

Plaintiff's Guide Sheet for Protective Orders

This guide sheet provides basic information about protective orders. Keep this guide for future reference. If you receive a protective order, you should always carry a copy of the order with you.

TYPES OF PROTECTIVE ORDERS

1. ORDER OF PROTECTION (OP)—An OP is used when you and the defendant (the person from whom you want protection) have a specific relationship. In addition to having a qualifying relationship, you must state how an act of domestic violence was threatened or committed against you within the last year.

A qualifying relationship for an Order of Protection includes any of the following:

- married to each other (past or present)
- live together (past or present)—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 together (past or present)—not intimate partners

READ THIS FIRST.

2. INJUNCTION AGAINST HARASSMENT (IAH)—If you and the defendant do not share any of these relationships, you may ask for an Injunction Against Harassment (IAH). You must tell on the petition how the defendant has committed a series of acts (more than one) of harassment against you in the last year or one act of sexual violence (as defined in ARS § 23-371) against you.

3. INJUNCTION AGAINST WORKPLACE HARASSMENT (IAWH)—An employer or owner of a business or operation may file for this type of injunction for the benefit of an employee or the business based on a single act or a series of acts of harassment.

PETITION

Your request for a protective order begins when you file a petition with the court. There is no cost to file the petition for an OP or an IAH. In the petition, you must provide dates and facts about the domestic violence or harassing acts that you allege the defendant has committed against you or why you believe domestic violence or harm may occur without protection. **NOTE: If the judge grants your request, the defendant will be given a copy of your petition and the order. The petition may be used in future judicial proceedings.** You can list only one defendant per petition. If you want to file against more than one person, you must file a separate petition for each defendant.

CHILDREN AS OTHER PROTECTED PERSONS

You may ask for a child be included as a protected person only if (1) the child is not the defendant's child or (2) the child is the defendant's child and the domestic violence involved the child. 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 defendant file an action for maternity, paternity, annulment, legal separation, or divorce, tell the clerk immediately so the protective order case can be transferred to the superior court.

FILING A PETITION ON BEHALF OF A MINOR OR ANOTHER PERSON

If you are:

- a parent, guardian, or custodian of a minor who is asking for protection from someone else, choose the relationship between the *minor* and the *defendant* on the petition.
- applying on behalf of a person who is either temporarily or permanently unable to request an order, choose the relationship between the *person* and the *defendant* on the petition.

SERVICE AND EFFECT

Order of Protection: The court will send the OP to the appropriate law enforcement agency for service. There is no cost for service of an OP. If law enforcement is unable to serve the OP within 15 days, law enforcement will contact you. Law enforcement has a continuing duty to attempt service, so if you have additional information about the defendant’s location, please contact the law enforcement agency. The OP will be valid and enforceable for one year from the date of service. A served OP is enforceable by law enforcement in any state or tribal nation in the United States.

Injunction Against Harassment or an **Injunction Against Workplace Harassment:** You have one year from the date of issuance to ask for an IAH or IAWH to be served on the defendant. The order will be valid and enforceable for one year from the date of service. The court will instruct you on how service can be made. Law enforcement will serve an IAH involving a dating relationship or based on an act of sexual violence at no cost. There is a fee to serve an IAWH or an IAH not involving a dating relationship or sexual violence. The cost to serve injunctions depends on mileage and number of attempts. If you cannot afford pay for service, you can ask the judge to defer or waive the fee.

CONTESTED HEARING

If the defendant disagrees with the protective order, the defendant has the right to ask for a hearing. The court will conduct the hearing within 5 to 10 business days after the defendant makes a written request. At this hearing, you may present evidence (exhibits) and have witnesses testify on your behalf. The judge will take testimony from you, the defendant, and any witnesses to decide whether there is a legal reason to keep the order in place. If you do not appear for the hearing, the court may dismiss your order; therefore, you must notify the court of any change in your contact information to ensure you get notice of any hearing dates and times.

NO-CONTACT ORDERS

The defendant can be arrested for violating this protective order, even if you initiate contact. **If the defendant does not want you to contact him or her, the defendant has the right to request a protective order against you.** Orders are not automatically granted upon request—legal requirements must be met.

RESIDENCE AND PROPERTY

You may ask the judge to give you exclusive use of a residence you share with the defendant. If the defendant needs to retrieve personal belongings, the judge may order a standby. Standby allows the defendant to return once with a law enforcement officer to get necessary personal belongings. Neither law enforcement nor a protective order can resolve conflicts over property, title, furniture, finances, real estate, or other ownership issues. If the judge grants the defendant standby, the defendant must arrange a time and date with a law enforcement agency.

FIREARMS

You may ask the judge to order the defendant not to possess, receive, or purchase firearms or ammunition while the protective order is in effect.

ANIMALS

If you are asking for an Order of Protection, you may also ask the court to grant you the custody, care, and control of any animal owned by you, the defendant, or a minor child living in your household if you believe the defendant is a danger to the animal.

COUNSELING

Counseling for the defendant can be ordered only at a hearing of which the defendant has notice and an opportunity to participate.

CHANGING OR DISMISSING THE ORDER

Nothing you do on your own can dismiss or change this protective order. If you want to change or dismiss this order, you must make a written request to the court.

PUBLIC ACCESS

To comply with federal law, no identifying information about you from this protective order case will be published on the Judicial Branch website (www.azcourts.gov).

RESOURCES, SAFETY PLANS

See Domestic Violence Info (<http://www.azcourts.gov/domesticviolencelaw>) and the booklet *Things You Should Know About Protective Orders* for information about protective orders, resources, and safety plans.