

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

In the Matter of:)
) Administrative Directive
MODIFICATION AND CORRECTION) No. 2021 -06
OF PROTECTIVE ORDER FORMS) (Affecting Administrative Directives
) Nos. 2020 -15 and 2019-10)

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.

Recent memorandum decisions from the Arizona Court of Appeals, Division I, have revealed a need to add explanatory language regarding 18 USC § 922(g)(8), commonly referred to as “Brady,” to several forms. In addition, another form is in need of correction.

THEREFORE, to amend make necessary administrative amendments and a correction,

IT IS DIRECTED that the Defendant’s Guide Sheet approved by Administrative Directive 2020-15 and the Hearing Order and the Notice of Brady Indicator approved by Administrative Directive 2019-10 shall be replaced by the revised forms in Appendix A of this directive;

IT IS FURTHER DIRECTED that the Plaintiff’s Information Sheet approved by Administrative Directive 2019-10 shall be amended as shown in Appendix B of this directive; and

IT IS FURTHER DIRECTED that the amended protective order forms provided by this administrative directive are approved for immediate use. Courts may implement the forms as soon as it is expedient to do so but no later than July 30, 2021.

Dated this 13th day of April, 2021.

DAVID K. BYERS
Administrative Director

APPENDIX A

Defendant: _____ Date: _____ Case No. _____

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

This guide sheet provides more information about the petition and the order that have been served on you.

The **PETITION** contains the plaintiff's allegations against you and the relief that was requested from the court. The **ORDER** tells you what conditions the judge granted. If you were served only with a petition, a pre-issuance hearing will be scheduled.

IF YOU HAVE BEEN SERVED WITH:

ORDER OF PROTECTION. An Order of Protection has been issued because you allegedly committed or may commit an act of domestic violence against the plaintiff. You and the plaintiff have one of the following relationships:

- married (past or present)
- live/lived together as intimate partners
- romantic or sexual relationship (past or present)
- parent of a child in common
- one party is pregnant by the other
- related as parent, grandparent, child, grandchild, brother, sister (including step or in-law)
- live/lived together but not as intimate partners

INJUNCTION AGAINST HARASSMENT. You allegedly have committed a series of acts (more than one) of harassment or one act of sexual violence (as defined in ARS § 23-371) against the plaintiff within the last year.

INJUNCTION AGAINST WORKPLACE HARASSMENT. An employer or a business owner, for the benefit of employees or the business, has filed a petition against you, alleging at least one act of harassment.

SERVICE AND EFFECT

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

MODIFYING OR DISMISSING THIS ORDER

Only a judge can modify or dismiss this protective order. The plaintiff cannot dismiss or change this protective order without the court's written approval.

CONTACT WITH THE PLAINTIFF

You can be arrested for violating this protective order, even if the plaintiff initiates contact with you. You have the right to request a protective order against the plaintiff if you do not want the plaintiff to contact you. But orders are not automatically granted upon request. Legal requirements must be met.

REQUEST FOR HEARING

Contested Hearing. If you disagree with this protective order (regardless of its type), you have the right to request a hearing. The hearing will be held within 5 to 10 business days after you file a written request at the court that issued this order.

Exclusive Possession of Residence. If the court issued an Order of Protection that granted the plaintiff exclusive possession of a residence shared with you, the plaintiff must notify the court if he/she moves out of the residence while the order is in effect. Upon receipt of the notice, the court will send a copy to you. You have a right to a court hearing, upon written request, if there has been

a change of circumstances related to the shared residence. See ARS § 13-3602(L).

Important note about hearings and firearms: Separately from Arizona law, pursuant to federal law 18 USC § 922(g)(8), certain conditions may cause a defendant to be prohibited from possessing firearms while an Order of Protection is in effect. Federal law is not subject to Arizona statutes or court rules. The conditions are: (1) Defendant and Plaintiff are either married (past or present), live together as intimate partners (past or present), or are parents of a child in common, and (2) the Order of Protection is affirmed or modified at a hearing of which Defendant received actual notice of the hearing and had an opportunity to participate (even if Defendant fails to appear at the hearing). If you have questions about hearings and state and federal firearms prohibitions, you should contact an attorney. The court cannot give you legal advice.

**RESIDENCE AND
PROPERTY**

The judge may have given the plaintiff exclusive use of a residence shared with you and may have allowed you a law enforcement standby. If the judge has granted standby on the protective order, you may return to the residence once with a law enforcement officer to obtain necessary personal belongings. You must arrange a date and time with law enforcement for the standby. Neither law enforcement nor this protective order can resolve conflicts over property, title, furniture, finances, real estate, or other ownership issues.

FIREARMS

If the judge has ordered under Arizona law that you cannot possess, receive, or purchase firearms, you must surrender them within 24 hours after service of this protective order to the law enforcement agency named on this order. You should ask law enforcement to issue proof of the surrender. You may also have to provide documentation to the court that firearms were transferred to the specified law enforcement agency. If you have questions about a firearms prohibition and surrender, you should contact an attorney. The court cannot give you legal advice.

Also see the section titled Request for Hearing (above), which discusses hearings and firearms, because federal law imposes separate firearms restrictions.

