

the rule amendments are appropriate,

IT IS ORDERED that the amendments to Rules 3, 31, 32, 34, 39, and 42 of the Arizona Rules of Protective Order Procedure, which the Court adopted on an emergency basis on August 25, 2021, are hereby adopted permanently in accordance with the attachment to this order, effective January 1, 2022. The attachment to this order is the same as the attachment to this Court's August 25, 2021 order.

DATED this 8th day of December, 2021.

_____/s/_____
ROBERT BRUTINEL
Chief Justice

Arizona Supreme Court
Page 3 of 5

TO:

Rule 28 Distribution

**** ****

David K Byers

ATTACHMENT¹

ARIZONA RULES OF PROTECTIVE ORDER PROCEDURE

Rule 3. Definitions

(a)-(b) [No change]

(c) “**Harassment**,” when applicable to an Injunction Against Harassment, means:

(1) a series of acts over any period of time that are directed at a specific person and that would cause a reasonable person to be seriously alarmed, annoyed, or harassed, and the conduct in fact seriously alarms, annoys, or harasses the person and serves no legitimate purpose. *See* A.R.S. § 12-1809(S); ~~or~~

(2) one or more acts of sexual violence as defined in A.R.S. § 23-371; or-

(3) any contact if the person is the victim of a crime that was committed by the defendant. For purposes of this rule, “crime” means a conviction for an offense, whether completed or preparatory, that is a dangerous offense as defined in A.R.S. § 13-105, a serious offense or violent or aggravated felony as defined in A.R.S. § 13-706, or any offense in A.R.S. title 13, chapter 14 or 35.1.

(d)-(g) [No change]

* * *

Rule 31. Service of Protective Orders

(a) **Who Can Effect Service.** A protective order can be served only by a person authorized by Rule 4(d), *Arizona Rules of Civil Procedure*, A.R.S. §§ 13-3602(~~R~~K), 12-1809(~~R~~S), or 12-1810(~~R~~S) or as otherwise provided in this rule.

(b) **Expiration of an Unserved Order.** A protective order expires if it is not served on the defendant, together with a copy of the petition, within one year from the date the judicial officer signs the protective order. *See* A.R.S. §§ 13-3602(~~K~~N), 12-1809(J) and 12-1810(I).

(c) [No change]

* * *

Rule 32. Registration of Protective Order and Proof of Service

(a) **Registration; Central Repository.** The supreme court will maintain a central repository for Orders of Protection, Injunctions Against Harassment, and Injunctions

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

Against Workplace Harassment. Within 24 hours of return of service, every Order of Protection, Injunction Against Harassment, and Injunction Against Workplace Harassment must be entered by the issuing court into the supreme court's central repository for protective orders. The supreme court must register the served protective order registered by the issuing court with the National Crime Information Center. ~~The supreme court will maintain a central repository for these types of protective orders.~~

(b) [No change]

* * *

Rule 34. Jurisdiction

(a) **Superior Court Jurisdiction.** The superior court has exclusive jurisdiction to issue a protective order when a family law action is pending between the parties. A limited jurisdiction court must refer a plaintiff who has a pending family law action to the superior court. An action is pending if either:

(1) an action has begun but no final judgment, decree, or order has been entered, or

(2) a post-decree proceeding has begun but no final order determining that proceeding has been entered. *See* A.R.S. § 13-3602(~~P~~)(T).

(b)-(c) [No change]

* * *

Rule 39. Costs and Attorney Fees

(a) **Award.** After a hearing with notice to the affected party, a judicial officer may order any party to pay the costs of the action, including reasonable attorneys' fees, if any. *See* A.R.S. §§ 13-3602(~~P~~T), 12-1809(~~O~~P), and 12-1810(~~O~~P).

(b) [No change]

* * *

Rule 42. Appeals

(a)-(b) [No change]

COMMENT

A protective order entered by a limited jurisdiction court after a hearing at which both parties had an opportunity to appear may be appealed to the superior court. *See* A.R.S. §§ 13-3602(~~P~~)(S), 12-1809(~~O~~)(P), and 12-1810(~~O~~)(P). The procedures to be followed are set forth in A.R.S. § 22-261 for justice courts, are made applicable to municipal courts by A.R.S. § 22-425, and are governed by the *Superior Court Rules on Appellate Procedure-Civil*.