

What is Stalking, Aggravated Stalking and Harassment?

To use the Application For Order For Protection Against Stalking, Aggravated Stalking or Harassment, the conduct of the "Adverse Party" must constitute the crimes of "harassment," "stalking," or "aggravated stalking.

Harassment occurs when:

- The Adverse Party person threatens to harm another person, damage their property, or kidnap/confine a person; and
- The threat causes the Applicant to reasonably believe that it will be carried out. NRS 200.571

Stalking occurs when:

- The Adverse party engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated or harassed, and
- The Applicant actually feels terrorized, frightened, intimidated or harassed. See NRS 200.575.

Aggravated stalking occurs when:

- The Adverse Party engages "stalking" as defined above and
- The Adverse Party threatens the Applicant with the intent to cause him to be placed in reasonable fear of death or substantial bodily harm. NRS 200.575(2)

In order to apply for a protection order against stalking and harassment, you will need to take the following steps:

Step 1: Identify The Correct Justice Court In Which To File

You must file in the Justice Court of the township *where the stalking, aggravated stalking or harassment was committed*. 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."

Step 2: File an Application For An Order For Protection Against Stalking and Harassment and A Confidential Information Sheet

a.) The Application - In your application, you will be known as the Applicant and the person you are requesting a protection order against will be known as the Adverse party. The application may be filed free of charge. You should be as specific as possible in your application so that the Judge can take all of the facts that you believe are relevant into consideration in ruling on your application. For example, it is important to include all relevant dates, locations, witnesses, etc. It is also helpful to

present your story in a chronological fashion so that the Judge can have a clear understanding of the sequence of events.

You may include wish to attach 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.

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.

→ *Be aware that 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. should also note that 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.*

b.) The Confidential Information Sheet - The second document to be completed is called a Confidential Information Sheet. This document will not be made 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. 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. This information is needed by law enforcement agencies for purposes of service. Protection orders must be served pursuant to Rules of Civil Procedure. 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.

Step 3: Wait for the Court's Decision

When you file your Application and Confidential Information Sheet, the judge will review your information. The judge may either:

- Deny your Application
- Grant your Application; or
- Schedule a hearing on your Application

If the judge denies your Application, you will be mailed an Order that states the reasons for the denial. If you disagree with the judge's decision, you may:

- File a Motion asking that the judge reconsider the decision;

- File a new Application; or
- File an appeal

If the Judge grants your Application, you will be given a Temporary Protection Order and the sheriff will serve the Temporary Protection Order on the Adverse Party. Please note, the order is not effective until it is served.

If the Judge schedules a hearing on your Application, you will be mailed the Order scheduling the hearing and the sheriff will serve the Order on the Adverse Party.

Step 4: File A Motion To Extend Order For Protection if you want the Temporary Order to continue longer than 30 days.

A Temporary Protection Order is only effective for up to 30 days from the date of service. If you want the Order to be extended for up to one year, you must file a Motion requesting that the court extend the Order prior to its expiration. If you file such a Motion, the court will schedule a hearing and the Temporary Protection Order will automatically remain in force until that time.

Step 5: Attend the Hearing

The court cannot issue an Extended Order For Protection without a hearing. The court will mail you an Order scheduling a hearing and the sheriff will serve the Order on the Adverse Party. This is your opportunity to explain to the judge why you need an Extended Order For Protection. You should plan on bringing any supporting documentation that you have not already provided to the court and any witnesses that you believe will support your request to have an Extended Order issued.

IMPORTANT DISCLOSURE

The court has provided these forms and instructions as a courtesy only. The justice court is not liable for errors contained herein or for direct, indirect, special or consequential damages in connection with furnishing these documents. Many law matters involve complex and valuable legal rights. These forms and instructions are basic and general and do not fit all situations. To protect your rights, you should consider consulting with an attorney. By statute, court employees are prohibited from providing legal advice.