

Committee on the Impact of Domestic Violence and the Courts

Tuesday, November 1, 2016 – 10:00 a.m.

Arizona State Courts Building, 1501 W. Washington – Conference Room 119 A/B

Conference Call: 602-452-3288 Access Code: 5870#

[WebEx Link](#) [CIDVC Home Page](#)

| Time* | AGENDA | Presenter |
|-----------------------|--|---|
| 10:00 a.m. | Call to Order/Welcome and Introductions | <i>Judge Wendy Million Tucson City Court</i> |
| *Pg. 3 | Approval of Minutes – September 13, 2016 <input type="checkbox"/> Formal Action/Request | |
| 10:05 a.m. *Pg. 9 | Train the Trainer | <i>Judge Million</i> |
| 10:25 a.m. *Pg. 11 | Protective Order Guide Sheets; Peoria Pilot | <i>Kay Radwanski, AOC</i> |
| 10:45 a.m. *Pg. 47 | APAAC Lethality Assessment Working Group Report | <i>Jon Eliason, Deputy Chief Maricopa Co. Attorney’s Office</i> |
| 11:00 a.m. | Announcements/Call to the Public | <i>Judge Million</i> |
| | Adjournment | <i>Judge Million</i> |

Next Meeting

Tuesday, February 14, 2017; 10 a.m.
Arizona State Courts Building
Conference Room 119 A/B

2017 Meeting Dates

February 14
May 9
September 12
November 14

COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

Draft Minutes

September 13, 2016; 10:00 a.m.

Arizona State Courts Building

Conference Room 119A/B

1501 W. Washington Street, Phoenix, AZ 85007

Present: Judge Wendy Million (chair), Judge Keith D. Barth, Judge Marianne T. Bayardi, Judge Carol Scott Berry, Carla F. Boatner, Lynn Fazz, Dorothy Hastings, Judge Stacia D. Hendrix, Bonnie Lawrie-Higgins, Kellie MacDonald-Evoy, (proxy for Shannon Rich), Patricia Madsen, Dana Martinez, Judge Wyatt J. Palmer, Assistant Chief Mary Roberts, Amy Jo Robinson, Rebecca Strickland

Telephonic: Patricia George, Deborah Fresquez, Captain Jeffrey Newnum, Judge Patricia A. Trebesch

Absent/Excused: Diane L. Culin, Gloria Full, Anna Harper-Guerrero, John R. Raeder, Tracey J. Wilkinson

Presenters/Guests: Judge George T. Anagnost, John Goodman, Judge Sherri Rollison, Alison Ferrante, Joan Bundy

AOC Staff: Kay Radwanski, Karla Williams

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

The September 13, 2016, meeting of the Committee on the Impact of Domestic Violence and the Courts (CIDVC) was called to order at 10:04 a.m. by Judge Wendy Million, chair.

B. Approval of Minutes

The draft minutes from the February 9, 2016, CIDVC meeting were presented for approval.

Motion: To approve the February 9, 2016, meeting minutes, as presented. **Moved by** Judge Keith Barth, **Seconded by** Judge Carol Scott Berry. Motion passed unanimously.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. The Link Between Animal Cruelty and Human Violence

Joan Bundy, Esq., and Alison Ferrante, assistant prosecutor, City of Gilbert, presented on the link between animal abuse and domestic violence. Animal cruelty statutes and prosecution of animal cruelty cases were discussed as well as the use of Orders of Protection to protect animal and human victims of domestic violence. An examination of the link between animal cruelty and domestic violence and the manner in which abusers use animals to exert power and control over the human victims were covered. Case studies demonstrating the connection between animal abuse/neglect and human abuse/neglect were presented as well as pet custody agreements.

Ms. Ferrante explained that Arizona Orders of Protection can include adults, children and animals (A.R.S. § 13-3602 (G)(7).) She noted that a victim is more likely to seek shelter and leave the abuser if the animal is included in the Order of Protection. Although animals can be included in the existing petition, deciding ownership of the animal can be difficult for judges.

B. Protective Order Petition

Judge George T. Anagnost, presiding judge, Peoria Municipal Court, proposed an alternate version of the protective order petition and asked for CIDVC support of its use in a pilot project. The pilot would test whether the alternate is a potential improvement over the existing form. This same form was presented to the Committee on Limited Jurisdiction Courts (LJC). LJC passed a motion supporting a possible CIDVC decision to use the form as a pilot in one or two of Arizona's limited jurisdiction courts.

Judge Anagnost noted that:

1. This proposed form is universal and meets the margin requirements for both superior courts and limited jurisdiction courts.
2. It uses the same text, with minor changes, and the same sequence of paragraph numbers. In essence, it double spaces the caption and opens up the paragraphs. It does replace the "black box" with a more explanatory phrase.
3. This is still a one-page document.
4. This proposed form is fully consistent with objectives to improve readability and understanding for pro per litigants. It also comports with suggested format under the Americans with Disabilities Act.
5. The actual protective order is unaffected. All data captured is the same.

Judge Sherri Rollison, presiding judge, Wickenburg Town Court, and pro tem judge in Peoria, added that current forms are not user friendly, particularly for petitioners under stress. She supported Judge Anagnost's proposal as she deals with these forms on a daily basis. John Goodman, victim assistance coordinator for the City of Peoria Prosecutor's Office, commented that the proposed forms are easier for victims to navigate.

During the summer, Kay Radwanski, AOC, met with the CIDVC Forms Workgroup to review an earlier version of Judge Anagnost's proposal. The workgroup developed another version that was shared with CIDVC members. Ms. Radwanski explained that Dave Byers, AOC administrative director, is authorized by ACJA § 5-207 to approve changes to the protective order forms. Courts may not change or alter the protective orders without AOC permission. Mr. Byers relies on recommendations from standing committees like CIDVC and LJC in making changes to the forms. The decision on Peoria's pilot project lies with him.

Member Comments

- The font on the Peoria version would be easier for persons with limited vision to read.
- A suggestion was made to proceed with the pilot and actively seek input from users.
- Judge Anagnost was asked to gather public feedback from Mr. Goodman and Judge Rollison.
- Parents who are applying on behalf of minors are sometimes granted injunctions instead of Orders of Protection. The current petition does not have the option to identify the minor as the victim, only as a protected person.
- Judge Anagnost said he is willing to report more frequently than 12 months as originally proposed.

Motion: To support the pilot project presented by Judge Anagnost with amendments to paragraphs 3, 4 and 5. **Moved by** Lynn Fazz. **Seconded by** Judge Statia D. Hendrix. Motion passed unanimously.

