

IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

JAN 08 1998

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

In The Matter Of:)

ADOPTION OF STANDARDIZED FORMS)
FOR PROTECTION ORDERS IN CASES OF)
DOMESTIC VIOLENCE)

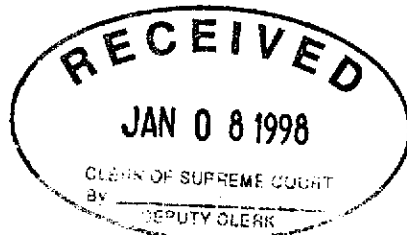
ADKT No. 269
(Petition for Designation
of Study Committee)

COMES NOW, the HONORABLE SCOTT T. JORDAN, Presiding Judge of the Second Judicial District Court, Family Division, and the HONORABLE GLORIA SANCHEZ, Presiding Judge of the Eighth Judicial District Court, Family Division, pursuant to NRAD §§ 3.2 and 7.1, hereby requesting that a study committee be designated for the purpose of drafting and adopting standardized forms for use by all Nevada courts in matters concerning orders for protection against domestic violence. This petition is respectfully submitted with the support of the HONORABLE FRANKIE SUE DEL PAPA, Attorney General of the State of Nevada, and SUSAN MEUSCHKE, Director of the Nevada Network Against Domestic Violence.

I. Introduction.

Orders for protection against domestic violence in Nevada are governed by NRS 33.017 et seq. This legislation was enacted in 1985 in recognition of the fact that traditional civil and criminal legal proceedings were not providing effective protection to victims of family violence and their families. National studies of the effectiveness of domestic violence orders have shown that such orders significantly reduce the incidence and severity of domestic violence, especially when coupled with a strong enforcement policy by law enforcement agencies.

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98-00649

II. The Need for Standardized Forms in Matters For Orders For Protection Against Domestic Violence Is a Result of Federal Mandate That Orders for Protection Against Domestic Violence Be Given Full Faith and Credit in Every Jurisdiction Nationwide.

On September 13, 1994, the United States Congress signed into law the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-102)(hereafter referred to as the Crime Control Act). Title IV of the Crime Control Act (identified as the Violence Against Women Act, 18 U.S.C. § 2265, and hereafter referred to as the VAWA) mandates that each state and indian tribe accord full faith and credit to domestic violence protection orders issued by any other state or Native American tribal court.

The VAWA authorizes the entry of domestic violence protection orders into a national crime information database whereby the information may be immediately obtained by civil and criminal courts and eligible law enforcement agencies as necessary to confirm the existence and specific terms of the orders. The database is currently maintained by the National Crime Information Center (hereafter referred to as NCIC). The NCIC has been authorized to collect the protection order information from individual jurisdictions for processing and eventual dissemination to the courts and eligible law enforcement agencies. To assure accurate and efficient entry of information into the database system, the NCIC has established mandatory criteria and data elements which each protection order form should contain. Therefore, it is critical that the NCIC-required information appear in proper sequence on all court protection order forms.

Presently, all nine (9) of Nevada's judicial districts and each of the state's justice courts and tribal courts use different domestic violence protection order forms. Many of these forms do not comply with the NCIC data entry requirements. To ensure that Nevada protection orders are

accorded nationwide reciprocal effect, and that the existence and validity of such orders may readily be verified, it is important that the courts' order forms be uniformly structured to accommodate required data entry requirements.

III. Nevada's Domestic Violence Repository Statute Supports the Implementation of Standard Protection Order Forms.

The Nevada Legislature recently passed Assembly Bill 170. Subsection 4.5 creates a statewide repository for orders for protection against domestic violence to be in operation by October 1, 1998. Therefore, standardized protection orders are not only necessary to comply with federal mandate, they are necessary to ensure that Nevada's own repository operates effectively. For these reasons and those stated below, it is requested that the Court designate a study committee to propose for adoption standardized forms in matters concerning cases of domestic violence.

IV. As a Result of the Lack of Uniformity Between the Nevada Judicial Districts in Matters Concerning Domestic Violence Protection Orders, Victims of Violence Experience Problems with Law Enforcement Officers and Courts Failing to Recognize Orders Issued by Judicial Districts Outside Their Jurisdiction.

