

**NEVADA PROTECTION ORDER HANDBOOK**  
describing  
**Protection Orders against Stalking and Harassment;**  
**Protection Orders for Children; and**  
**Protection Orders -- Sexual Assault**

**(1) What is a Protection Order?**

A Protection Order is an order issued by a court that allows an APPLICANT to use the power of the court to require an ADVERSE PARTY to do, or not do, certain things.

A Protection Order may do the following:

(a) It may order the Adverse Party to stay away from

- \* **The home of the victim;**
- \* **The school of the victim;**
- \* **The business of the victim;**
- \* **The place of employment of the victim; and**
- \* **Any other location specifically named by the Court.**

(b) It may order the Adverse Party to refrain from contacting, intimidating, threatening or otherwise interfering with

- \* **The victim; and**
- \* **Any other person, including, without limitation, a member of the family or household of the victim, specifically named by the Court.**

(c) It may order the Adverse Party to comply with any other restriction which the Court deems necessary to protect the victim, or to protect any other person named in the order, including, without limitation, a member of the family or household of the victim.

**(2) Who can apply for a Protection Order?**

If you reasonably believe that you are the victim of a crime involving stalking and/or harassment, or sexual assault, or if you are the parent or guardian of a child and you reasonably believe that a child has been the victim of a crime categorized as harmful to minors, you may apply for a Protection Order. You are considered the APPLICANT and the person allegedly committing the crime is considered the ADVERSE PARTY.

**(3) What are the legal definitions of stalking, harassment, protection of children and sexual assault?**

Under **NRS 200.571**, a person commits the crime of **harassment** if:

(a) Without lawful authority, the person knowingly threatens:

- (1) To cause bodily injury in the future to the person threatened or to any other person; or
- (2) To cause physical damage to the property of another person; or
- (3) To subject the person threatened or any other person to physical confinement or restraint; or
- (4) To do any act which is intended to substantially harm the person threatened or any other person with respect to his physical or mental health or safety; **and**

(b) The person by words or conduct places the person receiving the threat in reasonable fear that the threat will be carried out.

Under **NRS 200.575(1)**, a person commits the crime of **stalking** if:

Without lawful authority, the person:

- (1) Willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed, or fearful for the immediate safety of a family or a household member, and
- (2) Actually causes the victim to feel terrorized, frightened, intimidated, or fearful for the immediate safety of a family member or household member.

A “family or household member” means a spouse, a former spouse, a parent or other person who is related by blood or marriage, or is or was actually residing with the person.

Under **NRS 200.575(2)**, a person commits the crime of **aggravated stalking** if:

The person commits the crime of stalking and threatens a person with the intent to cause him or her to be placed in reasonable fear of death or substantial bodily harm.

Under **NRS 33.400**, crimes involving children are defined as follows:

(1) A crime involving physical or mental injury to the child of a nonaccidental nature; or

(2) A crime involving sexual abuse or sexual exploitation of a child.

**NRS 432B.100. “Sexual abuse” defined.**

“Sexual abuse” includes acts upon a child constituting:

1. Incest under [NRS 201.180](#);
2. Lewdness with a child under [NRS 201.230](#);
3. Sado-masochistic abuse under [NRS 201.262](#);
4. Sexual assault under [NRS 200.366](#);
5. Statutory sexual seduction under [NRS 200.368](#);
6. Open or gross lewdness under [NRS 201.210](#); and
7. Mutilation of the genitalia of a female child, aiding, abetting,

encouraging or participating in the mutilation of the genitalia of a female child, or removal of a female child from this State for the purpose of mutilating the genitalia of the child under [NRS 200.5083](#).

**NRS 432B.110. “Sexual exploitation” defined.**

“Sexual exploitation” includes forcing, allowing or encouraging a child:

1. To solicit for or engage in prostitution;
2. To view a pornographic film or literature; and
3. To engage in:
  - (a) Filming, photographing or recording on videotape; or
  - (b) Posing, modeling, depiction or a live performance before an audience,

which involves the exhibition of a child’s genitals or any sexual conduct with a child, as defined in [NRS 200.700](#).

