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**IN THE SUPREME COURT  
STATE OF ARIZONA**

In the Matter of: )  
)  
PETITION TO AMEND RULES ) Supreme Court No. R-26-0004  
12, 23, 25, 26, AND 38 OF THE )  
ARIZONA RULES OF )  
PROTECTIVE ORDER )  
PROCEDURE )  
\_\_\_\_\_ )

On January 7, 2026 the Committee on the Impact of Domestic Violence and the Courts (“CIDVC”) filed a Petition to amend Rules 12, 23, 25, 26, and 38 of the Arizona Rules of Protective Order Procedure (“ARPOP”). CIDVC discussed the comments at its May 12, 2026 public meeting, and provides the following Reply for the Court’s consideration.

The Commission on Access to Justice and the Arizona Attorney General’s Office filed comments in support. The Committee on Family Court (“COFC”) filed a comment opposing Rules 12 and 38(f)(2) and recommended amendments to Rules 23(i) and 38(g). The Arizona Law Enforcement Legal Advisors Association and the Arizona Sheriff’s Association filed comments in

opposition to Rule 23. Legal Services for Crime Victims in Arizona opposed Rule 38(d) and Community Legal Services and Southern Arizona Legal Aid filed a joint comment supporting the Petition with exception to Rule 38(d), as written. The Maricopa County Sheriff's Office filed a comment in opposition.

**Rule 12 (“Party Addresses”):** COFC’s comment indicates that ARPOP Rule 12 conflicts with ARFLP Rule 7.

The proposed changes to ARPOP Rule 12, sections (a) and (b), are technical in nature and necessary to account for the differences between procedures in limited jurisdiction (“LJ”) and general jurisdiction (“GJ”) courts. Section (a) requires a party to report any changes in contact information to the **court**; however, when a protective order case is in superior court, that information must be submitted to the clerk of the court. Section (b) places a continuing duty on parties to provide a current address to the **clerk of the court**; however, in LJ courts, there is no clerk of the court. Although adding “court or clerk of the court” creates phrasing differences between ARPOP Rule 12 and ARFLP Rule 7(f), ARPOP necessarily requires broader phrasing, and the distinction is appropriate because of the structural jurisdictional difference. **Family law matters can only be heard in superior courts, while protective order matters may be heard in any Arizona court—** CIDVC’s proposed changes resolve inconsistencies without creating conflict between the rule sets.

Additional modifications to sections (a) and (b) allow the language in the rule to mirror A.R.S. §§ 13-3602(c)(1) and 12-1809(c)(1), which use the phrase “from release or disclosure.”

Regarding the proposed amendments to ARPOP Rule 12(c), CIDVC identified that some plaintiffs were submitting address change information in protective order cases using generic, non-confidential court forms. This practice leaves protected contact information vulnerable to inadvertent disclosure once protective order cases are subject to public access requests. CIDVC determined that amendments were needed to provide clearer procedures for courts and parties to ensure that statutory protections for contact information are preserved.

- ARFLP Rule 7 provides procedures for parties in family law cases to **request** that their address be protected. It also describes the process for determining when such information may cease to be protected.
- In contrast, under A.R.S. §§ 13-3602(c)(1) and 12-1809(c)(1), addresses and contact information in protective order cases are **confidential pursuant to statutory requirements**, regardless of whether the protective order matter is no longer confidential or whether an order ultimately issues. Statute allows release or disclosure only by court order, and confidentiality applies even when the opposing party already knows the address.

CIDVC agrees with COFC that the originally proposed language in ARPOP Rule 12(c) was too broad and was not intended to imply that a plaintiff's address should be omitted from all documents the party might file in any case type.

Because the proposed amendments to Rule 12 align with statutory requirements while providing needed clarification, CIDVC requests adoption of ARPOP Rule 12 as shown in Appendix A (in red). Additionally, although ARPOP Rule 12 is harmonized with statutory requirements, CIDVC recommends that the COFC/CICVC Joint Workgroup review ARFLP Rule 7 to identify any inconsistencies that may be better addressed through future rule or statutory revisions.

