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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:)
)
PETITION TO AMEND RULES) Supreme Court No. R-26-_____
12, 23, 25, 26, AND 38 OF THE)
ARIZONA RULES OF)
PROTECTIVE ORDER)
PROCEDURE)
_____)

Pursuant to Rule 28 of the Rules of the Supreme Court of Arizona, the Honorable Wendy Million, Tucson City Court Magistrate and Chair of the Committee on the Impact of Domestic Violence and the Courts (CIDVC), (“Petitioner”), respectfully petitions this Court, on behalf of CIDVC to amend the Arizona Rules of Protective Order Procedure (ARPOP), as set forth in Appendix A.

I. Introduction and Background

The Domestic Violence Rules Committee (DVRC) was established by Administrative Order No. [2005-85](#) to “research other statewide domestic violence rules, study the issues relevant to domestic violence procedural matters in Arizona,

and consider alternatives to Rule 96, Domestic Violence Benchbooks in the *Arizona Rules of Family Law Procedure* which may include statewide domestic violence rules.” The DVRC convened in 2005 and during the next year developed a standalone set of procedural rules for protective order cases.

In June 2007, the Honorable William J. O’Neil, DVRC Chair, submitted a Rule 28 petition, asking the Supreme Court to adopt the Arizona Rules of Protective Order Procedure. The Supreme Court adopted the ARPOP in September 2007, making the rules effective on January 1, 2008.

Shortly thereafter, the DVRC, having fulfilled its purpose, was disbanded by Administrative Order No. [2008-08](#).

The Committee on the Impact of Domestic Violence and the Courts (CIDVC), realizing that no formal committee remained to address ARPOP modifications, has taken on the role of responding to petitions to amend this body of rules or recommending changes to the rules when it believes them to be necessary.

II. Purpose of this Petition

Goal 3 of the Chief Justice’s Strategic Agenda relates to protecting Children, Families, and Communities. A key part of that goal calls for development of a policy and protocol, to “require proof of compliance when a defendant is ordered to relinquish their firearm(s).” CIDVC felt best positioned to evaluate methods for accomplishing this goal and in November 2024, discussed the formation of a

Firearms Workgroup, and convened the ARPOP Workgroup to begin exploring statewide solutions.

The Firearms Workgroup conducted its first meeting in February 2025 while the ARPOP Workgroup conducted its first meeting in April 2025. The ARPOP Workgroup aimed to develop rules that would create protocols for firearms transfers, and the Firearms Workgroup evaluated forms development to support the initiative. During the ARPOP Workgroup’s review, additional rules requiring immediate updates for clarification were also identified.

Forms and proposed rule changes were presented to CIDVC at its September 16, 2025 and December 2, 2025 meetings, and CIDVC approved the proposed rule amendments set forth in Appendix A.

In addition to the firearms issues, the Rule amendments also address other issues that appear to be continuing areas of concern: allowing Petitioners to change their confidential addresses with the court without setting a hearing and addressing conflicts between the language of Rule 38(d) and the forms approved by the AOC.

III. Content of Proposed Rule Amendments

A. Rule 12 (“Party Addresses”)

The proposed amendments to Rule 12 (“party addresses”) are intended to better align the rule with A.R.S. § 13-3602(C) and to clarify practices for courts and clerks of court. Specifically, A.R.S. § 13-3602(C) prohibits the plaintiff’s address

and contact information from being listed on the petition and requires that it be maintained by the court in a separate document or database. Release or disclosure of that address or contact information is prohibited except as ordered by the court.

While the statute permits discretionary release or disclosure of a protected address, such release does not render the address, address changes, or contact information publicly accessible. Accordingly, the proposed amendments to Rule 12(a) change the last sentence, “If the plaintiff’s address and telephone number are protected, any changes must also be protected” to “The plaintiff’s address and telephone number, including any changes, are protected from release or disclosure.”

Further, the proposed amendments protect the plaintiff’s address and contact information beyond what A.R.S. § 13-3602(C) provides, by protecting the plaintiff’s address and contact information at the case level instead of being limited to the information provided at the time the petition is filed.

The proposed amendments also add a new subsection (c) (“plaintiff address”) to Rule 12 to provide that the plaintiff should not include his or her residential address on any subsequently filed documents other than in a confidential document. The proposed amendments further provide that if the plaintiff’s address is included on a non-confidential document filed with the court, court staff may redact the address if practical.

Lastly, the proposed amendments to Rule 12 add a new subsection (d) (“no hearing required”) to clarify that a plaintiff’s request to update his or her confidential residential address is not a request to modify the protective order. The ARPOP Workgroup identified that certain courts have required parties to appear for a hearing following a request to update an address, resulting in the issuance of an amended protective order.