C. Proposed Amendments to ACJA § 5-207: Orders of Protection and Injunctions Against Harassment

Ms. Radwanski discussed ACJA § 5-207, which authorizes the AOC administrative director to approve changes to the mandated protective order forms that are used statewide. In its current form, ACJA § 5-207 contains a hyperlink that is no longer functional. The Forms Workgroup proposes that the link be removed and general directions to the forms be provided to the courts and the public. Also, the code refers to two court identification numbers that must appear at the top of each form; however, the templates for the Plaintiff's Guide Sheet and the Defendant's Guide Sheet do not indicate where these numbers should appear. As these forms are for the parties' use and are not part of the official case record, it is proposed that exceptions should be made for them. Other minor changes—such as changing “shall” to “must”—are proposed to improve clarity and readability.

Motion: To recommend that CIDVC file a petition to amend ACJA § 5-207 as proposed. **Moved by** Amy Jo Robinson **Seconded by** Judge Wyatt J. Palmer. Motion passed unanimously.

D. Workgroup Reports

1. *Judicial Education:* The Judicial Education Workgroup discussed potential speakers for the 2017 Judicial Conference. Among the suggested presenters are Judge Karen Adam (Ret.), Pima County, who spoke to CIDVC in February 2016 about domestic violence and child custody decisions, and Judge Jerry Bowles, a retired judge from Kentucky who speaks about lethality assessments and risk factors. Ms. Radwanski reported that CIDVC sponsored three domestic violence sessions at the Judicial Conference this past June. Attendance at the three sessions was 178.
2. *Orders, Enforcements and Access:* Judge Berry informed that the workgroup has been working on a protocol and guide for conducting ex parte protective order hearings by video. The process would require secure electronic transmissions between a location (a shelter, for example) and a court. Guidance regarding confidentiality of the petition should be included for advocates and the courts.
3. *Training and Education:* Judge Keith D. Barth reported on a five-step bench card on protective order procedures that is being developed for new judges. Judge Million suggested that it be ready for distribution at the Judicial Conference next June. Additionally, firearms bench cards have been created to assist in determining when a person may be a prohibited possessor under Arizona law and under federal law. About 150 firearms bench cards were handed out at the 2016 Judicial Conference.

E. Full Faith and Credit and “Registration” of Orders of Protection

Ms. Radwanski discussed full faith and credit regarding protective orders. When a court issues a protective order, the order is enforceable by law enforcement in other states and jurisdictions as if it had been issued in that state.

ARS § 13-3602(S) provides full faith and credit to protective orders issued by other states. This statute directs Arizona law enforcement to enforce an out-of-state protective order as if it had been issued by an Arizona court, as long as the order is still effective in the issuing

state. The statute also provides law enforcement with immunity if, in fact, the order is no longer valid in the issuing state.

Ms. Radwanski reported some instances where plaintiffs have been sent to Arizona courts by law enforcement to register out-of-state orders. There is no process in Arizona courts for registering out-of-state protective orders because of the existing full faith and credit statute. Despite this statutory provision, some law enforcement agencies believe that out-of-state plaintiffs must first register their orders in Arizona superior courts before law enforcement can intervene and protect the plaintiff from the defendant. Arizona superior courts do not have a procedure to "register" foreign protective orders, which results in confusion, with a plaintiff being sent back and forth between a police department and a court.

It was suggested that law enforcement be trained on the full faith and credit provisions. Amy Robinson, Maricopa Association of Governments, said that MAG has grant funding that may be able to be used for this purpose.

F. Report: Visit with Nepal Judiciary Representatives (taken out of order)

Judge Million reported on a recent visit with Nepal Judiciary representatives. The Nepalese delegation had specifically requested a meeting with Judge Million to discuss the issue of domestic violence. They were primarily interested in the projects that CIDVC works on and how the committee functions. They were given a presentation, and it was very well received.

G. ARPOP Rule Petitions (R-15-0035, R-16-0026)

Ms. Radwanski reported on decisions regarding two petitions to amend the Arizona Rules of Protective Order Procedure. Petitions R-15-0035 and R-16-0026- were filed in the 2016 rules cycle. The Supreme Court justices met on August 29, 2016, to make decisions regarding all petitions that were filed in the current cycle.

R-15-0035 requested amendment of ARPOP 25(b) and 26(b), the rules affecting the contents of petitions for Injunctions Against Harassment and Injunctions Against Workplace Harassment. CIDVC supported this petition but proposed alternate rule language. The court adopted this language.

CIDVC also supported R-16-0026, filed by AOC Administrative Director Dave Byers. The proposal would authorize a court, at a plaintiff's request, to transmit a protective order for service on a defendant to a cooperating law enforcement agency or a private process server under contract with the court. The Supreme Court approved this with a slight change. Instead of being sent for service "at the plaintiff's request," the order can be transmitted for service "with the approval of the plaintiff."

Both of these two rule changes will take effect January 1, 2017.

H. Case Law Update

Ms. Radwanski presented updates on two recent court cases. In State v. Haskie, a Coconino County case, a witness testified as a "cold expert" on the counterintuitive behaviors of domestic violence *victims* and why a victim might recant. The Arizona Court of Appeals found that the expert's testimony was not offender profiling or impermissible vouching of the victim's credibility.

Voisine v. United States, a U.S. Supreme Court case, affirms that a "reckless" domestic assault qualifies as "misdemeanor crime of domestic violence" under Lautenberg. In U.S. v.

Castleman, a 2014 case, the Supreme Court held that a knowing or intentional assault qualifies but did not address a “reckless” assault.

III. OTHER BUSINESS

A. Good of the Order/Call to the Public

The following persons addressed the committee during the Call to the Public:

Deborah Giannecchini
Ursula Johnston
Michael Manola

B. Next Committee Meeting

November 1, 2016; 10:00 a.m.
Arizona State Courts Building, Room 119A/B
1501 W. Washington Street
Phoenix, AZ 85007

The meeting adjourned at 1:47 p.m.

COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

| | | |
|--|--|---|
| Meeting Date: November 1, 2016 | Type of Action Requested: <input type="checkbox"/> Formal Action/Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other | Subject: Train the Trainer Proposal |
|--|--|---|

From: Judge Wendy Million

Presenter: Judge Million

Description of Presentation: Train the Trainer Proposal- We are proposing that Judge Million and Kay set up a day of training about ARPOP and firearms laws for members of CIDVC-specifically for law enforcement, advocates and attorneys. These trainees would then be available to train their peers when various groups or agencies are looking for training in this area and contact Kay or a member of CIDVC.

Recommended Motion: Discussion.

COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

| | | |
|--|--|---|
| Meeting Date: November 1, 2016 | Type of Action Requested: <input type="checkbox"/> Formal Action/Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other | Subject: Protective Order Guide Sheets; Administrative Directive 2016-05: Peoria Pilot Project |
|--|--|---|

From: Kay Radwanski

Presenter: Kay Radwanski

Description of Presentation: The AOC administrative director, Dave Byers, has approved a pilot project in the Peoria Municipal Court. Peoria will be testing an alternate version of the general petition for protective orders. The requirements are outlined in Administrative Directive 2016-05.

With increased interest in the need to improve access to protective orders, we would like to discuss other materials that are provided to parties, such as the Plaintiff's Guide Sheet, the Defendant's Guide Sheet, and the booklet, "Things You Should Know About Protective Orders." Projects may be assigned to CIDVC workgroups, depending on the outcome of the discussion.

Recommended Motion: Discussion only.

IN THE SUPREME COURT OF THE STATE OF ARIZONA
ADMINISTRATIVE OFFICE OF THE COURTS

| | | |
|------------------------------|---|--------------------------|
| In the Matter of: |) | |
| |) | |
| PILOT PROJECT IN THE PEORIA |) | Administrative Directive |
| MUNICIPAL COURT - PROTECTIVE |) | No. 2016 - <u>05</u> |
| ORDER GENERAL PETITION |) | |
| |) | |
| |) | |
| |) | |

The Arizona Code of Judicial Administration (ACJA) § 5-207 authorizes the Administrative Director of the Administrative Office of the Courts (AOC) to approve or modify protective order forms in response to changes in state or federal laws or procedures and make other necessary administrative amendments or corrections. All Arizona courts are required to use only the protective order forms that have been approved by the Administrative Director.

A plaintiff who is requesting an Order of Protection, an Injunction Against Harassment, or an Injunction Against Workplace Harassment must file a general petition. The Peoria Municipal Court has requested permission to pilot an alternate version of the general petition. The purpose of the pilot project would be to determine whether proposed revisions make the general petition easier for self-represented parties to a protective order to read and understand. The alternate form is designed for use in both limited jurisdiction and superior courts.

The alternate version has been presented to the Committee on the Impact of Domestic Violence and the Courts (CIDVC) and the Committee on Limited Jurisdiction Courts (LJC). Each committee has supported Peoria’s request to pilot the alternate form, asking for consideration of their respective concerns, including modifications proposed by CIDVC’s Forms Workgroup. Therefore,

IT IS DIRECTED that the Peoria Municipal Court may proceed with a pilot of its alternate version of the “Petition for Protective Order” upon the signing of this administrative directive. The court is required to track and evaluate the form along the criteria of its being:

- (a) understandable to petitioners;
- (b) easier to use and a possible improvement over the existing petition; and
- (c) applicable for use as a statewide form.

IT IS FURTHER DIRECTED that the Peoria Municipal Court monitor the use of its petition form as to metrics regarding:

- (a) the amount of time typically required for its completion;
- (b) any comments from petitioners as to the ease of use of the form;

- (c) the number of petitions completed on the pilot form; and
- (d) a method of comparison with the current form petition, and

IT IS FURTHER DIRECTED that a representative of the Peoria Municipal Court provide a final report on the outcome of the pilot project to CIDVC and LJC no later than May 31, 2017. After receiving the report, CIDVC may decide whether to proceed with a request to modify the current approved general petition, based on the piloted form or a version that CIDVC recommends, and after soliciting comments from other advisory committees and stakeholders.

Dated this 3rd day of October, 2016.

David K. Byers
Administrative Director

Appendix A

| | |
|---|--|
|  <p>PEORIA MUNICIPAL COURT AZ007071J Court 0750</p> <p>8401 W. Monroe Peoria AZ 85345 623 773 7400 (Tel) 623 773 7407 (Fax)</p> | <p>Case No. _____</p> <p>PETITION FOR PROTECTIVE ORDER</p> |
| | <p>THIS IS NOT A COURT ORDER NOTICE TO DEFENDANT AND LAW ENFORCEMENT: This petition contains Plaintiff's allegations and requests. The order or injunction issued by the court, not what is written in this petition, sets forth the actual terms and legal conditions.</p> |
| <p>Plaintiff Name: _____</p> <p>Birth Date: _____</p> <p><input type="checkbox"/> Check here if Workplace Injunction</p> <p>Employer Name: _____</p> <p>(Plaintiff signs as "Agent")</p> | <p>Defendant Name (first, middle initial, last): _____</p> <p>Defendant Mailing Address: _____</p> <p>_____ Zip _____</p> <p>Defendant Daytime Phone: _____</p> |

DIRECTIONS: Please PRINT all information. Read the Plaintiff's Guide Sheet before starting this form. The defendant will receive a copy of this petition when the order is served.

1. Party Relationship (Please check the one that most applies):

- Married (past or present)
- Living together (past or present)
- One of us pregnant by other
- Parent of a child in common
- Romantic or sexual (past or present)
- Dating (not romantic or sexual)
- Related as parent, sister, brother, in-law, grandparent, grandchild
- Other: _____

2. If checked, Plaintiff and Defendant have a pending maternity, paternity, annulment, legal separation, dissolution, custody, parenting, or child support case, between, in _____ County Superior Court, Case No. _____

3. Have you: been charged arrested for domestic violence requested a protective order? Yes No Not sure
Has Defendant: been charged arrested for domestic violence requested a protective order? Yes No Not sure
For any "Yes" or "Not Sure", explain: _____

4. Tell the judge what happened and why you need this order. PRINT both the approximate date(s) and a brief description of what happened. Please do not write on back or in the margin. Attach additional papers if necessary. A copy of this petition is given to Defendant when the order is served.

| Approx. Date | Description |
|--------------|-------------|
| | |
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| | |
| | |

5. The following persons should also be on this order. They should be protected because Defendant is a danger to them:

_____ Birth Date _____
 _____ Birth Date _____

6. Defendant should be ordered to stay away from these locations at all times, even when Plaintiff or any protected persons are not actually present there:

Home: _____
 Workplace: _____
 School / Other: _____

7. If checked, order Defendant to take domestic violence counseling or other classes. (This can be ordered by the court only after a hearing of which Defendant had notice and an opportunity to participate.)

8. If checked, because of risk of increased harm, Defendant should not be allowed to possess firearms or ammunition while this order is in effect.

9. Other Requests: _____

Under penalty of perjury, I swear or affirm that the above statements are true and correct to the best of my knowledge, information, or belief. I ask for a protective order granting relief as allowed by law.

