

Virginia Township Justice Court, Storey County, Nevada

This packet contains the forms you will need when applying for an Order Against Harassment/Stalking/Aggravated Stalking.

- 1. Application Instructions**
- 2. Confidential Protection Order Information**
- 3. Civil Court Cover Sheet**
- 4. Application for Protection Order**
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HARASSMENT/STALKING/AGGRAVATED STALKING
TEMPORARY PROTECTION APPLICATION INSTRUCTIONS
PLEASE READ CAREFULLY

The court has provided forms and instructions as a courtesy only. The 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. Our forms and instructions are basic and do not fit all situations. To protect your rights, you should consider consulting with an attorney. It is against the law for our court staff to provide legal assistance.

You, the person applying for the protection order, are referred to as the APPLICANT.

The person you are asking for protection from is referred to as the ADVERSE PARTY.

WHAT IS HARASSMENT, STALKING, AND AGGRAVATED STALKING?

To use the Application for Order for Protection Against Harassment/Stalking/Aggravated Stalking, the conduct of the Adverse Party must constitute the crimes of “harassment, “stalking,” or “aggravated stalking.

PURSUANT TO NRS 200.571, HARASSMENT occurs when a person, without lawful authority, knowingly threatens to cause bodily injury in the future to the person threatened or to any other person; to cause physical damage to the property of another person; to subject the person threatened or any other person to physical confinement or restraint; or to do any act which is intended to substantially harm the person threatened or any other person with respect to his or her physical or mental health or safety; and by words or conduct places the person receiving the threat in reasonable fear that the threat will be carried out.

PURSUANT TO NRS 200.575, STALKING occurs when a person, without lawful authority, willfully or maliciously engages in a course of conduct directed towards a victim that would cause a reasonable person under similar circumstances to feel terrorized, frightened, intimidated, harassed or fearful for his or her immediate safety or the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for his or her immediate safety or the immediate safety of a family or household member.

PURSUANT TO NRS 200.575(3), AGGRAVATED STALKING occurs when a person commits the crime of stalking and in conjunction therewith threatens the person with the intent to cause the person to be placed in reasonable fear of death or substantial bodily harm.

You must take the following steps when applying for a temporary protection order:

- ① Identify the correct court in which to file. You must file in the court of the township where the harassment, stalking, or aggravated stalking was committed. It 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 of the conduct.
- ② File the application. There is no fee for filing the application. In the application, be as specific as possible so that the judge can take all of the facts you believe are relevant into consideration in deciding whether or not to issue an order. It's important to include all relevant dates, locations, and witnesses. It's also helpful to present your story in a chronological fashion so the judge can have a clear understanding of the sequence of events.

You may want to attach supporting documents such as documentation of phone calls by the Adverse Party, notes and/or written threats left by the Adverse Party, photos of property damage caused by the Adverse Party, and any other documentation that will help support your allegations. You don't have to file a police report prior to requesting a protection order, but if you did, you may want to attach a copy of the police report to your application.

Except for the Confidential Information Sheet, the application and supporting documents you provide to the court are public records and may be viewed by any member of the public, including the Adverse Party. You are signing the application under penalty of perjury—intentionally providing false or misleading statements or information may subject you to criminal penalties.

The Confidential Information Sheet will not be made available to the public or Adverse Party. It is important that you fill out this document as completely as possible. It allows the court to contact you and provide information about upcoming hearings or activities in your case. The information is also needed by law enforcement agencies for purposes of serving the Adverse Party with the order.

- ③ Wait for the court's decision. The judge will review your application and either grant your application, deny your application, or schedule a hearing on your application.

If the judge grants your application, you will be given a Temporary Protection Order, and the sheriff will serve the Order on the Adverse Party. The Order is not effective until it is served. When you pick up the Order, you will be given certified copies. It's important to keep at least one certified copy with you at all times.

If the judge denies your application, you may file a motion asking the judge to reconsider the decision or you may file a new application.

If the judge schedules a hearing on your application, you will receive an Order for Hearing with the date of the hearing. An Order for Hearing with the date of the hearing will also be served on the Adverse Party.

