

Wendy Million  
On behalf of the Committee on the Impact of  
Domestic Violence and the Courts  
Administrative Office of the Courts  
1501 W. Washington  
Phoenix, AZ 85007-3327  
Telephone: (602) 452-3360  
[erobbins@courts.az.gov](mailto:erobbins@courts.az.gov)

**IN THE SUPREME COURT  
STATE OF ARIZONA**

In the Matter of	)	Arizona Supreme Court No. R-25-0030
	)	
PETITION TO AMEND RULES OF	)	
PROTECTIVE ORDER	)	<b>COMMENTS OF THE</b>
PROCEDURE 36; RULE OF	)	<b>COMMITTEE ON THE IMPACT</b>
PROCEDURE FOR JUVENILE	)	<b>OF DOMESTIC VIOLENCE AND</b>
COURTS 315; RULE OF	)	<b>THE COURTS OPPOSING THE</b>
EVIDENCE 901	)	<b>PETITION</b>
_____	)	

The Committee on the Impact of Domestic Violence and the Courts (CIDVC) has authorized the Honorable Wendy A. Million, CIDVC chair, to file this comment to AISC’s Petition No. R-25-0030.

At its February 18, 2025 meeting, the Committee on the Impact of Domestic Violence and the Courts (“CIDVC”) voted to oppose the Petition to amend Rule 36, Arizona Rules of Protective Order Procedure (ARPOP). During its discussion, members of CIDVC agreed that some of the issues the Petition attempts to address are redundant to existing ARPOP rules or may create unintended consequences for victims of domestic violence.

The Petition seeks to amend Rule 36, adding new subsection (c) which would allow the court to impose sanctions in various ways if the court finds *false evidence* was presented to the court by a party or attorney. The stated intent of the Petition is to *create consistent and sufficient methods for litigants and courts to address AI-generated or substantially altered evidence across case types*. However, the proposed amendment to Rule 36 fails to address AI-generated or substantially altered evidence specifically and references a broader term of “false evidence”.

There are many factors a judicial officer must consider when granting, amending, or continuing a protective order; determination doesn't rely solely on one element of the petition and testimony. Addition of language in ARPOP that would allow dismissal of an action, as a sanction, based on “false evidence” could be harmful to victims of domestic violence. As currently drafted, Arizona Rules of Protective Order Procedure provides the court with broad discretion in determining whether evidence is admissible in any individual protective order hearing, including contested hearings. The court may also exclude relevant evidence if its probative value is outweighed by factors outlined in Rule 36(a), including lack of reliability. A judge's ability to determine reliability and relevance of evidence coupled with the ability to exclude it outweighs the need to identify evidence as “false”. Victims of domestic violence are often accused of making false reports. The inability of

a victim to prove or meet the burden on a specific allegation does not mean the allegation or evidence is false but the committee is concerned that a judicial officer may equate the two. Rules regarding “false evidence” in these matters could be weaponized against victims, furthering their hesitation and causing them to refrain from seeking a protective order. The idea that they might be accused and sanctioned for providing “false evidence” would create a chilling effect on potential petitioners, especially those who are unrepresented or don’t have access to advocates who may assist in the process. Using an allegation of “false evidence” against a petitioner gives an abuser an additional way to weaponize the justice system against a victim.

To address the court’s ability to award costs and attorney’s fees, Rule 39(a), Arizona Rules of Protective Order Procedure and Arizona Revised Statutes §13-3602(T), §12-1809(P), and §12-1810(P) provide authority for a judicial officer to order costs and reasonable attorneys’ fees in protective order cases. Furthermore, Rule 39(b), ARPOP enumerates factors for the judicial officer to consider when making these determinations, such as merit of the claims, and whether the award may deter others from making valid claims. The Committee believes the current rules adequately allow the court to evaluate and make necessary determinations without creating unintended harm to victims of domestic violence.

For the foregoing reasons, CIDVC opposes the portion of the Petition recommending the amendment to Rule 36, Arizona Rules of Protective Order Procedure, adding subsection (c).

DATED this 26th day of March 2025.

Wendy Million  
Chair, Committee on Family Court