Plaintiff: _____

Attest: _____
 Judicial Clerk/Notary

Plaintiff's Guide Sheet for Protective Orders - Please Read Carefully

The following information is provided to further explain the protective order process. It is recommended, but not required, that the Plaintiff carry a copy of the protective order at all times.

1. You can request one of the following types of protective orders:

ORDER OF PROTECTION: An Order of Protection is used for a "family" relationship between you and the Defendant. This can include any of the following: 1) married now or in the past, 2) live together now or lived together in the past, 3) parent of a child in common, 4) one of you is pregnant by the other, 5) you are a relative (parent, in-law, brother, sister, or grandparent), or 6) current or previous romantic or sexual relationship. Also, you must state how an act of domestic violence was threatened or committed against you within the last year.

INJUNCTION AGAINST HARASSMENT: The Defendant has committed a series of acts (more than one) of harassment against you in the last year. There is no fee for service of process if the petition arises out of a dating relationship.

INJUNCTION AGAINST WORKPLACE HARASSMENT: This Injunction may be filed by an employer or owner of a business or operation for the benefit of an employee or the business against a single act or series of acts of harassment.

2. OTHER PROTECTED PERSONS: It is possible that you will be referred to Superior Court if your children are listed as protected persons in this order. Only a Superior Court Judge can decide child custody or parenting time in a separate action.

3. ONE DEFENDANT: You must list only one defendant per petition. A separate petition must be filed for each defendant. **A copy of your petition and the order will be given to the Defendant and may be used in future judicial proceedings.**

4. SERVICE AND EFFECT: This protective order is valid for one year from the date it is served on the Defendant and is enforceable by law enforcement in any state or tribal nation in the United States. There is no fee for law enforcement service of an Order of Protection or Injunction Against Harassment involving a dating relationship. There is a fee to serve an Injunction Against Harassment not involving a dating relationship or an Injunction Against Workplace Harassment. The court will instruct you on how service can be made. The cost to serve injunctions varies depending on mileage and number of attempts. If you cannot afford to hire a process server, you can ask the judge to defer or waive the fee.

5. PROTECTIVE ORDER HEARING: If the Defendant disagrees with this protective order, he/she has the right to request a hearing, which will be held within 5 to 10 business days after a written request has been filed in the court that issued this order. If you do not appear at the hearing, your Order may be quashed (dismissed); therefore, you must notify the court of any change in your contact information to assure you are notified of any hearing dates and times.

6. MODIFYING OR QUASHING (DISMISSING) THIS PROTECTIVE ORDER: Only a judge can modify or quash (dismiss) this protective order. If you file an action for maternity, paternity, annulment, legal separation, or dissolution against the Defendant, advise this court at once. **Nothing you do can stop, change, or undo this protective order without the Court's written approval.**

7. PLAINTIFF CONTACT: Even if you initiate contact, the Defendant could be arrested for violating this protective order. **If the Defendant does not want you to contact him/her, the Defendant has the right to request a protective order against you.** However, orders are not automatically granted upon request. Legal requirements must be met.

8. LAW ENFORCEMENT STANDBY: If you or the Defendant needs to get personal belongings from the other, you may request standby from the judge. Standby allows you or the Defendant to return once with a law enforcement officer to obtain necessary personal belongings from the residence. Neither law enforcement nor this protective order can resolve conflicts over property, title, furniture, finances, real estate, or other ownership issues.

9. FIREARMS: You may request that the judge order the Defendant not to possess, receive, or purchase firearms or ammunition.

10. COUNSELING: If requested, counseling for the Defendant can only be ordered at a hearing of which the Defendant had notice and an opportunity to participate.

11. PUBLIC ACCESS: To comply with federal law, no identifying information about you will be published on the Judicial Branch website (www.azcourts.gov).

Case No. _____ Defendant: _____ Date: _____

Defendant's Guide Sheet for Protective Orders - Please Read Carefully

The following information is provided to further explain the protective order that has been served upon you and your responsibilities as the Defendant.

1. You have been served with one of the following protective orders:

ORDER OF PROTECTION: An Order of Protection is used for a "family" relationship between you and the Plaintiff. This can include one of the following: 1) married now or in the past, 2) live together now or lived together in the past, 3) parent of a child in common, 4) one of you is pregnant by the other, 5) you are a relative (parent, in-law, brother, sister, or grandparent), or 6) current or previous romantic or sexual relationship. The Plaintiff has alleged that you have committed or may commit an act of domestic violence.

INJUNCTION AGAINST HARASSMENT: The Plaintiff has alleged that you have committed a series of acts (more than one) of harassment against the Plaintiff within the last year.

INJUNCTION AGAINST WORKPLACE HARASSMENT: This Injunction, alleging a single act or series of acts of harassment, has been filed against you by an employer or owner of a business or operation for the benefit of an employee or the business.

2. OTHER PROTECTED PERSONS: It is possible that you will be referred to Superior Court if your children are listed as protected persons in this order. Only a Superior Court Judge can decide child custody or parenting time in a separate action.

3. SERVICE AND EFFECT: This protective order is valid for one year from the date it was served on you and is enforceable by law enforcement in any state or tribal nation in the United States.

4. PROTECTIVE ORDER HEARING: If you disagree with this protective order, you have the right to request a hearing, which will be held within 5 to 10 business days after your written request has been filed in the court that issued this order. If a hearing is held and the Order remains in effect or is modified, and you and the Plaintiff 1) are married now or in the past, 2) live together now or lived together in the past, or 3) are parents of a child in common, you may be prohibited from possessing a firearm. This firearms prohibition may apply even if you fail to appear for the hearing. If you have questions as to whether your request for a hearing can result in this firearms prohibition, you should contact an attorney. The Court cannot give you legal advice.

5. MODIFYING OR QUASHING (DISMISSING) THIS PROTECTIVE ORDER: Only a judge can modify or quash (dismiss) this protective order. If you file an action for maternity, paternity, annulment, legal separation, or dissolution against the Plaintiff, you need to advise this court at once. **Nothing the Plaintiff does can stop, change, or undo this protective order without the Court's written approval.**

6. PLAINTIFF CONTACT: Even if the Plaintiff initiates contact, you could be arrested for violating this protective order. You have the right to request a protective order against the Plaintiff if you do not want the Plaintiff to contact you. However, orders are not automatically granted upon request. Legal requirements must be met.

