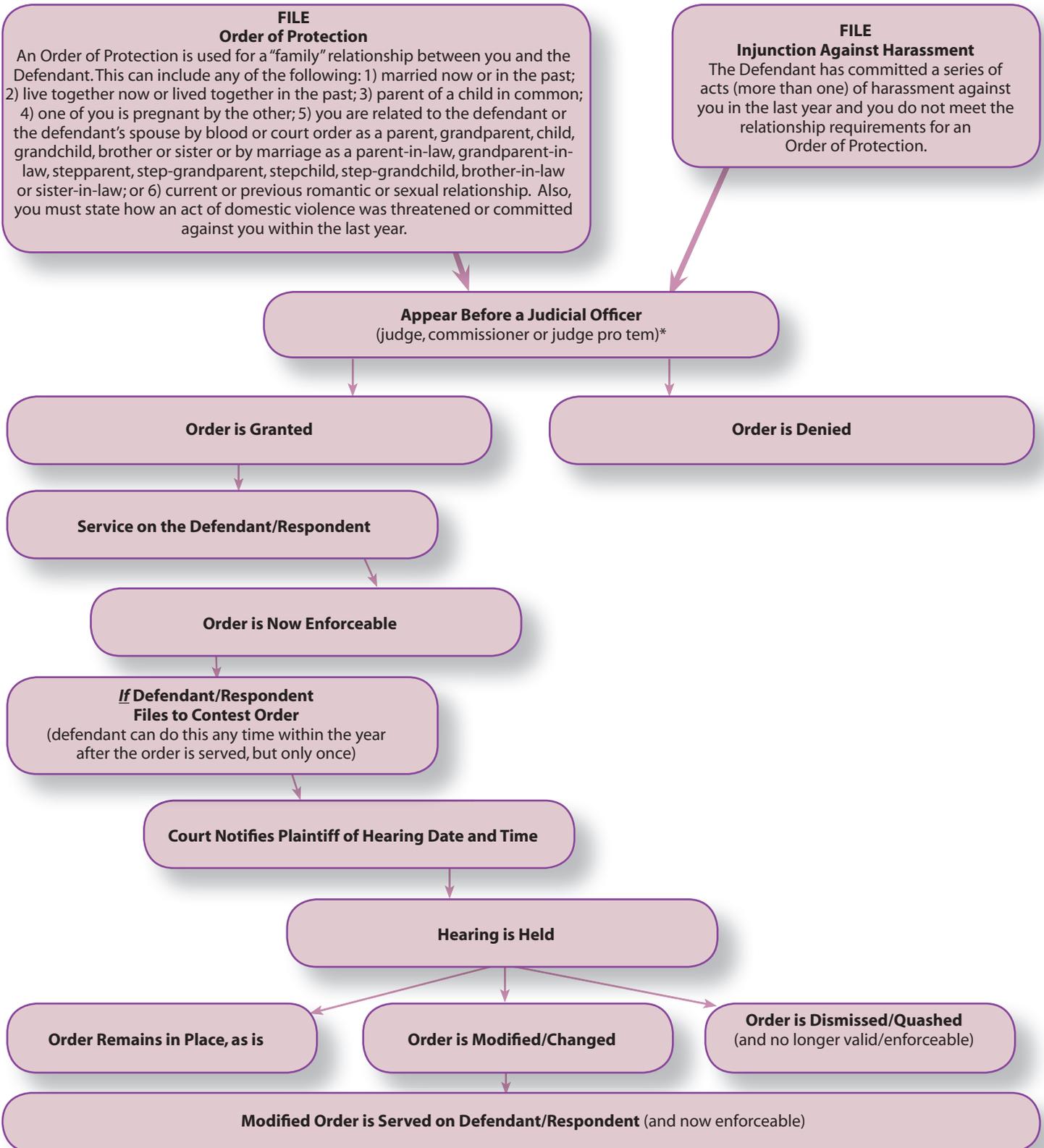


Arizona Order of Protection/ Injunction Against Harassment Flowchart



*In some instances the judicial officer may set a pre-issuance hearing, which will be scheduled for a later date. The defendant/respondent must be notified of this hearing and provided with an opportunity to be heard.

