

TEMPORARY PROTECTION APPLICATION
INSTRUCTIONS PLEASE READ CAREFULLY

The application process is very important. The following checklist is provided to assist you through the process so the Court can have accurate information upon which to issue/not issue an Order.

If you are the one applying for the Temporary Protection Order, you are the “Applicant.” The person you are asking to be protected from is called the “Adverse Party.”

This type of order is called a “temporary” order because, unless extended by the Court, it will last for 30 days.

Before you apply for a TEMPORARY PROTECTION ORDER, you, the Applicant, should be aware of the following information.

In order to apply for an Order for Protection Against Domestic Violence, you must be:

- 1. 18 years of age or older;
- 2. The victim of a specific type of ACT (The types of acts will be explained below.); AND
- 3. You and the Adverse Party must have a specific type of RELATIONSHIP.

Under NRS 33.018, the required ACT can include **any** of the following:

- 1. Battery (Any physical contact--hitting, pushing, shoving).
- 2. Assault (Threats to commit battery).
- 3. Compelling you by force or threat of force to perform an act from which you have the right to refrain or to refrain from an act which you have the right to perform.
- 4. Sexual assault.
- 5. A knowing, purposeful, or reckless course of conduct intended to harass you. Such conduct may include, but is not limited to:
 - a. Stalking; b. Arson; c. Trespassing;
 - d. Injuring or killing an animal; e. Larceny;
 - f. Destruction of private property; g. Carrying a concealed weapon without a permit; h. False imprisonment; i. Unlawful entry or forcible entry into your residence.

“Relationship” means that under NRS 33.018, the Adverse Party has committed one of the above acts against someone with the following type of relationship with the Adverse Party:

- 1. Spouse or former spouse of the Adverse Party;
- 2. A person to whom the Adverse Party is related by blood or marriage;

- 3. A person with whom the Adverse Party is or was actually residing;
- 4. A person with whom the Adverse Party has had or is having a dating relationship;
- 5. A person with whom the Adverse Party has a child in common;
- 6. The minor child of any of the persons listed above;
- 7. Minor child of the Adverse Party; or
- 8. Any person who has been appointed the custodian or legal guardian for the Adverse Party’s minor child.

When you fill out the Application, it is helpful to explain the relationship in detail. For example, state how long you have been married or divorced, how long you have been living together and/or when you separated, how long you have been dating and/or when the relationship ended, etc.

When you sign the Application, you are declaring that what you have stated is true and correct; you are asking the Court to intervene to protect you from the Adverse Party.

By submitting the signed Application, you have started a legal process. Only a judge can stop this process.

There are three possible rulings that the Court can make after you file the Application:

1. Grant the request for a Temporary Protection Order;
2. Require a hearing to clarify issues on the Application before granting or denying the request;
3. Deny the request.

YOU MAY HAVE TO APPEAR IN COURT IF:

1. Your request is granted and an Order is issued with a hearing date scheduled; or
2. A hearing is required before a decision can be made as to whether the Court will grant or deny the request.

When the Adverse Party is served, he/she WILL receive a copy of the TEMPORARY PROTECTION ORDER or ORDER FOR HEARING AND a copy of the APPLICATION. The Adverse Party WILL NOT receive a copy of the confidential information sheet.

When the Adverse Party is served, he/she will be notified of any hearing and will have the right to attend. The hearing is an opportunity for the Applicant and Adverse Party to speak to the Court and request an extension, modification, correction, or dissolution of the protection order.

Any Protection Order that is issued will require that the Adverse Party NOT have any contact with you.

“No contact” restrictions may possibly have an effect on child visitation and child custody.

GUIDELINES FOR COMPLETING THE APPLICATION

1. Use **BLACK** or **DARK BLUE INK** when filling out the Application. Print clearly. *Pencil or different-colored ink is not acceptable.*
2. Do **NOT** write on the back or along the sides of any pages. Use the “continuation pages” provided by the Court or use standard 8½ by 11-inch paper.
3. Identify **ALL** minor children who are living in your home. Include their dates of birth.
4. **BE SPECIFIC.** Detail **WHO, WHAT, WHEN, and WHERE.**
5. Start with the **MOST RECENT** incident(s) and provide approximate dates.
6. **USE EXACT LANGUAGE** if the Adverse Party threatened you. The Court needs to know exactly what the Adverse Party said to you, even if profanities were used.
7. Remember, the Application is public record once it is filed, so if there are phone numbers or addresses that you do not want the public or Adverse Party to know, **DO NOT** put that information in the Application. Select the “confidential box.”
8. Law enforcement needs to serve the Court’s order so please make every effort to provide a home or work address for the Adverse Party.
9. If there is any part of this Application that you do not understand, leave the area blank. An advocate or court employee may be able to assist you. Remember, however, that only a lawyer can give you legal advice.
10. When you file the Application with the Court, you may need provide picture identification.
11. The judge will review your Application to determine if a Protection Order should be issued based upon your detailed description of events that requires court intervention.
12. The clerk will furnish you with copies of your application and, if issued, the Order. It is important to keep copies of the filed Order with you at all times. You may need to show a filed copy to law enforcement upon an alleged violation of the Order by the Adverse Party.
13. If you have need more information about you legal rights and remedies, you are encouraged to consult with an attorney.