

# The Impact of COVID-19 on ARIZONA PROTECTIVE ORDERS



*BROUGHT TO YOU BY:*

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# COMMUNITY LEGAL SERVICES

MARICOPA COUNTY CENTRAL OFFICE

FAMILY LAW UNIT

305 South 2nd Avenue

Phoenix, AZ 85003

PH: 602-258-3434 or 1-800-853-9075

TTY: 602-254-9852

<https://clsaz.org/>



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***Community Legal Services:  
WHO WE ARE***

Community Legal Services is a nonprofit law firm committed to increasing fairness in the civil justice system by advocating, litigating and educating on behalf of Arizona's most underserved communities.



# *Community Legal Services: WHO WE ARE*

Community Legal Services (CLS) is a not-for-profit Arizona law firm incorporated in 1952. As a promoter of “equal justice for all,” CLS:

1. Provides high-quality legal advice, assistance and/or direct representation in certain civil matters to indigent and low-income individuals and families residing in CLS service areas (within Maricopa, Mohave, La Paz, Yavapai, and Yuma counties),
2. Promotes self-sufficiency through its public education and outreach programs, and
3. Pursues aggressive advocacy on behalf of our client community, who would otherwise have no recourse for the resolution of civil legal problems affecting their “basic survival needs and rights” in the following areas: Family, Housing, Health, Education, Benefits, Consumer and Employment Law and Legal Issues related to Farmworkers.

# CLS Family Law Unit: What We do



- **CLS Family Law Unit (FLU):**
  - ✓ **Divorce & Paternity cases with priority given to cases involving domestic violence and children**
  - ✓ **Assist with Order of Protection and Victims' Rights cases only with active Family Court cases**
- **Service Types:**
  - ✓ **Direct Representation (CLS/VLP)**
  - ✓ **Brief Service /Advice**
  - ✓ **Document Preparation/Clinics**
  - ✓ **Referral (FLAP/MCBA LRS)**

# IMPORTANT

## 1. ARIZONA LAWS

### ➤ DOMESTIC VIOLENCE

### STATUTES

### ➤ PROTECTIVE ORDER

### RULES

#### ❖ *Arizona Revised Statutes (ARS)*

#### Title 13. Criminal Code/ Section 36. Family Offenses

Domestic Violence/ Protective Orders:

ARS §§ 13-3601 through 13-3625

<https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/03602.htm>

#### Title 12. Courts & Civil Proceedings/ Misc. Proceedings

Injunctions Against Harassment:

ARS §§ 12-1809 & 12-1810

<https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/12/01809.htm>

❖ *Arizona Rules of Protective Order Procedure (ARPOP)*  
Arizona Court Rules:

[https://govt.westlaw.com/azrules/Browse/Home/Arizona/ArizonaCourtRules/ArizonaStatutesCourtRules?guid=NB4DED0E0679D11DCA204A4EECBB71484&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/azrules/Browse/Home/Arizona/ArizonaCourtRules/ArizonaStatutesCourtRules?guid=NB4DED0E0679D11DCA204A4EECBB71484&transitionType=CategoryPageItem&contextData=(sc.Default))

**AN OVERVIEW:**



**ARIZONA  
PROTECTIVE ORDERS**  
*Just the Facts!*

# FACT 1

## TYPES OF PROTECTIVE ORDERS





# A.R.S. §13-3602

## Order of Protection Issued if:

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- Parties meet relationship test
- Reasonable cause
- Defendant has committed an act of domestic violence or might in the future
- DV occurred within the past year
- Must be served by law enforcement to be in effect

**ARS 13-3601(A): Relationship Test**

- 1. Married or formerly married**
- 2. Residing or formerly residing in the same household**
- 3. Parties have a child in common**
- 4. One party is pregnant by the other**
- 5. Victim and defendant are related (parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law, sister-in-law)**
- 6. Victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant**
- 7. Parties have a current or previous romantic or sexual relationship**

