

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 269

FILED

JUN 01 1999

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

ORDER GRANTING MOTION FOR ADOPTION OF
STANDARDIZED FORMS FOR USE IN DOMESTIC
VIOLENCE PROTECTION ORDER CASES

WHEREAS on April 17, 1998, this court approved the petition filed herein and appointed a committee to study the need for adoption of standardized forms for protection orders in cases of domestic violence in all courts of the State of Nevada; and

WHEREAS on December 28, 1998, the study committee filed with this court its findings and recommendations in the form of a motion for adoption of standardized forms; and

WHEREAS the study committee has unanimously concluded that standardized forms for use in domestic violence protection order cases would serve the interests of victims of domestic violence, and would assist law enforcement officers, prosecutors, judges, court staff, and domestic violence advocates in the discharge of their duties; and

WHEREAS the study committee has developed the following seven standardized forms:

- (1) Application for a Temporary and/or Extended Protection Order Against Domestic Violence;
- (2) Temporary Order for Protection Against Domestic Violence;
- (3) Domestic Violence Protection Order Information Sheet;
- (4) Protection Order Return of Service;
- (5) Order for Hearing to Extend, Modify or Dissolve the Protection Order;
- (6) Notice for Hearing to Extend, Modify or Dissolve the Protection Order; and
- (7) Extended Protection Order Against Domestic Violence; and

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WHEREAS, the study committee has determined that a training program should be developed and offered to law enforcement personnel, prosecutors, judges, court staff and other affected professionals on use of the forms, and has reported that the Administrative Office of the Courts has received a training grant from the Violence Against Women Act program administered by the Office of the Attorney General;

Accordingly, cause appearing, we hereby grant the motion for adoption of standardized forms; and

IT IS HEREBY ORDERED that:

(1) the standardized forms developed by the study committee, copies of which are attached to this order as Exhibits 1 through 7, are adopted and approved for immediate use on a voluntary basis by the District Courts and Justice Courts of the State of Nevada;

(2) the Administrative Office of the Courts, in conjunction with other agencies, is encouraged to work with individual members of the study committee to develop a training program to educate all affected professionals concerning the use of the standardized forms;

(3) the study committee shall meet on or before November 30, 1999, to review and revise the forms, as necessary, in light of their utilization and any changes in applicable law approved by the 1999 Nevada Legislature;

(4) the committee shall file with this court, on or before January 31, 2000, supplemental findings and recommendations and proposed changes to the standardized forms, if any; and

(5) this court's permanent adoption of the standardized forms for mandatory use by all District Courts and Justice Courts in the State of Nevada which have jurisdiction

to issue orders for protection against domestic violence shall be deferred pending receipt of the study committee's supplemental findings and recommendations.

Dated this 1st day of ^{June}~~May~~, 1999.

gck

Rose, C.J.
Rose

Young, J.
Young

Maupin, J.
Maupin

Shearing, J.
Shearing

Agosti, J.
Agosti

Leavitt, J.
Leavitt

Becker, J.
Becker

cc: Hon. Scott Jordan, District Judge, Family Court Division
Hon. Gloria S. Sanchez, District Judge,
Family Court Division
Karen Kavanau, Director, Administrative Office
of the Courts

STANDARDIZED FORM

EXHIBIT NO. 1

1 Case No. _____
2 Dept. No. _____

3 IN THE JUSTICE COURT OF _____ TOWNSHIP
4 COUNTY OF _____, STATE OF NEVADA

5 _____,
6 Applicant,

7 vs.

8 APPLICATION FOR A TEMPORARY AND/OR
9 EXTENDED PROTECTION ORDER AGAINST
10 DOMESTIC VIOLENCE

11 _____,
12 Adverse Party.

13 Applicant states the following facts under penalty of perjury:

14 1. The following relationship exists between the Applicant (me) and the Adverse Party:

15 We are related by:

16 Blood (father, mother, sister, brother, etc.). _____

17 Marriage (husband, wife, ex-husband, ex-wife, etc.). _____

18 We are living together at this time Yes No.

19 We lived together in the past Yes No. If yes, tell when and where you lived together
20 (beginning and ending dates, who moved out). _____

21 We are in a dating relationship Yes No.

22 We dated in the past Yes No. If yes, When? (Beginning and ending dates, and who
23 ended the relationship.) _____

24 We have child(ren) **TOGETHER**: Yes No. If yes, where and with whom are these
25 child(ren) living? _____

26 2. My address is: **CONFIDENTIAL**, or _____

27 City _____ State _____ Zip Code _____ Phone _____

28 DOB _____ I am buying renting this residence. Lease/title is held in the
following name(s): _____

I have been living in this residence for _____ years.