Under **NRS 200.366(1)**, a person commits the crime of **sexual assault** if:

The person subjects another person to sexual penetration, or forces another person to make a sexual penetration on him or herself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct.

**(4) How much does it cost to file for a Protection Order?**

There is no filing fee for an Applicant to obtain a Protection Order.

**(5) Do I need an attorney to apply for a Protection Order?**

No. Although an attorney can assist you and give you advice, you have the right to seek a Protection Order without an attorney.

**(6) Can I get a Protection Order without notifying the Adverse Party?**

A Temporary Protection Order may be granted without notice to the Adverse Party. However, the court can require a hearing before deciding whether to grant a Temporary Protection Order. If a hearing is required, the Adverse Party may be entitled to receive notice in the manner described by law.

An Extended Protection Order **cannot** be granted without notice to the Adverse Party and a hearing.

**(7) Can I keep my name and address confidential?**

(a) Please contact a clerk at the counter for further information.

(b) If you are a victim of domestic violence or sexual assault, and have concerns about your privacy, consider the Attorney General's Confidential Address (CAP) program. More information about CAP may be obtained at:

Nevada Confidential Address Program  
PO Box 2743  
Carson City, NV 89702

Toll Free: 888-432-6189  
Local: 775-684-5707  
Fax: 775-684-1145  
E-Mail: [nvcap@ag.nv.gov](mailto:nvcap@ag.nv.gov)

Web: [http://ag.nv.gov/Hot\\_Topics/Victims/NVCAP/Confidential\\_Address\\_Program/](http://ag.nv.gov/Hot_Topics/Victims/NVCAP/Confidential_Address_Program/)

(c) The Application asks you to list specific locations where you are seeking protection. If you are afraid to divulge that information to the Adverse Party, you may indicate that such information is CONFIDENTIAL and should not appear in the Protection Order. However, this may limit the ability of law enforcement to enforce your order effectively. For example, if the court orders the Adverse Party to stay away from your home or your place of employment, but the address of your home or place of employment is not specifically listed in the protection order, police may be reluctant to arrest the Adverse Party if that person shows up at that location, as the Adverse Party may not know that he or she is to stay away from a specific location.

**(8) How long will a protection order remain in effect?**

A Temporary Protection Order will remain in effect for 30 days, unless otherwise ordered by a court. Some courts count 30 days from the date the Temporary Protection Order is

signed by the Judge. Some courts count 30 days from the date the Temporary Protection Order is served on the Adverse Party. Applicants should ask the court issuing the Order when the Order will be in effect.

An Extended Protection Order must expire no later than **1 year** after a court signs the Extended Protection Order.

If an Application for an Extended Protection Order is filed while a Temporary Protection Order is in effect, the Temporary Protection Order will remain in effect until the hearing on the Application for an Extended Protection Order is held.

**(9) What is the criminal penalty for violating a protection order?**

Unless a more severe penalty is provided by law, any person who intentionally violates a Temporary Protection Order is guilty of a gross misdemeanor, which is punishable by not more than 1 year in jail and/or up to a \$2,000 fine.

Unless a more severe penalty is provided by law, any person who intentionally violates an Extended Protection Order is guilty of a category C felony, which is punishable by not less than 1 year or more than 5 years in Nevada State Prison and/or up to a \$10,000 fine.

If the act that constitutes the violation of a protection order is itself a felony, the violator shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment for 1 to 20 years.

In addition, a person who violates a protection order may also be held in civil contempt of court and punished by a fine of up to \$500 and/or imprisonment up to 25 days.

Criminal contempt of court may also be prosecuted as a misdemeanor criminal case, which is punishable by imprisonment for up to 6 months and/or a fine of up to \$1,000.

**(10) What is the procedure for filing for a protection order?**

You must fill out two different types of documents and submit them to the Court. Please print neatly or type the documents. If you need additional pages, you may request additional pages. Do not write in the margins or on the back of any page.

