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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:) Supreme Court No. R-24-0039
)
PETITION TO AMEND ABROGATE) **COMMENTS OF THE ARIZONA**
RULE 38(d) OF THE ARIZONA) **COMMISSION ON ACCESS TO**
RULES OF PROTECTIVE ORDER) **JUSTICE OPPOSING THE**
PROCEDURE) **PETITION**
_____)

The Arizona Commission on Access to Justice is charged with considering and recommending innovative ways to promote access to justice for individuals who cannot afford legal counsel or who choose to represent themselves in civil cases. Established in 2014, the Commission evaluates best practices, identifies possible changes in court rules or practices to reduce barriers to access, identifies and encourages the adoption of best practices among legal service providers, and considers potential long-term funding options.

Following a presentation at the April 11, 2024, Commission meeting, a motion was made and seconded that the Commission oppose Rule Change Petition No. R-24-0039. After discussion by members of the Commission, that motion passed

unanimously. This Comment is a result of that formal Commission action and is intended to reflect the Commission's opposition to the changes requested in the Petition.

There is an access to justice issue for victims of domestic violence seeking relief through orders of protection. Victims are often rushed and make mistakes/omissions when filing the initial petition, particularly when they are filling out forms electronically. Prohibiting amendments would create an environment in which respondents become aware that a victim is seeking an order of protection but did not have the opportunity to include all relevant allegations. Victims could be chilled from seeking recourse through the courts, particularly if they must file a completely new petition. The claim that the current rule is a due process violation is mistaken, as the law allows for amendment of pleadings in many circumstances, including civil cases, until the close of evidence. Any notice problems are dealt with by simply granting a short continuance to allow defendants the opportunity to rebut the newly arisen allegations.

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For these reasons, the Commission opposes the adoption of the proposed amendments requested in Petition No. R-24-0039.

DATED this 29th day of April 2024.

_____/s/_____
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