIOLENCE

<p>Who can apply?</p>	<p>Any person may seek relief alleging abuse by a family or household member. <i>N.H. § 173-B:3.</i></p> <p>Abuse is defined as the commission or attempted commission of any of the following by a family or household member or by a current or former sexual or intimate partner:</p> <ul style="list-style-type: none"> • Assault or reckless conduct; • Criminal threatening; • Sexual assault; • Interference with freedom; • Destruction of property; • Unauthorized entry; • Harassment; or • Cruelty to animals. <p><i>N.H. § 173-B:1(I).</i></p> <p>See “Who can be Restrained?” for a definition of family or household member.</p>
<p>Can minors apply?</p>	<p>Yes, minors may apply for a protective order and need not be accompanied by a parent or guardian to receive relief. <i>N.H. § 173-B:3(II)(a)(b).</i> <i>N.H. § 173-B:7.</i></p>
<p>Who can be restrained?</p>	<p>A family or household member or a current or former sexual or intimate partner. <i>N.H. § 173-B:1.</i></p> <p>Family or household member means:</p> <ul style="list-style-type: none"> • Spouses or former spouses; <p style="text-align: right;"><i>continued on next page</i></p>



PROTECTION OF PERSONS FROM DOMESTIC VIOLENCE

<p>Who can be restrained?</p>	<ul style="list-style-type: none"> • Persons who currently or previously share a residence; • Parents and other persons related by blood or affinity, other than minor children who reside with the defendant. <p><i>N.H. § 173-B:1(X).</i></p> <p>Intimate partner means: Person currently or formerly involved in a romantic relationship, whether or not such relationship was ever sexually consummated. <i>N.H. § 173-B:1(XV).</i></p>
<p>What types of relief may a court order?</p>	<p>The court shall issue an order granting such relief to bring about a cessation of abuse, including the following:</p> <ul style="list-style-type: none"> • Prohibit the defendant from abusing the plaintiff or their relatives; • Prohibit the defendant from entering plaintiff’s residence; • Prohibit the defendant from contacting the plaintiff; • Prohibit the defendant from interfering with plaintiff’s property or grant possession of shared property to plaintiff (including furniture or automobiles); • Require defendant to turn over all deadly weapons; • Grant the plaintiff exclusive care, custody, or control of any animals at issue; • Grant plaintiff exclusive possession of a shared residence; • Require defendant continue paying household expenses (e.g. mortgage or rent payments); • Award temporary custody of or establish visitation with minor children; • Award spousal or child support; • Require defendant participate in counselling or a batterer intervention program; • Require defendant compensate plaintiff for losses suffered; or • Require defendant pay reasonable attorney’s fees. <p><i>N.H. §§ 173-B:5(l)(a)(1-7); N.H. 173-B:5(l)(b)(1-10).</i></p>

PROTECTION OF PERSONS FROM DOMESTIC VIOLENCE

How long does the order last?	Any order can last for a fixed period, up to 1 year. <i>N.H. § 173-B:5(VI).</i>
Can the order be renewed?	Yes. The order can be extended by the court upon a motion by the plaintiff, showing good cause, with notice to the defendant, for one year after the expiration of the first order and thereafter each extension may be for up to 5 years. <i>N.H. § 173-B:5(VI)</i>
Is a hearing with the respondent required?	Yes. The court shall hold a hearing within 30 days of the filing of a petition or within 10 days of service of process upon the defendant, whichever occurs later. <i>N.H. § 173-B:3(VII(a)).</i> A defendant shall have the right to a hearing on the extension of any order under this paragraph to be held within 30 days of the extension. <i>N.H. § 173-B:5(VI).</i>

INTERFERENCE WITH FREEDOM - STALKING

Who can apply?

Anyone who has been a victim of **stalking** can file a petition for a stalking protective order. A stalking victim is not required to prove a prior relationship existed in order to petition for a stalking protective order.

N.H. § 633:3-a(III-a).

