

FILED

AUG - 2 2019

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Alvin J. Williams
CLERK OF COURT

IN THE ADMINISTRATIVE MATTER OF
PROCEDURES RELATED TO ORDERS
FOR PROTECTION AGAINST
DOMESTIC VIOLENCE

Administrative Order: 19-4

WHEREAS, Rule 1.30(b) of the Rules of Practice for the Eighth Judicial District Court of the State of Nevada charges the Chief Judge with various responsibilities, such as supervising the administrative business of the District Court, ensuring the quality and continuity of its services, supervising its calendar, reassigning cases as convenient or as necessity requires, assuring that the District Court's duties are timely and order performed, and otherwise facilitating the business of the District Court.

WHEREAS, cases filed pursuant to Chapter 33 of the Nevada Revised Statutes, which seek the issuance of orders for protection against domestic violence, are of extreme importance to the public, law enforcement, and the District Court.

WHEREAS, the District Court must ensure that the process for obtaining an order for protection against domestic violence is widely accessible to the public, that it is not likely to expose any party to future acts of domestic violence, and that it maximizes the parties opportunities to communicate the merits of their case to the judicial officer assigned to hear the case.

WHEREAS, the District Court must ensure that the process to contest an order for protection against domestic violence is widely accessible, that it is expeditious, and preserves the due process rights of both parties.

1 WHEREAS, Chapter 33 cases may involve parties who wish to prevent the other party
2 from becoming aware of his/her address, phone number, electronic mail address, or other contact
3 information. Unlike in other types of civil cases where the parties are responsible for service of
4 documents, it is necessary for the District Court to assume responsibility for service of
5 documents filed in Chapter 33 cases.
6

7 THEREFORE, in furtherance of the principles detailed above, the following
8 administrative order is entered to establish additional administrative processes for Chapter 33
9 cases.
10

11 **CASE DESIGNATIONS**

12 IT IS HEREBY ORDERED that the Clerk's Office shall make a designation between
13 "arrest-based" and "regular" applications for protection orders.

14 Regular applications are made during normal court operating hours pursuant to NRS
15 33.020(1). Regular applications are generally ruled on by the judicial officer who is scheduled to
16 sit in the live hearings courtroom on the date that the application is filed.

17 Arrest-based applications are made at any time of day, and are processed pursuant to the
18 procedures required by NRS 33.020(7). Arrest-based applications are generally ruled on by the
19 district court judge or hearing master who is assigned to hear arrest-based applications on the
20 date that the application is made.

21 IT IS FURTHER ORDERED that the case designation shall also indicate whether the
22 applicant has requested an extension of the temporary order.
23

24 **CASE ASSIGNMENT**

25 **Judicial Assignment**

26 IT IS FURTHER ORDERED that a ruling by a district court judge on an arrest-based
27 application for a temporary protective order is excluded from the provisions of EDCR 5.103 (f).
28

1 **Hearing Master Assignment**

2 IT IS FURTHER ORDERED that, pursuant to NRS 33.019 and EDCR 5.105, all Chapter
3 33 cases shall be concurrently assigned to a hearing master to hear and decide all aspects of the
4 case which are not set before the assigned district court judge. The assignment to a master shall
5 not be changed absent an order from the court, or recusal/disqualification of the master. A
6 change in the assignment of the district court judge shall not affect the assignment of the master.
7

8 IT IS FURTHER ORDERED that the cases where the application has been designated as
9 “regular” shall be assigned to the master who is sitting in the live hearings courtroom on the date
10 that the application is filed.

11 IT IS FURTHER ORDERED that the cases where the application has been designated as
12 “arrest-based” and where an extended order of protection has been requested, shall be assigned
13 to the hearing master who is scheduled to preside over the extension hearing.
14

15 IT IS FURTHER ORDERED that the cases where the application has been designated as
16 “arrest-based” and where an extended order of protection has not been requested, shall be
17 randomly assigned to one of the hearing masters who regularly preside over protection order
18 cases.

19 IT IS FURTHER ORDERED that the cases filed pursuant to NRS 33.090 or NRS 33.110
20 et seq., which govern the registration of certain orders for protection against domestic violence
21 issued in other jurisdictions, shall be assigned to the hearing masters who is sitting in the live
22 hearings courtroom on the date that the application is filed.
23

24 **CONTACT PREFERENCE SHEET**

25 IT IS FURTHER ORDERED that in addition to Confidential Information Sheet
26 prescribed by the Administrative Office of the Court, all parties to a Chapter 33 case shall submit
27 the Contact Preference Sheet attached as Exhibit 1. The Clerk’s Office shall use the information
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1 contained on the Contact Preference Sheet to effectuate and/or coordinate service between the
2 parties. The Contact Preference Sheet shall be entered into the case management system as a
3 non-docketed event. The Contact Preference Sheet is not a public document; it may only be
4 released to the party that submitted the document.
5

6 **SERVICE**

7 IT IS FURTHER ORDERED that the Clerk's Office shall serve or coordinate service of
8 all documents filed in Chapter 33 cases. As directed by the Nevada Rules of Civil Procedure and
9 the Eighth Judicial District Court Rules, the Clerk's Office shall ensure that documents are
10 served either by U.S. mail, electronic mail, or personally upon the parties.
11

12 IT IS FURTHER ORDERED that if service is made to a party's confidential address, the
13 certificate of service shall not specify the address to which the document was sent to, but state
14 the manner in which service was accomplished and provide a generic description of the
15 confidential address. If a filed return of service, affidavit of service or certificate of mailing
16 contains the confidential address of a party, the Clerk's Office shall conform the document and
17 redact the confidential address.