3. My employment is: **CONFIDENTIAL**, or _____

Address: _____ Phone: _____

4. Adverse Party's address is: _____

City _____ State _____ Zip Code _____ Phone _____ DOB _____

Adverse Party has been living in this residence for _____ years.

1 5. Adverse Party's employment is: _____
2 Address: _____ Phone: _____

3 6. The name(s) and age(s) of minor child(ren) who I am the parent of, or who live in my home,
4 are as follows. I have placed a **YES** after the name and age of each child of the Adverse Party
5 and **NO** after the name and age of each child who is not a child of the Adverse Party. Under
6 the Child Custody Column I have placed a **YES** or **NO** to tell whether I have the **PRESENT**
7 physical custody of the minor child(ren).

8	NAME (first and last)	AGE	DOB	ADVERSE PARTY'S (YES/NO)	CUSTODY (YES/NO)
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10	1.				
11	2.				
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13	3.				
14					
15	4.				
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17	5.				

17 7. Please check the appropriate box, IF YOU or the ADVERSE PARTY has ever filed a case in any
18 Court for a Divorce, Custody, Paternity, Child Support, Guardianship, Protection
19 Order, Stalking/Harassment Order. Please indicate when and where the case was filed, and
20 list the case numbers. _____
21 _____

- 22 8. I have been or reasonably believe I will become a victim of domestic violence committed
23 by the Adverse Party.
24 My child(ren) have been or are in danger of being a victim of domestic violence committed
25 by the Adverse Party.

1 In the following space, state the facts which support your belief. Be as specific as you can. Include
2 the approximate dates of domestic violence, how long it has gone on, and whether law enforcement
3 or medical personnel have been involved.

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28 *Please do not write on the backs of any pages, ask for additional pages.*

1 9. Has CHILD PROTECTIVE SERVICES (CPS) ever been contacted regarding any member of the
2 household in the past year? Yes No. Is CPS currently involved with this family? Yes No.
3 If yes to the question, give details, including the caseworker's name: _____
4 _____

5 10. Have YOU ever been arrested for domestic battery, or any other crime committed against your
6 spouse, partner, or child(ren)? Yes No. If yes, WHEN and where? _____
7 _____

8 11. To your knowledge, has the **ADVERSE PARTY** ever been arrested for domestic battery, or any
9 other crime committed against his/her spouse, partner, or child(ren)? Yes No. If yes,
10 WHEN and where? _____
11 _____

12 12. An emergency exists, and I need an Order for Protection from Domestic Violence issued
13 immediately without notice to the Adverse Party to avoid irreparable injury or harm.

14 13. I request an immediate Temporary Order for Protection Against Domestic Violence (which
15 could be in effect for up to 30 days), and that it include the following relief (please check
16 all the choice(s) that apply to you):

17 (a) Prohibit the Adverse Party, either directly or through an agent, from threatening,
18 physically injuring or harassing me and/or my minor child(ren).

19 (b) Prohibit the Adverse Party from any contact with me whatsoever.

20 (c) Exclude the Adverse Party from my residence and order the Adverse Party to stay
21 at least 100 yards away from my residence.

22 (d) Obtain law enforcement assistance to accompany me to the following residence,
23 _____, or to accompany the Adverse
24 Party, to the following residence, _____
25 to obtain personal property.

26 (e) Grant temporary custody of the minor child(ren) to me.

27 (f) Order that custody, visitation, and support of the minor child(ren) remain as ordered
28 in the Decree of Divorce/Order entered in Case Number _____ in the
_____ Judicial District Court of the State of Nevada.

(g) Order the Adverse Party to stay at least 100 yards away from the minor

1 child(ren)'s school, or day care, located at CONFIDENTIAL, or _____

2 _____
3 _____
4 (h) Order the Adverse Party to stay at least 100 yards away from my place of
5 employment.

6 (l) Order the Adverse Party to stay at least 100 yards away from places which I or my
7 minor child(ren) frequent regularly: CONFIDENTIAL, or _____

8 _____
9 (j) I further request the following other conditions: _____

10 _____
11 _____
12 _____
13 14. I request the Court hold a hearing for an EXTENDED ORDER AGAINST DOMESTIC
14 VIOLENCE (which could be in effect for up to one year), and at that hearing the Court issue
15 an Extended Protection Order Against Domestic Violence and that it include the following
16 relief (please check all the choice(s) that apply to you):

17 (a) Prohibit the Adverse Party, either directly or through an agent, from threatening,
18 physically injuring or harassing me and/or my minor child(ren).