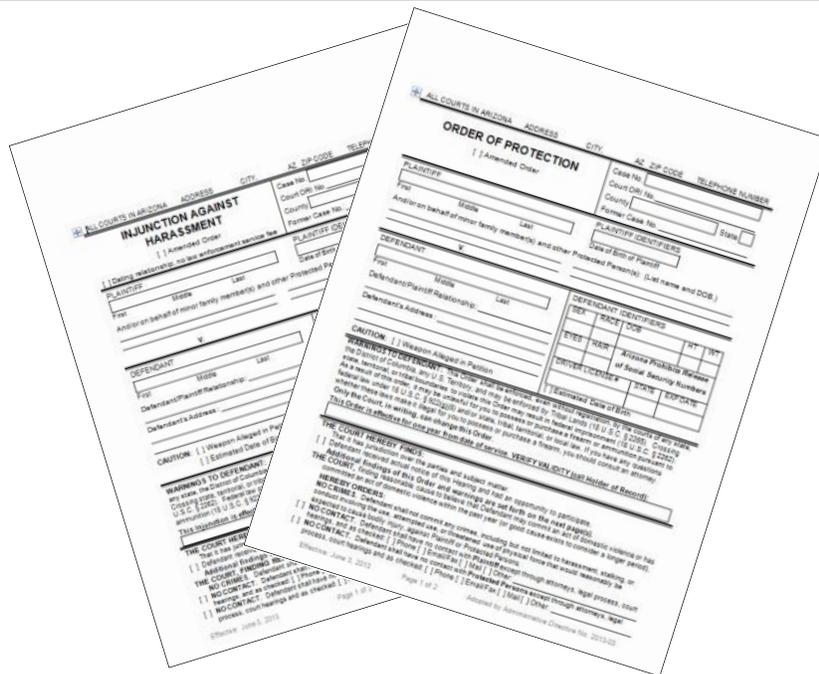
7. LAW ENFORCEMENT STANDBY: If standby has been ordered by the judge on this protective order, you may return to the residence once with a law enforcement officer to obtain necessary personal belongings. Neither law enforcement nor this protective order can resolve conflicts over property, title, furniture, finances, real estate, or other ownership issues.

8. FIREARMS: If the judge has ordered under state law that you shall not possess, receive, or purchase firearms or ammunition, you must surrender them within 24 hours after service to the law enforcement agency named on this protective order and should request them to issue proof of that surrendering. You may also be required to provide documentation to the court that firearms were transferred to the appropriate law enforcement agency.

Things You Should Know About

Protective Orders

Orders of Protection
Injunctions Against Harassment
Injunctions Against Workplace Harassment



This booklet is designed to provide general information about protective orders in the State of Arizona.

Contents

IN AN EMERGENCY, CALL: 9-1-1

| | |
|--|----|
| <i>Introduction</i> | 1 |
| <i>What is domestic violence?</i> | 1 |
| <i>General Questions & Answers</i> | 3 |
| <i>Plaintiff's Questions</i> | 9 |
| <i>Defendant's Questions</i> | 17 |
| <i>Words & Definitions</i> | 19 |
| <i>Resources</i> | 22 |

Introduction

This booklet is intended to provide general information about protective orders. It is not a complete or authoritative review of this subject and reflects the laws of the State of Arizona only as of the date of its publication. The booklet is not intended to be a complete guide to obtaining a protective order. Domestic violence often involves many important issues about the legal rights of the people involved and of any children as well. Questions about specific situations should be discussed with an attorney.

Words that are included in the "Words & Definitions" section are ***bolded, italicized, and underlined*** in the text.

What is domestic violence?

A person who uses threats, harasses, molests, stalks, attacks, batters or strikes an intimate partner, family members, or his or her children is committing **domestic violence**. People from all ethnic, educational, and socioeconomic backgrounds can experience domestic violence.

A person who is experiencing domestic violence has a legal right to seek relief from the courts by getting an Order of Protection. A person who is seeking protection from ***harassment*** but who does not meet the relationship requirements for an Order of Protection may ask the court for an Injunction Against Harassment.

In the State of Arizona, domestic violence includes a variety of abusive acts in combination with specific relationships. The crimes and relationships are found in ***Arizona Revised Statutes (A.R.S.) § 13-3601***.



A *plaintiff* must be able to show the court that the person from whom he or she wants protection (the *defendant*) has committed or may commit an act of domestic violence. A **plaintiff does not have to be physically injured or hurt to be a victim of domestic violence.** Domestic violence occurs if the other person has done or attempts to:

- endanger
- threaten, intimidate, or harass
- interfere with the custody of children
- trespass on or damage property
- restrain, kidnap, or hold a person as a prisoner
- assault with his or her body or with a weapon
- display a deadly weapon or threaten with a deadly weapon
- surreptitiously (without a person's knowledge) photograph, videotape, film or record another person

The person only needs to threaten harm or abuse another person once for the act to be considered domestic violence.

Other acts of disorderly conduct and crimes such as stalking and disobeying a court order are also considered domestic violence if the parties have a specific relationship to each other.

2

General Questions & Answers

Q. Who is the plaintiff?

A. The plaintiff is the person who files the request (a *petition*) with the court for a protective order.

Q. Who is the defendant?

A. The defendant is the person against whom a request (a petition) for a protective order has been filed. The defendant may ask for a hearing in order to defend himself or herself.

Q. What is a protective order?

A. A protective order is a document obtained from a court to order the defendant not to contact the plaintiff and to prevent abusive behavior.

Q. What types of protective orders are available in Arizona?

A. In Arizona there are five types of protective orders:

- 1) Order of Protection
- 2) Emergency Order of Protection
- 3) Release Order
- 4) Injunction Against Harassment
- 5) Injunction Against Workplace Harassment

Q. What is an Order of Protection?

A. An Order of Protection is a *legal restraint* used to prohibit a person from committing acts of domestic violence or from contacting other people protected by the order. It can also provide several other kinds of protective relief, such as removing firearms from the home, adding other people to the protective order, and giving exclusive use of the home to the

3

General Questions & Answers

plaintiff. The Order of Protection law can be found at [A.R.S. § 13-3602](#).

A person who believes her or his safety is in danger because of domestic violence or harassment can ask the court for an Order of Protection (OP) or an Injunction Against Harassment (IAH). What determines the type of order that should be issued? The relationship between the person in danger and the person causing the danger is the deciding factor between an OP and an IAH. (See Relationship Test on page 7.)

Q. What is an Emergency Order of Protection?

A. An Emergency Order of Protection (EOP) is also a legal restraint to prevent domestic violence. An EOP may be granted by an authorized *judicial officer* in writing, verbally, or by telephone for the protection of a person in "imminent and present danger of domestic violence." An EOP can be issued during the hours the courts are closed. Unless *continued* by the court, an EOP is valid only until the close of the next *judicial business day* following the day the emergency order was issued. The EOP law can be found at [A.R.S. § 13-3624](#).