④ Pursuant to NRS 200.594, a temporary order remains in effect up to 45 days. If a request for an extended order is filed within the period of a temporary order, the temporary order remains in effect until the hearing on the extended order is held. If you want to ask the court to extend the Order, you must: a. Request it at the time of the application; or b. File a request (motion) with the court following the issuance of the temporary order. A hearing will be scheduled, and the Adverse Party will have to be served with your request and the notice for the new hearing date.

CONFIDENTIAL

**STALKING AND HARASSMENT PROTECTION ORDER INFORMATION
(TO BE FILLED OUT BY APPLICANT)**

Instructions: Please provide all information known to you and print legibly. All requested information is helpful for service, even if the information is only partially known. Please note that if you do not provide an address for the Adverse Party, or if the sheriff/constable cannot effectuate service at the address you give, Applicant has the ultimate responsibility for having the Adverse Party served by private process server or other means.

APPLICANT DATA

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

Mailing Address:
(If different from above) _____
(Street Address) (Bldg/Apt #) (City) (State) (Zip Code)

Phone: Home: _____ Work: _____ Cell: _____

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

Additional Contact Person: _____ Phone: _____ Address: _____

ADVERSE PARTY DATA

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

Relationship To You (if any): _____ Date of Birth ___/___/___ and/or Social Security No.: _____
(M) (D) (Y)

Last Known Home Address: _____
(Street Address) (Bldg/Apt #) (City) (State) (Zip Code)

Is this address difficult to find? **No** **Yes** If yes, please explain _____

Mailing Address:
(If different from above) _____
(Street Address) (Bldg/Apt #) (City) (State) (Zip Code)

Other Likely Address: _____
(Street Address) (Bldg/Apt #) (City) (State) (Zip Code)

Home Phone: _____ Cell Phone: _____

Occupation: _____ Employer: _____ Work Days: _____ Work Hours: _____

Work Phone: _____ Work Address: _____

Hair Color: _____ Eye Color: _____ Height: _____ Weight: _____ Sex _____ Race: _____
(Street Address) (City) (State) (Zip Code)

Scars/Marks/Tattoos (Description and Location): _____

Does the Adverse Party speak English? _____ If not, what language? _____
(Yes or No)

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

Are the Applicant and the Adverse Party living together now? **(Circle one)**
Yes or No

Are the Applicant and the Adverse Party employed by the same employer? **Yes or No**

Is the Adverse Party likely to react violently when served? **Yes or No**

Is the Adverse Party likely to avoid service? **Yes or No**

Does the Adverse Party have a Carrying Concealed Weapon (CCW) Permit? **Yes or No**

Does the Adverse Party have access to weapons? **Yes or No**

If yes, please describe type and location of weapon(s): _____

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

Do not write in this space. For court purposes only.

Issuing Court ORI: NV _____ Court Case Number: _____

Law Enforcement: Do not serve this sheet with documents to be delivered.

**VIRGINIA TOWNSHIP JUSTICE COURT
CIVIL COURT COVER SHEET**

Case. _____

(Assigned by Clerk's Office)

I. Party Information *(Provide both home and mailing address if different.)*

| | |
|-------------------------------------|-------------------------------------|
| Plaintiff(s)' Name, address, phone: | Defendant(s), Name, address, phone: |
| | |
| | |
| | |
| Attorney's Name, address, phone: | Attorney's Name, address, phone: |
| | |
| | |
| | |

II. Nature of Controversy *(Please select the one most applicable filing type below.)*

Civil Case Filing Types:

