

Racheal's Law: A Journey

from Victim to Survivor to Thriver

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The Journey Begins- VICTIM

- a person who is cheated, fooled, or hurt by another
- an individual injured or killed (as by disease, violence, or disaster)
- a person or animal offered as a religious sacrifice.

The Journey Continues – SURVIVOR

- To remain alive or in existence**
- To carry on despite hardships or trauma; persevere**

The Journey Ends- THRIVER

- To grow vigorously; flourish
- To be successful or make steady progress; prosper

Knowledge Assessment

- **Take 3-5 minutes to
take Assessment**

Who can apply for an Order of Protection?

- **All of the above**

Is a Temporary Restraining Order (TRO) the same thing as an Order of Protection?

○ **FALSE**

What court intervention can feuding neighbors apply for?

- Neither
- Technically, New Mexico law requires that a person file a civil claim in district court before a restraining order can be issued.

Racheal's Law

NMSA 1978, Section 40-13-5.1

Family Violence Protection Act

Extended Order of Protection

Must be issued during the criminal sentencing

- o In the sentencing proceeding . . . a prosecutor may request that the criminal court grant the victim an order of protection to remain in effect for the duration of the criminal court's jurisdiction over the person.**

Section 30-9-11 NMSA 1978

- **Only available to victims of Criminal Sexual Penetration (CSP)**
 - **1st degree through 4th degree is included**

After The Criminal Jurisdiction Expires

- **Victim may:**
 - File a petition for an Order of Protection under the Family Violence Protection Act
 - Submit evidence of the CSP conviction/plea

After The Criminal Jurisdiction Expires

- **Court may:**
 - Take Judicial notice of the conviction

Victim

- Shall not be required to appear before the court
- Another person may appear on the victim's behalf

Court

- May grant an order of protection
 - For any length of time
 - Including for a victim's lifetime

Questions?

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