19 (b) Prohibit the Adverse Party from any contact with me whatsoever.

20 (c) Exclude the Adverse Party from my residence and order the Adverse Party to stay
21 at least 100 yards away from my residence.

22 (d) Grant temporary custody of the minor child(ren) to me.

23 (e) Grant the Adverse Party visitation with the minor child(ren).

24 (f) Order the Adverse Party to pay support and maintenance of the minor child(ren).
25 (You may be required to file an affidavit of financial condition prior to the hearing.)

26 (g) Order the Adverse Party to pay the rent or make payments on a mortgage or pay
27 towards my support and maintenance.

28 (h) Order that custody, visitation, and support of the minor child(ren) remain as
ordered in the Decree of Divorce/Order entered in Case Number _____
in the _____ Judicial District Court of the State of Nevada.

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(i) Order the Adverse Party to stay at least 100 yards away from the minor child(ren)'s school, or day care, located at: CONFIDENTIAL, or _____

(j) Order the Adverse Party to stay at least 100 yards away from my place of employment.

(k) Order the Adverse Party to stay at least 100 yards away from places which I or my minor child(ren) frequent regularly: CONFIDENTIAL, or _____

(l) I further request the following other conditions: _____

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF NEVADA THAT I HAVE READ THE STATEMENTS CONTAINED IN THIS APPLICATION, KNOW THE CONTENTS THEREOF, AND BELIEVE THEM TO BE TRUE AND CORRECT

DATED this _____ day of _____.

Signature of Applicant

SUBSCRIBED and SWORN before me
this _____ day of _____.

NOTARY PUBLIC/DEPUTY COURT CLERK

STANDARDIZED FORM

EXHIBIT NO. 2

1 Case No. _____
2 Dept. No. _____

3 IN THE JUSTICE COURT OF _____ TOWNSHIP
4 COUNTY OF _____, STATE OF NEVADA

5 _____,
6 Applicant,
7 vs.
8 _____,
9 Adverse Party.

TEMPORARY ORDER
FOR PROTECTION AGAINST
DOMESTIC VIOLENCE
Date Issued: _____
Date Expires: _____

10 **YOU ARE HEREBY NOTIFIED** that any **VIOLATION OF THIS ORDER IS A CRIMINAL VIOLATION** and will
11 result in a misdemeanor offense, unless a more severe penalty is prescribed by law. If the violation is
12 accompanied by a violent physical act, sentence will include incarceration of not less than five days nor more
13 than six months in the county/city jail; \$1,000.00 fine or a minimum of 200 hours community service;
14 reimbursement of all costs, fees and medical expenses incurred; and participation in professional counseling.
15 **YOU ARE FURTHER NOTIFIED** that you **CAN BE ARRESTED** even if the person who obtained the order
16 invites or allows you to contact them. You have the sole responsibility to avoid or refrain from violating the
17 terms of this order. Only the court can change the order upon written application.
18 This order meets all Full Faith and Credit provisions of the Violence Against Women Act. All other
19 courts and law enforcement with jurisdiction within the United States and all Indian Nations shall give full faith
20 and credit to this Order pursuant to 18 U.S.C. Sec. 2265.

21 An application and affidavit having been filed in this Court by the above-named
22 Applicant requesting that a Temporary Protection Order against Domestic Violence be issued
23 by this Court against YOU, _____, the above-named Adverse
24 Party, or the Court having received specific facts by telephone pursuant to NRS 33.020(5),
25 and the Court having jurisdiction over the parties and the matter pursuant to NRS 33.010,
26 et seq., and it appearing to the satisfaction of the Court from specific facts shown by a
27 verified application that an act of domestic violence has occurred or there exists a threat of
28 domestic violence and good cause appearing for issuing such Order without hearing, **YOU
ARE HEREBY ORDERED** as follows:

1. **YOU ARE PROHIBITED**, either directly or through an agent, from threatening, physically injuring
or harassing the above-named Applicant and/or minor child(ren), and from selling, damaging, destroying, giving
away, or otherwise disposing of, or tampering with, any property owned by the Applicant, or in which Applicant
has an interest;

STANDARDIZED FORM

EXHIBIT NO. 3

DOMESTIC VIOLENCE PROTECTION ORDER INFORMATION SHEET

Instructions to the Applicant: Please provide all information known to you in printed format. Shaded areas () are mandatory.

