



## **Protective Order Frequently Asked Questions (FAQ's)**

- **What is a Protective Order?**
  - There are 3 types of Protective Orders in Arizona: an **Order of Protection**, an **Injunction Against Harassment**, and an **Injunction Against Workplace Harassment**
  - A Protective Order is an Order issued by city, justice, or superior courts. A Protective Order is intended to prevent future acts of domestic violence or harassment. A Protective Order can be part of a safety plan that can prevent the offender from contacting the individual who has experienced harassment and/or abuse. A **Plaintiff** is the person seeking protection. The **Defendant** is the offender/abuser. You, as Plaintiff, can request that the Order prohibits the Defendant from contacting you in person, by phone, in writing, or other means. You can also request the Judge to order that the Defendant is not allowed to go to specific locations such as your home, your place of employment, your child's school, or any other location. In addition, you can request the Judge to order the Defendant to surrender and/or not purchase firearms and ammunition.
- **Where do I go to obtain my Protective Order?**
  - You may file a Petition for a Protective Order with any Municipal, Justice, or Superior Court judicial officer, regardless of your residential location. All limited and general jurisdiction courts must accept a person's request to file a Petition for a Protective Order, even if that particular court does not normally issue Protective Orders.
  - If either you or the other party has 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 Order of Protection.
  - You can obtain an Order of Protection on an emergency basis after court hours by contacting law enforcement.
- **Can I include other people on my Petition for a Protective Order?**
  - Yes. You can ask to include additional people to the Protective Order as protected parties. However, the Judge will ask you how the individual(s) listed on the Petition are related to you and the Defendant as well as specific details regarding how the Defendant poses a danger to the individual(s) that you wish to include. This line of questioning will allow the Judge to determine whether he/she believes that the individual(s) should also be included in the Order.
- **What do I need to show to file a Petition for a Protective Order?**
  - What is needed to file a Petition for a Protective Order will vary on a case by case basis and will differ according to the specifics of the case as well as the crimes that may have been committed. In some cases, you will find it useful to reference police reports, medical records, telephone calls/conversations, text messages, emails, instant messages, social media communication, pictures, video or audio recordings, witnesses, or any other supporting evidence. After completing the paperwork, you will appear before a Judge to give testimony regarding the incidents that were alleged in the Petition. If the Judge finds reasonable cause, the Judge will issue the Protective Order and you will need to arrange to have the Petition and the Protective Order served on the Defendant. Please keep in mind that not all requests are granted and some may require a court hearing with the Defendant before issuance. This hearing is called a pre-issuance hearing.
- **I have tried to get a Protective Order in the past, but my request was denied. Can I request a Protective Order again?**
  - Yes. You can request a Protective Order even if the court denied your previous request. It is helpful for you to include additional evidence and specify additional acts of violence or harassment in the Petition.
- **How do I serve the Defendant with my Protective Order?**
  - A Protective Order is valid and enforceable once it is served. Only a Law Enforcement agency, such as a local Sheriff's Deputy, Police Officer, Constable, or a registered process server, can serve a Protective Order. You, as Plaintiff, cannot serve these papers. Although a fee is charged to serve an Injunction Against Harassment or an Injunction Against Workplace Harassment, law enforcement will serve an Order of Protection at no cost to you. Keep in mind that if you decide to have the Protective Order served by a privately registered process server, he or she will charge a fee. Once the Defendant is served, the process server will file a certificate or affidavit of service with the court to prove that the Defendant was served and has notice of the Protective Order. If the Order is not served within a year from the date of issuance, it will expire.
- **Where is my Protective Order Valid and Enforceable?**
  - Any Protective Order that is issued by a state, tribal, or territorial court and served on the Defendant is enforceable by any other state, tribal, or territorial court. You should keep a copy of the Protective Order on your person at all times, even when traveling.

- **How long is my Protective Order Valid?**
  - You, as Plaintiff, have 365 days from the date the court issues the Protective Order to have it served on the Defendant. If the order is not served within the year, it will expire. Provided the order is properly served on the Defendant, it is valid for one year from the date of service.
  
- **Can I make any changes to my Protective Order?**
  - You, as Plaintiff, can request that the court modify the Protective Order any time during the term of the Order. A modification does not take effect until after a Judge orders the change and the Defendant is served with the modified order. To modify a Protective Order, the Plaintiff must go to the same court that granted the Order and complete the appropriate paperwork. The Plaintiff must provide identification to court personnel to complete the paperwork. If the Defendant has been served with the original Protective Order but has not requested a hearing, you, as Plaintiff, will be required to appear before a Judge to explain why you want to modify the Order. If a modification is requested after a hearing has been held on the original Order, a new hearing will be set and you must give (serve) notice of the hearing to the Defendant.
  
- **Can the Defendant contest the Protective Order?**
  - The Defendant has the right to contest the Order if he/she disagrees with it. The Defendant must request a hearing to contest the Order in the same court that issued the Order. The hearing is held within 5-10 business days after a written request has been made. The Plaintiff and the Defendant can appear at the hearing to present their case in front of the Judge. If you, as the Plaintiff, fail to go to the hearing, the court may dismiss the Protective Order.
  
- **How do I prepare if the Defendant requests a hearing?**
  - Gather all evidence that will support the statements made in your Petition. Witnesses can provide evidence through testimony. Other types of evidence may include: police reports, medical records, telephone calls, conversations, text messages, emails, instant messages, social media communication, pictures, video or audio recordings, or any other supporting evidence.
  - In a hearing, each individual piece of evidence is called an exhibit. After you have gathered your evidence, you might want to make a list of your exhibits for reference during the hearing. Put the title "Exhibit List" at the top of the page and list each exhibit in order of importance, as you will have a limited amount of time during the hearing.
  - Make 3 copies of each exhibit and your Exhibit List and bring them with you to the hearing.
  
- **What are my options if the Defendant violates the Protective Order?**
  - You should report violations of the Protective Order to your local Police Department or Sheriff's Department.
  - In an emergency call 911.
  
- **Can I violate my own Protective Order?**
  - You as the Petitioner cannot violate the order against the Defendant. The PO orders the Defendant to stay away and not contact you. However, you should consider how contact with the Defendant could impact your safety, make it difficult to have your Protective Order enforced or have other unintended consequences that could include impact to your Family Court case.
  
- **Can the Defendant obtain a Protective Order against me?**
  - If the Defendant does not want you to contact him/her, the Defendant has the right to request a Protective Order against you. However, if the court grants the Defendant a Protective Order, it does not cancel or dismiss your current Protective Order against the Defendant.
  
- **I no longer believe I need the Protective Order as part of my safety plan, what are my options?**
  - If you, as the Plaintiff, believe a Protective Order is no longer needed, you can request that the Order be dismissed at any time during the term of the Order. Only a Judge can dismiss a Protective Order.
  - To dismiss a Protective Order, you, as the Plaintiff, must go to the court to complete and file a motion. You will be required to provide identification to court personnel before completing the Motion to Dismiss. You, as the Plaintiff, will be required to appear before a Judge and explain why you would like to dismiss the Order.