**Domestic Violence Crimes**

- 13-705 Dangerous crimes against children**
- 13-1102 Negligent homicide**
- 13-1103 Manslaughter**
- 13-1104 Murder, 2nd degree**
- 13-1105 Murder, 1st degree**
- 13-1201 Endangerment**
- 13-1203 Assault**
- 13-1204 Aggravated assault**
- 13-1302 Custodial interference**
- 13-1303 Unlawful imprisonment**
- 13-1304 Kidnapping**
- 13-1406 Sexual assault**
- 13-1425 Unlawful distribution of images**
- 13-1502 Criminal trespass, 3<sup>rd</sup> degree**
- 13-1503 Criminal trespass, 2<sup>nd</sup> degree**
- 13-1504 Criminal trespass, 1<sup>st</sup> degree**
- 13-1602 Criminal damage**
- 13-2810 Interfering with judicial proceedings**
- 13-2904(A)(1), (2), (3), (6) Disorderly conduct**
- 13-2910(A)(8) Neglect, abandonment of animal**
- 13-2910(A)(9) Cruel mistreatment of an animal**
- 13-2915(A)(3) Preventing/interfering with use of phone in an emergency**
- 13-2916 Telephone harassment**
- 13-2921 Harassment**
- 13-2921.01 Aggravated harassment**
- 13-2923 Stalking**
- 13-3019 Surreptitious photography**
- 13-3601.02 Aggravated DV**
- 13-3623 Child/Vulnerable adult abuse**

# Injunction Against Harassment

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- Parties do not meet the relationship test.
- Series of acts of harassment in last year
- That serve no legitimate purpose
- Would result in a reasonable person being seriously alarmed, annoyed or harassed
- Good cause exists to believe that great or irreparable harm would result to the plaintiff if the injunction is not granted

*Arizona Rules of Protective Order Procedure Rule 25(e)(1)*

# Injunctions Against Workplace Harassment

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## ARS §12-1810

- Covers location more than the person
- Only one event required
- Plaintiff is employer
- Authorized person works for employer
- Many Workplace Injunctions are really Injunctions

*Arizona Rules of Protective Order Procedure Rule 26*

## **FACT 2**

AN ORDER OF  
PROTECTION IS NOT  
EFFECTIVE UNTIL IT IS  
SERVED.



## **FACT 3**

AN ORDER OF PROTECTION CAN BE CONTESTED AT ANY TIME DURING THE YEAR IT IS EFFECTIVE, ONE YEAR FROM THE DATE OF SERVICE.

A HEARING WILL BE SET WITHIN 5-10 DAYS OF THE DEFENDANT'S REQUEST.

## FACT 4

THERE ARE NO RESTRICTIONS  
ON HOW MANY TIMES A  
PERSON MAY PETITION THE  
COURT FOR A PROTECTIVE  
ORDER.

## FACT 5

ORDERS OF PROTECTION ARE  
GIVEN FULL FAITH AND CREDIT  
AND  
SHOULD BE ENFORCEABLE IN  
ANY OTHER STATE OR TRIBE.



# FACT 6

THE VICTIM CANNOT VIOLATE HER/HIS OWN ORDER OF PROTECTION AGAINST THE DEFENDANT BECAUSE MUTUAL ORDERS ARE PROHIBITED IN ARIZONA.