Because an address change does not constitute a request to modify a protective order, and because addresses and contact information are maintained in a separate document or automated database rather than in the petition or order itself, CIDVC proposes the addition of new subsection (c), as set forth in Appendix A, to clarify the plaintiff’s responsibilities when providing contact information to the court or clerk’s office, and the addition of new subsection (d), as set forth in Appendix A, to provide clarification and standardization in court processes and to safeguard the defendant’s due process rights.

B. Rule 23 (“Order of Protection”)

The proposed amendments to Rule 23 (“order of protection”) offer clearer guidance to judicial officers relating to firearms restrictions under A.R.S. § 13-3602(G)(4) and establish new protocols that facilitate the statewide implementation of standardized forms when a firearms transfer is ordered. The forms referred to in the proposed rule amendments are not currently adopted protective order forms, but

have been drafted for that purpose, should this Court be inclined to adopt the proposed rule amendments set forth herein.

The proposed amendments to Rule 23(i) (“firearms”) enhance the rule by introducing a more defined process for assessing credible threat and determining firearms prohibitions.

First, Rule 23(i) has been renumbered, and subheadings have been added to improve organization and readability. Additionally, text explaining the purpose of Rule 23(i) has been added and explicitly references A.R.S. § 13-3602(G)(4), clarifying that the firearms provisions in Rule 23(i) are applicable only to prohibitions imposed under state law.

Second, a new subpart (i)(2) (“factors to be considered”) has been added, which introduces risk factors to be considered when assessing credible threat. These factors are derived from the Arizona Supreme Court-approved Arizona Intimate Partner Risk Assessment Instrument System (APRAIS), specifically Form 4(c), Rules of Criminal Procedure. For many years, the language of Rule 23 linked the presence or possession of a firearm with the language in A.R.S. § 13-3602 that requires a finding of “credible threat to the physical safety of the plaintiff or other protected persons.” *See* current ARPOP Rule 23(i). This connection does not address all high-risk cases and leaves intimate partner DV victims vulnerable for a few reasons.

First, plaintiffs do not always share all information when applying for a protective order. Oftentimes they will not tell a judicial officer about firearms—either out of fear that the defendant will realize they disclosed the information, or because they do not clearly see the threat. Second, if a firearm has not been used in the acts of domestic violence being alleged in the petition before the judicial officer, many judges conclude there was not a “credible threat.” Research shows, however, that access to a firearm, in a relationship where there have been other high-risk acts of domestic violence, for example, strangulation or jealousy and controlling behavior, leads to increased risk of death or injury for the victims, even though the firearm was not necessarily used against the victim in the past. (See **Why Do They Kill – Men Who Murder Their Intimate Partners** by David Adams, Vanderbilt University Press 2007)

Additional research and the evidence-based APRAIS risk assessment that was approved by the Supreme Court, demonstrates that there are other risk factors besides the possession of firearms that could lead a judicial officer to conclude that the defendant poses a “credible threat” to the physical safety of the plaintiff and other protected parties and limit access to firearms. The amendments to Rule 23 require that a judicial officer consider the highest risk factors in the case in front of them, including the presence of a firearm, to make a decision on the “credible threat” standard.

Lastly, a new subpart (4) (“transfer of firearms”) has been added, requiring that if a firearms prohibition is ordered, the court must include the approved firearms transfer information and instruction documents and a blank Affidavit of Firearms Transfer form in the packet provided to law enforcement.

C. Rule 25 (“Injunction Against Harassment”) and Rule 26 (“Injunction Against Workplace Harassment”)

To promote uniformity in procedural language, the proposed amendments to Rule 25 (“injunction against harassment”) and Rule 26 (“injunction against workplace harassment”) track the changes introduced in Rule 23(b) relating to the addition of “exact or approximate” dates the acts alleged in the petition occurred.

D. Rule 38 (“Contested Hearing Procedures”)

The proposed amendments to Rule 38 (“contested hearing procedures”) provide clarification relating to the plaintiff’s ability to amend a petition at a contested hearing. The impetus for this proposed amendment is the inconsistent interpretation of current Rule 38 across the state.

On January 7, 2021, the University of Arizona Domestic Violence Law Clinic (DVLC) filed Rule Petition [R-21-0010](#) to amend ARPOP to add specific language relating to amending an Order of Protection petition. Based on this petition, this Court adopted amendments to Rule 38, which became effective January 1, 2022.

Rule 38(d) (“amended petition”) needs clarification regarding the permissible number of amendments a plaintiff may make at a contested hearing and the

allegations permitted to be included, based on their date of occurrence. The ARPOP Workgroup discussed whether the addition of incidents permitted should include incidents that occurred at any time prior to the date of the contested hearing, or whether the additional incidents should be limited to events that occurred prior to the date the defendant was served with the protective order.