(A) The first document to be completed is called an Application. Please ask for the court's instructions on how to complete the Application. As you are filling out the Application, you should keep the following things in mind:

- (1) For a Justice Court to issue a Protection Order for a crime against a child, or the stalking and/or harassment, or the sexual assault, the incident must occur in the area served by the Justice Court. An act of stalking and/or harassment occurred "where the conduct occurred," or "where the person who was affected by the conduct was located at the time that the

conduct occurred.” For example, if the Adverse Party is stalking you in this community, you may file an Application for Protection Order in this community’s Justice Court. If the Adverse Party is making threatening phone calls to you, and you received those phone calls in this community, you may file an Application for a Protection Order in this community’s Justice Court.

(2) You need to be as specific as possible. It is important to include all relevant dates, locations, witnesses, etc., so that the court will have the most complete information. It is also helpful to describe things that happened in the order they occurred.

(3) You may include any supporting documents that you have gathered, such as:

(a) Documentation of phone calls by the Adverse Party

(b) Notes/written threats left by the Adverse Party

(c) Pictures of property damage caused by the Adverse Party

(d) Any other written documents that help to support your Application.

(4) You are not required to file a written police report before applying for a Protection Order. If you have filed a police report, you may attach a copy of the police report along with your Application for a Protection Order, or provide the name of the police department and the case number of the report.

(5) If there are other Protection Orders that name the Adverse Party or any person for whom you are requesting protection, please attach copies if available.

(6) You may seek protection for yourself and also for other people (such as minors, people in your household, etc.). A minor is a person under the age of 18 years. (NRS 129.010)

(7) To apply for a protection order, you must be at least 18 years of age. If you are a minor in need of protection, you need to have a parent or guardian apply for the Protection Order on your behalf.

(8) If you are applying for a Protection Order for Children on behalf of a minor, you are the Applicant. You must list the minor’s name where

requested within the Application and, if the court issues a Protection Order, the minor will be named in the order.

(9) Usually, a minor may be named as an Adverse Party in a Protection Order. However, if you are applying for a Protection Order for Children, the Adverse Party must be 18 years of age or older, or the order may not be issued.

(10) The Application and any supporting documents that you file with the court are public records that may be viewed by any member of the public, including the Adverse Party.

(11) The Application asks if you would like the court to schedule a hearing for an Extended Protection Order. If you ask for a hearing, the court will automatically schedule a hearing to consider whether an Extended Protection Order will be issued. If you do not ask for a hearing in your Application, you may apply for an Extended Protection Order later while your Temporary Protection Order remains in effect.

(12) You are signing the Application under penalty of perjury. If you make any intentionally false or misleading statements you may be subject to criminal penalties.

(B) The second document to be completed is called a Confidential Information Sheet. The information in this document is NOT available to the general public or to the Adverse Party.

(1) Fill out the Confidential Information Sheet 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. The Confidential Information Sheet is needed by law enforcement agencies for the purpose of serving documents upon the Adverse Party.

(2) If you do not have an address for the Adverse Party, or if the sheriff/constable cannot serve the Order at the address given, you have the ultimate responsibility for having the Adverse Party served by a private process server or other means. If you are the Applicant or another person protected by a Protection Order, **you may not** serve any document on the Adverse Party. Instead, the documents must be served by a deputy constable, deputy sheriff, or person who is not a party to the case and who is over 18 years of age. A private process server may be used to serve the Adverse Party at your own expense.

After service, a form called a “Return of Service” must be filed with the court to show that the Adverse Party was properly served. You can obtain a “Return of Service” form from your local Justice Court.

After you have completed the **APPLICATION** and the **CONFIDENTIAL INFORMATION SHEET**, your paperwork will be assigned a case number, and the case will be assigned to a justice of the peace.

If the court denies your Application for a Protection Order, you will receive a written order explaining the denial.

If the court grants your Application, a written Protection Order will be prepared and sent by the court to the appropriate law enforcement agency for service upon the Adverse Party. No fee will be charged by the law enforcement agency to serve the Protection Order in Nevada. Please note that if (1) you have provided insufficient information to locate the Adverse Party, or (2) the Adverse Party is a minor, or (3) the Adverse Party resides outside this County or in another state, **it will be your responsibility to contact the proper law enforcement agency** where the Adverse Party resides, in order to have the Protection Order served.