**Rule 38 (“Contested Hearing Procedures”):** In response to the multiple comments on the ARPOP Rule 38(d) provision that limits the events in the amended petition to events that occur *before service of the protective order*, and the fact that both COFC and CIDVC had several discussions about these limits, CIDVC had another very in-depth discussion, and decided, on a very narrow vote, to adopt the language proposed in Appendix A (in red).

Formulating a response to the comments on Rule 38(d) is difficult, because the discussions about it have been very rich and nuanced. The

votes both times were extremely close and not always the same members were present. We will present all arguments but this time, the version supported by the Commenters won by 2 votes.

Rule 38(d) was first enacted in 2022 and did not set a time limit on what acts could be added when a plaintiff amends a petition, just describing the acts that could be added as “relevant allegations.” However, when CIDVC proposed a form for the procedure, the language in the form limited the acts to acts that occurred *before* the ex parte order was granted, on the theory that this would be a true “amendment” to a petition that had already been considered by a judicial officer.

It became clear that judicial officers around the state were inconsistently allowing plaintiffs to amend their petitions under Rule 38(d)—some were allowing testimony about acts that occurred up to the moment of the hearing, some were adhering to the language in the form, some were allowing testimony about acts that occurred prior to service of the order. This is why CIDVC chose to address the issue—to bring consistency to the process and make sure that both defendants and plaintiffs were being treated equally no matter where they went to court.

In many parts of the Arizona Rules of Protective Order Procedure, there are safeguards built in to protect victims of domestic violence, who face many barriers when looking for safety. But the Committee must keep in mind that these Rules also apply to plaintiffs and defendants in Injunctions Against Harassment and Injunctions Against Workplace Harassment, so the Rules cast a broad net and may have unintended impacts and consequences.

Everyone agrees that the Rule needs to be clarified, and the form must match the rule but that is where the agreement ends. In our discussions about this topic, we found it helpful to imagine an actual hearing and how these Rule amendments would play out:

Rule 38(d) only comes into play when a petition for an order of protection is granted ex parte and the defendant then asks for a hearing. This means that a judicial officer has read the petition, spoken to the plaintiff and found reasonable cause to believe that the acts alleged have occurred (or in the case of a domestic violence order “may occur”).

The burden of proof at a contested hearing is a preponderance of the evidence, so it is possible that a judicial officer may find that the standard has not been met after hearing evidence from both sides and

dismiss the order. Conversely, the judicial officer may uphold the original order or modify it after the full hearing.

The original argument for allowing a plaintiff to amend the petition was based upon the case *Savord v. Morton* 235 Arizona. 256, 330 P3d 1013 AzApp 1 2014), where the court ruled that a defendant in a protective order hearing had been deprived of due process because the plaintiff had been allowed to testify to matters beyond the scope of the original petition. The Court suggested that the better practice would be to sustain the objection or allow the plaintiff to amend the petition and give the defendant the option to continue the hearing to prepare. Additionally, it is well understood that victims in domestic violence relationships often have problems with linear thinking, memory and even understanding what could be classified as an act of domestic violence, so allowing them to add allegations that were not foremost in their mind when applying for the order makes sense.

At the time of the contested hearing, a plaintiff may be testifying and start to talk about an incident that was not included in the original petition. At this point, the court is to offer them the opportunity to amend the petition in writing.

- A. If the original form was followed, the amendments would only include **acts that occurred before the petition was granted.** This would allow the plaintiff to supplement alleged acts that were forgotten or they were educated about that should have been included in the petition to begin with.
- B. If the modification that CIDVC originally proposed in these rules is in effect, the plaintiff could add **any acts that occurred up to the time the petition was served,** and the defendant was put on official notice that he was not to contact the plaintiff.
- C. If the modifications that were proposed in the comments and narrowly supported by CIDVC and COFC are made, **the plaintiff can add any acts that have occurred up to the point that the hearing takes place.** These could include any acts that would constitute a violation of the ex parte order.

