

**CASE PROCESSING STANDARDS ANALYSIS
PROTECTION ORDER CASES**

National Center for State Courts Model Time Standards:

Ex parte Hearing

100% to be held and orders issued in compliance with state law

Contested Hearing

90% within 10 days

98% within 30 days

Measurement: Filing of initial petition through disposition (entry of judgment).

Arizona Protection Order Cases

The Arizona Case Processing Standards Steering Committee recommends that Arizona adopt a different standard:

Ex parte Hearing:

99% within 24 hours

- ✓ Injunctions Against Harassment and Injunctions Against Workplace Harassment are included.

Measurement: The date the petition for protective order is filed to the date the protective order is issued or denied.

Excluded Time: No excluded time.

Contested Hearing:

90% within 10 days

98% within 30 days

Measurement: The date the request for hearing is filed to the date the protective order is affirmed, modified, or quashed.

Excluded Time: No excluded time.

Arizona Rules and Statutes	Timelines under Statute and Rule
Ex Parte Hearing: Rule 17, ARPOP ¹	(Measurement Starts Here for Ex Parte Hearing) Priority for Protective Orders: A judicial officer must expeditiously schedule an <i>ex parte</i> hearing for a protective order involving a threat to personal safety even if previously scheduled matters are interrupted.
Pre-Issuance Hearing: ARS ² §§ 12-1809(E), 12-1810(E), 13-3602(F)	Denial of Petition or Setting of Pre-Issuance Hearing: If after the <i>ex parte</i> hearing the judicial officer has insufficient information on which to issue an order, the judicial officer may either deny the request or set a

¹ Arizona Rules of Protective Order Procedure

² Arizona Revised Statutes

Arizona Rules and Statutes	Timelines under Statute and Rule
Rule 23(k), ARPOP Rule 25(h), ARPOP Rule 26(g), ARPOP	hearing within 10 days and provide reasonable notice to the defendant. The judicial officer must document denial of any request. <p style="text-align: center;">(Measurement Stops Here for Ex Parte Hearing)</p>
Service of Process: ARS §§ 12-1809(J), (L), 12-1810(I), (K), 13-3602(K), (M) Rule 31, ARPOP	<p><u>Service:</u> A protective order expires if it is not served on the defendant, together with a copy of the petition, within one year from the date the judicial officer signs the protective order. An initial protective order takes effect when the defendant is served with a copy of the order and the petition, and it expires one year from the date it is served. A modified order takes effect upon service but expires one year after service of the initial order.</p> <p><u>Return of Service:</u> Server (private process or law enforcement) has 7 business days to return proof of service to the court.</p> <p><u>Notice to Sheriff:</u> Court has 24 hours to forward proof of service to the sheriff.</p>
Contested Hearing: ARS §§ 12-1809(H), 12-1810(G), 13-3602(I) Rule 38, ARPOP	<p style="text-align: center;">(Measurement Starts Here for Contested Hearing)</p> <p><u>Contested Hearing:</u> A judicial officer must hold the hearing at the earliest possible time. If an Order of Protection grants exclusive use of the residence, a judicial officer must hold a hearing within 5 court business days of the request. For all other protective orders, a judicial officer must hold a hearing within 10 court business days of the request unless the judicial officer finds good cause to continue the hearing for a longer period of time.</p> <p style="text-align: center;">(Measurement Stops Here for Contested Hearing)</p>
Motion to Dismiss: Rule 41, ARPOP Rule 32, ARPOP	<p>A plaintiff may request the dismissal of a protective order at any time during the term of the order. When a plaintiff files a motion to dismiss, court personnel must verify the plaintiff's identity. The judicial officer must personally interview the plaintiff and make sufficient inquiry of the plaintiff to determine that the plaintiff is not making the request under duress or coercion. If the plaintiff and the defendant appear jointly on a motion to dismiss, the judicial officer may interview the plaintiff separately only if the defendant has been served but has not requested a hearing. If the plaintiff requests dismissal of an order and the defendant is not present, the judicial officer may act without notice to the defendant. Within 24 hours after entry, the court must send notice of dismissal of a protective order to the sheriff in the county where the original protective order is registered. The dismissal order must be in writing and sent electronically via facsimile or e-mail, not by telephone, to the sheriff.</p>

Arizona Rules and Statutes	Timelines under Statute and Rule
<p>Motion to Modify: Rule 40, ARPOP Rule 32, ARPOP</p>	<p>A plaintiff may ask for modification of a protective order at any time during the term of the order. When a plaintiff files a motion to modify, court personnel must verify the plaintiff's identity. If a contested hearing has not yet been requested or held, the judicial officer must personally interview the plaintiff and make sufficient inquiry of the plaintiff to determine that the plaintiff is not making the request under duress or coercion. If a contested hearing has been requested or has occurred, the motion to modify must be set for hearing with notice to the defendant. The service and registration requirements applicable to the original protective order also apply to a modified protective order. Within 24 hours after entry, the court must send notice of modification of a protective order to the sheriff in the county where the original protective order is registered. The modification order must be in writing and sent electronically via facsimile or e-mail, not by telephone, to the sheriff.</p>
<p>Orders Rule 28, ARPOP</p> <p>Rule 34, ARPOP</p> <p>Rule 33, ARPOP</p>	<p><u>Conflicting Orders:</u> If two judicial officers have issued protective orders that involve the same parties and grant conflicting relief, the orders must be set for hearing within five court business days after discovery of the conflict. The judicial officers who issued the conflicting orders must consult with each other and assign the cases to one jurisdiction to resolve the parts that conflict. Between two limited jurisdiction orders, it is presumed that the court where the first petition was filed will conduct the hearings to resolve the conflicting orders. In all other cases, the conflicting orders must be heard in superior court.</p> <p><u>Transferred to Superior Court:</u> If, after issuance of a protective order, a limited jurisdiction court is notified in writing or verifies that a family law action is pending, the court must promptly transfer all documents relating to the protective order to the superior court within 24 hours.</p> <p><u>Notification of Transferred Protective Order:</u> A court that transfers a protective order to another court must, within 24 hours, notify its sheriff's office in writing of the transfer and update information in its case management system.</p>