**(11) Does the Adverse Party have any legal remedies once the Protection Order is issued?**

Yes. The Adverse Party has three (3) options after the Protection Order is issued.

(a) The Adverse Party may file a **Motion to Dissolve** the Protection Order, and the Court may schedule a hearing on the Motion. At least two days’ notice of the hearing must be given to the Applicant. You should ask the Court whether such notice is required to come from you or the Court. The Applicant may appear at the hearing to oppose the Motion to Dissolve the Protection Order. If the Motion is granted after a hearing, the Protection Order will become immediately void and unenforceable.

(b) The Adverse Party may file a **Motion to Modify** the Protection Order, and the Court may schedule a hearing on the Motion. At least two days’ notice of the hearing must be given to the Applicant. You should ask the Court whether such notice is required to come from you or the Court.

(c) If an Extended Protection Order is issued, the Adverse Party may file an **Appeal** to District Court, and the District Court may affirm, modify or vacate the order. The Extended Protection Order remains in effect during any appeal, unless the court orders otherwise. The law does require fees for an appeal. See the court clerk for further information about fees.

**(12) If the Adverse Party violates the Protection Order, what should I do?**



If the Adverse Party violates the Protection Order, you should call the police and report the incident immediately. In addition, you should consider filing a Motion to hold the Adverse Party in contempt of court. The court will review your Motion and decide whether a hearing should be scheduled.

**(13) If I have a Protection Order against the Adverse Party, am I prohibited from seeking other legal remedies?**

No. If you have a Protection Order Against Stalking and Harassment, or if you have a Protection Order for Children, or if you have a Protection Order after you have been sexually assaulted, you are still allowed to pursue other forms of relief.

For example, if the Adverse Party is committing acts that are disrupting your workplace, your employer may petition the Court for a **Protection Order Against Harassment in the Workplace**.

In addition, if you and the Adverse Party have a “domestic” relationship, you may also be eligible for a **Protection Order Against Domestic Violence**. “Domestic violence” is defined as follows:

1. Domestic violence occurs when a person commits one of the following acts against or upon the person’s spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person is or was actually residing, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person’s minor child or any other person who has been appointed the custodian or legal guardian for the person’s minor child:
  - (a) A battery.
  - (b) An assault.
  - (c) Compelling the other person by force or threat of force to perform an act from which the other person has the right to refrain or to refrain from an act which the other person has the right to perform.
  - (d) A sexual assault.
  - (e) A knowing, purposeful or reckless course of conduct intended to harass the other person.

Such conduct may include, but is not limited to:

    - (1) Stalking.
    - (2) Arson.
    - (3) Trespassing.
    - (4) Larceny.
    - (5) Destruction of private property.
    - (6) Carrying a concealed weapon without a permit.
    - (7) Injuring or killing an animal.
  - (f) A false imprisonment.
  - (g) Unlawful entry of the other person’s residence, or forcible entry against the other person’s will if there is a reasonably foreseeable risk of harm to the other person from the entry.
2. As used in this section, “dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context. business or social context.

## Phone Numbers

**COURT:**

**POLICE:**

**CONSTABLE:**

**SHERIFF-CIVIL DIVISION:**

**SHELTER:**

**PROTECTIVE SERVICES:**

**ADVOCACY PROGRAMS:**

**LEGAL SERVICES: State Bar Lawyer Referral Service: 1-800-789-5747**

**NEVADA STATEWIDE DOMESTIC VIOLENCE HOTLINE: 1-800-500-1556**  
**(TDD) 1-800-787-3244**

**NATIONAL STATEWIDE DOMESTIC VIOLENCE HOTLINE: 1- 800-799-7233**

**NEVADA CONFIDENTIAL ADDRESS PROGRAM: 1-888-432-6189**

**LEGAL SERVICES: State Bar Lawyer Referral Service: 1-800-789-5747**

**COUNSELING:**

**DETENTION FACILITIES:**

**MISCELLANEOUS SERVICES (Etc.):**

**Community Resources**

**State of Nevada**

Nevada Coalition Against Sexual Violence (CASV)  
PO Box 620716  
Las Vegas, NV 89162-0716  
(702) 990-3460  
(702) 990-3461 Fax  
(702) 469-1368 Cell  
<http://ncasv.org>

