

## NMDPS - DV – RELATIONSHIP

For purposes of domestic violence, a household member is a spouse, former spouse, family member, including a relative, parent, present or former stepparent, present or former in-law, child or co-parent of a child, **or** a person with whom the petitioner has had a “continuing personal relationship.” NMSA 1978, Section 40-13-2 (D).

Several cases give us an idea of what a “continuing personal relationship” is. Defendant and victim lived together for several weeks in Portales, New Mexico. Court of Appeals held this was sufficient to show a continuing personal relationship. Defendant’s conviction for battery on a household member was affirmed. State v. Fike (2002).

In another case, in Bernalillo County, victim testified that she had known Defendant for a little over a week. They had kissed one another but the victim stated they were not boyfriend or girlfriend. Supreme Court felt there wasn’t a “continuing personal relationship” and therefore the victim wasn’t a household member.

It will take more cases to get a better handle on what “continuing personal relationship” means. The other categories in the definition of household member involve a present or former connection, by blood or marriage. The Supreme Court noted that these are enduring relationships and this might give assistance to helping define a “continuing personal relationship.” State v. Wilson (2006). - - - ADA Elliott



I don't have a stop-sign stand and he's the rookie!