

attachment to this order, effective January 1, 2022.

DATED this 30th day of August, 2021.

/s/

ROBERT BRUTINEL

Chief Justice

TO:

Rule 28 Distribution
Negar Katirai
Hon. Wendy A Million
Kristin M Fitzharris

ATTACHMENT¹

ARIZONA RULES OF PROTECTIVE ORDER PROCEDURE

Rule 38. Contested Hearing Procedures

(a)-(c) [No changes]

(d) Amended Petition. At a contested hearing, if a plaintiff seeks to testify or present evidence about relevant allegations that were not included in the petition, the court must:

(1) allow the plaintiff to amend the petition in writing on a form provided by the court, a copy of which the court must immediately provide to the defendant; and

(2) offer the defendant each of the following options:

(A) a continuance of the hearing, within the timeframes specified by Rule 38(b), to allow the defendant the opportunity to prepare for the additional allegations; or

(B) a brief recess to allow the defendant the opportunity to review the amended petition and prepare for the additional allegations; or

(C) an explanation of the options above and an opportunity to waive them. If the defendant waives both the opportunity for a continuance or a brief recess, then the court must proceed with the contested hearing on the amended petition that includes the additional allegations.

~~(d)~~(e) [No change in text]

~~(e)~~(f) [No change in text]

~~(f)~~(g) [No change in text]

¹ Additions to the text of the rule are shown by underscoring and deletions of text are shown by ~~strike through~~.