**Carson City**

Sexual Assault Response Advocates to End Domestic Violence  
P.O. Box 2529  
Carson City Nevada 89702  
Office: 775-883-7654  
Fax: 775-883-0364  
  
Hotline: 775-883-7654  
[www.saraadv.org/](http://www.saraadv.org/)

Sexual Assault Response Advocates (SARA) is committed to the elimination of sexual violence in the Carson City, Nevada area. SARA works to eliminate sexual violence by increasing awareness of the risk of sexual assault amongst those most vulnerable. SARA also acts as an advocate for victims of sexual violence by offering a wide variety of services during the trying times that follow a sexual assault.

**Fallon**

Domestic Violence Intervention, Incorporated  
P.O. Box 2231  
Fallon Nevada 89407  
Office: 775-423-1313  
Fax: 775-423-9699  
  
Hotline: 775-427-1500  
[Nevada Network Against Domestic Violence](#)

**Reno**

Sexual Assault Support Services/ Crisis Call Center  
P.O. Box 8016  
Reno , Nevada 89507  
Office: 775-784-8085  
Fax: 775-784-8083  
  
Hotline: 775-784-8090  
Nevada : 1-800-992-5757

**[Sexual Assault Support Services](#)**

The Crisis Call Center provides intervention, prevention, referral, and education services to the community and supports those individuals in crisis by helping them to make constructive and productive choices.

**Elko**

Committee Against Domestic Violence  
P.O. Box 2531  
Elko Nevada 89801  
Office: 775-738-6524  
Fax: 775-738-2976  
  
Hotline: 775-738-9454 or 888-738-9454  
[Elko's Harbour House](#)

The purpose of the Committee Against Domestic Violence is to prevent and eliminate domestic violence and sexual assault in Elko County through direct services to victims, education and prevention.

<p><b><u>Incline Village</u></b></p> <p>Tahoe Women’s Services  948 Incline Way  Incline Village , Nevada 89451  Office: 775-298-0010  Fax: 775-298-0011</p> <p>Hotline: 800-736-1060  <a href="#">Tahoe Women’s Services</a></p> <p>Tahoe Women’s Services believes that every person has the right to live a life free of violence. The agency works to empower victims in reclaiming those rights by providing safety, advocacy, education and support.</p> <p><b><u>Minden</u></b></p> <p>Douglas County Family Support Council  P.O. Box 810  Minden, Nevada 89423-0810  Office: 775-782-8692  Fax: 775-782-1942</p> <p>Hotline: 775-782-8692 or 775-588-7171  (Stateline, Zephyr Cove and Glenbrook)  <a href="#">Family Support Council</a></p> <p>The Family Support Council of Douglas County promotes individual and family dignity and respect by means of education, prevention and intervention; thereby giving all members of our community an opportunity to live their lives free of family violence.</p>	<p><b><u>Las Vegas</u></b></p> <p>The Rape Crisis Center  741 Veteran’s Memorial Drive  Las Vegas, Nevada 89101  Office 702-385-2153  Fax: 702-385-7659</p> <p>Hotline: 702-366-1640  <a href="#">The Rape Crisis Center</a></p> <p>The Rape Crisis Center personnel strive to provide well-informed, educated options for clients and support the decisions made by clients without bias.</p> <p><b><u>Pahrump and Tonopah</u></b></p> <p>No To Abuse  P.O. Box 2869  Pahrump , Nevada 89041  Office: 775-751-1118 (Pahrump)  Fax: 775-751-0134</p> <p>Hotline: 775-751-1118</p> <p>Office: 775-482-3016 (Tonopah)  Fax: 775-482-3266</p> <p>Hotline: 775-482-4333</p> <p>No To Abuse is a community-based organization committed to stopping abuse in the family environment by providing prevention, education, and advocacy for family members and the community at large, in the areas of child abuse, elder abuse, family violence, and sexual abuse.</p>
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## Comparison of Protection Orders in Nevada

