

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 118**

Introduced by Morfeld, 46.

Read first time January 07, 2021

Committee: Judiciary

1 A BILL FOR AN ACT relating to protection orders; to amend sections  
2 28-311.09, 28-311.11, 42-924, and 42-924.02, Revised Statutes  
3 Cumulative Supplement, 2020; to change the duration of harassment,  
4 sexual assault, and domestic abuse protection orders from one year  
5 to five years; to change requirements for affidavits; and to repeal  
6 the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-311.09, Revised Statutes Cumulative  
2 Supplement, 2020, is amended to read:

3 28-311.09 (1) Any victim who has been harassed as defined by section  
4 28-311.02 may file a petition and affidavit for a harassment protection  
5 order as provided in subsection (3) of this section. Upon the filing of  
6 such a petition and affidavit in support thereof, the court may issue a  
7 harassment protection order without bond enjoining the respondent from  
8 (a) imposing any restraint upon the person or liberty of the petitioner,  
9 (b) harassing, threatening, assaulting, molesting, attacking, or  
10 otherwise disturbing the peace of the petitioner, or (c) telephoning,  
11 contacting, or otherwise communicating with the petitioner. The  
12 harassment protection order shall specify to whom relief under this  
13 section was granted.

14 (2) The petition for a harassment protection order shall state the  
15 events and dates or approximate dates of acts constituting the alleged  
16 harassment, including the most recent and most severe incident or  
17 incidents.

18 (3) A petition for a harassment protection order shall be filed with  
19 the clerk of the district court, and the proceeding may be heard by the  
20 county court or the district court as provided in section 25-2740.

21 (4) A petition for a harassment protection order filed pursuant to  
22 subsection (1) of this section may not be withdrawn except upon order of  
23 the court. An order issued pursuant to subsection (1) of this section  
24 shall specify that it is effective for a period of five years ~~one year~~  
25 unless otherwise dismissed or modified by the court. Any person, except  
26 the petitioner, who knowingly violates an order issued pursuant to  
27 subsection (1) of this section after service or notice as described in  
28 subdivision (9)(b) of this section shall be guilty of a Class II  
29 misdemeanor.

30 (5)(a) Fees to cover costs associated with the filing of a petition  
31 for a harassment protection order or the issuance or service of a

1 harassment protection order seeking only the relief provided by this  
2 section shall not be charged, except that a court may assess such fees  
3 and costs if the court finds, by clear and convincing evidence, that the  
4 statements contained in the petition were false and that the harassment  
5 protection order was sought in bad faith.

6 (b) A court may also assess costs associated with the filing of a  
7 petition for a harassment protection order or the issuance or service of  
8 a harassment protection order seeking only the relief provided by this  
9 section against the respondent.

10 (6)(a) ~~(6)~~ The clerk of the district court shall make available  
11 standard application and affidavit forms for a harassment protection  
12 order with instructions for completion to be used by a petitioner.  
13 Affidavit forms shall request all relevant information, including, but  
14 not limited to: A description of the incidents that are the basis for the  
15 application for a harassment protection order, including the most severe  
16 incident, and the date or approximate date of such incidents. The clerk  
17 and his or her employees shall not provide assistance in completing the  
18 forms. The State Court Administrator shall adopt and promulgate the  
19 standard application and affidavit forms provided for in this section as  
20 well as the standard temporary ex parte and final harassment protection  
21 order forms and provide a copy of such forms to all clerks of the  
22 district courts in this state. These standard temporary ex parte and  
23 final harassment protection order forms shall be the only such forms used  
24 in this state.

25 (b) A petition and affidavit under this section are not required to  
26 be signed and acknowledged before a notary public. A petition and  
27 affidavit under this section shall include a written, self-authenticated  
28 declaration under penalty of perjury in substantially the following form:

29 I declare under penalty of perjury that the foregoing is true and  
30 correct.

31 .....

1           (Printed name of the petitioner)

2           .....

3           (Signature of the petitioner)

4           .....