Both options were presented to CIDVC at its December 2, 2025 meeting. The majority of the members present supported the language proposed in Appendix A, the rationale being that allowing a plaintiff to amend the petition to include any acts that occurred before the defendant was served with the protective order best addresses the purpose of the protective order. It further reserves any acts that occur after the service of the protective order to be addressed by the criminal process contemplated by A.R.S. § 13-3602(R).

Other proposed amendments to Rule 38(f) include clarifying that a plaintiff whose protective order is dismissed for failure to appear at a contested hearing is not precluded from applying for a subsequent order based on previously alleged acts when re-applying for a protective order - the nature of the proceeding is not to be limited by “res judicata” or “collateral estoppel” arguments.

Lastly, the proposed amendments to Rule 38(g) (“procedure”) add two new subparts relating to contested hearing procedures when both parties appear at the contested hearing. First, proposed new subpart (4) (“firearms”) requires the judicial

officer to ask about the defendant's use of or access to firearms. The proposed second new subpart is subpart (5) ("credible threat"), which requires the judicial officer to determine whether the defendant is a credible threat by considering the factors listed in Rule 23(i)(2). If the judicial officer makes such a determination, he or she may issue an order as provided in Rule 23(i)(3) and must proceed with providing the defendant with the necessary information and documents to transfer his or her firearms to the appropriate law enforcement agency.

IV. Similar Petitions Files in Last Five Years

Rule Petition [R-22-0030](#), relating to Rule 23(j) was filed in June 2022, and this Court adopted rule amendments on a permanent basis in December 2022, effective January 1, 2023. Rule Petition [R-20-0002](#), relating to Rule 38(f) was filed in January 2020, and this Court adopted rule amendments in August 2020, effective January 1, 2021. Other petitions relating to Rule 38 include [R-21-0010](#). This Court adopted rule amendments in August 2021, effective January 1, 2022.

V. Request

For the reasons stated in this petition, Petitioner respectfully requests that this Court open this petition for public comment, consider the petition and comments in the regular course provided by Supreme Court Rule 28, and adopt the proposed amendments as set forth in Appendix A.

Respectfully submitted this 7th day of January, 2026.

By /s/ Wendy Million _____
Wendy Million
Chair, Committee on Domestic Violence
and the Courts

APPENDIX A

(deletions shown in ~~strike through~~, new language is underlined)

Arizona Rules of Protective Order Procedure

Rule 12. Party Addresses

(a) Change of Address. Each party must report any change of address or telephone number to the court or clerk of the court to permit notification of any scheduled hearing. ~~If~~The plaintiff's address and telephone number, including any changes, are protected from release or disclosure, ~~any changes must also be protected.~~

(b) Continuing Duty to Provide Current Address. Any person whose address is protected from release or disclosure has a continuing duty to provide the court or clerk of the court with a current and correct mailing address where the person can be served or notified.

(c) Plaintiff Address. The plaintiff should not include his or her residential address in any document filed with the court other than in a confidential document, unless the court orders otherwise or as prescribed by law. The court or clerk of the court is not required to redact the plaintiff's address contained in a non-confidential document filed with the court, but the court or clerk of the court may redact the address if practical.

(d) No Hearing Required. A plaintiff's request to update his or her confidential residential address is not a request to modify the protective order and is not subject to the hearing requirements under Rule 40.

Rule 23. Order of Protection

(a) [No change]

(b) Contents of Petition. In the petition, the plaintiff must:

(1) allege each specific act of domestic violence that will be relied on at hearing, ~~and;~~

(2) provide the exact or approximate dates of each act of domestic violence alleged; and

(23) name each person the plaintiff believes should be protected by the order.

(c) through (h) [No change]

(i) Firearms. A judicial officer must consider whether a defendant is a credible threat to the physical safety of the plaintiff or other protected persons under A.R.S. § 13-3602(G)(4).

(1) Access to Firearms. When issuing an Order of Protection, either ex parte or after a hearing, the judicial officer must ask the plaintiff about the defendant's use of or access to firearms.

(2) Factors to be Considered. †To determine whether the defendant poses a credible threat to the physical safety of the plaintiff or other protected persons-, the judicial officer must consider the following factors:

(i) Possession of or access to firearms by the defendant;

(ii) Allegations of strangulation or choking;

(iii) Physical violence that is increasing in severity or frequency;

(iv) The plaintiff is pregnant;

(v) The defendant has used an object or a weapon to hurt or threaten the plaintiff;

(vi) The defendant exhibits violent and constant jealousy and attempts to control the plaintiff's behavior;

(vii) The plaintiff believes the defendant is capable of killing them;

(viii) The defendant has attempted to kill the plaintiff in the past;

(ix) The results of a domestic violence risk assessment tool administered to the plaintiff; and

(x) Any other factor the judicial officer determines is relevant.

