

Honorable Wendy Million
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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:)	
)	Supreme Court No. R-17-0023
Petition to Amend Rule 36(a),)	
Arizona Rules of Protective Order)	CIDVC Comment to
Procedure)	Petition R-17-0023
_____)	

The Committee on the Impact of Domestic Violence and the Courts (CIDVC) has authorized the Honorable Wendy A. Million, CIDVC chair, to file this comment to Petition No. R-17-0023 on the committee's behalf.

DISCUSSION

In 2015, CIDVC filed Petition R-15-0010 to amend the Arizona Rules of Protective Order Procedure (ARPOP) in their entirety. CIDVC's purpose was to restyle, clarify, and simplify this set of court rules. The Court adopted the amendments, which took effect January 1, 2016.

In 2016, in response to Petition R-15-0035, CIDVC recommended that Rules 25(b) and 26(b) be amended to be consistent with Rule 23(b).

CIDVC recognizes the petitioner's reasoning for requesting modification of Rule 36 in this most recent petition. However, rather than duplicate the rule in two different parts of the ARPOP, CIDVC offers alternative language in Appendix A that will further clarify Rules 23(b), 25(b), and 26(b). The allegations that a plaintiff makes against a defendant in a petition for a civil protective order—whether it be an Order of Protection, Injunction Against Harassment, or Injunction Against Workplace Harassment—apply at the *ex parte* hearing and at a contested hearing, if one is subsequently held.

CONCLUSION

For the reasons stated above, CIDVC respectfully asks the Court to adopt Petition R-17-0023 with CIDVC's proposed amendments to Rules 23(b), 25(b), and 26(b).

Respectfully submitted this 18th day of May, 2017.

/s/
Honorable Wendy A. Million
Magistrate, Tucson City Court

cc: Mike Palmer, Petitioner
Via e-mail at mikepalmer_az@yahoo.com

APPENDIX A

Rule 23. Order of Protection

(a) [no change]

(b) **Contents of Petition.** In the petition, the plaintiff must:

(1) allege each specific act of domestic violence that will be relied on at an ex parte or a contested hearing, and

(2) name each person the plaintiff believes should be protected by the order.

(c)-(k) [no change]

Rule 25. Injunction Against Harassment

(a) [no change]

(b) **Contents of Petition.** In the petition, the plaintiff must allege a series of specific acts of harassment, including dates of occurrence, that will be relied on at an ex parte or a contested hearing. A series of acts means at least two events. *See* A.R.S. § 12-1809(C) and (S).

(c)-(h) [no change]

Rule 26. Injunction Against Workplace Harassment

(a) [no change]

(b) **Contents of Petition.** In the petition, the plaintiff must allege at least one specific act of harassment, including dates of occurrence, that will be relied on at an ex parte or a contested hearing. *See* A.R.S. § 12-1810(C)(3).

(c)-(g) [no change]