In Nevada, both the district courts and the justice courts share jurisdiction to enter orders for protection against domestic violence, NRS 3.223(2); NRS 4.370(1)(m). Because the various judicial districts, justice courts, and Native American tribal courts each issue different domestic violence protection orders, law enforcement agencies which bear the burden of enforcing these orders experience difficulty in recognizing and interpreting orders issued by other jurisdictions. Consequently, holders of protection orders have been without the protection ordered by the court because Nevada's domestic violence orders lack consistency and structural uniformity. Adopting

standardized protection order forms for use in all Nevada courts would eliminate these recognition and interpretation problems and help prevent victims of domestic violence and their children, law enforcement officers, and innocent bystanders from exposure to further domestic violence situations, which too often lead to physical injury or death.

V. The Experiences of Other States Which Have Created Standardized Forms Will Aid the Study Committee in Acting Quickly and Efficiently.

In 1992, the Arizona Supreme Court adopted standardized forms use by all of the Arizona courts concerning orders of protection and injunctions against harassment. Over the past year, the Arizona Committee on the Impact of Domestic Violence and the Courts has developed revised uniform protective order forms. These forms have been specifically crafted to comply with NCIC data entry requirements. In August, 1997, the Arizona Supreme Court issued Administrative Order 97-46 which mandates the use of the standardized forms in each Arizona judicial district on or before January 1, 1998.

The Administrative Office of the Court of New Mexico has recently submitted its proposed standardized protection forms to the New Mexico Supreme Court. These forms are currently awaiting approval for use in all thirteen (13) of New Mexico's judicial districts. Your petitioners are currently in possession of the Arizona and New Mexico standardized forms and various reports detailing their creation.

By utilizing the procedural knowledge of other state committees which have developed order forms in compliance with the NCIC requirements, the Nevada study committee can quickly and efficiently develop forms to address all necessary topics. Further, because other states have spent great amounts of time developing and testing these forms, the Nevada study committee can more


easily create forms which are user-friendly for attorneys and unrepresented litigants alike.

VI. The Designated Study Committee Should Be Composed of Representatives from Various Groups of Professions and Citizens Who Frequently Deal with Issues of Domestic Violence.

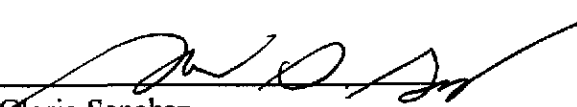
It is requested that the Chief Justice of the Nevada Supreme Court, or her designee, appoint the members to the requested study committee. It is proposed that each committee member represent one of the following groups especially concerned with the issuance and enforcement of protective orders in cases of domestic violence: one or more district judges; one or more justice court judges; one or more domestic violence masters; a representative of the Office of the Attorney General; one or more county prosecutors; victims of domestic violence; urban and rural law enforcement representatives ; one or more tribal court representatives; one or more representatives of advocacy groups dedicated to preventing domestic violence; and one representative of the statewide repository created pursuant to Assembly Bill 170.

BASED ON THE FOREGOING REASONS, it is respectfully requested that the chief justice of the Nevada Supreme Court designate a study committee pursuant to the attached proposed order for the purpose of drafting standardized forms for adoption for use by all Nevada courts in matters concerning orders for protection against domestic violence.

Dated this 30 day of December, 1997.

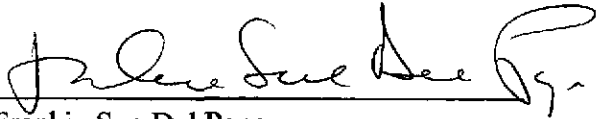


Scott T. Jordan
District Judge, Second Judicial District
State of Nevada

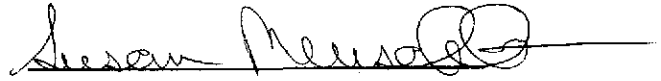


Gloria Sanchez
District Judge, Eighth Judicial District
State of Nevada

with the support of:



Frankie Sue Del Papa
Attorney General
State of Nevada



Susan Meuschke
Director
Nevada Network Against Domestic Violence

IN THE SUPREME COURT OF THE STATE OF NEVADA

In The Matter Of:)
)
ADOPTION OF STANDARDIZED FORMS)
FOR PROTECTION ORDERS IN CASES OF)
DOMESTIC VIOLENCE)
_____)

ADKT No. _____
Proposed Order Granting Petition for
Designation of Study Committee

The Court has reviewed the Petition filed by the Honorable Gloria Sanchez and the Honorable Scott Jordan seeking the creation of a study committee for the purpose of drafting and adopting standardized forms for use by all Nevada courts in matters concerning orders for protection against domestic violence.