CHILDREN

If your child is listed as a protected person, you may be referred to superior court. Only a superior court judge can decide child custody (legal decision-making) or parenting time in a separate family law action.

FAMILY COURT

If either you or the plaintiff file an action for maternity, paternity, annulment, legal separation, or divorce, advise this court immediately so the protective order case can be transferred to the superior court.

All Courts in Arizona/NCIC#/DPS#	Address	City, AZ Zip Code	Telephone Number
Plaintiff _____ v. _____ Def endant	Case No. _____	<p style="text-align: center;">HEARING ORDER</p> <input type="checkbox"/> Order of Protection <input type="checkbox"/> Injunction Against Harassment <input type="checkbox"/> Injunction Against Workplace Harassment Issued Date: ___ / ___ / ___	

- The request for:
- A protective order is granted denied withdrawn. Reason: _____
 - A hearing is denied.
 - A motion to continue is denied.
 - A motion to modify is denied.
- The court continues the hearing to ___ / ___ / ___ (date).
- The court cancels the hearing set for ___ / ___ / ___ (date).
- At Plaintiff's request, the court dismisses the protective order listed above.

At time of hearing:

- Plaintiff: Appeared Failed to appear but did not have notice Failed to appear but had notice
- Defendant: Appeared Failed to appear but did not have notice Failed to appear but had notice
- The court dismisses the protective order listed above.
 - A protective order is denied.
 - A protective order is granted. Brady applies (18 USC § 922(g)(8)).
 - The protective order listed above remains in effect. Brady applies (18 USC § 922(g)(8)).
 - As attached, the court modifies the protective order listed above. Brady applies (18 USC § 922(g)(8)).

CERTIFICATE OF TRANSMITTAL

Copy mailed provided personally to Plaintiff on ___ / ___ / ___ by _____

Copy mailed provided personally to Defendant on ___ / ___ / ___ by _____

All Courts in Arizona/NCIC#/DPS#	Address	City, AZ Zip Code	Telephone Number
Plaintiff	Case No.	NOTICE OF BRADY INDICATOR OP Issue Date ___/___/___	
v.			
Def endant			

Under the "Brady" federal law (18 USC § 922(g)(8)), the defendant is disqualified from purchasing or possessing a firearm or ammunition for the duration of the Order of Protection referenced above, based upon the following:

- The plaintiff and the defendant are intimate partners. As defined in 18 U.S.C. § 921(a)(32), "intimate partner" means with respect to a person, the spouse of a person, a former spouse of the person, an individual who is a parent of a child of the person, or an individual who lives or has lived in an intimate relationship with the person.
- The Order of Protection was issued or affirmed after a hearing of which the defendant received actual notice and at which the defendant had an opportunity to participate.
- The def endant is subject to an Order of Protection that restrains him or her from harassing, stalking, or threatening an intimate partner or a child of an intimate partner or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to himself or herself or to a child in common.
- The def endant is subject to an Order of Protection that explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

This notice is issued pursuant to 18 USC § 922(g)(8), which is not subject to Arizona statutes or court rules.

Date

Judicial Officer

CERTIFICATE OF TRANSMITTAL

Copy mailed provided personally to Plaintiff on ___/___/___ by _____
 Copy mailed provided personally to Defendant on ___/___/___ by _____

APPENDIX B

THIS FORM IS CONFIDENTIAL AND IS NOT A PUBLIC RECORD.

ALL COURTS IN ARIZONA

ADDRESS

CITY, AZ ZIP CODE

TELEPHONE NUMBER

Case No. _____

Plaintiff's Information Sheet

Please **PRINT** all information on this form and on the petition *after* you have read the Plaintiff's Guide Sheet for Protective Orders.

Your name _____ Your birth date _____

Business name _____
(if workplace injunction)

Address _____ Main phone number _____ *Cell _____

City, State, ZIP _____ *May the court text you at this or another number?
Mailing address _____ Yes No Alternate number _____
(if different) _____ Email _____

CONFIDENTIAL ADDRESS. Your address and contact information are confidential. Indicate any other addresses that should be kept confidential. Do **not** include confidential addresses on the petition as a copy of it will be served on the defendant. Keep work address confidential. Keep school address confidential.

RELATIONSHIP*

Choose the option that best describes your relationship to the defendant.
*If you are applying on behalf of another person, choose the relationship between the **other person** and the defendant.

- Married (past or present)
- Live/lived together as intimate partners
- Romantic or sexual relationship (past or present)
- Parent of a child in common
- One party is pregnant by the other
- Related as parent, grandparent, child, grandchild, brother, sister (including step or in-law)
- Live/lived together but not as intimate partners
- Dating (but not romantic or sexual)
- Other _____

Defendant's name _____

Telephone _____

Address _____

Cell phone _____

City, State, ZIP _____

Email _____

DEFENDANT IDENTIFIERS Please provide all information to the best of your knowledge. <i>If you do not know the defendant's birth date, make your best guess.</i> If you have estimated the birth date, please check the "Estimated" box.	Sex	Race	Birth date	Height	Weight
			<i>required</i> <input type="checkbox"/> Actual <input type="checkbox"/> Estimated		
	Eye color	Hair color	Social Security #		
	Driver license #: _____ State: _____ Expiration date: _____				