(23) Orders. Upon finding that the defendant is a credible threat to the physical safety of the plaintiff or other protected persons, the judicial officer may, for the duration of the Order of Protection:

(A) and (B) [No change]

(34) Transfer of Firearms. If a firearms prohibition is ordered, the court must include the approved firearms transfer information and instruction documents and a blank Affidavit of Firearms Transfer form in the packet provided to law enforcement.

(5) Violation of Order to Transfer Firearms. A plaintiff who reports a violation of the order to transfer firearms must be referred to the appropriate law enforcement agency.

(j) Effectiveness. An Order of Protection takes effect when the defendant is served with a copy of the order and the petition. ~~An Order of Protection that is served on or after September 24, 2022, and is in effect for two years from date of service. An Order of Protection served before September 24, 2022, is in effect for one year from date of service.~~ A modified Order of Protection takes effect upon service and expires the same date as the initial order upon which it is based. *See* A.R.S. § 13-3602(N).

(k) [No change]

COMMENT

Rule 23(e). [No change]

Rule 23(h)(2)-(3). [No change]

Rule 23(i)(2). These risk factors are based on the Arizona Supreme Court-approved evidence-based APRAIS risk assessment. *See* Rules of Criminal Procedure, Rule 7.3(d), Rule 41, Form 4(c).

Rule 23(i)(3). The appropriate law enforcement agency referenced in subpart (32)(B) is generally the police department or the sheriff's office with jurisdiction over the location of the defendant or the firearm.

Rule 25. Injunction Against Harassment

(a) [No change]

(b) **Contents of Petition.** In the petition, the plaintiff must allege a series of specific acts of harassment or an act or acts of sexual violence as defined in A.R.S. § 23-371, including exact or approximate dates of occurrence, that will be relied on at hearing. A series of acts means at least two events. *See* A.R.S. § 12-1809(C) and (ST).

(c) through (i) [No change]

Rule 26. Injunction Against Workplace Harassment

(a) [No change]

(b) **Contents of Petition.** In the petition, the plaintiff must allege at least one specific act of harassment, including exact or approximate dates of occurrence, that will be relied on at hearing. *See* A.R.S. § 12-1810(C)(3).

(c) through (h) [No change]

Rule 38. Contested Hearing Procedures

(a) through (c) [No change]

(d) **Amended Petition.** At a contested hearing, if a plaintiff seeks to testify or present evidence about relevant allegations that were not included in the original petition, the court must:

(1) allow the plaintiff to one amendment to the petition in writing on a form provided by the court. New allegations included in the amendment must be limited to events that occurred prior to the date the defendant was served with the initial petition or protective order, a copy of which ~~the court must immediately provide a copy of the form~~ to the defendant; and

(2) [No change]

(e) [No change]

(f) **Appearance at the Contested Hearing.**

(1) *Defendant Fails to Appear.* If the plaintiff appears for the contested hearing and the defendant fails to appear, and the defendant received actual notice of the hearing, the protective order will ~~remain in effect~~ be affirmed as originally issued.

(2) *Plaintiff Fails to Appear.* If the defendant appears for the contested hearing and the plaintiff fails to appear, and the plaintiff received actual notice of the hearing, the protective order will be dismissed. The plaintiff's failure to

appear does not preclude the plaintiff from applying for another protective order based on the same allegations.

(3) *Neither Party Appears*. If neither party appears for the contested hearing, and each party received actual notice, the hearing will be vacated, and the protective order will ~~remain in effect~~ be affirmed as originally issued.

(g) Procedures. If both parties appear and a contested hearing is conducted, the following rules apply:

(1) and (3) [No change]

(4) *Firearms*. The judicial officer must ask the plaintiff about the defendant's use of or access to firearms.

(5) *Credible Threat*. The judicial officer must determine whether the defendant is a credible threat to the physical safety of the plaintiff or other protected persons by considering the factors listed in Rule 23(i)(2). If the judicial officer finds the defendant is a credible threat, the judicial officer may issue an order under Rule 23(i)(3). If such an order is issued, the court must proceed with ordering a firearms transfer and provide the defendant with the approved firearms transfer information and instruction documents and a blank Affidavit of Firearms Transfer form.

(6) *Basis for Continuing, Modifying, or Revoking Protective Orders*. At the conclusion of the hearing, the judicial officer must state the basis for continuing, modifying, or revoking the protective order.

(5-7) *Service of Modified Protective Order*. A modified protective order must be served on the defendant. Procedures for serving a defendant who is present in the courtroom are set forth in Rule 31(f)-(g).