An EOP may be used to order a person not to commit acts of domestic violence or contact people protected by the order. Similar to the Order of Protection, it also provides protective relief, such as granting exclusive use of the home and removing firearms from an abuser.

4 In counties with a population of 150,000 persons or

General Questions & Answers

more, the presiding judge of the superior court must make available, on a rotating basis, a judicial officer to issue emergency orders during the hours that the courts are closed. There is no similar requirement for counties having a smaller population. However, in smaller counties, a judge, a justice of the peace, or a magistrate may issue an Emergency Order of Protection.

Q. What is a release order ?

A. In rural counties where it is not required that a judicial officer be designated to issue emergency orders when the courts are closed, emergency protection is available through a registered release order. Arizona law provides that when a person arrested for an act of domestic violence is released from custody, any release order shall include pretrial release conditions necessary to protect the alleged victim and other specifically designated persons.

Within 24 hours after a defendant is arrested for an act of domestic violence, the court must forward a certified copy of the release order to the sheriff of the county in which the order was issued for registration. The sheriff must maintain a central repository for release orders so the existence and validity of the release order may be easily verified.

Law enforcement agencies are required to advise domestic violence victims where registration and the conditions of a release order may be verified. Faced with a violation of a release order, a victim may

5

General Questions & Answers

summon a peace officer to enforce the conditions of the order against the defendant.

Q. What is an Injunction Against Harassment?

A. An Injunction Against Harassment (IAH) is a legal restraint that orders a person to stop harassing, annoying, or alarming another person. Injunctions can be used for disputes between neighbors or strangers.

Harassment is defined as "a series of acts over any period of time that is directed at a specific person...." Therefore, more than one act of harassment has to have occurred to qualify for an IAH. The Injunction Against Harassment differs from the Order of Protection in that exclusive use of the home cannot be ordered, and the police are not mandated to serve the injunction. The Injunction Against Harassment law can be found at [A.R.S. § 12-1809](#).

Q. What is the Injunction Against Workplace Harassment?

A. An Injunction Against Workplace Harassment (IAWH) allows an employer or an agent of an employer to file for relief on behalf of all employees at the workplace, any person who enters the employer's property, and any person who is performing official work duties. This allows the inclusion of numerous people under the protective umbrella of this injunction, whereas the Injunction Against Harassment is between two people. The Injunction Against Workplace Harassment law can

6

General Questions & Answers

be found at [A.R.S. § 12-1810](#).

For an IAWH, harassment is defined as "a single threat or act of physical harm or damage or a series of acts over a period of time that would cause a reasonable person to be seriously alarmed or annoyed."

A qualification is included in the IAWH law to ensure that an employer may not seek an injunction primarily to accomplish a purpose for which it was not designed (for example, prohibit free speech or other activities that are constitutionally or otherwise protected by law).

Q. What is the relationship test?

A. For a person seeking relief from domestic violence, the relationship test determines whether the person qualifies for an Order of Protection or an Injunction Against Harassment. To obtain an Order of Protection, the relationship between the plaintiff and the defendant **MUST** be one of the following:

- A spouse or former spouse
- Parents of a child in common
- One party is pregnant by the other party
- Present or former household members
- Related by blood or court order as parent, grandparent, child, grandchild, brother, or sister
- Related by marriage as parent-in-law, grand-

7

General Questions & Answers

parent-in-law, stepchild, step-grandchild, brother-in-law, sister-in-law, stepparent or step-grandparent

- A person who resides or who has resided in the same household with a child. The child must be related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.
- Persons with a current or previous romantic or sexual relationship. Factors to be considered in determining whether the parties have or had this relationship include the type and length of relationship, the frequency of interaction between the parties, and if the relationship has ended, how much time has passed since it ended.

For an Injunction Against Harassment, there is no relationship requirement between the plaintiff and the defendant. If the plaintiff and the defendant do not meet any of the above relationships required for an Order of Protection, then the plaintiff will need to apply for an Injunction Against Harassment.

Plaintiff's Questions

Q. How and where can I apply for an Order of Protection or an Injunction Against Harassment?

A. A person may file a petition for an Order of Protection or an Injunction Against Harassment in any superior, municipal, or justice court regardless of where the person lives in Arizona. The court will provide the proper petition form either at the Clerk of the Court's counter, a self-service center, or a protection order window.

Any court in the state is able to issue an OP or an IAH **except:**

- 1) If two courts are located within one mile of each other, then one court can be designated as the court that issues protective orders. The court must give you directions to the designated court and ensure that a judge is available there to hear your petition.
- 2) If an action (involving the same person from whom the plaintiff wants protection) for divorce, separation, paternity, or annulment has been filed with the superior court, then the plaintiff needs to request an Order of Protection at the superior court.
- 3) If the defendant is younger than 12 years of age, **only** the Juvenile Division of the superior court may issue the order or the injunction.

Q. What information do I need to obtain an Order of Protection or an Injunction Against Harassment?

A. To obtain an Order of Protection or an Injunction Against Harassment, you will need:

9

Plaintiff's Questions

- The **name, date of birth, and address**, if known, of the person from whom you are requesting protection (the defendant) and, if possible, any other address where that person can be reached.
- The dates and facts of the domestic violence or harassing acts or why you believe that domestic violence or harm **may** occur without protection.
- A **safe** address and phone number where you may be contacted so the court can notify you if a hearing is scheduled or if there is a change of the hearing date.

Additional helpful information about the defendant includes a physical description, social security number, and any aliases.

Q. Do I have to put my address on the petition to get an Order of Protection or an Injunction Against Harassment?

A. No. If the defendant does not already know your address, you can request that your address be kept confidential by the court. The court will provide you with a **separate** form to maintain your address in its files in the event the court needs to contact you about your protective order.

Q. Do I have to be an adult to get an Order of Protection or an Injunction Against Harassment?

A. Unless the court determines otherwise, if a person seeking protection is a minor, then a parent, legal guardian, or the person who has legal custody must request the order. However, the judicial officer has discretion to allow a minor to request an order in

10

Plaintiff's Questions

cases where a parent or guardian is missing or not available or where the minor is seeking relief from the parent.

Q. Can I ask for my children, family members, or other persons to be protected by the order?

A. Children, family members, or other persons may be included in an Order of Protection or an Injunction Against Harassment *only if the judge determines it is appropriate under the circumstances*. If the family member or other person is an adult, the judge may require that this person be present when requesting the protective order.

Note: A protective order **DOES NOT** determine legal decision-making (custody) and cannot address parenting time issues. These matters must be handled separately by filing a domestic relations action in the superior court.