| Real Property | Torts | Protection Orders |
|--|---|--|
| <p>Real Property</p> <input type="checkbox"/> Landlord/Tenant (Summary Eviction) | <p>Negligence</p> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence | <p>Protection Order</p> <input type="checkbox"/> Request for Domestic Violence Protective Order |
| <input type="checkbox"/> Unlawful Detainer Complaint (Writ of Restitution) | <p>Other Torts</p> <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Other Torts | <input type="checkbox"/> Request for Protection Order (Non- Domestic Violence) |
| <input type="checkbox"/> Other real property | | <input type="checkbox"/> Sexual Assault Related |
| <p style="text-align: center;">Contract Case</p> <p>Seller Plaintiff (Debt Collection)</p> <input type="checkbox"/> Credit Card Collection <input type="checkbox"/> Payday Loan Collection <input type="checkbox"/> Debt Collection Agency <input type="checkbox"/> Other Debt Collection | <p style="text-align: center;">Other Civil Filings</p> <p>Other Civil Filing</p> <input type="checkbox"/> Contested Liens Case <input type="checkbox"/> District Court Order to Seal Records <input type="checkbox"/> Other Civil Matters | <p>Protection Order – Extension Request</p> <input type="checkbox"/> Request for Extended Domestic Violence Protection Order |
| <p>Other Contract Case</p> <input type="checkbox"/> Contract Buyer Plaintiff <input type="checkbox"/> Other Contract Case | | <input type="checkbox"/> Request for Extended Protective Order (Non-Domestic Violence) |

_____ Date

_____ Signature of initiating party or representative

Civil Case Filing Types – Definitions

The following information is furnished as a guide only and should not be construed as legal advice. Our court staff is happy to help you, but it is against the law for court staff to give legal advice.

Landlord/Tenant (Summary Eviction): A case for exclusion of a tenant for default of rent or other deficiency following as in NRS 40.253 and 40.254. These are eviction cases where a landlord cannot get a money judgment.

Unlawful Detainer Complaint (Writs of Restitution): A case involving a formal complaint alleging the occupant's right to possess a property has been terminated after the foreclosure or sale of a property. This category includes evictions of commercial tenants on any basis other than nonpayment of rent.

Other Real Property: A case involving disputes of real property that does not fit within the definitions of Landlord/Tenant or Unlawful Detainer Complaint.

Credit Card Collection: A debt collection case where the petitioner is a credit card company.

Payday Loan Collection: A debt collection case where the petitioner is a payday loan company.

Debt Collection Agency: A debt collection case where the petitioner is a debt collection agency.

Other Debt Collection: A debt collection case that does not fit within the definitions of any other debt collection case category. This category includes tax collection cases.

Contract Buyer Plaintiff: A contract case (expressed or implied) involving a buyer of goods or services alleging that a seller of goods or services has failed to either deliver said goods or services or honor a warranty.

Other Contract Case: A contract case (expressed or implied) that does not fit within the definitions of a Contract Buyer Plaintiff case.

Auto: A negligence case resulting from personal injury, property damage, or wrongful death arising out of a party's alleged negligent operation of a motor vehicle.

Premises Liability: A negligence case involving liability resulting from alleged negligence on property that results in damages or injuries to persons or property occupying said property.

Other Negligence: A negligence case that does not fit within the definitions of Auto negligence or Premises Liability.

Intentional Misconduct: A case involving issues of an alleged intentional misconduct. Examples include assault, battery, fraud, punitive damages, defamation, libel, and slander.

Other Torts: A case that does not fit within the definitions of any other negligence case type or Intentional Misconduct.

Contested Liens Case: A case that contests the validity of liens, or requests the enforcement of liens. Examples include the enforcement of mechanics' liens

(NRS 108.239) and liens of owners of storage facilities, or to contest the validity of liens on mobile and manufactured homes.

District Court Order to Seal Records: An order from the District Court to the Justice or Municipal Court which directs the court to seal their records. Original Petitions to Seal Records should be counted as "Other Civil Matters."

Other Civil Matters: A case that involves a matter that does not fit within the definitions of any other civil case category. This includes "Confession of Judgment" and Petitions to Seal Records.

Request for Domestic Violence Protective Order: A protection order application for a temporary order for protection from a person who has committed or may commit an act of domestic violence (including battery). (Refer to NRS 33.020, 33.030, 33.080, 33.100, and 200.481.)

Request for Protection Order (Non-Domestic Violence): A protection order application for a temporary order for protection from a person who has committed or may commit an act of harassment, stalking, or threat to life not related to domestic violence of sexual assault.