The argument in support of C is addressed in the comments that were filed and summarized here:

If the court was inclined to not uphold the ex-parte order, but the plaintiff is now allowed to amend to include acts of domestic violence or harassment that occurred after the order was served, this keeps the

plaintiff from having re-apply for another order if the original order is dismissed. This is important, advocates in support of C say, because of the many barriers that domestic violence victims face—one trip to the courthouse might have taken many hours, missing work, getting babysitters and just getting up the courage to go through with it. Having the order dismissed and being told to start the process over, might discourage many victims from trying again. Allowing a plaintiff to amend the petition up to the time of the contested hearing could increase access to the type of safety provided by an order of protection or injunction by allowing for the full scope of interactions to be presented to the judicial officer. It is quite common that when served with a protective order an abusive person might immediately engage in threatening/aggressive behavior toward the plaintiff; allowing the opportunity for the plaintiff to share that information with the court allows for a fuller assessment of the safety risks.

The idea that the defendant might be testifying about potential criminal charges does not bother the C proponents because all civil protective order hearings involve talking about behaviors that may be

criminal, and judicial officers should be warning defendants about their Fifth Amendment rights.

The support for Option B centers around the idea that: at a contested protective order hearing, the court's inquiry is limited to determining whether the already-issued and served order of protection on the defendant should be affirmed, modified, or dismissed. It is not whether that order of protection was thereafter violated. To allow a plaintiff to include for consideration, and base their request to affirm the order of protection on alleged violations of the order, would expand the proceeding beyond that intended scope and purpose.

If the evidence at the civil contested protective order hearing can include allegations that the defendant has violated the order, the testimony of either or both parties could adversely impact the constitutional protections that each of them would have in a related criminal proceeding. For example, a defendant in a criminal case has the right to an attorney, including an appointed attorney if they cannot afford to hire one; the right to remain silent; and the right to not incriminate themselves. While a defendant could choose not to testify at the civil

hearing, the court cannot appoint an attorney to represent the defendant in the civil proceeding.

Similarly, the plaintiff alleging a violation of the order of protection would also have constitutional protections in a related criminal case, including the right to refuse to be interviewed by the defendant or defense attorney. But the plaintiff at a protective order hearing—even as an alleged victim of a crime—does not have that right at the civil protective order hearing. Additionally, with the burden of proof on the plaintiff, in nearly every case, their testimony is going to be essential, meaning they will likely have to take that additional risk and testify.

Another factor is that most often neither party is represented by counsel at the civil protective order hearing. While the judicial officer can advise the parties that their constitutional rights in a criminal case could be affected if they choose to testify at the civil hearing, they will not have the benefit of legal consultation before deciding how to proceed. Worse yet may be situations where a defendant is represented by counsel for the civil protective order hearing and the plaintiff is not. The defendant can then choose not to testify while the defense attorney fully cross-examines the plaintiff about the criminal allegations—all without a prosecutor

present to make objections or to conduct redirect of the plaintiff. This is a prime example of where the “imbalance of power” works directly against the plaintiff and alleged victim of a crime.

As stated at the beginning, the Rules of Protective Order Procedure also apply to parties in Injunction Against Harassment cases. Expanding the scope of the hearings to include violations of the ex parte orders in these cases could be a burden on courts, because these types of cases more frequently involve multiple witnesses, and extensive evidence.

**Rule 23 (“Order of Protection”):** In response to the Committee on Family Court’s comments, CIDVC recommends revisions to the original proposed language to Rule 23(i)(2)(ix), included in Appendix A (in red).

Arizona Revised Statute § 13-3602 lays out the law as far as firearms transfer in Orders of Protection cases:

*A.R.S. § 13-3602(G)(4): If the court finds that the defendant is a credible threat to the physical safety of the plaintiff or other specifically designated persons, prohibit the defendant from possessing or purchasing a firearm for the duration of the order. **If the court prohibits the defendant from possessing a firearm, the court shall also order the defendant to transfer any firearm owned or possessed by the defendant immediately after service of the order to the appropriate law enforcement agency for the***

*duration of the order. If the defendant does not immediately transfer the firearm, the defendant shall transfer the firearm within twenty-four hours after service of the order.*

Court rules exist to help courts implement the laws that the legislature passes. Thus, CIDVC, as the Committee tasked with drafting and updating Rules of Protective Order Procedure, has clear legal authority, based on the above statutory language, to draft procedures to help courts implement the law.

