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IN THE ARIZONA SUPREME COURT

In the Matter of	)	Supreme Court No. R-11-0043
	)	
PETITION TO AMEND RULE 1(M) OF	)	COMMENT TO PROPOSED
THE ARIZONA RULES OF PROTECTIVE	)	RULE RELATED TO THE
ORDER PROCEDURE	)	PROOF OF SERVICE OF
	)	PROTECTIVE ORDERS

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The Arizona Association of Superior Court Clerks (AASCC) submits the following comments in opposition to the petition to amend Rule 1(M) of the Arizona Rules of Protective Order Procedure.

The Clerks of the Superior Court support victim rights and the protection of victims from violence, domestic and otherwise. Although well intentioned, the petition to require the court clerks to provide notice of the filing of a proof of service of a protective order fails to account for the range of situations and stakeholders involved in this area. Improvements can be made to the existing processes, but approving an amendment at this point without further review and participation from law enforcement, process servers, victims, the bar and the clerks from the limited and general jurisdiction courts would create unwanted results. Some of the issues the Clerks raise may not have been considered by stakeholders who ordinarily comment on rule petitions and the best solutions to those issues require the subject matter expertise of the stakeholders. Specific examples of the Clerks' concerns are below.

The scope of Rule 1 of the Arizona Rules of Protective Order Procedure includes emergency orders of protection. These orders are regularly issued for law enforcement officers who are onsite during the response to a call for assistance. These orders expire at the close of the next day of judicial business following the day of issuance. The clerks may receive proof of service several days after the order is issued and would be required to mail a copy of the proof of service to the plaintiff, only to be received by the plaintiff a week or later after the emergency order was issued and potentially after a subsequent permanent protective order was issued. This alone could be confusing for the plaintiff and the confusion would only be compounded if the proof of service of the emergency order arrived after the court *denied* a subsequent order of protection.

Petitioner referenced the requirement in Rule 1(O) that the issuing court provide a copy of the protective order and proof of service to the Sheriff. This requirement in rule creates a statewide standard for who provides the information, who gets it, and when. The Sheriffs have a mandate to maintain a central repository of protective order information “so that the validity of a protective order may easily be verified.” This is one area where county and local law enforcement input is needed to determine how the existing process can be improved. The Sheriff’s Law Enforcement Protective Order Repository will have the most recent information regarding orders and the service and modification of those orders and this information should be accessible to law enforcement officers any time of the day or night. A victim may not have access to their copy of an order or their copy of the proof of service at the time they need it or they may only have a copy of an order that has since expired or been modified.

