

ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:	Type of Action Requested:	Subject:
December 14, 2017	<input checked="" type="checkbox"/> Formal Action/Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other	ACJC Order of Protection Improvement Project

FROM:

Marc Peoples, Systems Improvement Administrator
Arizona Criminal Justice Commission (ACJC)

DISCUSSION:

Mr. Peoples will present draft legislation, proposed by ACJC, to improve the OP/IAH process within the State of Arizona. The proposal calls for changes in protocol for service of protective orders and allows for automated processes among justice partners.

RECOMMENDED COUNCIL ACTION:

Motion to recommend supporting in concept proposed legislation to automate the protective order process and modify the protocol for service of protective orders.



Arizona Criminal Justice Commission

Order of Protection Process

	FY 2015	%	FY 2016	%
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Statewide:				
Total OP/IAH Issued by Court	42,356		42,085	
Total OP/IAH Entered into NCIC	21,482	51%	21,368	51%
Days from Issuance to Service	12.03		13.16	
Days from Service to Entry	9.87		9.56	
Brady	1,059	5%	994	5%

Indiana Protection Order Registry



SUBMIT PETITION PACKET



Plaintiff



Complete/Submit AOC
Petition Packet
Online (at home/at court)



Receive
Email/Message with
Confirmation Code



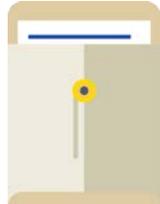
Visit Any
Arizona
Court



Provide Court Clerk
with Confirmation
Code



OP System



Receive
Petition
Packet



Store Petition
Packet in
Secure Cloud



Generate Alpha-
Numeric
Confirmation Code



