

SENATE BILL NO. 7—COMMITTEE ON JUDICIARY
(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Judiciary

SUMMARY—Provides that the juvenile court has exclusive jurisdiction over certain orders for protection where the adverse party is a child under 18 years of age. (BDR 5-391)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to courts; providing that the juvenile court has exclusive jurisdiction over certain orders for protection where the adverse party is a child under 18 years of age; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes the issuance of orders for protection against domestic
2 violence, harassment in the workplace, high-risk behavior, sexual assault, and
3 stalking, aggravated stalking or harassment. (NRS 33.017-33.100, 33.200-33.360,
4 33.500-33.670, 200.378, 200.591) Existing law also provides that: (1) the family
5 court, where established, and the justice court, with certain exceptions, have
6 concurrent jurisdiction over actions for the issuance of a temporary or extended
7 order for protection against domestic violence; and (2) the justice court has
8 exclusive jurisdiction over actions for the issuance of orders for protection against
9 harassment in the workplace, high-risk behavior, sexual assault, and stalking,
10 aggravated stalking or harassment. (NRS 3.223, 4.370)

11 **Section 1** of this bill provides that if an order for protection against domestic
12 violence, harassment in the workplace, high-risk behavior, sexual assault, or
13 stalking, aggravated stalking or harassment is sought against a child who is under
14 18 years of age, the juvenile court has exclusive jurisdiction over the action.

15 **Section 2** of this bill makes conforming changes to remove jurisdiction over the
16 issuance of such orders from other courts that have jurisdiction over the issuance of
17 those orders under existing law. **Section 3** of this bill provides that the changes in
18 this bill apply to an order for protection against domestic violence, harassment in
19 the workplace, high-risk behavior, sexual assault, or stalking, aggravated stalking
20 or harassment that is issued on or after October 1, 2021, and a court that issued



21 such an order before October 1, 2021, retains jurisdiction over the order, all persons
22 subject to or protected by the order, and all proceedings relating to the order.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 62B of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. The juvenile court has exclusive jurisdiction to accept an*
4 *application for, to consider an application for, and to issue or deny*
5 *the issuance of any of the following orders when the adverse party*
6 *against whom the order is sought is a child who is under 18 years*
7 *of age:*

8 *(a) A temporary or extended order for protection against*
9 *domestic violence pursuant to NRS 33.017 to 33.100, inclusive.*

10 *(b) A temporary or extended order for protection against*
11 *harassment in the workplace pursuant to NRS 33.200 to 33.360,*
12 *inclusive.*

13 *(c) An ex-parte or extended order for protection against high-*
14 *risk behavior pursuant to NRS 33.500 to 33.670, inclusive.*

15 *(d) A temporary or extended order for protection against*
16 *sexual assault pursuant to NRS 200.378.*

17 *(e) A temporary or extended order for protection against*
18 *stalking, aggravated stalking or harassment pursuant to*
19 *NRS 200.591.*

20 *2. The juvenile court may, at its discretion, appoint counsel*
21 *for a child who is the adverse party against whom an order listed*
22 *in subsection 1 is sought.*

23 *3. If the juvenile court issues an order listed in subsection 1,*
24 *the order must be served upon:*

25 *(a) The child who is the adverse party; and*

26 *(b) The parent or guardian of the child.*

27 *4. In addition to any other required transmission of an order*
28 *listed in subsection 1 to the Central Repository for Nevada*
29 *Records of Criminal History, the court shall transmit the order to:*

30 *(a) Any school that the child who is the adverse party attends;*
31 *and*

32 *(b) Any school that a child who is a protected party attends.*

33 *5. The juvenile court has exclusive jurisdiction over any*
34 *action in which it is alleged that a child who is the adverse party in*
35 *an order listed in subsection 1 has committed a delinquent act, or*
36 *is in contempt of court, by violating a condition set forth in the*
37 *order.*

38 *6. If the juvenile court issues an order listed in subsection 1*
39 *and the adverse party reaches the age of 18 years while the order*



1 *is still in effect, the order remains effective against the adverse*
2 *party until the order expires or is dissolved by the juvenile court.*

3 *7. The juvenile court shall automatically seal all records*
4 *related to the application for, consideration of, and issuance of an*
5 *order listed in subsection 1 as provided in NRS 62H.140 when the*
6 *adverse party reaches the age of 21 years.*

7 **Sec. 2.** NRS 4.370 is hereby amended to read as follows:

8 4.370 1. Except as otherwise provided in subsection 2, justice
9 courts have jurisdiction of the following civil actions and
10 proceedings and no others except as otherwise provided by specific
11 statute:

12 (a) In actions arising on contract for the recovery of money only,
13 if the sum claimed, exclusive of interest, does not exceed \$15,000.

14 (b) In actions for damages for injury to the person, or for taking,
15 detaining or injuring personal property, or for injury to real property
16 where no issue is raised by the verified answer of the defendant
17 involving the title to or boundaries of the real property, if the
18 damage claimed does not exceed \$15,000.

19 (c) Except as otherwise provided in paragraph (l), in actions for
20 a fine, penalty or forfeiture not exceeding \$15,000, given by statute
21 or the ordinance of a county, city or town, where no issue is raised
22 by the answer involving the legality of any tax, impost, assessment,
23 toll or municipal fine.

24 (d) In actions upon bonds or undertakings conditioned for the
25 payment of money, if the sum claimed does not exceed \$15,000,
26 though the penalty may exceed that sum. Bail bonds and other
27 undertakings posted in criminal matters may be forfeited regardless
28 of amount.

29 (e) In actions to recover the possession of personal property, if
30 the value of the property does not exceed \$15,000.

