

**INFORMATION ABOUT
ORDERS FOR PROTECTION AGAINST STALKING AND HARASSMENT
AND ORDERS FOR PROTECTION OF CHILDREN
ISSUED IN JUSTICE COURT**

(1) What are the definitions of “stalking,” “harassment,” and “harm to minors”?

Under **NRS 200.571**, a person commits the crime of **harassment** if:

(a) Without lawful authority, the person knowingly threatens:

(1) To cause bodily injury in the future to the person threatened or to any other person; or

(2) To cause physical damage to the property of another person; or

(3) To subject the person threatened or any other person to physical confinement or restraint; or

(4) To do any act which is intended to substantially harm the person threatened or any other person with respect to his physical or mental health or safety; **and**

(b) The person by words or conduct places the person receiving the threat in reasonable fear that the threat will be carried out.

Under **NRS 200.575(1)**, the crime of **stalking** is defined as follows:

A person who, without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated or harassed, and that actually causes the victim to feel terrorized, frightened, intimidated or harassed, commits the crime of stalking.

Under **NRS 200.575(2)**, the crime of **aggravated stalking** is defined as follows:

A person who commits the crime of stalking and in conjunction therewith threatens the person with the intent to cause him to be placed in reasonable fear of death or substantial bodily harm commits the crime of aggravated stalking.

Under **NRS 33.400**, crimes involving children are defined as follows:

(1) A crime involving physical or mental injury to the child of a nonaccidental nature; or

(2) A crime involving sexual abuse or sexual exploitation of a child.

(2) What is an “order for protection”?

If you reasonably believe that you are the victim of a crime involving stalking and/or harassment, or if you are the parent or guardian of a child and you reasonably believe that the child has been the victim of a crime categorized as harmful to minors, you may petition the Justice Court for an order restricting the conduct of the person who is allegedly committing the crime. You are considered the APPLICANT and the person allegedly committing the crime is considered the ADVERSE PARTY.

An **order for protection** may do the following:

(1) It may order the Adverse Party to stay away from

- * **The home of the victim;**
- * **The school of the victim;**
- * **The business of the victim;**
- * **The place of employment of the victim; and**
- * **Any other location specifically named by the court.**

(2) It may order the Adverse Party to refrain from contacting, intimidating, threatening or otherwise interfering with

- * **The victim; and**
- * **Any other person, including, without limitation, a member of the family or household of the victim, specifically named by the court.**

(3) It may order the Adverse Party to comply with any other restriction, which the court deems necessary to protect the victim, or to protect any other person named in the order, including, without limitation, a member of the family or household of the victim.

(3) How long will a protection order remain in effect?

A temporary order must expire no later than **30 days** after the order is signed and served, unless otherwise ordered by a justice of the peace. If the order is not served within 30 days of issuance, it will expire.

An extended order must expire no later than **1 year** after a justice of the peace signs the extended order.

If a petition for an extended order is filed within the period of a temporary order, the temporary order remains in effect until the hearing on the extended order is held. An extended order cannot be issued after a temporary order has expired.

(4) Can I obtain a protection order without notifying the Adverse Party?

A temporary order may be granted without notice to the adverse party. However, if a justice of the peace is so inclined, the justice of the peace can set the matter for hearing before deciding whether to grant the protection order.

An extended order **cannot** be granted unless:

- (1) Notice of the petition for the order and of the hearing thereon is served upon the Adverse Party pursuant to the Rules of Civil Procedure; and
- (2) The court holds a hearing on the request.

If a hearing is scheduled, you are strongly encouraged to prepare in advance for the hearing, and to bring any supporting documentation and witnesses to the hearing.

(5) What is the criminal penalty for violating a protection order?

Unless a more severe penalty is provided by law for the act that constitutes the violation of the order, any person who intentionally violates a temporary order is guilty of a **gross misdemeanor**, which is punishable by not more than 1 year in jail and/or up to a \$2,000 fine.

Unless a more severe penalty is provided by law for the act that constitutes the violation of the order, any person who intentionally violates an extended order is guilty of a category **C felony**, which is punishable by not less than 1 year nor more than 5 years in Nevada State Prison and/or up to a \$10,000 fine.