18 **MOTION PRACTICE IN CHAPTER 33 CASES**

19 **Hearings on Expedited Motions**

20 IT IS FURTHER ORDERED that expedited motions to dissolve or modify a temporary
21 order, filed by an adverse party pursuant to NRS 33.080(2), shall be set for hearing seven (7)
22 calendar days from the date that the motion is filed. If the seventh day is a non-judicial day, the
23 hearing shall be set for the next judicial day following the seventh day.
24

25 **Hearings on All Other Motions**

26 IT IS FURTHER ORDERED that the timing requirement of EDCR 5.502(b), as it applies
27 to any motion filed in a Chapter 33 case, is hereby suspended. In lieu of setting motion hearings
28

1 no less than twenty-eight (28) days from the date the motion is filed, the hearing on all motions
2 filed in Chapter 33 cases shall be set twenty-one (21) days from the date that the motion is filed.
3 If the twenty first day is a non-judicial day, the hearing shall be set for the next judicial day
4 following the twenty first day.
5

6 **Suspension of Notice Requirement in EDCR 5.502(a) for all Motions**

7 IT IS FURTHER ORDERED that the notice requirement of EDCR 5.502(a), as it applies
8 to any motion filed in a Chapter 33 case, is hereby suspended. In lieu of that notice, the
9 following notice shall be included in all motions filed in a Chapter 33 case:

10 **Notice: There is a hearing set on this motion. You can attend**
11 **the hearing and respond to the other person's requests in**
12 **court. You can also file a written opposition with the Clerk of**
13 **Court before the hearing date if you want to respond in**
14 **writing.**
15

16 **Ex Parte Motions to Reinstate and Extend**

17 IT IS FURTHER ORDERED that if an applicant fails to appear at a hearing to extend a
18 temporary protective order and the temporary protective order has expired, the applicant may file
19 an ex-parte motion to reinstate and extend the protective order. Regardless of the case
20 assignment, the ex-parte motion shall be set for the next available hearing before the judicial
21 officer assigned to the live hearings courtroom at the time the motion is filed. The judicial
22 officer shall rule on the ex-parte request to reinstate, and may schedule a hearing on the request
23 to extend. Any hearing on the request to extend shall be set before the judicial officer to whom
24 the case is assigned. Upon reinstatement, the Clerk's Office shall update the status of the
25 temporary protective order with the Department of Public Safety and shall facilitate or
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1 accomplish service of the ex-parte motion, temporary protective order, and notice of hearing to
2 extend.
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4 **REGISTRATION OF FOREIGN PROTECTIVE ORDERS**

5 IT IS FURTHER ORDERED that if a party registers a foreign protective order pursuant
6 to NRS 33.090 or NRS 33.110 et seq., the hearing master assigned to the case shall review the
7 filed documents and determine whether the foreign order qualifies under NRS 33.090 or NRS
8 33.110 et seq. for enforcement in the State of Nevada.

9 IT IS FURTHER ORDERED that every petition to register a foreign protective order
10 shall indicate whether the petition should be set for an immediate ex-parte hearing before the
11 master who is sitting the sitting in the live hearings courtroom, or whether the petition should be
12 set for review and decision without a hearing.
13

14 IT IS FURTHER ORDERED that the hearing master shall enter written findings and
15 either order the Clerk's Office to transmit the foreign order to the Central Repository pursuant to
16 NRS 33.095 if the order should be enforced in the State of Nevada, or order the Clerk's Office
17 not to transmit the foreign order if it should not be enforced in the State of Nevada.

18 **NOTICE OF DEPARTMENT REASSIGNMENTS**

19 IT IS FURTHER ORDERED that if the Clerk's Office issues a notice of department
20 reassignment in a Chapter 33 case, the notice of reassignment shall not be served on the
21 applicant or the adverse party.
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23 DATED this 1 day of ^{August} July, 2019.

24 By: 

Linda Marie Bell, Chief Judge

25 By: 

Bryce Duckworth, Presiding Family Division Judge

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Exhibit 1 – Confidential Contact Preference Sheet

Your Name: _____
(☒ check one) ☐ Applicant / ☐ Adverse Party

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Applicant
(person who obtained the protection order)

vs.

Adverse Party.
(person who the protection order is against)

CASE NO.: _____

DEPT: _____

CONFIDENTIAL CONTACT PREFERENCE SHEET

1. How would you like the court to send you future documents? (☒ check only one)

☐ **By Email.**

What is your email address: _____

Does the other party know about this email address? ☐ Yes ☐ No
(if not, the court will keep this information confidential)

☐ **By Mail.**

Street Address: _____

City, State, Zip: _____

Does the other party know about this address? ☐ Yes ☐ No
(if not, the court will keep this information confidential)

2. If the court needs to call you, what number should we call? (____) _____ - _____

Does the other party know about this phone number? ☐ Yes ☐ No
(if not, the court will keep this information confidential)

DATED (today's date) _____, 20____

Submitted By: (Signature) ▶ _____

Printed Name: _____