The need for standardized forms for use in domestic violence protection order cases is the result of federal mandate that protection orders be given full faith and credit in every jurisdiction nationwide. Further, uniformity among Nevada judicial districts will eliminate problems for law enforcement officers and court officials enforcing protection orders issued by judicial districts outside their jurisdiction, and will facilitate the implementation of a statewide registry of domestic violence protection orders, as mandated by Assembly Bill 170, approved in 1997.

Good cause therefore appearing there is hereby created a study committee for the purpose of drafting and adopting standardized forms for use by all Nevada courts in matters concerning orders for protection against domestic violence. The committee may hold hearings or solicit input as it sees fit. NRAD § 7.2. By the last day of the sixth month after the filing of this Order, the committee shall file a report of their findings with the clerk. NRAD § 4.4. The Court shall adopt, modify and adopt, or reject the matter within two (2) months of the reporting deadline. NRAD § 5.2.

The following individuals are appointed as members to the study committee:

Representing District Judges of the Family Division: _____

_____;

Representing Justice Court Judges: _____

_____;

Representing Domestic Violence Masters: _____

_____;

Representing the Office of the Attorney General, State of Nevada: _____

_____;

Representing County Prosecutors: _____

_____;

Representing Former Victims of Domestic Violence: _____

_____;

Representing Urban and Rural Law Enforcement Agencies: _____

_____;

Representing Nevada's Tribal Courts: _____

_____;

Representing Advocacy Groups Dedicated to Preventing Domestic Violence: _____

_____;

and, Representing the Statewide Repository created pursuant to Assembly Bill 170: _____

_____.

/ / / / /

/ / / / /

The following Court staff member shall be appointed to the study committee as administrative liaison: _____.

IT IS SO ORDERED.

DATED THIS _____ DAY OF _____, 1998.

**CHIEF JUSTICE
NEVADA SUPREME COURT**



SECOND JUDICIAL DISTRICT COURT

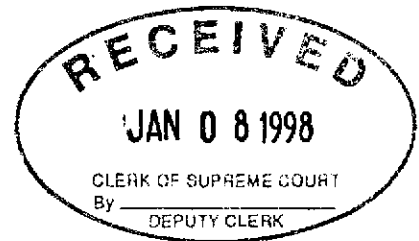
STATE OF NEVADA
WASHOE COUNTY

SCOTT T. JORDAN
DISTRICT JUDGE
DEPARTMENT ELEVEN
FAMILY DIVISION

75 COURT STREET
RENO, NEVADA 89501
(702) 328-3800

January 6, 1998

Nevada Supreme Court
c/o Janette M. Bloom, Clerk of the Court
201 South Carson Street, Ste. 300
Carson City, Nevada 89710-4702



RE: In the Matter of the Adoption of Standardized Forms for Protection Orders in Cases of Domestic Violence

Dear Ms. Bloom:

Enclosed are nine copies of the Petition for Designation of Study Committee submitted to you for initial filing by the Honorable Gloria Sanchez, Presiding Judge of the Eighth Judicial District Court Family Division, and myself as Presiding Judge of the Second Judicial District Court Family Division. Pursuant to the Nevada Rules on the Administrative Docket, attached to the original Petition is a draft of a proposed order. Would you please file in the Petition, submit it to the Chief Justice for consideration, and return one file-stamped copy to me.

If you have any questions or concerns regarding the enclosed submissions, please contact me at telephone number (702)328-3800. Also, please feel free to contact me via electronic mail at Sjordan@mail.co.washoe.nv.us.

Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in cursive that reads "Scott T. Jordan".
Scott T. Jordan
District Judge, Family Division

STJ/mvk
encl: adkt petition
proposed order