Pursuant to NRS 193.166, if the act that constitutes the violation of a protection order is itself a felony; the Adverse Party may be punished by imprisonment in the state prison “for a term equal to and in addition to the term of imprisonment prescribed by statute” for the act that constitutes the violation.

In addition, a person who violates a protection order may also be summarily held in contempt of court pursuant to NRS 22.100 and punished by a fine of up to \$500 and/or imprisonment up to 25 days.

Criminal contempt may also be prosecuted as a misdemeanor criminal case, punishable by imprisonment in jail for up to 6 months and/or a fine of up to \$1,000.

(6) Do I need an attorney to apply for a protection order?

No. Although an attorney may assist you in filing for a protection order, and although an attorney may appear with you at any court hearing, you have the right to proceed without legal counsel if you so desire.

(7) How much does it cost to file for a protection order?

There is no filing fee to obtain a protection order.

(8) What is the procedure for filing for a protection order?

You must fill out two different types of documents and submit them to the court. All documents must be completed **LEGIBLY**. If you need additional pages because you need more space to write, you may request a **CONTINUATION PAGE** in order to continue writing.

The first document to be completed is called an **APPLICATION**. Please refer to the court’s **LINE-BY-LINE INSTRUCTION SHEET** for detailed instructions in completing the **APPLICATION**.

As you are filling out the **APPLICATION**, you should keep the following things in mind:

(1) For this Justice Court to issue a protection order, the crime against a child, or the stalking and/or harassment, must occur in this township.

Stalking and/or harassment is deemed to have been committed “where the conduct occurred,” or “where the person who was affected by the conduct was located at the time that the conduct occurred.”

For example, if the Adverse Party is stalking you in this township, you may file here. If the Adverse Party is making threatening phone calls to you, and you received those phone calls in this township, you may file here.

If another court has jurisdiction over your protection order filing, you will need to contact that court in order to apply for a protection order.

(2) You need to be as specific as possible. For example, it is important to include all relevant dates, locations, witnesses, etc., so that the reviewing justice of the peace will have the most complete information to consider. It is also helpful to present your story in a chronological fashion so that the justice of the peace will understand a clear sequence of events.

(3) You may include any supporting documents that you have gathered, such as:

- * Documentation of phone calls by the Adverse Party
- * Notes/written threats left by the Adverse Party
- * Pictures of property damage caused by the Adverse Party
- * Any other written documents that help to substantiate your allegations.

(4) Although you are not required to file a police report prior to seeking a protection order, if you have filed a police report, you may attach a copy of the police report along with your **APPLICATION**.

(5) You may seek protection for yourself, for other people (such as minors, people in your household, etc.), or both.

(6) To apply for a protection order, you must be at least **18 years of age**. If you are a minor in need of protection, you need to have an adult apply for the protection order on your behalf.

(7) **If you are applying for an Order for Protection of Children on behalf of a minor**, you are considered the Applicant by the courts. You, as the Applicant, will list the minor’s name where requested within the Application and, if the court grants an Order for Protection of Children, the minor will be named in the order.

(8) If you are applying for an Order for Protection of Children, the Adverse Party must be 18 years of age or older, or the order may not be issued. However, you may obtain an Order for Protection Against Stalking or Harassment against someone who is under the age of 18.

(9) The **APPLICATION** and any supporting documents that you provide are public records and may be viewed by any member of the public, including the Adverse Party, except as specified in these instructions.

(10) The **APPLICATION** asks you to list specific locations where you are seeking protection. If you are afraid to divulge that information to the Adverse Party, you may indicate that such information is **CONFIDENTIAL** and should not appear on the protection order. However, please be advised that this may limit the ability of law enforcement to enforce your order effectively. For example, if the court orders the Adverse Party to stay away from a place of employment, but that place of employment is not specifically listed in the protection order, police may be reluctant to arrest the Adverse Party if that person shows up at that location.

(11) As part of the **APPLICATION**, you will be asked if you would like the court to set a hearing date for an extended order. If you check the yes box, the court will automatically schedule a hearing in order to consider whether an extended order will be issued. If you check the no box, you may apply for an extended order later, but the extended order can only be requested while the temporary order is still in effect. For either option, the temporary order will remain in effect until the hearing on the extended order is held.

