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8 **IN THE SUPREME COURT**
9 **STATE OF ARIZONA**

10 In the Matter of:

Supreme Court No. R-15-0010

11 **PETITION FOR ADOPTION OF**
12 **AMENDMENTS TO THE**
13 **ARIZONA RULES OF**
14 **PROTECTIVE ORDER**
15 **PROCEDURE AND THE**
16 **ARIZONA RULES OF FAMILY**
17 **LAW PROCEDURE**

18 **COMMENT OF**
19 **THE STATE BAR OF ARIZONA**

20 The Honorable Wendy Million, chair of the Committee on the Impact of
21 Domestic Violence and the Court (“CIDVC”) has filed a rule change petition that
22 would reorganize the Arizona Rules of Protective Order Procedure (“ARPOP”) to
23 streamline and simplify the rules thereby eliminating confusion. The State Bar of
24 Arizona supports this petition.

25 **I. BACKGROUND OF PETITION**

The proposal in Petition R-15-0010 would completely restyle and reorganize
the ARPOP to improve its clarity and consistency with other rules. Changes would

1 provide consistency with the Roman numeral framework of the Rules of Civil
2 Procedure, Rules of Criminal Procedure and Rules of Evidence. The petition has
3 the support of the Committee on Limited Jurisdiction Courts (LJC), the Committee
4 on Superior Court (COSC), the presiding judges of the superior court and the
5 Arizona Judicial Council.
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7 **II. DISCUSSION/ANALYSIS**

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9 Effective January 1, 2008, the Arizona Rules of Protective Order Procedure
10 (ARPOP) took effect. These rules were the culmination of work by the now
11 defunct Domestic Violence Rules Committee, which was established in 2005. In
12 the time since the rules took effect, the Committee on the Impact of Domestic
13 Violence and the Courts (CIDVC) has reviewed the rules along with subsequent
14 petitions to amend them. In 2014, the Arizona Supreme Court announced its new
15 strategic agenda which has as one of its goals to “[r]eview certain Arizona Rules of
16 Court to restyle, simplify and clarify the rules.” *Advancing Justice Together:
17 Courts and Communities, 2014 – 2019, Goal 3*. Consistent with this goal, CIDVC
18 reviewed the ARPOP and has proposed stylistic revisions and reorganization of the
19 rules. The stylistic revisions propose shorter sentences, simplified words, plain
20 language and the avoidance of legal jargon. The reorganization also proposes a
21 framework utilizing Roman numerals consistent with Rules of Civil Procedure, the
22 Rules of Evidence, and the Rules of Criminal Procedure. Each of these proposals
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1 enhances the ARPOP and makes it a more workable and understandable set of
2 rules for the courts and parties.

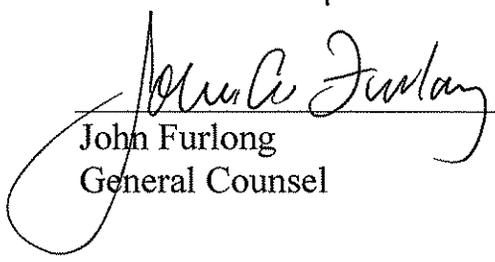
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4 Some substantive changes were also made to the rules, which include the
5 addition of separate definitions of “harassment” to correspond with each of the
6 rules concerning orders of protection and emergency orders of protection,
7 injunctions against harassment, and injunctions against workplace harassment.
8 Other changes include the requirement that courts are to provide “Guide Sheets” to
9 plaintiffs and defendants, the protection of a plaintiff’s location if they are residing
10 in a shelter or participating in the state’s Address Confidentiality Program, and
11 clarifying language about the scope of a hearing, consistent with the holding in
12 *Savord v. Morton*, 235 Ariz. 256, 330 P.3d 1013 (App. 2014). The changes also
13 propose language to adopt the same evidentiary standard in ARPOP cases as used
14 in the Arizona Rules of Family Law Procedure. Each of these changes further
15 enhances the rules, eliminating the confusion that currently exists by providing
16 simplicity, clarity, and consistency with other rules.
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20 **III. CONCLUSION**

21 It is understood that petition R-15-0010 has support from the Committee on
22 Limited Jurisdiction Courts (LJC), the Committee on Superior Courts (COSC), the
23 presiding judges of the superior court and the Arizona Judicial Council. The State
24 Bar of Arizona adds its support to the petition, acknowledging that the revised
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1 ARPOP will be a good resource for judicial officers, prosecutors, law enforcement,
2 advocates and crime victims. The State Bar of Arizona respectfully requests that
3 the Arizona Supreme Court grant petition R-15-0010.
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5 RESPECTFULLY SUBMITTED this 4th day of May, 2015.

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7 
8 John Furlong
9 General Counsel

10 Electronic copy filed with the
11 Clerk of the Arizona Supreme Court
12 this 18th day of May, 2015.

13 by: 
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