APPLICANT DATA

List person(s) requesting protection order:

Name			Date Of Birth			Race	Sex
(Last)	(First)	(Middle)	(M)	(D)	(Y)		

ADVERSE PARTY DATA

Full Name: _____
(Last) (First) (Middle)

Relationship To You: _____

Other Name Used: _____
(Last) (First) (Middle)

Home Address: _____ Building # _____ Apartment # _____

Occupation: _____ Employer: _____

Work Address: _____

Work Days: _____ Work Hours: _____

Date of Birth: _____ / _____ / _____ And/Or Social Security No.: _____
(M) (D) (Y)

Hair Color: _____ Eye Color: _____ Height: _____ Weight: _____ Sex: _____ Race: _____

Scars/Marks/Tattoos Description and Location: _____

Vehicle Make: _____ Model: _____ Year: _____ License Plate Number/State: _____

Are you and the Adverse Party living together now? (Yes or No) _____

Are you and the Adverse Party employed by the same employer? _____

Is the Adverse Party likely to react violently when served? _____

Is the Adverse Party likely to avoid service? _____

Does the Adverse Party have access to weapons? _____

Does the Adverse Party have a Carrying Concealed Weapon (CCW) Permit? _____

If yes, please describe type and location: _____

Does the Adverse Party's history include (please circle): assaults, assaults w/weapon, batteries, mental health problems, drug/alcohol abuse, outstanding/prior arrest warrants, other? _____

Do not write in this space. For court purposes only.		
Issuing Court ORI: NV _____	Court Case Number: _____	Brady Y/N _____

STANDARDIZED FORM

EXHIBIT NO. 4

STANDARDIZED FORM

EXHIBIT NO. 5

Case No. _____
Dept. No. _____

IN THE _____ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF _____

Applicant,

vs.

Adverse Party.

**ORDER FOR HEARING
TO EXTEND, MODIFY OR DISSOLVE THE
PROTECTION ORDER**

Upon Motion of Applicant Adverse party, to:

EXTEND the Protection Order MODIFY the Protection Order

DISSOLVE the Protection Order OTHER _____

YOU ARE HEREBY NOTIFIED that a hearing will be held in _____ Court
located at _____

on _____, at _____ A.M. P.M., to determine
whether or not to EXTEND, MODIFY or DISSOLVE the PROTECTION ORDER against the above
named Party.

**ANY PROTECTION ORDER WILL CONTINUE IN EFFECT UNTIL SUCH HEARING
AND FURTHER ORDER OF THIS COURT.**

A copy of the Motion for Hearing, Affidavit and a copy of this Order shall be served on the other
party by MAIL PERSONAL SERVICE.

Dated this _____ day of _____

Judge/Hearing Master

Transmitted to the state repository this _____ day of _____

Clerk of the Court

STANDARDIZED FORM

EXHIBIT NO. 6

Case No. _____
Dept. No. _____

IN THE _____ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF _____

Applicant,

vs.

Adverse Party.

**NOTICE FOR HEARING
TO EXTEND, MODIFY OR DISSOLVE THE
PROTECTION ORDER**

Upon Motion of Applicant Adverse party, to:

EXTEND the Protection Order

MODIFY the Protection Order

DISSOLVE the Protection Order

OTHER _____

YOU ARE HEREBY NOTIFIED that a hearing will be held in _____ Court
located at _____

on _____, at _____ A.M. P.M., to determine
whether or not to EXTEND, MODIFY or DISSOLVE the PROTECTION ORDER against the above
named Party.

**ANY PROTECTION ORDER WILL CONTINUE IN EFFECT UNTIL SUCH HEARING
AND FURTHER ORDER OF THIS COURT.**

A copy of the Motion for Hearing, Affidavit and a copy of this Notice shall be served on the other
party by MAIL PERSONAL SERVICE.

Dated this _____ day of _____, _____

Clerk of the Court

Transmitted to the state repository this _____ day of _____, _____

Clerk of the Court

STANDARDIZED FORM

EXHIBIT NO. 7

1 Case No. _____
2 Dept. No. _____

3 IN THE JUSTICE COURT OF _____ TOWNSHIP
4 COUNTY OF _____, STATE OF NEVADA

5 _____,
6 Applicant,

**EXTENDED PROTECTION
ORDER AGAINST
DOMESTIC VIOLENCE**

7 vs.

Date Issued: _____

8 _____,
Adverse Party.

Date Expires: _____

9 **YOU ARE HEREBY NOTIFIED** that any **VIOLATION OF THIS ORDER IS A CRIMINAL VIOLATION** and will
10 result in a misdemeanor offense, unless a more severe penalty is prescribed by law. If the violation is
11 accompanied by a violent physical act, sentence will include incarceration of not less than five days nor more
12 than six months in the county/city jail; \$1,000.00 fine or a minimum of 200 hours community service;
13 reimbursement of all costs, fees and medical expenses incurred; and participation in professional counseling.