(12) You are signing the **APPLICATION** under penalty of perjury, so you must remember that intentionally false or misleading statements may subject you to criminal penalties.

The second document to be completed is called a **CONFIDENTIAL INFORMATION SHEET**. This document is not available to the general public or to the Adverse Party.

For several reasons, it is critical that you fill out this document as completely as possible:

(1) This document will provide information to the court so that the court can contact you and provide information about upcoming hearings or activities in your case.

(2) This information is needed by law enforcement agencies for purposes of service. **Protection orders must be served pursuant to Rules of Civil Procedure.**

(3) If you do not have an address for the adverse party, or if the sheriff/constable cannot effectuate service at the address given, you have the ultimate responsibility for having the adverse party served by a private process server or other means.

After you have completed the **APPLICATION** and the **CONFIDENTIAL INFORMATION SHEET**, your paperwork will be assigned a case number, and the case will be assigned to a justice of the peace who will review your information.

If the justice of the peace denies your request for a protection order, the justice of the peace will sign a written order denying your request and explaining why the protection order is not warranted.

If the justice of the peace grants your request, a written protection order will be prepared and forwarded to the appropriate law enforcement agencies for service upon the Adverse Party. No fee will be charged by these law enforcement agencies to serve a protection order in Nevada. Please note that if the Adverse Party resides outside this County or in another state, it will be your responsibility to contact the proper law enforcement agencies where the Adverse Party resides, in order to have the protection order served.

If you are a party to a temporary protection order action, you, yourself, may not serve that temporary protection order on the adverse party. Instead, the temporary protection order must be served by a deputy constable, deputy sheriff, or person who is not a party and who is over 18 years of age.

You may also use a private process server to serve the Adverse Party at your own expense. If you choose to do so, you must file with the court a document called a “Return of Service” which shows that the Adverse Party was properly served.

(9) Does the Adverse Party have any remedies once the protection order is issued?

The Adverse Party has three (3) options once the protection order is issued.

(A) On **2 days’ notice** to the Applicant, the Adverse Party may file a **Motion to Dissolve** the protection order, and the court may schedule a hearing on the Motion. If the Motion is granted, the protection order will become immediately void and unenforceable. A protection order can only be dissolved by the court.

(B) On **2 days’ notice** to the Applicant, the Adverse Party may file a **Motion to Modify** the protection order, and the court may schedule a hearing on the Motion. This commonly occurs when the Adverse Party believes that the protection order is too broad or that the protection order is unduly burdensome. A protection order can only be modified by the court.

(C) If an extended order is issued, the Adverse Party may file an **Appeal** to District Court, and the District Court may affirm, modify or vacate the order in question. The Adverse Party may appeal without filing a bond, but the appeal itself does not stay the effect or enforcement of the extended order.

(10) If the Adverse Party violates the protection order, what should I do?

If the Adverse Party violates the protection order, you should call the police and report the incident immediately. In addition, you should consider filing a Motion to hold the Adverse Party in contempt of court. The court will review your Motion and decide whether a hearing should be scheduled.

(11) If I have a protection order against the Adverse Party, am I prohibited from seeking other remedies also?

If you have an Order for Protection Against Stalking and Harassment, or if you have an Order for Protection of Children, you are still allowed to pursue other forms of relief.

For example, if the Adverse Party is committing acts that are disrupting your workplace, your employer may petition the court for an **Order for Protection Against Harassment in the Workplace**.

In addition, if you and the Adverse Party have a “domestic” relationship, you may also be eligible for an **Order for Protection Against Domestic Violence**. “Domestic violence” is defined as follows:

1. Domestic violence occurs when a person commits one of the following acts against or upon his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he is or was actually residing, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons or his minor child:

- (a) A battery.
- (b) An assault.
- (c) Compelling the other by force or threat of force to perform an act from which he has the right to refrain or to refrain from an act, which he has the right to perform.
- (d) A sexual assault.
- (e) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:
 - (1) Stalking.
 - (2) Arson.
 - (3) Trespassing.
 - (4) Larceny.
 - (5) Destruction of private property.
 - (6) Carrying a concealed weapon without a permit.
- (f) A false imprisonment.
- (g) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

2. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

(12) Are there other important phone numbers I should know?

