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IN THE SUPREME COURT
STATE OF ARIZONA

PETITION TO AMEND RULE 6) Supreme Court No. R-09_____
OF THE ARIZONA RULES)
OF PROTECTIVE ORDER PROCEDURE)
_____)

Pursuant to Arizona Supreme Court Rule 28, David K. Byers, Administrative Director, Administrative Office of the Courts, respectfully petitions this Court to amend the Arizona Rules of Protective Order Procedure (ARPOP), as reflected in the accompanying Appendix A, on an expedited basis to bring them into conformity with recent amendments to Arizona statutes.

I. Background and Purpose of the Proposed Rule Amendment. Senate Bill 1088 was passed in the First Regular Session of the Forty-Ninth Legislature (2009). The bill's effective date is September 30, 2009.

SB 1088 inserted subsection ARS § 13-3601(A)(6) into the existing statute, expanding the types of relationships included in the definition of domestic

violence. ARS § 13-3601(A) establishes a two-part test to determine whether an act is domestic violence. The statute lists 23 offenses that, combined with the specified relationships, constitute “domestic violence.”

This legislation will now allow a person in a current or previous romantic or sexual relationship with an alleged abuser to qualify for an Order of Protection against that person. The legislation also provides factors that the court may consider in determining whether the parties currently had or previously had this type of relationship.

II. Contents of the Proposed Rule Amendment. The proposed rule amendment would conform the Rules of Protective Order Procedure with the changes made to ARS § 13-3601.

Rule 6 of the Rules of Protective Order Procedure governs issuance of protective orders. The proposed additional language in Rule 6(C)(3)(b)(6) would add the current or previous romantic or sexual relationship category to the existing rule and would incorporate the factors the court can consider in determining whether the relationship between the parties qualifies the plaintiff for an Order of Protection. The court may consider the type and length of the relationship, how frequently the plaintiff and the defendant interacted, and if the relationship has ended, the length of time since it terminated.

III. Pre-Petition Comments. The petition has not been circulated for pre-petition comments.

IV. Proposed Post-Petition Public Comment Period. Petitioner respectfully recommends a public comment period for the proposed rule ending May 20, 2010.

IV. Effective Date of the Proposed Rule Amendment. The rights granted by the underlying statutory amendment will become effective on September 30, 2009, and the effective date of the proposed rule amendment must be consistent with that date. Accordingly, petitioner respectfully requests that the proposed amendments be made effective on and after September 30, 2009.

RESPECTFULLY SUBMITTED this _____ day of August 2009:

By _____
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