



## NEVADA

# EX PARTE ORDER FOR PROTECTION AGAINST HIGH-RISK BEHAVIOR

## A GUIDE TO THE PROCESS



Bloomberg American Health Initiative

Information on this website does not constitute legal advice. Every factual situation is unique; if you want legal advice specific to your particular circumstances, please consult knowledgeable counsel.

## NEVADA

# Ex Parte Order for Protection Against High-Risk Behavior Process

### Authorized petitioners in Nevada include:

- Law enforcement
- Family or household members (including persons with a child in common, domestic partners, and persons in a dating relationship)

### FILE AN EX PARTE ORDER FOR PROTECTION AGAINST HIGH-RISK BEHAVIOR PETITION

Go to court and file a petition describing why the respondent poses a risk of causing injury to self or others by possessing, having custody or control of, or by purchasing or otherwise acquiring any firearm.

### COURT ASSESSES PETITION

The court issues an *ex parte* order if it finds, by a preponderance of the evidence, the respondent poses a risk of causing personal injury to self or others by possessing, having custody or control of, or by purchasing or otherwise acquiring any firearm, has engaged in high-risk behavior, and less restrictive options have been exhausted or are not effective.

### EX PARTE ORDER FOR PROTECTION AGAINST HIGH-RISK BEHAVIOR ISSUED

Law enforcement personally serves the respondent with a copy of the *ex parte* order and files with or mails to the clerk of court proof of service by the next business day after service is made.<sup>1</sup>

### COMPLY WITH EX PARTE ORDER FOR PROTECTION AGAINST HIGH-RISK BEHAVIOR, DISPOSSESS FIREARMS

Immediately upon service of the *ex parte* order, the respondent surrenders any firearm in their possession, custody, or control to law enforcement or a person who does not reside with the respondent. The respondent also surrenders any concealed carry weapon permit.

### UPDATE BACKGROUND CHECK SYSTEM

After an *ex parte* Order for Protection Against High-Risk Behavior is issued, the court submits a copy of the *ex parte* order to the Central Repository for Nevada Records of Criminal History and sends a copy to the Nevada Attorney General.

### EXTENDED ORDER FOR PROTECTION AGAINST HIGH-RISK BEHAVIOR PETITION FILED

If a petitioner seeks an Extended Order for Protection Against High-Risk Behavior, they file a petition before the *ex parte* order expires.

### EXTENDED ORDER FOR PROTECTION AGAINST HIGH-RISK BEHAVIOR PETITION NOT FILED

Upon the expiration of the *ex parte* Order for Protection Against High-Risk Behavior, the respondent petitions the court for an order declaring that the basis for the *ex parte* order no longer exists.

Background check system updated.

Law enforcement returns any firearms removed to the respondent no more than 14 days after the dissolution of the *ex parte* order and after confirming the respondent may lawfully own or possess a firearm.

### EXTENDED ORDER FOR PROTECTION AGAINST HIGH-RISK BEHAVIOR HEARING

The court issues an extended order if it finds, by a clear and convincing evidence, the respondent poses a risk of causing injury to self or others by possessing, having custody or control of, or by purchasing or otherwise acquiring any firearm, has engaged in high-risk behavior, and less restrictive options have been exhausted or are not effective.

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<sup>1</sup> An *ex parte* order is in effect for up to 7 days unless (1) it is dissolved earlier, or (2) a petition for an extended order is filed at the same time or within the period of an *ex parte* order. In the case of 2, the *ex parte* order remains in effect until the hearing on the extended order.

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# Ex Parte Order for Protection Against High-Risk Behavior Process

### Authorized petitioners in Nevada include:

- Law enforcement
- Family or household members (including persons with a child in common, domestic partners, and persons in a dating relationship)

### EXTENDED ORDER FOR PROTECTION AGAINST HIGH-RISK BEHAVIOR HEARING

*(repeated from previous page)*

The court issues an extended order if it finds, by a clear and convincing evidence, the respondent poses a risk of causing injury to self or others by possessing, having custody or control of, or by purchasing or otherwise acquiring any firearm, has engaged in high-risk behavior, and less restrictive options have been exhausted or are not effective.

### EXTENDED ORDER FOR PROTECTION AGAINST HIGH-RISK BEHAVIOR ISSUED

If the respondent is present at the hearing, they receive the extended order while in court.

If the respondent is not present at the hearing, law enforcement personally serves the respondent with a copy of the extended order and files with or mails to the clerk of court proof of service by the next business day after service is made.

An extended order is in effect for up to 1 year.

### EXTENDED ORDER FOR PROTECTION AGAINST HIGH-RISK BEHAVIOR NOT ISSUED

Upon the expiration of the *ex parte* Order for Protection Against High-Risk Behavior, the respondent petitions the court for an order declaring that the basis for the *ex parte* order no longer exists.

Background check system updated.

Law enforcement returns any firearms removed to the respondent no more than 14 days after the dissolution of the *ex parte* order and after confirming the respondent may lawfully own or possess a firearm.

### DISSOLVE OR RENEW EXTENDED ORDER FOR PROTECTION AGAINST HIGH-RISK BEHAVIOR

The petitioner or respondent may request the dissolution of an extended order.

Not less than 3 months before the expiration of an extended order the petitioner may request renewal for up to 1 year.

### UPDATE BACKGROUND CHECK SYSTEM

If the Extended Order for Protection Against High-Risk Behavior is no longer in effect, the respondent may petition the court for an order declaring that the basis for the extended order no longer exists.

If the order is granted, the court transmits the order to the Central Repository for Nevada Records of Criminal History to remove the Extended Order for Protection Against High-Risk Behavior.

### RETURN FIREARMS

Law enforcement returns any surrendered or seized firearm to the respondent no more than 14 days after the dissolution of the Extended Order for Protection Against High-Risk Behavior and after confirming the respondent may lawfully own or possess a firearm.