The Arizona Judicial Branch's Strategic Agenda includes a goal of improving the enforcement of firearms transfer orders by encouraging cooperation between courts and law enforcement. The rules in the Committee's Petition are a proposed framework of procedures for jurisdictions that **voluntarily** choose to improve victim safety and enforce protective orders. Nothing in these rules expands the duties of law enforcement beyond what is required in A.R.S. § 13-3602(G)(4). If a court and their law enforcement partners decide not to follow through with tracking returned affidavits or enforcing the violation of the order, that is a choice that every jurisdiction can make.

Several jurisdictions have been carrying out this work, including the City of Phoenix, the City of Tucson, the City of Scottsdale, the City of Marana, the City of Tempe, and the City of Surprise. All involved have designed procedures that work best for the specific courts and the law enforcement agencies. These proposed rules

are based on the best practices developed by these jurisdictions. None of the issues raised in these comments have arisen in the context of the work in these jurisdictions, and the law enforcement agencies voluntarily agreed to these partnerships. As an example, a police chief in one of these jurisdictions said: *“Our experience has been that these cases remain relatively limited, are supported by clear judicial findings, and can be managed effectively through strong coordination and well-defined procedures. I also believe there is an important public safety interest in ensuring courts have workable mechanisms available in cases where a credible threat finding has been made.”*

Violation of a protective order is a criminal offense under A.R.S. § 13-2810, and thus these violations would fall under this statute. Many of the judges in the above jurisdictions have different procedures designed for referring these cases to their law enforcement and prosecution partners, and nothing in these proposed rules prevents the type of cooperation or procedure implementation that would be specific to an individual jurisdiction.

The law enforcement agencies would not be inundated with paper. Law enforcement agencies only see the affidavits of transfer twice at the maximum—once to be served with the Order of Protection, and again if a defendant surrenders a firearm—to sign off as a receipt. The defendant is always tasked with filing the

affidavit with the issuing court and law enforcement is not involved with storing or submitting any additional paperwork.

There is no need to delay the implementation of these rules, which only attempt to provide a framework to better enforce a law that is already in place. Communities can work with various partners (Tucson, for example, connects plaintiffs in firearms transfer cases to victim advocates) to design a program around the parameters that ARPOP Rule 23 proposes. Law enforcement, courts and other community partners can work at their own pace to develop procedures and protocols to ensure communication, safety and due process are all in place.

The issues raised in these comments can be traced back to the language of A.R.S. § 13-3602, which requires the transfer of firearms, not the procedures CIDVC is proposing.

Comments about “increased firearm seizures,” “a surge in follow-up investigations related to non-compliance,” and concerns that “law enforcement would bear the responsibility...of conducting investigations into violations which would likely *require making contact with potentially dangerous defendants...*” are also a list of reasons why jurisdictions should choose to follow CIDVC’s proposed procedures, which are aimed at increasing victim safety and enforcement of court orders in cases with high risk factors and potentially dangerous defendants.

The majority of women killed by an intimate partner are killed with a gun <https://www.cdc.gov/mmwr/volumes/74/ss/ss7405a1.htm><https://www.cdc.gov/mmwr/volumes/74/ss/ss7405a1.htm>, and domestic violence deaths in Arizona are on the increase: [Domestic violence deaths are up in Arizona as national trend reverses](#). The changes proposed in ARPOP Rule 23 provide a framework for law enforcement agencies and courts to work together to reduce these deaths by enforcing court orders targeted at the most dangerous defendants and the highest risk cases.

In the Appendix, the revisions to the previously proposed language are noted in red.

As such, for the reasons set forth in the Petition, CIDVC respectfully requests that the Court grant the Petition and adopt the proposals in the attached Appendix.

Respectfully submitted this 1<sup>st</sup> day of June, 2026.

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

# **APPENDIX A**

*Proposed Rules*

## APPENDIX A

### 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.** In any protective order proceeding, ~~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. If redaction is not practical or cannot be accomplished without disclosing the protected information, the court may strike the filing.

**(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) ~~If available, ¶~~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 amend the petition once in writing on a form provided by the court.; The amendment may include allegations of events that occurred prior to the commencement of the contested hearing.-a copy of which tThe 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).