Sexual Assault Protection Orders: A protection order application for an order for protection against a person who has or may commit an act related to sexual assault. (Refer to NRS 193.166 and 202.378.)

Requests for Extended Domestic Violence Protective Orders: A protection order case involving a request for an extended order for protection against domestic violence (including battery). (Refer to NRS 33.020, 33.030, 33.100, and 200.481.)

Requests for Extended Protective Orders (Non-Domestic Violence): A protection order case involving a request for an extended order for protection against harassment, stalking, or threat to life not related to domestic violence.

Please contact our office if you have procedural questions or need filing fee information. You may also visit our Justice Court website at www.storeycounty.org.

Virginia Township Justice Court
800 South C Street
P.O. Box 674
Virginia City, Nevada
Phone: 775-847-0962
Facsimile: 775-847-0915

Storey County is an equal opportunity provider and employer.

IN THE JUSTICE COURT OF VIRGINIA TOWNSHIP
IN AND FOR THE COUNTY OF STOREY, STATE OF NEVADA

| | |
|--|------------------------|
| <hr/> <p>Applicant (<i>print your name above</i>),</p> <p>vs.</p> <hr/> <p>Adverse Party (<i>print the name of the person you want protection from above</i>).</p> | <p>CASE NO.: _____</p> |
|--|------------------------|

APPLICATION FOR PROTECTION ORDER

1. **Your information** (*you are the "Applicant"*).

Your name: _____
(first) *(middle)* *(last)*

2. **Who do you want to be protected from** (*this person is the "Adverse Party"*)?

Name: _____
(first) *(middle)* *(last)*

3. **Who needs protection** (*check all that apply*)?

- Me.
- Minor child (see definition on bottom of page 2).
- The following household members, including minor children not included in definition on page 2.

| Name | Date of Birth | Relationship to Applicant | Relationship to Adverse Party |
|------|---------------|---------------------------|-------------------------------|
| | | | |
| | | | |
| | | | |

4. **Why do you need to be protected from the person named above (you must check one)?**

The Adverse Party committed acts of stalking or aggravated stalking against me.

Definition of stalking, aggravated stalking and harassment:

Stalking: A person commits the crime of stalking when, without lawful authority, that person willfully or maliciously engages in a course of conduct directed towards a victim that would cause a reasonable person under similar circumstances to feel terrorized, frightened, intimidated, harassed or fearful for his or her immediate safety or the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for his or her immediate safety or the immediate safety of a family or household member. NRS 200.575(1)

Aggravated Stalking: A person who commits the crime of stalking and in conjunction therewith threatens the person with the intent to cause the person to be placed in reasonable fear of death or substantial bodily. NRS 200.575(2)

Harassment: A person commits harassment when: (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; (2) To cause physical damage to the property of another person; (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 or her 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. NRS 200.571

The Adverse Party committed a sexual assault on me.

Definition of sexual assault: A person commits sexual assault if they subject another person to sexual penetration, or forces another person to make a sexual penetration on himself 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. NRS 200.366

Protection of Children: The parent or guardian of a child may petition any court of competent jurisdiction on behalf of the child for a temporary or extended order against a person who is 18 years of age or older and who the parent or guardian reasonably believes has committed or is committing a crime involving: (a) Physical or mental injury to the child of a nonaccidental nature; or (b) Sexual abuse or sexual exploitation of the child. NRS 33.400

Are you applying on behalf of a minor child? **No** **Yes**

Child's name: _____
(first) (middle) (last)

As you complete the application, please keep in mind that you are filling in the questions as they pertain to the actions/incident committed upon the child.

5. **How do you know the person you need protection from** (*check all that apply*)?
- We are related by blood or marriage. Explain _____
 - We are or used to be friends/acquaintances.
 - We are neighbors or reside in the same neighborhood.
 - We are or were co-workers.
 - Other: (*specify relationship*): _____

6. **Are there any other current or prior court cases that involve you and the Adverse Party in any court?**

- No.
- Yes. If you know, please list the case type, county, state, and case number:

7. **Firearms / Guns.**
Does the Adverse Party own a gun or have a gun in his/her possession or control?