Receive
Confirmation
Code



Enter
Confirmation
Code into AJACS



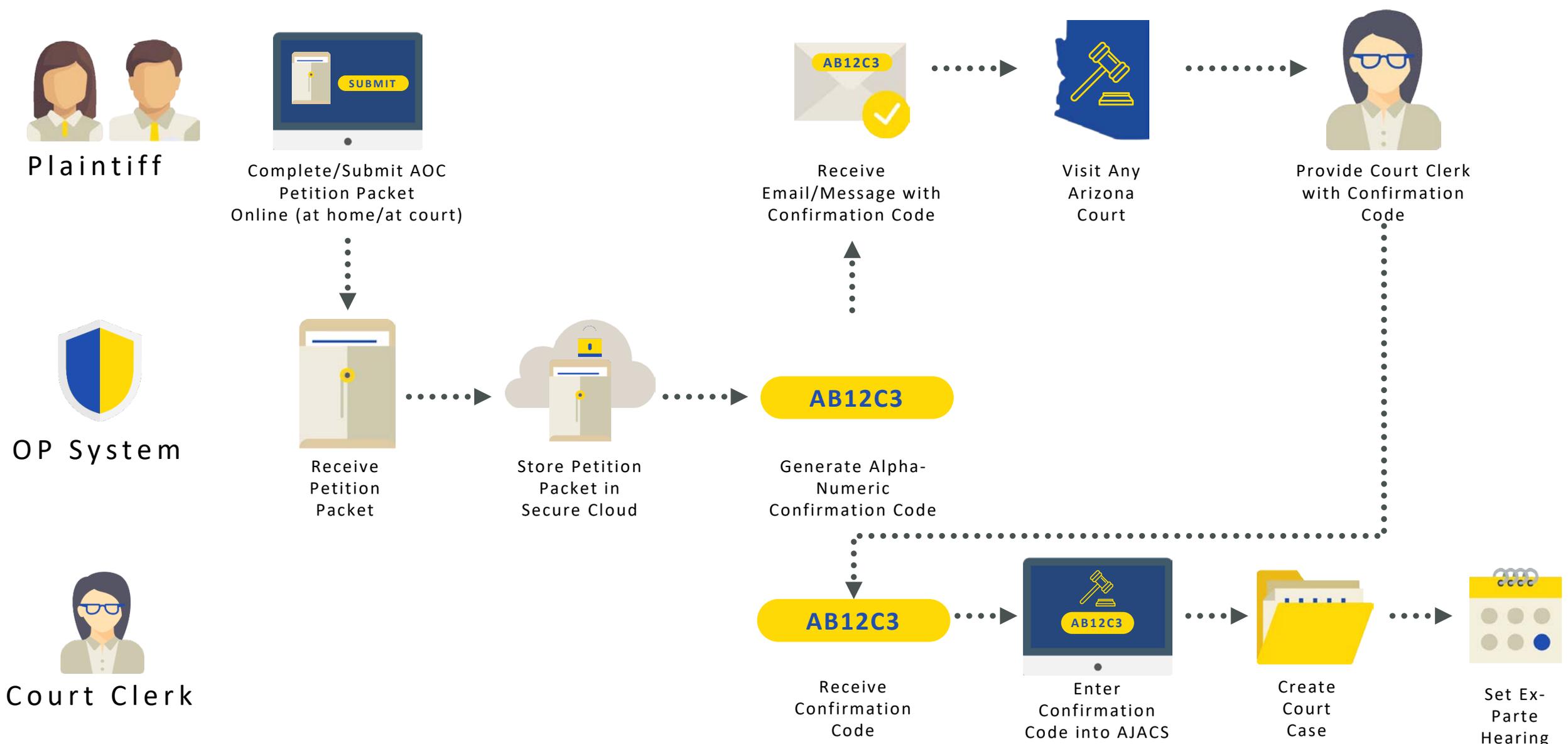
Create
Court
Case



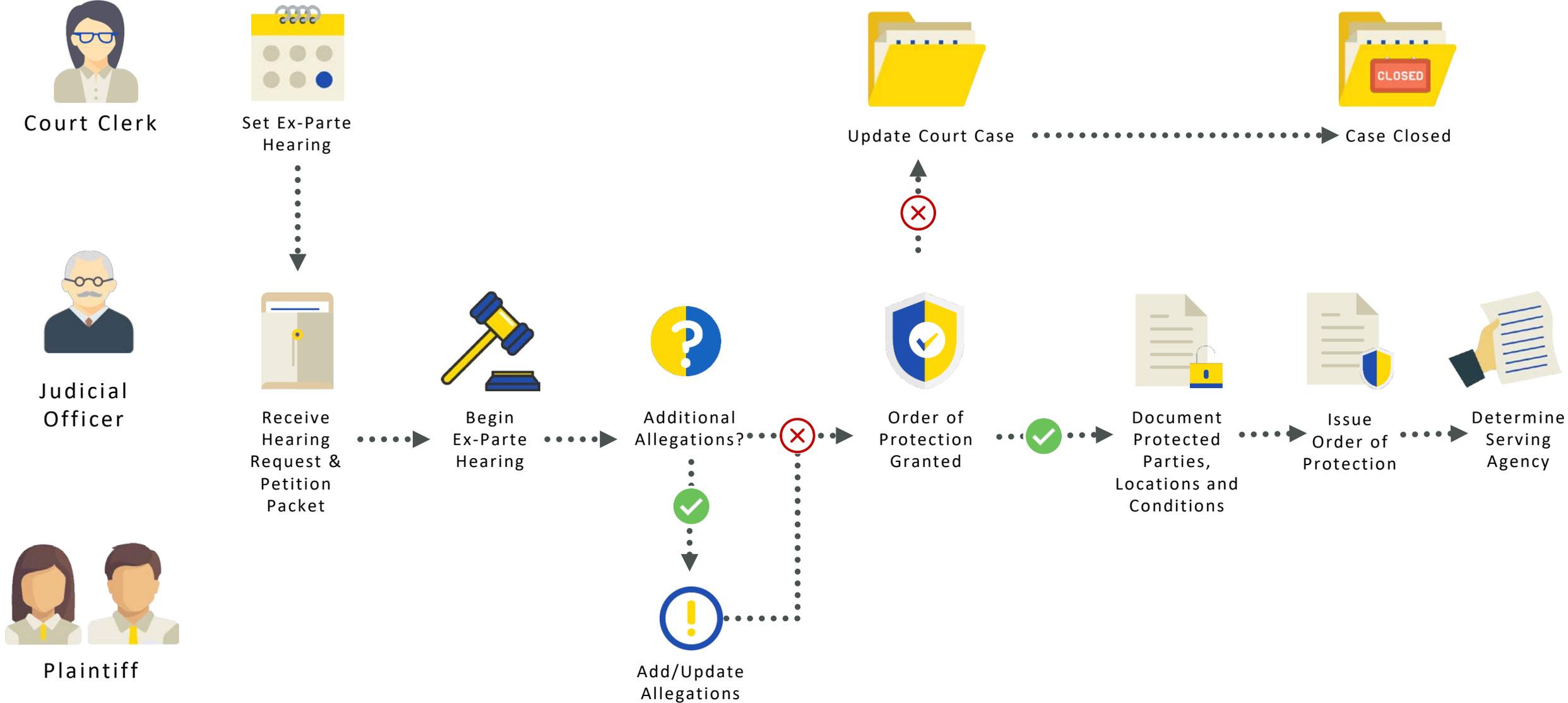
Set Ex-
Parte
Hearing



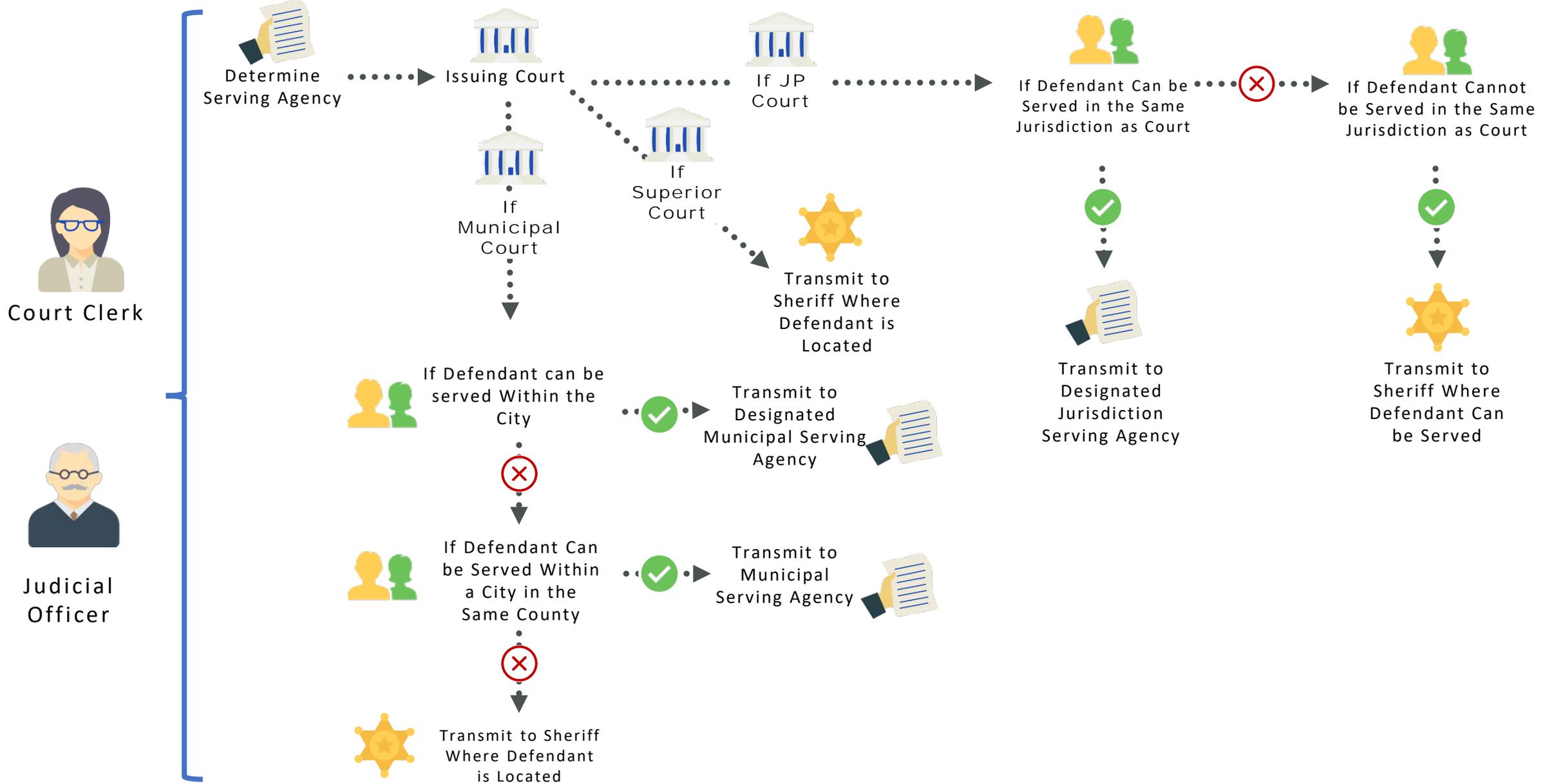
Court Clerk



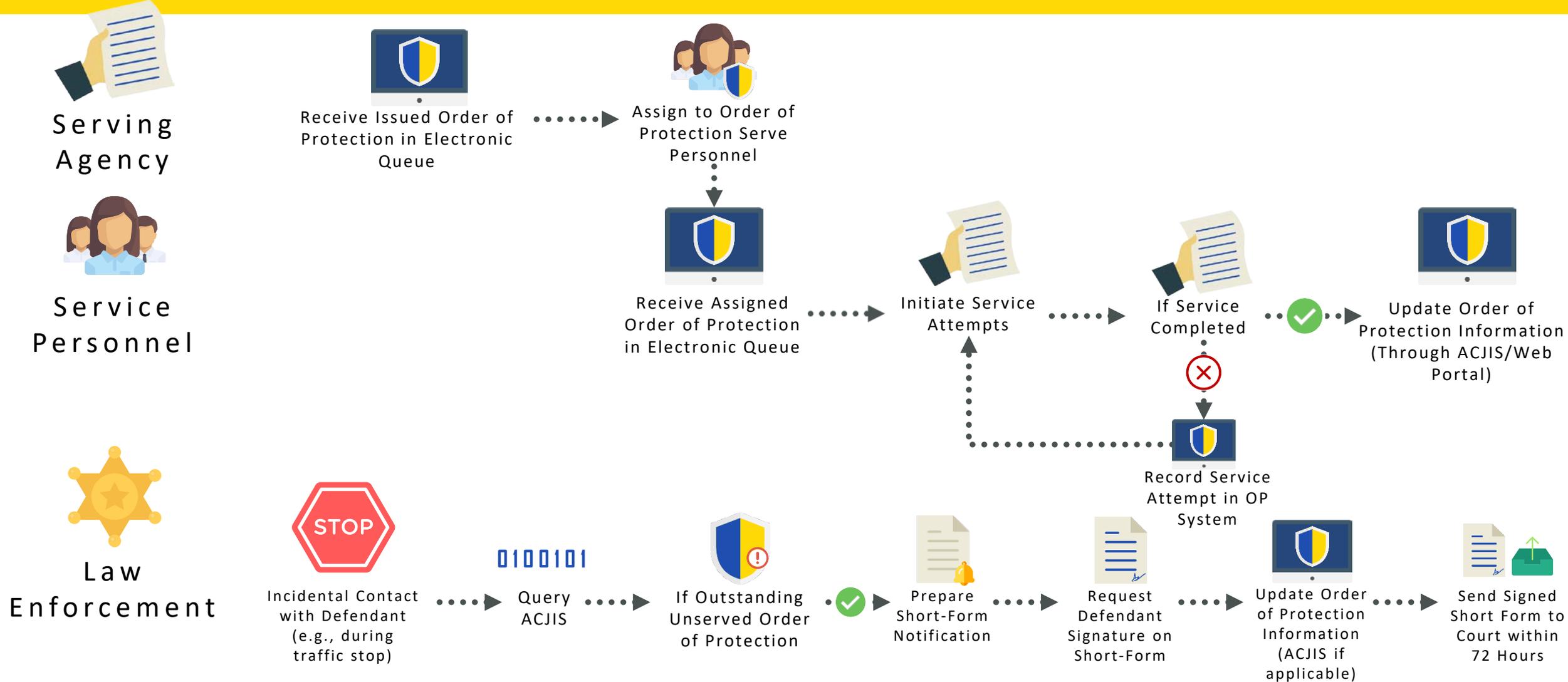
Set Ex Parte Hearing



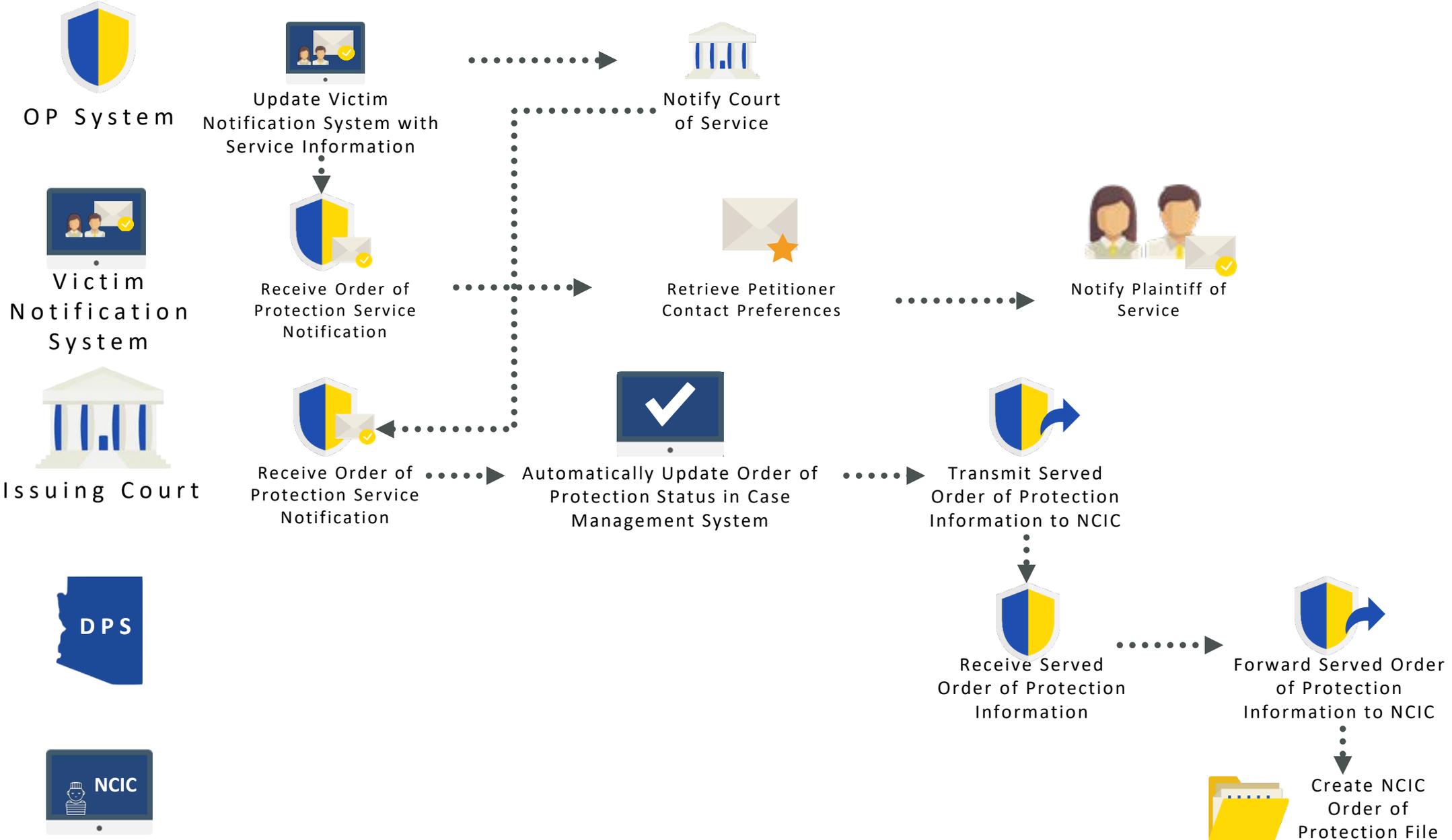
Determine Serving Agency (OP System)