Here is a list of some important phone numbers that may assist you:

COURT:

POLICE:

CONSTABLE:

SHERIFF-CIVIL DIVISION:

SHELTER:

PROTECTIVE SERVICES:

ADVOCACY PROGRAMS:

LEGAL SERVICES: State Bar Lawyer Referral Service: 1-800-789-5747

COUNSELING:

DETENTION FACILITIES:

MISCELLANEOUS SERVICES (Etc.):

DISCLAIMER

The information contained in this packet is provided as a **reference guide** to victims, law enforcement personnel, health care providers, social service personnel, and the general public.

No copyright is claimed in the text of statutes quoted within. Citations to all or part of this publication are encouraged (with cited source). However, the legal citations contained herein are subject to statutory amendment and/or changes in Nevada case law. If you need more information about your legal rights and remedies, you are encouraged to consult an attorney.

Comparison of Protection Orders in Nevada

	Domestic Violence	Stalking and Harassment	Harm to Minors	Workplace Harassment
Crime involved?	Domestic violence (NRS 33.018)	Stalking (NRS 200.575) Harassment (NRS 200.571)	Any crime involving: (a) Physical or mental injury to a child of a nonaccidental nature; or (b) Sexual abuse or sexual exploitation of a child (NRS 33.400)	Acts that constitute “harassment in the workplace” (NRS 33.240)
Who Can File?	Victim	Victim	Parent or guardian of a child	Employer or authorized agent
Filing Fee?	Deferred (NRS 33.050)	Deferred (NRS 200.592)	Deferred (NRS 33.410)	Yes
Security?	No	No	No	Yes (NRS 33.270)
Duration of a TEMPORARY order?	Up to 30 days (NRS 33.080)	Up to 30 days (NRS 200.594)	Up to 30 days (NRS 33.420)	Up to 15 days (NRS 33.270)
Duration of an EXTENDED order?	Up to 1 year (NRS 33.080)	Up to 1 year (NRS 200.594)	Up to 1 year (NRS 33.420)	Up to 1 year (NRS 33.270)
Penalty for violation of a TEMPORARY order?	Misdemeanor, unless more severe penalty is provided by law (NRS 33.100)	Gross misdemeanor, unless more severe penalty is provided by law (NRS 200.591)	Gross misdemeanor, unless more severe penalty is provided by law (NRS 33.400)	Misdemeanor, unless more severe penalty is provided by law. (NRS 33.350)
Penalty for violation of an EXTENDED order?	Misdemeanor, unless more severe penalty is provided by law (NRS 33.100)	Category C felony, unless more severe penalty is provided by law (NRS 200.591)	Category C felony, unless more severe penalty is provided by law (NRS 33.400)	Misdemeanor, unless more severe penalty is provided by law (NRS 33.350)
Costs and attorney’s fees can be recovered?	Yes (in an extended order only) (NRS 33.030)	No	No	Yes (NRS 33.270)
Right to proceed without lawyer?	Yes (NRS 33.050)	Yes (NRS 200.592)	Yes (NRS 33.410)	Yes (but attorney is encouraged)
Can more than 1 defendant be named?	Yes	Yes	Yes	No (NRS 33.280)
Can a defendant be a minor?	Yes	Yes	No (NRS 33.400)	Yes
Can the TPO be modified, rescinded, or appealed?	Yes (NRS 33.030 and NRS 33.080)	Yes (NRS 200.591 and NRS 200.594)	Yes (NRS 33.400 and NRS 33.420)	Yes (NRS 33.270)
Special remedies related to custody and support?	Visitation or temporary custody for a minor; orders to pay rent/mortgage; support orders; assignment of income. (NRS 33.030 and NRS 33.035)	No	No	No
Can foreign orders be registered?	Yes (NRS 33.090)	No (but the order is entitled to Full Faith and Credit under federal law)	No (but the order is entitled to Full Faith and Credit under federal law)	Yes (NRS 33.310)