	<b>Domestic Violence</b>	<b>Stalking and Harassment</b>	<b>Sexual Assault</b>	<b>Protection of Children</b>	<b>Workplace Harassment</b>
<b>Crime involved?</b>	Domestic Violence (NRS 33.018)	Stalking (NRS 200.575)  Harassment (NRS 200.571)	Sexual Assault (NRS 200.378)	Any crime involving: (a) Physical or mental injury to a child of a nonaccidental nature; or (b) Sexual abuse or sexual exploitation of a child (NRS 33.400)	Acts that constitute “harassment in the workplace” (NRS 33.240)
<b>Who Can File?</b>	Victim/ Parent or Guardian	Victim or on behalf of another	Victim or on behalf of another	Parent or guardian of a child	Employer or authorized agent
<b>Filing Fee?</b>	Deferred (NRS 33.050)	Deferred (NRS 200.592)	Deferred	Deferred (NRS 33.410)	Yes
<b>Security?</b>	No	No	No	No	Yes (NRS 33.270)
<b>Duration of a Temporary Order?</b>	Up to 30 days (NRS 33.080)	Up to 30 days (NRS 200.594)	Up to 30 Days	Up to 30 days (NRS 33.420)	Up to 15 days (NRS 33.270)
<b>Duration of an Extended Order?</b>	Up to 1 year (NRS 33.080)	Up to 1 year (NRS 200.594)	Up to 1 year	Up to 1 year (NRS 33.420)	Up to 1 year (NRS 33.270)
<b>Penalty for violation of a Temporary Order?</b>	Misdemeanor, unless more severe penalty is provided by law  (NRS 33.100)	Gross misdemeanor, unless more severe penalty is provided by law (NRS 200.591)	Gross misdemeanor unless more severe penalty is provided by law	Gross misdemeanor, unless more severe penalty is provided by law (NRS 33.400)	Misdemeanor, unless more severe penalty is provided by law. (NRS 33.350)
<b>Penalty for violation of an Extended Order?</b>	Misdemeanor, unless more severe penalty is provided by law  (NRS 33.100)	Category C felony, unless more severe penalty is provided by law (NRS 200.591)	Category C felony, unless more severe penalty is provided by law	Category C felony, unless more severe penalty is provided by law (NRS 33.400)	Misdemeanor, unless more severe penalty is provided by law (NRS 33.350)
<b>Costs and attorney’s fees can be recovered?</b>	Yes (in an Extended Order only) (NRS 33.030)	No	No	No	Yes  (NRS 33.270)

	<b>Domestic Violence</b>	<b>Stalking and Harassment</b>	<b>Sexual Assault NRS to be added</b>	<b>Protection of Children</b>	<b>Workplace Harassment</b>
<b>Right to proceed without lawyer?</b>	Yes (NRS 33.050)	Yes (NRS 200.592)	Yes	Yes (NRS 33.410)	Yes (but attorney is encouraged)
<b>Can more than one Adverse Party be named?</b>	No	No	No	No	No (NRS 33.280)
<b>Can an Adverse Party be a minor?</b>	Yes	Yes	Yes	No (NRS 33.400)	Yes
<b>Can the TPO be modified, rescinded, or appealed?</b>	Yes (NRS 33.030 and NRS 33.080)	Yes (NRS 200.591 and NRS 200.594)	Yes	Yes (NRS 33.400 and NRS 33.420)	Yes (NRS 33.270)
<b>Special remedies related to custody and support?</b>	Visitation or temporary custody for a minor; orders to pay rent/mortgage; support orders; assignment of income. (NRS 33.030 and NRS 33.035)	No	No	No	No
<b>Can orders from other states or tribal courts be enforced in Nevada?</b>	Yes (NRS 33.090)	Maybe, depending on the relationship of the parties	Maybe, depending on the relationship of the parties	Maybe, depending on the relationship of the parties	Yes (NRS 33.310)

### **DISCLAIMER**

The information contained in this handbook is provided for general reference and should not be relied upon as a substitute for legal advice. The information contained in this Handbook is subject to statutory amendment or changes to Nevada case law. If you need more specific information, you are encouraged to consult an attorney.