14 **YOU ARE FURTHER NOTIFIED** that you **CAN BE ARRESTED** even if the person who obtained the order
15 invites or allows you to contact them. You have the sole responsibility to avoid or refrain from violating the
16 terms of this order. Only the court can change the order upon written application.

17 **WARNING:** Possession of a firearm or ammunition while this order is in effect may constitute a felony under
18 federal law punishable by a fine of up to \$250,000 and/or a prison sentence of up to ten (10)
19 years.

20 This order meets all Full Faith and Credit provisions of the Violence Against Women Act. All other
21 courts and law enforcement with jurisdiction within the United States and all Indian Nations shall give full faith
22 and credit to this Order pursuant to 18 U.S.C. Sec. 2265.

23 The court having considered the filings, testimony and evidence presented at hearing,
24 and the court having found that the Adverse Party received actual notice of hearing at which
25 such person had an opportunity to participate, and the Adverse Party was present was
26 not present, was represented by counsel, _____, and the
27 Applicant was present was represented by counsel, _____, and
28 having jurisdiction over the parties and this matter pursuant to NRS 33.010, et seq., the court
enters an extended order and as a result:

1. **YOU ARE PROHIBITED**, either directly or through an agent, from threatening, physically injuring
or harassing the above-named Applicant and/or minor child(ren), and from selling, damaging, destroying, giving

1 away, or otherwise disposing of, or tampering with, any property owned by the Applicant, or in which Applicant
2 has an interest;

3 2. _____ **YOU ARE PROHIBITED** from any contact whatsoever with the Applicant, including but
4 not limited to, in person, by telephone, through the mail, through electronic mail (e-mail), or through another
5 person;

6 3. _____ **YOU ARE EXCLUDED AND ORDERED** to stay at least 100 yards away from Applicant's
7 residence located at CONFIDENTIAL, or _____,
8 _____, _____, Nevada, or any other place that Applicant may reside. YOU
9 (City) (County)

10 shall not interfere with Applicant's possession and use of residence, including utilities, phones, leases and other
11 related residential services;

12 4. _____ The Court, having jurisdiction under Chapter 125A of the Nevada Revised Statutes,
13 grants to Applicant temporary custody of the following minor child(ren) of the parties: _____

14 _____;
15 _____; **YOU ARE PROHIBITED** from interfering with Applicant's custody
16 of the minor child(ren) named in this paragraph. Child stealing is a felony offense, punishable by possible
17 incarceration. It is in the best interest of the child(ren) that no negative, insulting, or disparaging comments
18 be made by one party against the other party in the presence of the minor child(ren);

19 5. _____ **YOU ARE GRANTED** visitation with the minor child(ren) : _____
20 _____, under the following terms and conditions: _____

21 _____
22 _____
23 _____
24 _____

25 6. _____ **YOU ARE ORDERED** to pay the amount of \$ _____ for the support and maintenance
26 of the minor child(ren): _____

27 Payments shall commence on _____ and be paid on the _____ day of each
28

1 (D) The Adverse Party (obligor) shall provide health insurance coverage for the minor child(ren);

2 If available, through an employer at a reasonable cost, and shall provide all necessary
3 assistance to enable Applicant to obtain the medical benefits for the minor child(ren).

4 The Adverse Party (obligor) shall pay \$ _____ per month for medical insurance
5 premium, payable to _____.

6 The Adverse Party shall provide proof of medical insurance coverage including a medical
7 identification card and FIVE claim forms, if necessary, to the Applicant by mail, at the following
8 address: _____, within _____ days of
9 today's date, _____.

10 Both the Applicant and the Adverse Party shall split equally all medical expenses not covered
11 by medical insurance.
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14 7. _____ YOU ARE ORDERED to pay the rent or make payments on a mortgage on the Applicant's
15 place of residence or pay towards the support and maintenance of the Applicant, as follows: _____
16 _____
17 _____

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19 8. _____ Custody, visitation, and support of the minor child(ren) of the parties shall remain as
20 ordered in the Decree of Divorce/Order entered between the parties in Case Number _____ in the
21 _____ Judicial District Court of the State of Nevada;

22 9. _____ YOU ARE EXCLUDED AND ORDERED to stay at least 100 yards away from the minor
23 child(ren)'s school, or day care, located at CONFIDENTIAL, or _____
24 _____, Nevada, or any other
25 _____ (City) _____ (County)
26 school or day care that the child(ren) may be attending;

27 10. _____ YOU ARE EXCLUDED AND ORDERED to stay at least 100 yards away from Applicant's
28

