

JUSTICE COURT, HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA

ORDERS FOR PROTECTION AGAINST HARM TO MINORS

Form to be Completed in Black or Blue Ink Only.

The Henderson Justice Court is located at 243 Water Street, Henderson, Nevada. This Court may issue a Temporary or Extended Order For Protection Against Harm to Minors if the **Adverse Party is 18 years of age or older**, and if the parent or guardian of a child reasonably believes that the Adverse Party has committed or is committing a crime involving;

- a) physical or mental injury to the child of a non-accidental nature, or
- b) sexual abuse or sexual exploitation of the child.

If you, as a parent or guardian of a child, reasonably believe that this type of harm has been committed against the child, you may petition this Court for a temporary or extended order directing the Adverse Party to:

- Stay away from the home, school, business or place of employment of the child and any other location specifically named by the court.
- Refrain from contacting, intimidating, threatening or otherwise interfering with the child and any other person, including, without limitation, a member of the family or the household of the child, specifically named by the court.

This remedy is in addition to any other remedy provided by law.

You have the right to proceed without legal counsel when seeking a Harm to Minors TPO from the Court.

For this Court to issue the TPO, the harm to the minor must occur within our jurisdiction (Henderson Township). If the crime has occurred or is occurring in North Las Vegas, please contact North Las Vegas Justice Court at (702) 455-7801. If the crime is occurring in Las Vegas, please contact Las Vegas Justice Court at (702) 455-4435.

You must provide the court with a current, Government-Issued picture ID (such as a valid driver's license, a passport, etc.) with signature at the time of filing. Then you will need to complete the required information **in a legible fashion**. Please provide **complete street addresses and zip codes**. The affidavit should include all relevant dates and times so that a proper history will be presented to the reviewing judge. You may include any supporting documents that you have gathered such as documentation of the crime, reports made in reference to the crime, or similar evidence. If you have filed a police report, you may attach a copy of that report with the affidavit. However, it is not necessary for you file a police report before this Court can issue a protective order.

You must either sign the unsworn declaration on the Application or you may have the signed Application notarized prior to filing it with the Court.

The Application is a public record and may be accessed by the Adverse Party. Thus, if the Adverse Party does not know where you or your child or ward live, work, or attend school, you may notate “**Address Unknown To The Adverse Party**” on the Application. You must provide personal information for all persons requesting protection under the same order.

Complete all the information on the Victim Information Worksheet and Adverse Party Information Worksheet to the best of your ability. Height and weight of the Adverse Party are mandatory fields that must be completed, and you may estimate these figures. You must also know the Adverse Party’s first and last name. “John/Jane Doe” applications cannot be processed. If you do not know the Adverse Party’s date of birth, an approximate age will be acceptable.

The Victim Information Worksheet and the Adverse Party Information Worksheet are confidential. However, the other supporting documents you submit to the court along with the Application are all public record.

When all required information is completed properly, you are ready to present your documents to the clerk. A clerk will review your documents for completeness, process them, and submit them to a judge for review. The judge may grant or deny your application based upon the information you provide. The court will notify you by telephone within approximately 1 to 2 court days, depending on how many Applications the Court has to review, to let you know if the court has granted or denied your application. The judge may also decide to set the matter for hearing, requiring all parties to be notified and present in court before the Judge makes a decision on the application.

If your application is granted, the Court will prepare an Order and forward it to the Sheriff Civil Division or the Henderson Police Department for service upon the Adverse Party. No fee will be charged by law enforcement agencies for serving a temporary or extended protection order in Nevada. Please note that if the Adverse Party resides outside of Clark County or in another state, it will be your responsibility to contact the proper law enforcement agencies in the Adverse Party’s place of residence to have the Adverse Party served with the order.

You may also use a private process server to serve the order on the Adverse Party at your own expense. It is your responsibility to file with the Court a document called a “Return of Service” that shows the Adverse Party was properly served.

A Temporary Protective Order may be granted with or without notice to the adverse party. Once the Temporary Order is issued, it will become effective for a period of no more than thirty (30) days. **The Temporary Order for Protection Against Harm to Minors is not enforceable until the Order is personally served on the Adverse Party.**

Any person who intentionally violates a Temporary Protective Order is guilty of a gross misdemeanor.

A Temporary Order for Protection may be extended for up to one year if you continue to feel the need to protect the victim.

If you feel you need an Extended Order for Protection Against Harm to Minors, we suggest that you should apply no later than 5 business days before the expiration of the Temporary Order to ensure your case is properly placed on the judge's calendar. If the Temporary Order expires, and you have not filed a motion to extend, you will have to fill out a new Temporary Protective Order Application. However, if a petition for an extended order is filed within the period of a temporary order, the temporary order will remain in effect until the hearing on the extended order is held.

An extended order may only be granted after notice to the adverse party and a hearing on the petition. If the Court issues an extended order, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order. If granted, the extended order must be personally served on the Adverse Party before the order will be enforceable.

Any person who intentionally violates an Extended Protective Order is guilty of a category C felony and shall be punished as provided in NRS 193.130.

The payment of all costs and official fees will be deferred for any person who petitions the court for a Temporary or Extended Order. After any hearing, and not later than the final disposition of such an application or order, the court will assess the costs and fees against the Adverse Party, except that the Court may reduce them, or waive them, as justice requires.

If a Protective Order Against Harm To Minors is granted against the Adverse Party, he or she has the right to file a motion to rescind or modify the order.

If a Protection Order **that has been served** is not being enforced, call or go to the Police Department.

DOMESTIC VIOLENCE PROTECTON ORDER INFORMATION

If the statutory definition of domestic violence is applicable, you may also go to the Family Court and apply for a Temporary Protection Order Against Domestic Violence. This Application must be filed with the Family Violence Center, Clark County, Family Courts and Services Center, 601 N. Pecos, Las Vegas, NV, (on the corner of N. Pecos and Bonanza), phone number 455-2385.

Under NRS 33.018, domestic violence occurs when a person commits specified acts against or upon his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he is or was actually residing, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons, or his minor child.

Examples of acts that constitute domestic violence include the following:

- a battery
- an assault
- compelling the other by force or threat of force to perform an act from which he has the right to refrain, or to refrain from an act which he has the right to perform
- a sexual assault
- a false imprisonment
- unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.
- Any knowing, purposeful or reckless course of conduct intended to harass the other (eg. stalking, arson, trespassing, larceny, etc.).