

IN THE SUPREME COURT

STATE OF ARIZONA

In re the Matter of:

**ARIZONA RULES OF PROTECTIVE
ORDER PROCEDURE**

Arizona Supreme Court No. R11-

**PETITION TO AMEND RULE 10 OF
ARIZONA RULES OF PROTECTIVE
ORDER PROCEDURE**

**PETITION TO AMEND RULE 10 OF ARIZONA RULES OF PROTECTIVE ORDER
PROCEDURE**

Pursuant to Rule 28, Rules of the Supreme Court, the Family Law Practice and Procedure Committee of the State Bar of Arizona, petitions this Court to amend Rule 10 of the Arizona Rules of Protective Order Procedure.

I. Introduction

Under A.R.S. § 13-3602(K) after a Protective Order is issued, a copy of the Petition and the Order must be served on the defendant as follows:

K. A copy of the petition and the order shall be served on the defendant within one year from the date the order is signed. An order of protection that is not served on the defendant within one year expires. An order is effective on the defendant on service of a copy of the order and petition. An order expires one year after service on the defendant. A modified order is effective on service and expires one year after service of the initial order and petition.

Based upon the information received by the Family Law Practice and Procedure Committee, defendants in Protective order proceedings have often mistaken the contents and requests in the Petition for the actual Order. Not only have defendants mistaken the contents of the Petition for the Order, but it has been reported that Police Officers have also mistaken the contents of the Petition. This becomes especially troublesome when a plaintiff requests that Children be included on the Order, but then that request is not granted by the Court. Some parties thus mistakenly believe that the Court has issued a protective order with children covered by the order.

As a simple remedy the Committee proposes adding a clear and unmistakable watermark or demarcation that will unmistakably state that the Petition is not the actual Protective Order. An illustration is attached hereto.

II. Summary of Proposed Amendment

Current Rule

Rule 10. Forms

A. Forms Adopted by the Arizona Supreme Court. All courts and parties shall only use those protective order forms adopted by the Arizona Supreme Court. Individual court identification information, including the name, address and two assigned court identification numbers, shall appear at the top of each form.

1. Courts may make margin changes and print only those provisions that apply to the issued order. Every first page of every protective order must contain the information in the same format and location as the mandated form.
2. Any other proposed alterations to or deviations from the approved forms, including text changes, shall be submitted to the Executive Director of the Administrative Office of the Courts for approval prior to use. The Executive Director shall be authorized to approve or modify the forms in response to

changes in state or federal laws or procedures and make necessary administrative amendments or corrections.

Proposed Revisions

A. Forms Adopted by the Arizona Supreme Court. All courts and parties shall only use those protective order forms adopted by the Arizona Supreme Court. Individual court identification information, including the name, address and two assigned court identification numbers, shall appear at the top of each form.

1. Courts may make margin changes and print only those provisions that apply to the issued order. Every first page of every protective order must contain the information in the same format and location as the mandated form.

2. Any other proposed alterations to or deviations from the approved forms, including text changes, shall be submitted to the Executive Director of the Administrative Office of the Courts for approval prior to use. The Executive Director shall be authorized to approve or modify the forms in response to changes in state or federal laws or procedures and make necessary administrative amendments or corrections.

3. ALL PETITIONS SHALL INCLUDE A LARGE AND DISTINCT PROVISION, IN A FONT AT LEAST TWICE THE SIZE OF ANY OTHER FONT ON THE PETITION, WHICH SPECIFICALLY STATES "THIS IS NOT A COURT ORDER."

III. Conclusion

The Family Law Practice and Procedure Committee respectfully requests that this Court adopt the proposed amendment to Rule 10 of the Arizona Rules of Protective Order Procedure.

Dated this _____ day of _____, 2011.

By _____
State Bar of Arizona Family Practice and Procedure
Committee

All Courts in Arizona/NCIC#/DPS#	Address	City, Arizona	Zip Code	Telephone Number
Plaintiff / Plaintiff Employer (Work Injunction ONLY) Birth Date: _____	Defendant _____ Address _____ City, State, Zip Code, Phone _____	Case No. _____ PETITION for <input type="checkbox"/> Order of Protection <input type="checkbox"/> Injunction Against Harassment <input type="checkbox"/> Workplace Injunction		

DIRECTIONS: Please read the Plaintiff's Guide Sheet before filling out this form.

- Defendant/Plaintiff Relationship: ☐ Married now or in the past ☐ Live together now or lived together in the past
☐ Child in common ☐ One of us pregnant by the other ☐ Related (Parent, In-law, Brother, Sister or Grandparent) ☐ Romantic or sexual relationship (current or previous) ☐ Dating but not a romantic or sexual relationship
☐ Other: _____
- ☐ If checked, there is a pending action involving maternity, paternity, annulment, legal separation, dissolution, custody, parenting time or support in _____ Superior Court,
 Case #: _____ (COUNTY)
- Have you or the Defendant been charged or arrested for domestic violence OR requested a Protective Order?
☐ Yes ☐ No ☐ Not sure
 If yes or not sure, explain: _____
- I need a Court Order because: (PRINT both the date(s) and briefly what happened):

Date(s)	Describe what happened (Attach additional paper if necessary – Do not write on back)

Case No. _____

5. The following persons should also be on this Order. As stated in number 4, the Defendant is a danger to them:

_____ (/ /)	_____ (/ /)
Birth Date	Birth Date
_____ (/ /)	_____ (/ /)
Birth Date	Birth Date

6. Defendant should be ordered to stay away from these locations, at all times, even when I am not present:

☐ Home _____

☐ Work _____

☐ School/Others _____

7. ☐ If checked, because of the risk of harm, order the defendant NOT to possess firearms or ammunition.

8. ☐ If checked, request an order for the Defendant to participate in domestic violence counseling or other counseling.

9. Other: _____

Under penalty of perjury, I swear or affirm the above statements are true to the best of my knowledge, and I request an Order / Injunction granting relief as allowed by law.

Plaintiff

Attest: _____ / /
Judicial Officer/ Clerk / Notary Date