OP Service Process



Update OP Status/NCIC



Order For Protection Short Form Notification

Officer verified existence of Signed Order.

Date of Service: _____ Time of Service: _____

Respondent's Name (person served): _____ DOB: _____

Respondent's Guardian (person served): _____ DOB: _____

Petitioner's Name (protected party): _____

Other Protected Parties: _____

(Check one) An *Ex Parte Order for Protection (Temporary)* - OR - an *Order for Protection (Permanent)* was issued against you on _____ in _____ County by Judge _____
(Date) (the issuing District Court) (Signing Judge's Name)

Protection Order # _____

You are the Respondent in this case.

Following are **SOME** of the Conditions that Apply (check only those specified in Order):

- ___ (01) The subject is restrained from assaulting, threatening, abusing, harassing, following, interfering with, or stalking the protected person and/or the child of the protected person.
- ___ (02) The subject may not threaten a member of the protected person's family or household.
- ___ (03) The protected person is granted exclusive possession of the residence or household.
- ___ (04) The subject is required to stay away from the residence, property, school, or place of employment of the protected person or other family or household member.
- ___ (05) The subject is restrained from making any communication with the protected person, including but not limited to, personal, written or telephone contact, or their employers, employees, fellow workers or others with whom the communication would be likely to cause annoyance or alarm the victim.
- ___ (06) The subject has visitation or custody rights of the child(ren) named.
- ___ (07) The subject is prohibited from possessing and/or purchasing a firearm or other weapon.
- ___ (08) See the miscellaneous field for comments regarding the terms and conditions of the order.
- ___ (09) The protected person is awarded temporary exclusive custody of the child(ren) named.

Hearing Information (see full Order for Details):

- Date _____ and Time _____
- No hearing scheduled.
- Officer unable to confirm hearing date. You must obtain copy of full Order for that information.

Notice to Person Served (Respondent): The Order for Protection is now enforceable. You must report to your nearest Sheriff's Office or the issuing District Court to obtain a copy of the full Order. This Order remains in effect until expiration as noted on the full Order unless you (or the petitioner) schedule a court appearance and obtain a different Order. You are subject to arrest and may be charged with a misdemeanor, gross misdemeanor, or felony if you violate any of the terms of the Order for Protection.

I acknowledge receipt (Respondent's and/or Respondent's Guardian's signature and current address): _____

RESPONDENT COPY

Certificate of Service

- Respondent refused to sign acknowledgement
- Respondent's Guardian

I hereby certify that on the _____ day of _____, 20____, in the county of _____ at _____ (Time)

I personally served the above named respondent an *Order for Protection Short Form Notification* at (Location) _____

I further certify that I orally informed the person thus served of the conditions checked and the enforcement notice above.