Stalking means a person:

- Purposely, knowingly, or recklessly engages in a **course of conduct** targeted at a specific person which would cause a reasonable person to fear for his or her personal safety or the safety of a member of that person's immediate family, and the person is actually placed in such fear;
- Purposely or knowingly engages in a course of conduct targeted at a specific individual, which the actor knows will place that individual in fear for his or her personal safety or the safety of a member of that individual's family

N.H. § 633.3-a(I(a-b)).

Course of conduct means 2 or more acts over a period of time, however short, which evidence a continuity of purpose. A course of conduct may include any of the following:

- Threatening plaintiff's safety or the safety of an immediate family member;
- Following, approaching, or confronting plaintiff, or a member of their immediate family;
- Coming close to plaintiff or their immediate family member, or entering the home, work, school of plaintiff or their immediate family member or entering another place where plaintiff or their immediate family member can be found;
- Causing damage to plaintiff's residence or property or that of their immediate family;

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INTERFERENCE WITH FREEDOM - STALKING

<p>Who can apply?</p>	<ul style="list-style-type: none"> • Placing an object on plaintiff property or that of an immediate family member; • Causing injury to plaintiff’s pet, or to a pet belonging to a family member; or • Any act of communication, including through email, text, phone, mail, etc. <p><i>N.H. § 633:3-a(II)(a).</i></p>
<p>Can minors apply?</p>	<p>Yes. The minority of a plaintiff or defendant shall not preclude the court from issuing protective orders.</p> <p><i>N.H. § 633:3-a(III)(b).</i></p>
<p>Who can be restrained?</p>	<p>A person who commits the offense of stalking.</p> <p>A petition can also be filed against a minor, regardless of whether the plaintiff is an adult or a minor.</p> <p><i>N.H. § 633:3-a(III)(b).</i></p>
<p>What types of relief may a court order?</p>	<p>The court shall issue an order granting such relief to bring about a cessation of abuse, including the following:</p> <ul style="list-style-type: none"> • Prohibit the defendant from abusing the plaintiff or their relatives; • Prohibit the defendant from entering plaintiff’s residence; • Prohibit the defendant from contacting the plaintiff; • Prohibit the defendant from interfering with plaintiff’s property or grant possession of shared property to plaintiff (including furniture or automobiles); • Require defendant to turn over all deadly weapons; • Grant the plaintiff exclusive care, custody, or control of any animals at issue; • Grant plaintiff exclusive possession of a shared residence; • Require defendant continue paying household expenses (e.g. mortgage or rent payments); <p style="text-align: right;"><i>continued on next page</i></p>



INTERFERENCE WITH FREEDOM - STALKING

<p>What types of relief may a court order?</p>	<ul style="list-style-type: none"> • Award temporary custody of or establish visitation with minor children; • Award spousal or child support; • Require defendant participate in counselling or a batterer intervention program; • Require defendant compensate plaintiff for losses suffered; or • Require defendant pay reasonable attorney’s fees. <p><i>N.H. § 633:3-a(III-a).</i></p>
<p>How long does the order last?</p>	<p>Any order can last for a fixed period, up to 1 year.</p> <p><i>N.H. § 633:3-a(III-c).</i></p>
<p>Can the order be renewed?</p>	<p>Yes. The order can be extended by the court upon a motion by the plaintiff, showing good cause, with notice to the defendant, for 1 year after the expiration of the first order and thereafter each extension may be for up to 5 years.</p> <p><i>N.H. § 633:3-a(III-c).</i></p>
<p>Is a hearing with the respondent required?</p>	<p>Yes. The court shall hold a hearing within 30 days of the filing of a petition or within 10 days of service of process upon the defendant, whichever occurs later.</p> <p><i>N.H. § 633:3-a(III-a).</i></p> <p>A defendant shall have the right to a hearing on the extension of any order under this paragraph to be held within 30 days of the extension.</p> <p><i>N.H. § 633:3-a(III-c).</i></p>

HOW TO APPLY

Forms are available online at: <https://www.courts.nh.gov/sites/g/files/ehbemt471/files/documents/2021-04/nhjb-2050-df.pdf>

Plaintiff may file a petition in the county or district where the plaintiff or defendant resides.

SCAN ME!



For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

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