

TO:

Rule 28 Distribution

Emmet J Ronan

Mark C Faull

John A Furlong

Dave Byers

mwa

ATTACHMENT¹

Arizona Rules of Protective Order Procedure

Rule 1. General Administration

A. – B. [No change in text.]

C. **Access to the Courts and Protective Order Case Information**

1. All limited and general jurisdiction courts shall be available during normal operating hours to issue and enforce protective orders, regardless of the residence of the parties. *See* A.R.S. §§ 13-3602, 12-1809 and 12-1810. For emergency orders of protection after normal operating hours, see Rule 6(D).
2. A plaintiff may file a petition for a protective order with any municipal, justice or superior court judicial officer. However, courts located within one mile proximity may enter into agreements designating a principal court for issuance of protective orders. If such courts enter into an agreement, the referring court shall provide written or verbal information and directions regarding the designated court and, prior to referral, shall ensure that the designated court is open to issue an order that day. If the court designated in the agreement is not available to issue orders, the referring court shall conduct the individual hearing with the plaintiff.
3. A court having only a part-time judicial officer shall provide coverage for the court, or court staff should direct a person requesting a protective order to the appropriate court location, after ensuring a judicial officer is available.
4. No limited or general jurisdiction court shall refuse a person's request to file a petition for a protective order even if that particular court does not normally issue protective orders.
5. No protective order shall be denied on the basis of immigration status. *See* 18 USC §§ 2261 and 2262.

¹ Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

6. For as long as a plaintiff has the ability by law to have a protective order served or unless otherwise ordered by the court, the court shall not make publicly available any information regarding the filing of or contents of a petition for or issuance of a protective order until proof of service of the protective order has been filed with the court. The court may share information about the protective order with the plaintiff, prosecutors, or with law enforcement.

D. – R. [No change in text.]

COMMITTEE COMMENTS

[No change in text.]

Rules 2-10 [No change in text.]

Arizona Rules of Family Law Procedure

Rule 13. Public Access to Proceedings and Records

A. – C. [No change in text.]

D. Access to Records. Records of family court proceedings shall be maintained and disclosed in accordance with Rule 123, *Rules of the Supreme Court*, Rule 1(C)(6), Arizona Rules of Protective Order Procedure, and Rule 43 of these rules. Unless otherwise provided in Rule 123, *Rules of the Supreme Court*, or Rule 1(C)(6), Arizona Rules of Protective Order Procedure, the court may, upon a finding that the confidentiality or privacy interests of the parties, their minor children, or other person whose information appears of record outweighs the public interest in disclosure, make any record of a family court matter closed or confidential or otherwise limit access to such records.

COMMITTEE COMMENT

[No change in text.]

Rules of the Supreme Court

Rule 123. Public Access to the Judicial Records of the State of Arizona

(a)-(c) [No change in text.]

(d) Access to Case Records.

All case records are open to the public except as may be closed by law, or as provided in this rule. Upon closing any record the court shall state the reason for the action, including a reference to any statute, case, rule or administrative order relied upon.

(1) *Juvenile Delinquency Proceedings Records.*

[No change in text.]

(2) *Adult Criminal Records.*

[No change in text.]

(3) *Protective Orders.* For as long as a plaintiff has the ability by law to have a protective order served or unless otherwise ordered by the court, the custodian shall not make publicly available any information regarding the filing of or contents of a petition for or issuance of a protective order until proof of service of the protective order has been filed with the court. The custodian may permit law enforcement agencies to access these records when necessary to carry out their official responsibilities.

~~(3)~~(4) *Judicial Work Product and Drafts.* Notes, memoranda or drafts thereof prepared by a judge or other court personnel at the direction of a judge and used in the process of preparing a final decision or order are closed.

~~(4)~~(5) *Unofficial Verbatim Recordings of Proceedings*. Electronic verbatim recordings made by a courtroom clerk or at the direction of the clerk and used in preparing minute entries are closed.

(e)- (j) [No change in text.]

Court Comments

[No change in text.]