31 (f) To take and enter judgment on the confession of a defendant,
32 when the amount confessed, exclusive of interest, does not exceed
33 \$15,000.

34 (g) Of actions for the possession of lands and tenements where
35 the relation of landlord and tenant exists, when damages claimed do
36 not exceed \$15,000 or when no damages are claimed.

37 (h) Of actions when the possession of lands and tenements has
38 been unlawfully or fraudulently obtained or withheld, when
39 damages claimed do not exceed \$15,000 or when no damages are
40 claimed.

41 (i) Of suits for the collection of taxes, where the amount of the
42 tax sued for does not exceed \$15,000.

43 (j) Of actions for the enforcement of mechanics' liens, where the
44 amount of the lien sought to be enforced, exclusive of interest, does
45 not exceed \$15,000.



1 (k) Of actions for the enforcement of liens of owners of facilities
2 for storage, where the amount of the lien sought to be enforced,
3 exclusive of interest, does not exceed \$15,000.

4 (l) In actions for a fine imposed for a violation of
5 NRS 484D.680.

6 (m) Except as otherwise provided in this paragraph, in any
7 action for the issuance of a temporary or extended order for
8 protection against domestic violence pursuant to NRS 33.020. A
9 justice court does not have jurisdiction in an action for the issuance
10 of a temporary or extended order for protection against domestic
11 violence:

12 (1) In a county whose population is 100,000 or more and less
13 than 700,000;

14 (2) In any township whose population is 100,000 or more
15 located within a county whose population is 700,000 or more; ~~for~~

16 (3) If a district court issues a written order to the justice court
17 requiring that further proceedings relating to the action for the
18 issuance of the order for protection be conducted before the district
19 court ~~is~~; or

20 (4) *Where the adverse party against whom the order is*
21 *sought is under 18 years of age.*

22 (n) Except as otherwise provided in this paragraph, in any action
23 for the issuance of an ex parte or extended order for protection
24 against high-risk behavior pursuant to NRS 33.570 or 33.580. A
25 justice court does not have jurisdiction in an action for the issuance
26 of an ex parte or extended order for protection against high-risk
27 behavior:

28 (1) In a county whose population is 100,000 or more but less
29 than 700,000;

30 (2) In any township whose population is 100,000 or more
31 located within a county whose population is 700,000 or more; ~~for~~

32 (3) If a district court issues a written order to the justice court
33 requiring that further proceedings relating to the action for the
34 issuance of the order for protection be conducted before the district
35 court ~~is~~; or

36 (4) *Where the adverse party against whom the order is*
37 *sought is under 18 years of age.*

38 (o) In an action for the issuance of a temporary or extended
39 order for protection against harassment in the workplace pursuant to
40 NRS 33.200 to 33.360, inclusive ~~is~~, *where the adverse party*
41 *against whom the order is sought is 18 years of age or older.*

42 (p) In small claims actions under the provisions of chapter 73 of
43 NRS.

44 (q) In actions to contest the validity of liens on mobile homes or
45 manufactured homes.



1 (r) In any action pursuant to NRS 200.591 for the issuance of a
2 protective order against a person alleged to be committing the crime
3 of stalking, aggravated stalking or harassment **[H] where the adverse**
4 **party against whom the order is sought is 18 years of age or older.**

5 (s) In any action pursuant to NRS 200.378 for the issuance of a
6 protective order against a person alleged to have committed the
7 crime of sexual assault **[H] where the adverse party against whom**
8 **the order is sought is 18 years of age or older.**

9 (t) In actions transferred from the district court pursuant to
10 NRS 3.221.

11 (u) In any action for the issuance of a temporary or extended
12 order pursuant to NRS 33.400.

13 (v) In any action seeking an order pursuant to NRS 441A.195.

14 2. The jurisdiction conferred by this section does not extend to
15 civil actions, other than for forcible entry or detainer, in which the
16 title of real property or mining claims or questions affecting the
17 boundaries of land are involved.

18 3. Justice courts have jurisdiction of all misdemeanors and no
19 other criminal offenses except as otherwise provided by specific
20 statute. Upon approval of the district court, a justice court may
21 transfer original jurisdiction of a misdemeanor to the district court
22 for the purpose of assigning an offender to a program established
23 pursuant to NRS 176A.250 or, if the justice court has not
24 established a program pursuant to NRS 176A.280, to a program
25 established pursuant to that section.

26 4. Except as otherwise provided in subsections 5 and 6, in
27 criminal cases the jurisdiction of justices of the peace extends to the
28 limits of their respective counties.

29 5. In the case of any arrest made by a member of the Nevada
30 Highway Patrol, the jurisdiction of the justices of the peace extends
31 to the limits of their respective counties and to the limits of all
32 counties which have common boundaries with their respective
33 counties.

34 6. Each justice court has jurisdiction of any violation of a
35 regulation governing vehicular traffic on an airport within the
36 township in which the court is established.

37 **Sec. 3.** The amendatory provisions of this act:

38 1. Apply to an order for protection against domestic violence,
39 harassment in the workplace, high-risk behavior, sexual assault, or
40 stalking, aggravated stalking or harassment that is issued on or after
41 October 1, 2021.

42 2. Do not apply to an order for protection against domestic
43 violence, harassment in the workplace, high-risk behavior, sexual
44 assault, or stalking, aggravated stalking or harassment that is issued
45 before October 1, 2021, and a court that issued such an order before



1 October 1, 2021, retains jurisdiction over the order, all persons
2 subject to or protected by the order, and all proceedings relating to
3 the order, regardless of whether the proceedings are conducted
4 before, on or after October 1, 2021.