5           (Date signed)

6           (7) Any order issued under subsection (1) of this section may be  
7 issued ex parte without notice to the respondent if it reasonably appears  
8 from the specific facts shown by affidavit of the petitioner that  
9 irreparable harm, loss, or damage will result before the matter can be  
10 heard on notice. If the specific facts included in the affidavit (a) do  
11 not show that the petitioner will suffer irreparable harm, loss, or  
12 damage or (b) show that, for any other compelling reason, an ex parte  
13 order should not be issued, the court may forthwith cause notice of the  
14 application to be given to the respondent stating that he or she may show  
15 cause, not more than fourteen days after service, why such order should  
16 not be entered. Any notice provided to the respondent shall include  
17 notification that a court may treat a petition for a harassment  
18 protection order as a petition for a sexual assault protection order or a  
19 domestic abuse protection order if it appears from the facts that such  
20 other protection order is more appropriate and that the respondent shall  
21 have an opportunity to show cause as to why such protection order should  
22 not be entered. If such ex parte order is issued without notice to the  
23 respondent, the court shall forthwith cause notice of the petition and  
24 order and a form with which to request a show-cause hearing to be given  
25 the respondent stating that, upon service on the respondent, the order  
26 shall remain in effect for a period of five years ~~one year~~ unless the  
27 respondent shows cause why the order should not remain in effect for a  
28 period of five years ~~one year~~. If the respondent wishes to appear and  
29 show cause why the order should not remain in effect for a period of five  
30 years ~~one year~~, he or she shall affix his or her current address,  
31 telephone number, and signature to the form and return it to the clerk of

1 the district court within ten business days after service upon him or  
2 her. Upon receipt of a timely request for a show-cause hearing, the court  
3 shall immediately schedule a show-cause hearing to be held within thirty  
4 days after the receipt of the request for a show-cause hearing and shall  
5 notify the petitioner and respondent of the hearing date. If a petition  
6 is dismissed without a hearing, it shall be dismissed without prejudice.  
7 The petition and affidavit shall be deemed to have been offered into  
8 evidence at any show-cause hearing. The petition and affidavit shall be  
9 admitted into evidence unless specifically excluded by the court.

10 (8) A court may treat a petition for a harassment protection order  
11 as a petition for a sexual assault protection order or a domestic abuse  
12 protection order if it appears from the facts in the petition, affidavit,  
13 and evidence presented at a show-cause hearing that such other protection  
14 order is more appropriate and if:

15 (a) The court makes specific findings that such other order is more  
16 appropriate; or

17 (b) The petitioner has requested the court to so treat the petition.

18 (9)(a) Upon the issuance of any temporary ex parte or final  
19 harassment protection order, the clerk of the court shall forthwith  
20 provide the petitioner, without charge, with two certified copies of such  
21 order. The clerk of the court shall also forthwith provide the local  
22 police department or local law enforcement agency and the local sheriff's  
23 office, without charge, with one copy each of such order and one copy  
24 each of the sheriff's return thereon. The clerk of the court shall also  
25 forthwith provide a copy of the harassment protection order to the  
26 sheriff's office in the county where the respondent may be personally  
27 served together with instructions for service. Upon receipt of the order  
28 and instructions for service, such sheriff's office shall forthwith serve  
29 the harassment protection order upon the respondent and file its return  
30 thereon with the clerk of the court which issued the harassment  
31 protection order within fourteen days of the issuance of the harassment

1 protection order. If any harassment protection order is dismissed or  
2 modified by the court, the clerk of the court shall forthwith provide the  
3 local police department or local law enforcement agency and the local  
4 sheriff's office, without charge, with one copy each of the order of  
5 dismissal or modification.

6 (b) If the respondent is present at a hearing convened pursuant to  
7 this section and the harassment protection order is not dismissed, such  
8 respondent shall be deemed to have notice by the court at such hearing  
9 that the harassment protection order will be granted and remain in effect  
10 and further service of such notice described in this subsection shall not  
11 be required for purposes of prosecution under this section.

12 (c) A temporary ex parte harassment protection order shall be  
13 affirmed and deemed the final protection order and service of the  
14 temporary ex parte order shall be notice of the final protection order if  
15 the respondent has been properly served with the ex parte order and:

16 (i) The respondent fails to request a show-cause hearing within ten  
17 business days after service upon him or her and no hearing was requested  
18 by the petitioner or upon the court's own motion;

19 (ii) The respondent has been properly served with notice of any  
20 hearing requested by the respondent or petitioner or upon the court's own  
21 motion and the respondent fails to appear at such hearing; or

22 (iii) The respondent has been properly served with notice of any  
23 hearing requested by the respondent, the petitioner, or upon the court's  
24 own motion and the protection order was not dismissed at the hearing.

