

Greg Sakall
Judge, Division 23
Pima County Superior Court
110 W Congress
Tucson, AZ 85701
Telephone: (520) 724-8301
gsakall@sc.pima.gov

Randi Burnett
Judge, Division 25
Pima County Superior Court
110 W Congress
Tucson, AZ 85701
Telephone: (520) 724-8005
vlayan@courts.az.gov (for COFC purposes only)

**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of	)	Arizona Supreme Court No. R-26-xxxx
	)	
EMERGENCY PETITION TO	)	
AMEND RULES 23 and 35,	)	
ARIZONA RULES OF	)	
PROTECTIVE ORDER	)	
PROCEDURE	)	
_____	)	

Undersigned¹ respectfully petition the Court to adopt proposed Rules 23(h)(6) and 35(c)(3) of the Arizona Rules of Protective Order Procedure to conform with the enactment of SB1723 and the amendments to A.R.S. § 13-3602(G)(8) and (L). Further, we request expedited consideration of this

¹ Undersigned are the outgoing and incoming Chairs of the Committee on Family Court (“COFC”).

Petition pursuant to Supreme Court Rule 28(h)(1) and the issuance of an emergency order pursuant to Supreme Court Rule 28(h)(2) to allow for an emergency adoption of the proposed rule amendments as of September 12, 2026. The proposed rule amendments are set forth in the Appendix.

Governor Hobbs recently signed SB1723 which includes amendments to A.R.S. § 13-3602(G)(8) and (L) and provide as follows:

- authority for the court to require a defendant in an order of protection matter to provide identifying information to a plaintiff under certain circumstances, and
- if it is in the child’s best interests, the family court may modify an order of protection as to a child common to the parties who is included on the order of protection. It also limits modifications solely to those which effectuate parenting time orders between the defendant and the common child.

The latter amendment addresses the holding in *Vera v. Rogers*, 246 Ariz. 30 (App. 2018) which provides that absent a request by the plaintiff or an appeal, the Superior Court cannot modify an active order of protection after a contested hearing in Superior Court. The Court of Appeals recognized that the Superior Court’s “authority to amend an active order of protection after contested hearing in the superior court exists only to the extent such action would not conflict with the statutes and procedural rules governing protective

orders.” *Id.*, at 35, ¶ 20. In 2018, it concluded that the Superior Court did not have authority under A.R.S. § 13-3602 or the applicable rules. *Id.*

The elected branches have now clearly spoken and have enacted their policy preference that even after a contested hearing on an order of protection, the family court should be allowed to modify that order of protection as to a child common to the parties and who is included on the order of protection if the modification is in the child’s best interests. We urge the Court to adopt similar changes to Rule 35 to assure that the family court has the authority envisioned in SB1723.

Expedited consideration and an emergency order are necessary to the rules are current as of September 12, 2026— the effective date of SB1723.

DATED this 30th day of June, 2026.

/s/ Greg Sakall

Greg Sakall
Judge, Pima County Superior Court

/s/ Randi Burnett

Randi Burnett
Judge, Pima County Superior Court

Appendix

ARPOP Rule 23. Order of Protection

(a) – (g) No change

(h) Relief. When issuing an Order of Protection, *ex parte* or after a hearing, a judicial officer may:

(1) – (5) No change

(6) require the defendant to provide identifying information to the plaintiff, including the defendant's residence, place of employment or vehicle information, on a showing that the defendant has a prior history of harming the plaintiff and there is reasonable cause to believe that without this information physical harm would otherwise result. See A.R.S. § 13-3602(G)(8).

(i) – (k) No change

ARPOP Rule 35. Legal Decision Making and Parenting Time

(a) – (b) No change

(c) Provisions for Parenting Time and Child Exchanges.

(1) – (2) No change

(3) After an order of protection has been affirmed at a contested hearing, a superior court judicial officer in a Title 25 action may modify the order of protection only as to a child who is common to the parties and who is included on the order of protection. Such a modification may only be made if it is in the best interest of the child, and the modification must be limited solely to effectuating parenting time orders between the defendant and the common child.

(d) – (f) No change