Arizona Order of Protection/ Injunction Against Harassment Outline



FILE:

You may file a petition for an Order of Protection (OOP) or Injunction Against Harassment (IAH) in any superior, municipal or justice court regardless of where you live in Arizona. Any court in the state is able to issue an OOP or IAH with three exceptions:

1. If more than one court is located within a one mile distance, one court can be designated as the court that issues protective orders.
2. If you have filed an action for divorce, separation, paternity, or annulment in Superior Court (involving the same person from whom you want protection), then you need to return to Superior Court to request an OOP.
3. If the defendant is less than 12 years of age, only the Juvenile Division of the Superior Court may issue the order or injunction.

There is no fee to file for an OOP or an IAH.

To obtain an OOP or IAH you will need:

- The name of the person from whom you are requesting protection (the defendant) and, if known, an address where that person can be reached.
- The dates and facts of the domestic violence or harassment acts, or why you believe that domestic violence (as defined in ARS 13-3601) or harm may occur without protection.
- A safe address and phone number where you may be contacted so the court can notify you if a hearing is scheduled or if there is a change of the hearing date. However, if the defendant does not already know your address, then you can request that your address be kept confidential by the court. The court will provide you with a separate form to maintain your address in its files in the event court staff needs to contact you about your protective order.

APPEAR BEFORE A JUDICIAL OFFICER:

Once you have completed your petition and filed it with the clerk, you will appear before a judicial officer (judge, judge pro tem, or commissioner). The judicial officer will review the petition and ask you questions about what you put in your petition.

The judicial officer will then do one of three things:

1. **Grant** the order as requested.
2. **Grant** the order **but make some modifications** (for example: allow the defendant to have certain contact with the child(ren)).
3. **Deny** the order.

SERVICE ON THE DEFENDANT/RESPONDENT:

If the OOP or IAH is granted, the defendant must be served for the order to be enforceable. Once the order is served, it is enforceable for one year from the date of service. If it is not served, it will expire after one year.

An OOP or IAH may be served by either law enforcement or a certified process server. Law enforcement cannot charge to serve an OOP, but may to serve an IAH. Certified process servers charge a fee.

If the defendant shows up where you are prior to being served, you can call 911. The responding officer will serve the defendant as long as you have a copy for the officer to serve.

ORDER IS NOW ENFORCEABLE:

Once the order is served on the defendant, it is enforceable for one year. If the defendant violates the order in any way, you can report it to law enforcement. If it is an emergency, call 911. If it is not an emergency, call the non-emergency number. It is a crime to violate an OOP or IAH.

IF DEFENDANT/RESPONDENT FILES TO CONTEST ORDER:

After the defendant is served, he or she can go to the court and file a request for a hearing to contest the order. This can only be done once. Once he or she files to contest the order, a hearing will be scheduled.

COURT NOTIFIES PLAINTIFF OF HEARING DATE AND TIME:

The court will notify you of the date and time of the hearing, which will be held within 5 – 10 days of the defendant filing. If you do not appear, the judicial officer is likely to quash the order.

HEARING IS HELD:

The hearing to contest the order gives both parties a chance to be heard and present any available evidence and/or witnesses. You must prove the domestic violence (OOP) or the harassment (IAH) for the order to remain in effect as originally issued.

At the conclusion of the hearing the judicial officer will either:

1. **Leave the order in place** as it was issued.
2. **Modify the order**, which means the order will be changed in some way (for example: the children may be removed as protected parties, some form(s) of communication may be allowed, exclusive use of the home may be removed, etc.). A modified order becomes enforceable (and replaces the original order) after it is served on the defendant. It will expire one year from the date the **original** order was served.
3. **Dismiss/Quash** the order all together. If the order is quashed, it is no longer in effect and not enforceable.