- No Yes I don't know.

8. **Most Recent Event.** *Think about the **most recent** event. These questions ask about the most recent event only.*

Approximate date it happened: _____

City / State / Location where it happened: _____

Did the other person use or threaten to use a weapon? No Yes.

What Happened? *Explain the **most recent** event and describe any injuries. Give **specific** and **detailed** information about the event. **You can list past events on the next page.** If you are filing on behalf of a child, include details about what happened to the child.*

9. Past Event(s).

Think about any other times the person you want protection from threatened or abused you and/or the child/children. The following questions ask about any past events that may have happened.

Approximate Date: _____

What Happened: _____

Approximate Date: _____

What Happened: _____

10. Law enforcement involvement.

Was law enforcement informed? No Yes

a. If so, please provide a copy of the police/incident report.

Was anyone arrested? No Yes (Who): _____

Is the Adverse Party in jail? No Yes

11. Temporary Protections Requested (check all that apply).

Do not list any confidential addresses.
The other person will get a copy of this application
and will see any addresses you write down.

- Prohibited Activities.** The Adverse Party should not threaten, physically injure, or harass me and/or the minor child, either directly or through someone acting on his/her behalf.
- No Contact or Restricted Contact.** The Adverse Party should not contact me and/or the minor child at all, either in person, by phone / text, by email or through social media.
- Current Residence.** The Adverse Party should stay away from my current residence.
 Do you and the Adverse Party live together? No Yes
 If yes, whose name is listed on the lease/title? _____
 Does the Adverse Party know where you live? No Yes
 If no, is your address confidential? No Yes *(don't list your address)*

Address

City, State, Zip Code County

Do you and the Adverse Party live in the same complex/property/trailer park? No Yes

No. Should the Adverse Party stay away from the entire complex/property/trailer park? No Yes

Yes. If so, explain the distance and need for protection in that complex/property/trailer park: _____

- Personal Belongings.**
 - I need to get my belongings. I want law enforcement to come with me to the Adverse Party’s residence so I can pick up my belongings. The address I need to go to is (list street address, apartment number, city, state, zip):

 - The other party needs to get his/her belongings. Law enforcement should come with the Adverse Party to my residence to pick up his/her belongings.

Work. The Adverse Party should stay away from my workplace.

Do you and the Adverse Party work at the same place? No Yes

Is your work address confidential? No Yes (*do not write details below*)

Employer

Employer

Address

Address

City, State, Zip Code County

City, State, Zip Code County

School/Daycare. The Adverse Party should stay away from my school and/or the child's school/daycare.

Is the school/daycare address confidential? No Yes (*do not write details below*)

School/Daycare

School/Daycare

Address

Address

City, State, Zip Code County

City, State, Zip Code County

Other Places. The Adverse Party should stay away from the following places that I and/or the minor children go to regularly.

Location

Location

Why?

Why?

Address

Address

City, State, Zip Code County

City, State, Zip Code County

About Extended Protection Orders:

This application automatically asks the judge to issue a 45-day temporary protection order without notifying the other person first.

***You can also ask for an extended order that could last for up to 2 years.** If you do, the judge will set a hearing. You and the other person will have to appear in court and explain your side before the judge can extend the protection order.*

12. Length of Protection Order.

- I want an order up to 45 days only.
- I want an order up to 45 days PLUS an extended order that could last up to 2 years.

13. Other Exhibits. You may attach documents, pictures, or anything else that you would like the judge to look at and consider when reviewing your application. **The Adverse Party will receive a copy of all documents/evidence you provide.**

Describe what you are attaching: _____

14. This document does not contain the personal information of any person as defined by NRS 603A.040.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Dated _____, 20____. Submitted by: _____
(your signature)

(print your name)

VERIFICATION

I declare that I am the applicant in the above-entitled action; that I have read the foregoing application and know the contents thereof; that the pleading is true of my own knowledge, except for those matters therein contained stated upon information and belief, and that as to those matters, I believe them to be true. I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Dated _____, 20____. Submitted by: _____
(your signature)

(print your name)