Serving Officer Name (print):

Badge No:

Name of Adverse Party:							
Address:			City:	State:	Zip:	OLN	
DOB:	Race:	Sex:	Ht:	Wt:	Hair:	Eyes:	SSN#
Location of Service				Time of Service			

**TEMPORARY ORDER FOR PROTECTION
AGAINST DOMESTIC VIOLENCE
NOTIFICATION**

Pursuant to NRS 33.070, I am orally notifying you of the following terms and conditions from a protection order against domestic violence entered against you by _____ on _____
(Applicant's Name) (Date of Issuance)

YOU ARE HEREBY ORDERED AS FOLLOWS:

YOU ARE PROHIBITED, either directly or through an agent, from threatening, physically injuring or harassing the above-named Applicant and/or minor child(ren). You are further prohibited from selling, damaging, destroying, giving away, or otherwise disposing of, or tampering with, any property owned by the Applicant, or in which Applicant has an interest;

YOU ARE PROHIBITED from any contact whatsoever with the Applicant, including but not limited to, in person, by telephone, through the mail, through electronic mail (e-mail), facsimile, or through another person;

- T1 **YOU ARE EXCLUDED AND ORDERED** to stay at least 100 yards away from Applicant's residence located at CONFIDENTIAL, or _____, Nevada, or any other place that Applicant may reside. YOU shall not interfere with Applicant's possession and use of residence, including utilities, phones, leases and other related residential services;
- T2 A law enforcement officer, within whose jurisdiction (Applicant or Adverse Party) residence is located, shall on **ONE OCCASION ONLY** accompany (Applicant or Adverse Party) to (Applicant or Adverse Party) residence located at _____ and shall stand by while (Applicant or Adverse Party) obtains clothing, toiletries and the following additional items: _____
ANY PROPERTY IN DISPUTE SHALL REMAIN IN THE RESIDENCE UNLESS IT IS SPECIFICALLY IDENTIFIED IN THIS ORDER;
- T3 The Court, having jurisdiction under and meeting the requirements of Chapter 125A of the Nevada Revised Statutes (UCCJA), grants to Applicant temporary custody of the following minor child(ren) of the parties: _____
YOU ARE PROHIBITED from interfering with Applicant's custody of the minor child(ren) named in this paragraph. It is in the best interest of the child(ren) that no negative, insulting, or disparaging comments be made by one party against the other party in the presence of the minor child(ren);
- T4 Custody, visitation, and support of the minor child(ren) of the parties shall remain as ordered in the Decree of Divorce/Order entered between the parties in Case Number _____ in the _____ Court of the State of _____;
- T5 **YOU ARE EXCLUDED AND ORDERED** to stay at least 100 yards away from the minor child(ren)'s school, or day care, located at CONFIDENTIAL, or _____, Nevada, or any other school or day care that the child(ren) may be attending;
- T6 **YOU ARE EXCLUDED AND ORDERED** to stay at least 100 yards away from Applicant's place of employment located at CONFIDENTIAL, or _____, Nevada, or any other place that Applicant may be employed. **YOU ARE PROHIBITED** from any contact whatsoever with Applicant's place of employment, in person, by telephone, by mail, or any other means of communication;
- T7 **YOU ARE EXCLUDED AND ORDERED** to stay at least 100 yards away from the following places, which Applicant and/or minor child(ren) frequent regularly: _____, Nevada
- T8 The following provisions and exceptions are made a part of this order: _____

THIS ORDER WILL REMAIN IN EFFECT UNTIL 11:59 P.M. ON _____ UNLESS THE JUDGE ORDERS OTHERWISE.
(expiration date)

I the Adverse Party, have been verbally notified of a TEMPORARY ORDER FOR PROTECTION AGAINST DOMESTIC VIOLENCE issued against me. I have been notified of the above terms and conditions of the order. I further understand that any violation of any of the terms and conditions of the order will result in my arrest. I must contact the issuing court for a written copy the Temporary Order for Protection.