25 (10) A peace officer may, with or without a warrant, arrest a person  
26 if (a) the officer has probable cause to believe that the person has  
27 committed a violation of a harassment protection order issued pursuant to  
28 this section or a violation of a valid foreign harassment protection  
29 order recognized pursuant to section 28-311.10 and (b) a petitioner under  
30 this section provides the peace officer with a copy of a harassment  
31 protection order or the peace officer determines that such an order

1 exists after communicating with the local law enforcement agency or a  
2 person protected under a valid foreign harassment protection order  
3 recognized pursuant to section 28-311.10 provides the peace officer with  
4 a copy of such order.

5 (11) A peace officer making an arrest pursuant to subsection (10) of  
6 this section shall take such person into custody and take such person  
7 before the county court or the court which issued the harassment  
8 protection order within a reasonable time. At such time the court shall  
9 establish the conditions of such person's release from custody, including  
10 the determination of bond or recognizance, as the case may be. The court  
11 shall issue an order directing that such person shall have no contact  
12 with the alleged victim of the harassment.

13 (12) When provided by the petitioner, the court shall make  
14 confidential numeric victim identification information, including social  
15 security numbers and dates of birth, available to appropriate criminal  
16 justice agencies engaged in protection order enforcement efforts. Such  
17 agencies shall maintain the confidentiality of this information except  
18 for entry into state and federal data bases for protection order  
19 enforcement.

20 Sec. 2. Section 28-311.11, Revised Statutes Cumulative Supplement,  
21 2020, is amended to read:

22 28-311.11 (1) Any victim of a sexual assault offense may file a  
23 petition and affidavit for a sexual assault protection order as provided  
24 in subsection (3) of this section. Upon the filing of such a petition and  
25 affidavit in support thereof, the court may issue a sexual assault  
26 protection order without bond enjoining the respondent from (a) imposing  
27 any restraint upon the person or liberty of the petitioner, (b)  
28 harassing, threatening, assaulting, molesting, attacking, or otherwise  
29 disturbing the peace of the petitioner, or (c) telephoning, contacting,  
30 or otherwise communicating with the petitioner. The sexual assault  
31 protection order shall specify to whom relief under this section was

1 granted.

2 (2) The petition for a sexual assault protection order shall state  
3 the events and dates or approximate dates of acts constituting the sexual  
4 assault offense, including the most recent and most severe incident or  
5 incidents.

6 (3) A petition for a sexual assault protection order shall be filed  
7 with the clerk of the district court and the proceeding may be heard by  
8 the county court or the district court as provided in section 25-2740.

9 (4) A petition for a sexual assault protection order may not be  
10 withdrawn except upon order of the court. A sexual assault protection  
11 order shall specify that it is effective for a period of five years ~~one~~  
12 ~~year~~ unless renewed pursuant to subsection (12) of this section or  
13 otherwise dismissed or modified by the court. Any person, except the  
14 petitioner, who knowingly violates a sexual assault protection order  
15 after service or notice as described in subdivision (9)(b) of this  
16 section shall be guilty of a Class I misdemeanor, except that any person  
17 convicted of violating such order who has a prior conviction for  
18 violating a sexual assault protection order shall be guilty of a Class IV  
19 felony.

20 (5)(a) Fees to cover costs associated with the filing of a petition  
21 for issuance or renewal of a sexual assault protection order or the  
22 issuance or service of a sexual assault protection order seeking only the  
23 relief provided by this section shall not be charged, except that a court  
24 may assess such fees and costs if the court finds, by clear and  
25 convincing evidence, that the statements contained in the petition were  
26 false and that the sexual assault protection order was sought in bad  
27 faith.

28 (b) A court may also assess costs associated with the filing of a  
29 petition for issuance or renewal of a sexual assault protection order or  
30 the issuance or service of a sexual assault protection order seeking only  
31 the relief provided by this section against the respondent.



1           (6)(a) ~~(6)~~ The clerk of the district court shall make available  
2 standard application and affidavit forms for issuance and renewal of a  
3 sexual assault protection order with instructions for completion to be  
4 used by a petitioner. Affidavit forms shall request all relevant  
5 information, including, but not limited to: A description of the most  
6 recent incident that was the basis for the application for a sexual  
7 assault protection order and the date or approximate date of the incident  
8 and, if there was more than one incident, the most severe incident and  
9 the date or approximate date of such incident. The clerk and his or her  
10 employees shall not provide assistance in completing the forms. The State  
11 Court Administrator shall adopt and promulgate the standard application  
12 and affidavit forms provided for in this section as well as the standard  
13 temporary ex parte and final sexual assault protection order forms and  
14 provide a copy of such forms to all clerks of the district courts in this  
15 state. Such standard temporary ex parte and final sexual assault  
16 protection order forms shall be the only forms used in this state.

