

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-12-0007
PETITION TO REPEAL RULE)
6.E.4.e.2., ARIZONA RULES)
OF PROTECTIVE ORDER PROCEDURE) **FILED: 08/28/13**
)
)
)
_____)

**ORDER
AMENDING RULE 6(E) (4) (e) (2), ARIZONA RULES OF PROTECTIVE ORDER
PROCEDURE**

A petition having been filed proposing to repeal Rule 6(E) (4) (e) (2), Arizona Rules of Protective Order Procedure, and comments having been received, upon consideration,

IT IS ORDERED that Rule 6(E) (4) (e) (2), Arizona Rules of Protective Order Procedure, be amended in accordance with the attachment hereto, effective January 1, 2014.

DATED this _____ day of August, 2013.

REBECCA WHITE BERCH
Chief Justice

TO:

Rule 28 Distribution

Michael Alan Roth

Mike Palmer

Emmet J Ronan, Committee on the Impact of Domestic Violence and the
Courts

John A Furlong

Sheila Sullivan Polk, Arizona Prosecuting Attorneys' Advisory Council

Elizabeth B Ortiz, Arizona Prosecuting Attorneys' Advisory Council

ATTACHMENT¹

Arizona Rules of Protective Order Procedure

Rules 1-5 [No change in text.]

Rule 6. Rules of Procedure for Issuing Protective Orders

A. - D. [No change in text.]

E. Injunction Against Harassment. The judicial officer shall conduct an individual hearing with each plaintiff who requests an Injunction Against Harassment.

1. - 3. [No change in text.]

4. *Issuance of Injunction Against Harassment*

a. *Findings Required.* The judicial officer shall issue an Injunction Against Harassment if there is a finding of reasonable evidence of harassment of the plaintiff by the defendant during the year preceding the filing or that good cause exists to believe that great or irreparable harm would result to the plaintiff if the injunction is not granted before the defendant or the defendant's attorney can be heard in opposition. *See* A.R.S. § 12-1809(E).

1) If the judicial officer is going to issue the Injunction Against Harassment at the *ex parte* hearing, the judicial officer must find specific facts attesting to the plaintiff's efforts to give notice to the defendant or reasons supporting the plaintiff's claim that notice should not be given.

2) If the judicial officer denies issuing an Injunction Against Harassment at an *ex parte* hearing, the judicial officer may set a hearing within 10 days with reasonable notice to the defendant.

b. *No Contact Orders.* The judicial officer may prohibit all contact with the plaintiff or other protected parties, except as otherwise specifically ordered in writing by the court. *See* A.R.S. § 12-1809(F)(2).

c. *Prohibited Locations.* The judicial officer may also order that the defendant shall not go near the residence, place of employment or school of the plaintiff or other protected parties. The judicial officer may include other specifically designated location(s) in the Injunction Against Harassment. *See* A.R.S. § 12-1809(F)(2).

¹ Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

d. *Protected Persons.* The judicial officer may grant relief that is necessary for the protection of the plaintiff and other specifically designated persons and that is proper under the circumstances. See A.R.S. § 12-1809(F)(3).

e. *Other Relief:*

1. The judicial officer may grant relief necessary for the protection of the alleged victim and other specifically designated persons proper under the circumstances. A.R.S. § 12-1809(F)(3).

2. The judicial officer shall ask the plaintiff about the defendant's use of or access to weapons or firearms. If necessary to protect the plaintiff or other specifically designated person, ~~the~~ judicial officer may prohibit the defendant from possessing, purchasing or receiving firearms and ammunition for the duration of the Injunction Against Harassment.

5. [No change in text.]

F. [No change in text.]

COMMITTEE COMMENTS

[No change in text.]

Rules 7-10 [No change in text.]