Signature (Adverse Party) Date

Signature (Law Enforcement Officer) Date

Issuing Court:	_____
Address of Court:	_____
Hours of Court:	_____

TEMPORARY ORDER FOR PROTECTION NOTICES TO THE ADVERSE PARTY

If an application for an extended order is filed, the temporary order against domestic violence will remain in effect until the hearing on an extended order is held. If you wish to dispute the order or have it changed, you may request a hearing by filing a written request with the court. Court staff will give you information about how to file your request. The court will set a hearing on your request as quickly as possible. The following notices are standard in every temporary order for protection against domestic violence.

THIS IS NOT A COPY OF YOUR ORDER

YOU ARE HEREBY NOTIFIED that any **VIOLATION OF THIS ORDER IS A CRIMINAL VIOLATION** and will result in a misdemeanor offense, unless a more severe penalty is prescribed by law. If the violation is accompanied by a violent physical act, sentence will include incarceration of not less than five days nor more than six months in the county/city jail; \$1,000.00 fine or a minimum of 200 hours community service; reimbursement of all costs, fees and medical expenses incurred; and participation in professional counseling.

YOU ARE FURTHER NOTIFIED that you **CAN BE ARRESTED** even if the person who obtained the order invites or allows you to contact them. You have the sole responsibility to avoid or refrain from violating the terms of this order. Only the court can change the order upon written application.

YOU ARE FURTHER NOTIFIED that child stealing is a felony offense, punishable by possible incarceration.

This order meets all Full Faith and Credit provisions of the Violence Against Women Act and is enforceable in all 50 states, the District of Columbia, U.S. Territories and Indian Nations. All other courts and law enforcement with jurisdiction within the United States and all Indian Nations shall give full faith and credit to this Order pursuant to 18 U.S.C. Sec. 2265.

Violation of the order may subject you, the offender, to federal charges and punishment pursuant to 18 U.S.C. Sec. 2261 (a)(1) and (2) and 2262 (a)(1) and (2).

PURSUANT TO THE VIOLENCE AGAINST WOMEN ACT, 18 U.S.C. §2265, THE TEMPORARY ORDER FOR PROTECTION OF THE COURT SHALL BE GIVEN FULL FAITH AND CREDIT IN ANY OTHER STATE OR TRIBAL LAND AND SHALL BE ENFORCED AS IF IT WERE AN ORDER ISSUED IN THAT STATE OR TRIBAL LAND.

IF YOU TRAVEL ACROSS STATE OR TRIBAL LAND LINES WITH THE INTENT TO INJURE THE APPLICANT AND THEN INTENTIONALLY COMMIT A CRIME OF VIOLENCE CAUSING BODILY INJURY TO THE APPLICANT, YOU MAY BE CONVICTED OF COMMITTING A FEDERAL OFFENSE UNDER THE VAWA, 18 U.S.C. §2261(a)(1). YOU MAY ALSO BE CONVICTED OF COMMITTING A FEDERAL OFFENSE IF YOU CAUSE THE APPLICANT TO CROSS STATE OR TRIBAL LAND LINES FOR THIS PURPOSE. 18 U.S.C. §2261(a)(2).

IF YOU TRAVEL ACROSS STATE OR FEDERAL LAND LINES WITH THE INTENT TO VIOLATE THE TEMPORARY ORDER FOR PROTECTION AND SUBSEQUENTLY VIOLATE SUCH ORDER, YOU MAY BE CONVICTED OF COMMITTING A FEDERAL OFFENSE UNDER THE VAWA, 18 U.S.C. §2262(a)(1). YOU MAY ALSO BE CONVICTED OF COMMITTING A FEDERAL OFFENSE IF YOU CAUSE THE APPLICANT TO CROSS STATE OR TRIBAL LAND LINES FOR THIS PURPOSE. 18 U.S.C. §2262(a)(2).

WHITE COPY TO ADVERSE PARTY, PINK COPY TO AGENCY, YELLOW COPY TO ISSUING COURT