17           **(b) A petition and affidavit under this section are not required to**  
18 **be signed and acknowledged before a notary public. A petition and**  
19 **affidavit under this section shall include a written, self-authenticated**  
20 **declaration under penalty of perjury in substantially the following form:**

21           I declare under penalty of perjury that the foregoing is true and  
22 correct.

23           .....  
24           (Printed name of the petitioner)

25           .....  
26           (Signature of the petitioner)

27           .....  
28           (Date signed)

29           (7) A sexual assault protection order may be issued or renewed ex  
30 parte without notice to the respondent if it reasonably appears from the  
31 specific facts shown by affidavit of the petitioner that irreparable

1 harm, loss, or damage will result before the matter can be heard on  
2 notice. If a sexual assault protection order is not issued ex parte, the  
3 court shall immediately schedule an evidentiary hearing to be held within  
4 fourteen days after the filing of the petition, and the court shall cause  
5 notice of the application to be given to the respondent stating that he  
6 or she may show cause why such order should not be entered. Any notice  
7 provided to the respondent shall include notification that a court may  
8 treat a petition for a sexual assault protection order as a petition for  
9 a harassment protection order or a domestic abuse protection order if it  
10 appears from the facts that such other protection order is more  
11 appropriate and that the respondent shall have an opportunity to show  
12 cause as to why such protection order should not be entered. If such ex  
13 parte order is issued or renewed without notice to the respondent, the  
14 court shall forthwith cause notice of the petition and order and a form  
15 with which to request a show-cause hearing to be given the respondent  
16 stating that, upon service on the respondent, the order shall remain in  
17 effect for a period of five years ~~one year~~ unless the respondent shows  
18 cause why the order should not remain in effect for a period of five  
19 years ~~one year~~. If the respondent wishes to appear and show cause why the  
20 order should not remain in effect for a period of five years ~~one year~~, he  
21 or she shall affix his or her current address, telephone number, and  
22 signature to the form and return it to the clerk of the district court  
23 within ten business days after service upon him or her. Upon receipt of a  
24 timely request for a show-cause hearing, the court shall immediately  
25 schedule a show-cause hearing to be held within thirty days after the  
26 receipt of the request for a show-cause hearing and shall notify the  
27 petitioner and respondent of the hearing date. The petition and affidavit  
28 shall be deemed to have been offered into evidence at any show-cause  
29 hearing. The petition and affidavit shall be admitted into evidence  
30 unless specifically excluded by the court.

31 (8) A court may treat a petition for a sexual assault protection

1 order as a petition for a harassment protection order or a domestic abuse  
2 protection order if it appears from the facts in the petition, affidavit,  
3 and evidence presented at a show-cause hearing that such other protection  
4 order is more appropriate and if:

5 (a) The court makes specific findings that such other order is more  
6 appropriate; or

7 (b) The petitioner has requested the court to so treat the petition.

8 (9)(a) Upon the issuance or renewal of any temporary ex parte or  
9 final sexual assault protection order, the clerk of the court shall  
10 forthwith provide the petitioner, without charge, with two certified  
11 copies of such order. The clerk of the court shall also forthwith provide  
12 the local police department or local law enforcement agency and the local  
13 sheriff's office, without charge, with one copy each of such order and  
14 one copy each of the sheriff's return thereon. The clerk of the court  
15 shall also forthwith provide a copy of the sexual assault protection  
16 order to the sheriff's office in the county where the respondent may be  
17 personally served together with instructions for service. Upon receipt of  
18 the order and instructions for service, such sheriff's office shall  
19 forthwith serve the sexual assault protection order upon the respondent  
20 and file its return thereon with the clerk of the court which issued the  
21 sexual assault protection order within fourteen days of the issuance of  
22 the initial or renewed sexual assault protection order. If any sexual  
23 assault protection order is dismissed or modified by the court, the clerk  
24 of the court shall forthwith provide the local police department or local  
25 law enforcement agency and the local sheriff's office, without charge,  
26 with one copy each of the order of dismissal or modification.

27 (b) If the respondent is present at a hearing convened pursuant to  
28 this section and the sexual assault protection order is not dismissed,  
29 such respondent shall be deemed to have notice by the court at such  
30 hearing that the protection order will be granted and remain in effect  
31 and further service of such notice described in this subsection shall not

1 be required for purposes of prosecution under this section.