Q. How much does it cost to get an Order of Protection or an Injunction Against Harassment?

A. By law, there are **NO** authorized filing fees and **NO** authorized fees to have the Order of Protection served.

Additionally, by law there are **NO** filing fees for an Injunction Against Harassment. If there is a dating relationship involved, there are **NO** authorized fees to have the Injunction Against Harassment served.

A fee can be charged for an Injunction Against

Plaintiff's Questions

Workplace Harassment and for an employer to have the IAWH served on the defendant. The application fee for an IAWH can vary and depends on the type of court (superior, justice, or municipal) in which the employer has filed. If the employer cannot afford the service fees, the employer can ask the court to waive or defer these fees.

Q. How long does the Order of Protection or an Injunction Against Harassment last?

A. An Order of Protection or an Injunction Against Harassment must be served within one year from the date it is issued. It is good for **one year from the date of service** on the defendant.

Q. Where and how can I get an Order of Protection when the courts are closed?

A. In counties with a population of 150,000 persons or more, you may ask any law enforcement officer to call the Sheriff's Office to request contact with the judicial officer designated for the day to issue an Emergency Order of Protection (EOP). The law enforcement officer must have a reasonable belief that you are in immediate and present danger of domestic violence based on a recent incident of actual domestic violence. The EOP may be authorized in writing or verbally and must be served on the defendant to be effective.

If the emergency order is verbally authorized, the law enforcement officer will complete the EOP form, noting the name of the judicial officer and that the

Plaintiff's Questions

order was verbally issued. See [A.R.S. § 13-3624\(A\)](#).

Note: If you haven been given an EOP and need continued protection, you must file a petition for an Order of Protection before the end of the following judicial business day.

Q. What happens if the defendant violates the Order of Protection or the Injunction Against Harassment?

A. IN AN EMERGENCY, CALL 9-1-1.

If the order has NOT been served, the defendant is not legally in violation of the order. Once the order has been served on the defendant, a violation of the court order is a criminal act. If the defendant does not follow the terms in the Order of Protection or the Injunction Against Harassment, then the police should be notified of a violation.

NOTE: You are advised **NOT** to contact the defendant or invite the defendant to visit you.

NOTE: The decision to file criminal charges for violation of an Order of Protection or an Injunction Against Harassment is made by the Prosecutor's Office, **NOT** by the victim or the court.

Q. What if I get an Order of Protection or an Injunction Against Harassment but the defendant has not yet been served and comes near me or commits another abusive act against me?

A. CALL 9-1-1. Explain that you have a protective

13

Plaintiff's Questions

order and the defendant is approaching you but has not yet been served. If you cannot call the police before the defendant contacts you, report the incident to the police as soon as you are able.

Keep a copy of the petition and the order with you at all times! Any Arizona law enforcement agent can serve the Order of Protection or the Injunction Against Harassment if you provide a copy of it. This is your proof to law enforcement that a protective order has been issued against the defendant.

Q. Can an Order of Protection or an Injunction Against Harassment be changed or modified?

A. Yes. The plaintiff or the defendant may file a petition to request that the order or injunction be modified or dismissed. At the hearing, the court may modify, quash, or continue the order or the injunction. A modified order or injunction must be served on the defendant to be in effect. A modified order or injunction is good for one year from the date of service of the original order.

Q. Can I get an order removing the defendant from my home?

A. Yes. If the judicial officer determines that there is reasonable cause to believe physical harm may result, you may be granted exclusive use of the residence in an Order of Protection. However, this order does not affect third parties, such as landlords. The landlord does not have to allow you to stay in the residence if you are not on the lease.

Plaintiff's Questions

NOTE: The court may allow the defendant to return one time to the residence, with law enforcement officer accompaniment, to retrieve personal belongings.

Q. I'm renting a residence and want to end my lease right away so I can get away from my abuser. Can I end my lease early because of domestic violence?

A. Arizona law ([A.R.S. § 33-1318](#)) allows a victim of domestic violence to end (terminate) a rental agreement early, without having to pay future rent or penalties or fees for early termination. However, you must notify the landlord *in writing* of your intent to end the lease early, and you must also give the landlord a copy of either an Order of Protection or a police report regarding the domestic violence incident. The incident of domestic violence that is causing you to end the lease must have occurred within 30 days of you giving notice to the landlord. This law provides other protections not described here. For more information about this law, contact an attorney.

Q. I plan to move to get away from my abuser. How can I keep my new address secret from the abuser?

A. The [Address Confidentiality Program](#), operated by the office of the Arizona Secretary of State, allows persons who have been subjected to domestic violence offenses, sexual offenses, or stalking to keep their residential addresses confidential and not accessible to the general public. A program participant is given a substitute address that becomes the

Plaintiff's Questions

participant's lawful address of record. An applicant must have recently moved to an undisclosed address within 90 days of applying to the ACP or must be planning to move in the near future to an undisclosed location.

- Q. The abuser has threatened to harm my pets and animals if I try to leave. How can I protect them?**
- A. In addition to himself or herself, a plaintiff can ask for animals to be protected by an Order of Protection. (See [A.R.S. § 13-3602\(G\)\(7\)](#).) The order can apply to any animal that is owned, possessed, leased, kept or held by the plaintiff, the defendant, or a minor child living in the residence of the plaintiff or the defendant. The defendant can be ordered to stay away from the animal and cannot take it, give it to someone else, hide it, or commit an act of cruelty or neglect against it.

Defendant's Questions

Q. How can I get an Order of Protection or an Injunction Against Harassment issued against me dismissed or changed?

A. The order or the injunction is valid for one year after it is served. During this year, you are entitled to **one** hearing on the order. As a defendant, you must file a written request for a hearing in the same court that issued the Order of Protection or the Injunction Against Harassment.

If the order is modified, the modified order must be re-served and is effective for one year from the date of service of the original order. You will be asked to sign an Acceptance of Service in the courtroom. If you refuse to sign the acceptance form, the judicial officer may detain you until a law enforcement officer is summoned to serve the order. The judicial officer also can authorize a court employee to serve the order on you in the courtroom.

Q. I have been ordered to surrender my firearms. When can I get them back?

A. The judge may order a defendant to turn over ALL firearms if the judge finds that the defendant is a credible threat to the plaintiff or other protected persons. If such an order is issued, you must turn over all of the firearms in your possession to the local law enforcement agency. When the order expires (one year), you may request the return of your firearms from the law enforcement agency that is holding them. You may request a hearing to modify the order to return your firearms.

Defendant's Questions

Q. I have been ordered to stay away from my house. How do I collect my belongings?

A. If you need to get personal items and clothing, you may return one time with a law enforcement officer. Contact the local law enforcement agency to make the arrangements. Law enforcement CANNOT resolve disputes regarding what belongings belong to whom. A civil action can be filed in the justice court to try to recover property that you believe is being wrongfully denied to you.

