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8 **IN THE SUPREME COURT**
9 **STATE OF ARIZONA**

10 PETITION TO ADOPT AMENDMENTS
11 TO ARIZONA RULES OF PROTECTIVE
12 ORDER PROCEDURE AND ARIZONA
13 RULES OF FAMILY LAW PROCEDURE

Supreme Court No. R-12-0013

**Comment of the State Bar of
Arizona on Petition to Adopt
Amendments to Ariz. R.
Protective Order P. and Ariz.
R. Family Law P.**

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15 The State Bar supports the proposal to amend the Arizona Rules of Protective
16 Order Procedure and the Arizona Rules of Family Law Procedure to prohibit
17 disclosing information regarding the filing or contents of a protective order until the
18 protective order has been served.

19 Under Arizona law, a protective order is not valid until served. A plaintiff,
20 however, may hold the order for up to one year before delivering it to law
21 enforcement for service. Upon service, the order becomes valid and enforceable for
22 one year from the date of service.

23 Orders of protection are obtained *ex parte* only upon a showing that the
24 defendant has committed an act of domestic violence as defined by Arizona statute *or*
25 that the defendant *may* commit an act of domestic violence in the future. Thus, it is
26 presumed that the threat of potential violence is real. If a defendant becomes aware
that an order has been obtained but not served, the plaintiff – who might not yet have

1 an exit plan – may be placed in a dangerous situation. A defendant also may
2 intentionally avoid service of the order of protection.

3 For these reasons and the reasons articulated in the petition, the State Bar
4 supports the Petition to Amend the Arizona Rules of Protective Order Procedure and
5 Rules of Family Law Procedure.

6 RESPECTFULLY SUBMITTED this 21st day of May, 2012.

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12 Electronic copy filed with the Clerk
13 of the Supreme Court of Arizona this
14 21st day of May, 2012,

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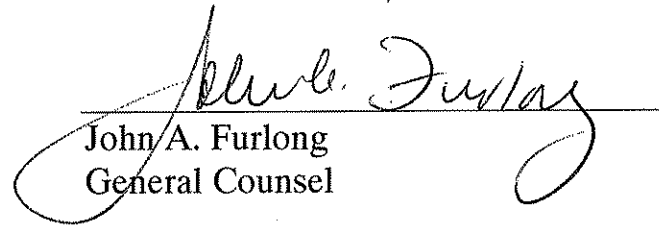
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By: Kathleen A. Lundgren


John A. Furlong
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