2 (c) A temporary ex parte sexual assault protection order shall be  
3 affirmed and deemed the final protection order and service of the  
4 temporary ex parte order shall be notice of the final protection order if  
5 the respondent has been properly served with the ex parte order and:

6 (i) The respondent fails to request a show-cause hearing within ten  
7 business days after service upon him or her and no hearing was requested  
8 by the petitioner or upon the court's own motion;

9 (ii) The respondent has been properly served with notice of any  
10 hearing requested by the respondent or petitioner or upon the court's own  
11 motion and the respondent fails to appear at such hearing; or

12 (iii) The respondent has been properly served with notice of any  
13 hearing requested by the respondent, the petitioner, or upon the court's  
14 own motion and the protection order was not dismissed at the hearing.

15 (10) A peace officer shall, with or without a warrant, arrest a  
16 person if (a) the officer has probable cause to believe that the person  
17 has committed a violation of a sexual assault protection order issued  
18 pursuant to this section or a violation of a valid foreign sexual assault  
19 protection order recognized pursuant to section 28-311.12 and (b) a  
20 petitioner under this section provides the peace officer with a copy of  
21 such order or the peace officer determines that such an order exists  
22 after communicating with the local law enforcement agency.

23 (11) A peace officer making an arrest pursuant to subsection (10) of  
24 this section shall take such person into custody and take such person  
25 before the county court or the court which issued the sexual assault  
26 protection order within a reasonable time. At such time the court shall  
27 establish the conditions of such person's release from custody, including  
28 the determination of bond or recognizance, as the case may be. The court  
29 shall issue an order directing that such person shall have no contact  
30 with the alleged victim of the sexual assault offense.

31 (12)(a) An order issued under subsection (1) of this section may be

1 renewed~~annually~~. To request renewal of the order, the petitioner shall  
2 file a petition for renewal and affidavit in support thereof at any time  
3 within forty-five days prior to the date the order is set to expire,  
4 including the date the order expires.

5 (b) A sexual assault protection order may be renewed on the basis of  
6 the petitioner's affidavit stating that there has been no material change  
7 in relevant circumstances since entry of the order and stating the reason  
8 for the requested renewal if:

9 (i) The petitioner seeks no modification of the order; and

10 (ii)(A) The respondent has been properly served with notice of the  
11 petition for renewal and notice of hearing and fails to appear at the  
12 hearing; or

13 (B) The respondent indicates that he or she does not contest the  
14 renewal.

15 (c) The petition for renewal shall state the reasons a renewal is  
16 sought and shall be filed with the clerk of the district court, and the  
17 proceeding thereon may be heard by the county court or the district court  
18 as provided in section 25-2740. A petition for renewal will otherwise be  
19 governed in accordance with the procedures set forth in subsections (4)  
20 through (11) of this section. The renewed order shall specify that it is  
21 effective for five years ~~one year~~ commencing on the first calendar day  
22 after expiration of the previous order or on the calendar day the court  
23 grants the renewal if such day is subsequent to the first calendar day  
24 after expiration of the previous order.

25 (13) When provided by the petitioner, the court shall make  
26 confidential numeric victim identification information, including social  
27 security numbers and dates of birth, available to appropriate criminal  
28 justice agencies engaged in protection order enforcement efforts. Such  
29 agencies shall maintain the confidentiality of this information, except  
30 for entry into state and federal data bases for protection order  
31 enforcement.

1 (14) For purposes of this section, sexual assault offense means:

2 (a) Conduct amounting to sexual assault under section 28-319 or  
3 28-320, sexual abuse by a school employee under section 28-316.01, sexual  
4 assault of a child under section 28-319.01 or 28-320.01, or an attempt to  
5 commit any of such offenses; or

6 (b) Subjecting or attempting to subject another person to sexual  
7 contact or sexual penetration without his or her consent, as such terms  
8 are defined in section 28-318.

9 Sec. 3. Section 42-924, Revised Statutes Cumulative Supplement,  
10 2020, is amended to read:

11 42-924 (1)(a) Any victim of domestic abuse may file a petition and  
12 affidavit for a protection order as provided in this section. Upon the  
13 filing of such a petition and affidavit in support thereof, the court may  
14 issue a protection order without bond granting the following relief:

15 (i) Enjoining the respondent from imposing any restraint upon the  
16 petitioner or upon the liberty of the petitioner;

17 (ii) Enjoining the respondent from threatening, assaulting,  
18 molesting, attacking, or otherwise disturbing the peace of the  
19 petitioner;

20 (iii) Enjoining the respondent from telephoning, contacting, or  
21 otherwise communicating with the petitioner;

22 (iv) Removing and excluding the respondent from the residence of the  
23 petitioner, regardless of the ownership of the residence;

24 (v) Ordering the respondent to stay away from any place specified by  
25 the court;

26 (vi) Awarding the petitioner temporary custody of any minor children  
27 not to exceed ninety days;

28 (vii) Enjoining the respondent from possessing or purchasing a  
29 firearm as defined in section 28-1201; or

30 (viii) Ordering such other relief deemed necessary to provide for  
31 the safety and welfare of the petitioner and any designated family or

1 household member.