Q. What can I do if I believe this order stops me from seeing my children?

A. An Order of Protection does not determine legal decision-making and cannot address parenting time issues. It addresses only safety issues. Options are:

- 1) Asking for a hearing to modify the protective order in the court that issued it.
- 2) If the order does not prohibit contact with children, arranging for parenting time through a neutral third party (a friend or relative) not involved with the Order of Protection.
- 3) Filing an action in superior court, as part of a domestic relations case, to clarify your decision-making rights or the parenting time schedule.

If you were never married or never established paternity through an action in superior court, you have no legal right to the children. These rights must be established by filing a domestic relations action in superior court.

Words & Definitions

Continued. To keep an order in effect until the judicial officer can conduct a hearing to finalize or end the case. A case can be extended for a variety of reasons. If the judicial officer decides that a case needs to be continued, the case will be rescheduled to be heard again at later time. If the judicial officer has continued an order, the order will remain in effect until the hearing date.

Defendant. The party against whom the order has been entered. That person may file a response and ask for a hearing in order to *defend* himself or herself.

Dismissed. Also called “quashed.” An order is dismissed when a judicial officer removes the Order of Protection or the Injunction Against Harassment. *Note: Only the court can dismiss an order.* Even if the plaintiff and the defendant agree that the order should be dismissed, it is legally valid and enforceable until a judicial officer issues an order dismissing it.

Harassment. For an Injunction Against Harassment, a series of acts over any period of time that are directed at a specific person and would cause a reasonable person to be seriously alarmed, annoyed, or harassed, and the conduct seriously alarms, annoys, or harasses the person and serves no legitimate purpose.

Harassment, workplace. For an Injunction Against Workplace Harassment, a single threat or act of physical harm or damage or a series of acts over any period of time that would cause a reasonable person to be seriously alarmed or annoyed.

Words & Definitions

Judicial business day. The official working hours during which the court is open for business. Weekends and holidays are not included. For example, an Emergency Order of Protection (EOP) is valid until the end of the next judicial business day. If an Emergency Order of Protection is issued on Friday night, the next judicial business day is Monday. A plaintiff who still needs protection after the EOP expires must file a petition for an Order of Protection before the end of the next judicial business day.

Judicial officer. An elected or appointed judge, commissioner, justice of the peace or magistrate.

Legal restraint. A court order issued by a judge, commissioner, justice of the peace or magistrate that stops a defendant from doing certain acts.

Modify. To change. The plaintiff or the defendant may request specific changes be made to the Order of Protection or the Injunction Against Harassment. If the judicial officer agrees and makes the change at a hearing, the Order of Protection or the Injunction Against Harassment is considered "modified." A modified Order of Protection or Injunction Against Harassment must be served upon the defendant again.

Petition. A written, formal request. The court will provide a blank petition for the plaintiff to complete. The petition is then filed with the court, and if the judicial officer issues the protective order, a copy of the petition, along with the order, must be served on the defendant.

Words & Definitions

Plaintiff. The person who files the request (petition) for an order or an injunction with the court.

Quash. To dismiss. An order is quashed when a judicial officer removes the Order of Protection or the Injunction Against Harassment. *Note: Only the court can quash an order.* Even if the plaintiff and the defendant agree that the order should be dismissed, it is legally valid and enforceable until a judicial officer issues an order quashing it.

Served. "Service" or "served" means that the defendant is provided with a copy of the petition that was filed out along with the Order of Protection or the Injunction Against Harassment. Once an Order of Protection or Injunction Against Harassment is issued by the judge, the person seeking protection (Petitioner) needs to request that it be served on the defendant. Legal papers must be served by certain people in a particular way according to court rules (Rules 4.1 and 4.2 of the Arizona Rules of Civil Procedure). A plaintiff may not serve the papers. A private process server or a law enforcement agency can perform the service.

NOTE: Remember, the order or injunction is not effective until it is served on the defendant.

Resources

National Domestic Violence Hotline
(800) 799-SAFE (7233) – (800) 787-3224 (TDD)

Arizona Coalition Against Domestic Violence
Legal Advocacy Program
(800) 782-6400 – (602) 279-2900

Attorney General's Office of Victim Services
(602) 542-4911

Arizona Supreme Court Domestic Violence Law Web Page:
[http://www.azcourts.gov/domesticviolencelaw/
Home.aspx](http://www.azcourts.gov/domesticviolencelaw/Home.aspx)



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Court Programs Unit

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COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

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| Meeting Date: November 1, 2016 | Type of Action Requested: <input type="checkbox"/> Formal Action/Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other | Subject: APAAC Lethality Assessment Working Group Report |
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From: Amelia Craig Cramer, Chief Deputy Pima County Attorney, Co-Chair APAAC Lethality Assessment Working Group

Presenter: Jon Eliason, Deputy Chief, Maricopa County Attorney's Office, Co-Chair APAAC Lethality Assessment Working Group

Description of Presentation: Report on progress of the APAAC Lethality Assessment Working Group.

Progress to date: (1) consensus on the need for a uniform Lethality Assessment instrument (to be called an "intimate partner risk assessment"); (2) consensus on the questions that should be included in the assessment instrument; (3) consensus on the need for a uniform protocol to be employed by law enforcement officers in administering the assessment instrument questionnaire; (4) the protocol will include victim advocates where they are available; and (5) either victim advocates or law enforcement officers will immediately connect victims who screen as being at risk with services or information about services (via telephone call directly to a service provider agency where one is available or a call to the state or national hotline). A new form including the instrument with the agreed-upon questions and a new protocol are in the process of being drafted.

Timeline for completion:

November 2016: Working Group final review and approval of instrument and protocol;

December 2016: Instrument and protocol to APAAC Council for approval;

December 2016/January 2017: Final report and recommendations from APAAC to CIDVC, COVIC, and the Governor's Office;

January to April 2017: Distribution to law enforcement agencies;

January to April 2017: Train the trainers (law enforcement to train law enforcement; prosecutors to train prosecutors; advocates and services providers to train advocates and service providers; judges to train judges; pretrial services to train pretrial services);

February to May 2017: Trainings throughout the state for law enforcement, prosecutors, advocates and service providers, judges, and pretrial services officers;

June to August 2017: Training at the Judicial Conference, APAAC Prosecutor Conference, and Law Enforcement Pow-Wow

Long term: Track outcomes of implementation, evaluate need for additional funding; fine-tune the instrument if necessary.

Recommended Motion: None at this time.