

E-3

EX PARTE MOTION FOR MUTUAL RESTRAINING ORDER FOR PROTECTION OF PROPERTY AND FINANCES

Purpose of this packet:

Used to freeze or protect assets and debts of a marriage so assets cannot be disposed of or hidden from the Court, and debts cannot be incurred for any reason except for the necessity of life.

This packet is used if:

You have an existing divorce or legal separation case in this court.

Note: Ex Parte Motions cannot be used to open a case. They are motions that seek an order from the court before the other party has notice and an opportunity to respond. They can only be filed when the law allows an exception to the rule that prohibits ex parte communications with the court. See Second Judicial District Court Rule (WDCR) 43 (included with these instructions).

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Note: The penalty for willfully making a false statement under penalty of perjury is a minimum of 1 year, and a maximum of 4 years in prison, in addition to a fine of not more than \$5,000.00.
N.R.S. §199.145

Second Judicial District Court Rule 43

Rule 43. Ex parte orders within the family division.

1. Reasonable notice.

(a) Except as set forth below, the party requesting an ex parte order shall give reasonable notice to the opposing party, or his or her counsel.

(b) Reasonable notice includes the date, time and place the request will be made.

(c) Reasonable notice must afford the opposing party 24 hours within which the application may be opposed.

2. Notice exceptions.

(a) A party is excused from giving such notice where notice would frustrate the very purpose of the order or cause the party or child to suffer immediate and irreparable injury.

(b) Ex parte orders may be obtained without notice in the following circumstances:

(1) Where the order mutually restrains the parties from transferring, encumbering, hypothecating, concealing or in any way disposing of any property, real or personal, whether community or separate, except in the usual course of business or for the necessities of life;

(2) Where the order mutually restrains the parties from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance coverage, including life, health, automobile, and disability coverage;

(3) Where the order mutually restrains the parties from cashing, borrowing against, canceling, transferring, disposing of retirement benefits or pension plans for the benefit (or election for benefit) of the parties or their minor child or children;

(4) Where a child's health and safety is in danger; or

(5) Where such other circumstances exist as the court may find to warrant the issuance of an order without notice.

3. Automatic hearing.

(a) No hearing shall be held on an ex parte order entered under subsections 2(b)(1), (2) and (3) herein above.

(b) All other ex parte orders shall be heard within 14 days of their entry.

(c) The hearing date shall be stated in the ex parte order.

(d) This rule shall not apply to temporary orders for protection against domestic violence.

[Amended; effective January 1, 2020.]

Instructions:

☐ **Step 1: Sign up for an electronic filing account (if you don't already have one)**

The Second Judicial District Court requires all documents to be electronically filed using the eFlex system. Sign up for a free eFlex account in person at the Resource Center, or online at: <https://www.washoecourts.com/EFiling/SignUp>.

☐ **Step 2: Fill out the following forms:**

- Ex Parte Motion for Mutual Restraining Order
- Request for Submission
- Index of Exhibits & Exhibit Cover Page
- Mutual Restraining Order for Protection of Property and Finances

Include the case number and department number of the family case you are filing into.

The Request for Submission form is used to inform the court of your Ex Parte Motion filing. You will be attaching the Order you wish the judge to sign as an exhibit to your Request for Submission.

☐ **Step 3: File your Ex Parte Motion with the court**

Electronically file the documents yourself or bring your completed documents to the Resource Center to get help filing them.

👉 How to file your documents using eFlex:

1. Sign in to your eFlex account: <https://wcefex.washoecourts.com/>.
2. Click "Home;" click "Existing Cases."
3. Locate the case you are filing into and click on the blue "eFile" link next to the case number.
4. To file each document, you will select the applicable Document Type, click "Choose File" or "Browse," then locate your document file on your computer, and click "Add."

Follow the prompts to upload the documents below:

Note: Leave the eFlex Document Category field blank.

- Ex Parte Motion for Mutual Restraining Order, as one PDF.
(Document Type: Ex-Parte Mtn)
- Request for Submission with the Index of Exhibits as the last page, all together as one PDF.
(Document Type: Request for Submission)

- Exhibit Cover Page and Mutual Restraining Order for Protection of Property and Finances, all together as on PDF.
(Document Type: **Continuation)
- When prompted to select which document you are attaching the Exhibit Cover Page and Order to, confirm that “Request for Submission” is selected, click “Next.”

A helpful video for attaching exhibits can be found here:

<https://www.youtube.com/watch?v=6JRMIXxa8Pg>

5. When the documents have been uploaded, review them by clicking on the hyperlinked file name in the “View Document” column. When you have confirmed everything is correct, click “Next.”
6. Estimated Fees: There is no filing fee for this ex parte motion. Select “No Fee Required.”
7. When you are ready to submit your documents to the court, click “Submit the Filing.”

☐ **Step 4: Notice to the other party**

You might not have to serve the other party until the judge has filed an order; however, if the other party has a current eFlex account they will be notified by the eFlex system as soon as you file the documents.

☐ **Step 5: Wait**

Once you have completed all the steps, your motion will be sent to the court for a decision. The judge will issue an order approving, denying, or setting your Ex Parte Motion for a hearing.

All orders can be reviewed and printed from your eFlex account.

Follow any orders regarding service to the other party.

For procedural questions, or help with electronically filing your documents, visit or contact:

Resource Center
1 South Sierra St., 3rd Floor
Reno, NV 89501
775-325-6731

Law Library
75 Court St., Room 101
Reno, NV 89501
775-328-3250

Legal Assistance Information

The information in this packet is provided as a courtesy only. This packet is not a substitute for the advice of an attorney. Counsel is always recommended for legal matters.

If you do not have an attorney, you are encouraged to seek the advice of a licensed attorney or contact the Resource Center or the Law Library. **The Resource Center and the Law Library staff cannot give legal advice** but can give information regarding court procedures.

You may wish to speak with a lawyer at no cost through the Law Library's Lawyer in the Library program. The Lawyer in the Library program is held via Zoom; you must register ahead of time to participate. No walk-ins accepted as space is limited.

LAWYER IN THE LIBRARY

Sign up on our website:

<https://www.washoecourts.com/LawLibrary/LawyerInLibrary>

For questions, contact the Law Library at 775-328-3250

To seek assistance from other free or reduced-cost legal resources in the area, please contact:

NEVADA LEGAL SERVICES

449 S. Virginia St.
Reno, NV 89501

775-284-3491 – leave a message,
if necessary

<https://nevadalegalservices.org>

NORTHERN NEVADA LEGAL AID

1 S. Sierra St., 1st Floor
Reno, NV 89501

775-321-2062 – leave a message,
if necessary

<https://nnlegalaid.org>