2 (b) The petition for a protection order shall state the events and  
3 dates or approximate dates of acts constituting the alleged domestic  
4 abuse, including the most recent and most severe incident or incidents.

5 (c) The protection order shall specify to whom relief under this  
6 section was granted.

7 (2) Petitions for protection orders shall be filed with the clerk of  
8 the district court, and the proceeding may be heard by the county court  
9 or the district court as provided in section 25-2740. A petition for a  
10 protection order may not be withdrawn except upon order of the court.

11 (3)(a) A protection order shall specify that it is effective for a  
12 period of five years ~~one year~~ and, if the order grants temporary custody,  
13 the number of days of custody granted to the petitioner unless otherwise  
14 modified by the court.

15 (b)(i) Any victim of domestic abuse may file a petition and  
16 affidavit to renew a protection order. Such petition and affidavit for  
17 renewal shall be filed any time within forty-five days before the  
18 expiration of the previous protection order, including the date the order  
19 expires.

20 (ii) A protection order may be renewed on the basis of the  
21 petitioner's affidavit stating that there has been no material change in  
22 relevant circumstances since entry of the order and stating the reason  
23 for the requested renewal if:

24 (A) The petitioner seeks no modification of the order; and

25 (B)(I) The respondent has been properly served with notice of the  
26 petition for renewal and notice of hearing and fails to appear at the  
27 hearing; or

28 (II) The respondent indicates that he or she does not contest the  
29 renewal.

30 (iii) Such renewed order shall specify that it is effective for a  
31 period of five years ~~one year~~ to commence on the first calendar day

1 following the expiration of the previous order or on the calendar day the  
2 court grants the renewal if such day is subsequent to the first calendar  
3 day after expiration of the previous order and, if the court grants  
4 temporary custody, the number of days of custody granted to the  
5 petitioner unless otherwise modified by the court.

6 (4) Any person, except the petitioner, who knowingly violates a  
7 protection order issued pursuant to this section or section 42-931 after  
8 service or notice as described in subsection (2) of section 42-926 shall  
9 be guilty of a Class I misdemeanor, except that any person convicted of  
10 violating such order who has a prior conviction for violating a  
11 protection order shall be guilty of a Class IV felony.

12 (5) If there is any conflict between sections 42-924 to 42-926 and  
13 any other provision of law, sections 42-924 to 42-926 shall govern.

14 Sec. 4. Section 42-924.02, Revised Statutes Cumulative Supplement,  
15 2020, is amended to read:

16 42-924.02 (1) The clerk of the district court shall make available  
17 standard petition and affidavit forms for all types of protection orders  
18 provided by law with instructions for completion to be used by a  
19 petitioner. Affidavit forms shall request all relevant information,  
20 including, but not limited to: A description of the most recent incident  
21 that was the basis for the application for a protection order and the  
22 date or approximate date of the incident and, if there was more than one  
23 incident, the most severe incident and the date or approximate date of  
24 such incident. The clerk and his or her employees shall not provide  
25 assistance in completing the forms. The State Court Administrator shall  
26 adopt and promulgate the standard petition and affidavit forms provided  
27 for in this section as well as the standard temporary ex parte and final  
28 protection order forms and provide a copy of such forms to all clerks of  
29 the district courts in this state. These standard temporary ex parte and  
30 final protection order forms shall be the only such forms used in this  
31 state.



1           (2) A petition and affidavit under section 42-924 or 42-925 are not  
2 required to be signed and acknowledged before a notary public. A petition  
3 and affidavit under such sections shall include a written, self-  
4 authenticated declaration under penalty of perjury in substantially the  
5 following form:

6           I declare under penalty of perjury that the foregoing is true and  
7 correct.

8           .....  
9           (Printed name of the petitioner)

10          .....  
11          (Signature of the petitioner)

12          .....  
13          (Date signed)

14          Sec. 5.     Original sections 28-311.09, 28-311.11, 42-924, and  
15 42-924.02, Revised Statutes Cumulative Supplement, 2020, are repealed.