

Greg Sakall
Judge, Division 23
Pima County Superior Court
110 W Congress
Tucson, AZ 85701
Telephone: (520) 724-8301
valayan@courts.az.gov (for COFC purposes only)

**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of)	Arizona Supreme Court No. R-26-0004
)	
PETITION TO AMEND RULES)	
12, 13, 25, 26, AND 38 OF THE)	
ARIZONA RULES OF)	COMMENT OF THE
PROTECTIVE ORDER)	COFC
PROCEDURE)	
_____)	

Judge Wendy Million, on behalf of the Committee on the Impact of Domestic Violence and the Courts (CIDVIC) filed the pending petition to address multiple changes to the Arizona Rules of Protective Order Procedure.

The Committee on Family Court (“COFC”) reviewed and discussed the Petition at its February 19, 2026 meeting. It voted to support the Petition as to the amendments relating to the Rules 23(i) and 38(g) firearms provisions with a friendly amendment, and to oppose the proposed changes to Rules 12 and 38(f)(2) as written for the reasons set forth below.

As to the proposed amendments to Rules 23(i) and 38(g), COFC suggests an amendment to proposed Rule 23(i)(2)(ix) such that the provision would read as follows with COFC’s proposed language in red:

(ix) **If available**, the results of a domestic violence risk assessment tool administered to the plaintiff

COFC's concerns are that in these hearings, judicial officers are not always presented with the results of a domestic violence risk assessment tool administered to the plaintiff. As drafted by CIDVIC, an argument could be made that the proposed rule would require the judicial officer or court to administer the assessment tool. COFC does not believe that was CIDVIC's intent, and if so, proposed Rule 23(i)(2)(ix) should be modified as above.

As to the proposed amendments to Rule 12, COFC opposes them as written. The amendments conflict with Rule 7, Ariz. R. Fam. L. P., which also addresses protected addresses. As many court users have both family court and protective order proceedings, COFC believes further study is needed to harmonize the two rules so that similar processes are followed. Furthermore, proposed Rule 12(c) is written too broadly as the plaintiff's address may be known to all parties in some cases. Finally, if the Court is inclined to adopt the proposed Rule 12(c), the final sentence should allow the Clerk or Court the option to redact the address or strike the filings, if redaction is not available.

As to the proposed amendments to Rule 38(d), COFC agrees that Rule 38(d) needs to be modified to clarify the temporal limitation on events that

can be included in an amended petition. COFC had an extended discussion regarding whether the amendments to a petition should be limited either (i) to those events that occurred before the date the defendant was served with the initial petition (CIDVIC's position), or (ii) to those events that occurred before the contested hearing. COFC was informed that CIDVIC had similar discussions, and its members had varying positions. Upon a vote of 9-7, a slight majority of COFC supported the CIDVIC position on this issue.

As to the proposed amendments to Rule 38(f)(2), COFC discussed whether if the plaintiff fails to appear at the contested hearing, there should be some limitation on the plaintiff's ability to apply for another protective order based on the same allegations. COFC recognizes that there are often legitimate reasons for a plaintiff to fail to appear at such a hearing; however, if there is no limitation, a plaintiff could abuse the process by filing repeated petitions on the same allegations. If the Court wishes to place some limitation on the plaintiff's ability to refile, COFC suggests the Court consider the following additional language in red below:

(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 **for good cause** does not preclude the plaintiff from applying for another protective order based on the same allegations.

For the foregoing reasons, COFC respectfully requests that the Court consider COFC's comments and proposed modifications to the proposed rules.

DATED this 1st day of May, 2026.

/s/ Greg Sakall

Chair, Committee on Family Court