

1 Honorable Jennifer Green  
2 Superior Court of Arizona, Maricopa County  
3 175 West Madison Street  
4 Phoenix, AZ 85003  
5 (602) 506-0438

6 IN THE SUPREME COURT  
7 STATE OF ARIZONA

8 )  
9 PETITION TO AMEND RULE 43 )  
10 OF THE RULES OF PROTECTIVE ) Supreme Court No. R-\_\_\_\_\_  
11 ORDER PROCEDURE )

12 Pursuant to Rule 28(a), Arizona Rules of the Supreme Court, the  
13 undersigned submits this petition to amend Rule 43(g) of the Arizona Rules of  
14 Protective Order Procedure to require the Clerk of the Superior Court to provide  
15 notice of the filing of a petition for an Order for Lifetime No-Contact Injunction to  
16 the defendant in situations where the defendant has already been sentenced.  
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18 Currently, Rule 43 requires the *court* to notify a defendant when a petition seeking  
19 such an order is filed. Requiring the court to notify a party that a petition has been  
20 filed against them presents an unnecessary burden for the court and is a role better  
21 suited for the Clerk of Court’s Office, which routinely sends mailings out to  
22 parties.  
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26 In 2022, the Arizona Legislature adopted A.R.S. §13-719 (which it  
27 amended in 2023) allowing a victim of a crime where the defendant is convicted  
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1 of certain offenses to request a lifetime injunction that prohibits the defendant  
2 from contacting the victim. The request can be made by a victim or prosecutor at  
3 the time of sentencing (A.R.S. §13-719(A)), or the request may be made any time  
4 after sentencing by submitting a petition to the court requesting such an injunction  
5 (A.R.S. §13-719(D)). To implement the statute, the Supreme Court adopted  
6 amendments to Rule 26.11 of the Rules of Criminal Procedure and Rules 1, 3, 4,  
7 and 42 of the Rules of Protective Order Procedure. The Supreme Court further  
8 adopted Rule 43 of the Rules of Protective Order Procedure to set forth the  
9 process for requesting an Order for Lifetime No-Contact Injunction in situations  
10 where the victim or prosecutor did not make the request at the time of sentencing.  
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15 Pursuant to Rule 43(c), a victim, the victim’s attorney, the victim’s legal  
16 guardian, or the prosecutor may file the petition seeking the injunction. Rule 43(g)  
17 requires the *court* to notify the defendant of the petition—either by mailing a  
18 notice to the last known address of the defendant’s sentencing counsel, or, if the  
19 defendant was unrepresented at sentencing, by mailing the notice to the  
20 defendant’s last known address.  
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23 It is highly unusual for a Rule of Court to require the court itself to send out  
24 notices to a party when another party has filed a petition, complaint, or motion  
25 seeking some sort of relief against the party. The Clerk of the Superior Court,  
26 which routinely mails out a variety of documents to parties in a case, is in a better  
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1 position to accomplish this task. Our Court has consulted with the Clerk of the  
2 Superior Court in Maricopa County and they have no objection to the amendment.

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4 Therefore, as set forth in Attachment “A” to this petition, the undersigned  
5 petitioner respectfully requests that Rule 43(g) of the Rules of Protective Order  
6 Procedure be amended to require the notice of the petition to either defendant’s  
7  
8 counsel or the defendant be made by the Clerk of the Superior Court.

9 RESPECTFULLY SUBMITTED this 10th day of January, 2024.

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11  
12 /s/ Jennifer Green  
13 Hon. Jennifer Green  
14 Criminal Presiding Judge  
Superior Court of Arizona, Maricopa County

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16  
17 Electronic copy filed with  
18 the Clerk of the Arizona Supreme Court  
19 this 10th day of January, 2024.  
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