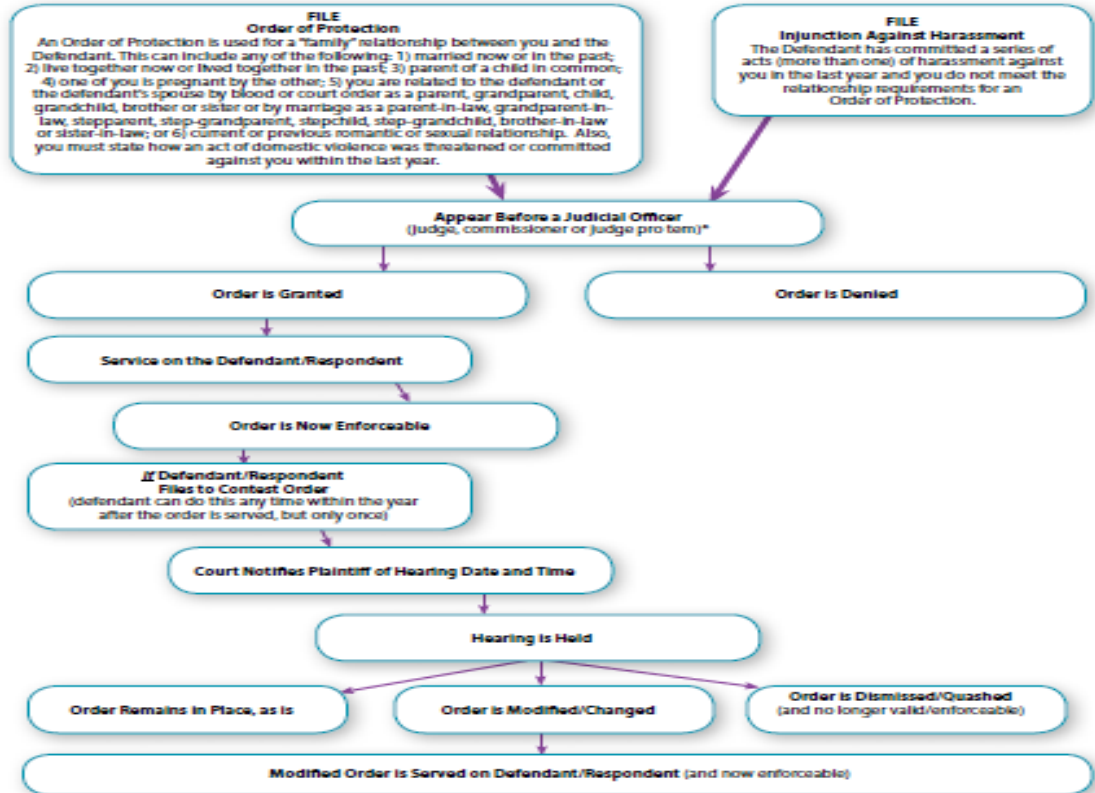


# FACT 7

“To grant an *Ex parte* Order of Protection, a judicial officer must find reasonable cause to believe that the defendant may commit an act of domestic violence or has committed an act of domestic violence within the past year or within a longer period if the court finds good cause exists to consider a longer period. . . .”

*Arizona Rules of Protective Order Procedure* Rule 23(e)(1).

# ARIZONA PROTECTIVE ORDER 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.



# **THE IMPACT OF COVID-19 ON ARIZONA PROTECTIVE ORDERS**

## DOMESTIC VIOLENCE DURING COVID-19

- Recommendations for “social distancing” and working from home may be helpful to slow the spread of COVID-19, but for those with abusive partners staying at home might not be the safest option. Arizona has several [services and programs](#) ready to help, no matter where you’re located in Arizona.
- To speak with an advocate 24/7, call the National Domestic Violence Hotline at 1-800-799-7233 or 1-800-799-7233 for TTY. Or, if you’re unable to speak safely, you can log onto [thehotline.org](https://thehotline.org) or text LOVEIS to 22522.
- The Arizona Coalition to End Sexual and Domestic Violence operates a helpline and online chat Monday – Friday, 8:00 am to 5:00 pm. To reach the helpline, call 602-279-2900. To access the online chat, visit <https://www.acesdv.org/helpline/> and click on the chat icon at the bottom right of the page (available only during hours of operation).



## DOMESTIC VIOLENCE LAY LEGAL SERVICES

Via phone services we are here to support you with the following:

- Lay Legal Case Management
- Order of Protection Support
- Individualized Safety Planning
- Resources and Referrals

Monday -Friday 8:00am-5:00pm

### Contact Information

Rosa  
602-826-2609  
rmireles@sojournercenter.org

Muriel  
602-350-0821  
mgutierrez@sojournercenter.org

Brianda  
424-229-2892  
baguayo@sojournercenter.org

Raquel  
424-241-3734  
rbalcazar@sojournercenter.org

## HOW DO I GET AN ORDER OF PROTECTION NOW?

- [AZPOINT](#), the Arizona Protective Order Initiation and Notification Tool, was designed to help you fill out a petition any of the three types of protective orders in Arizona: an Order of Protection, an Injunction Against Harassment or an Injunction Against Workplace Harassment.
- The [AZPOINT](#) system is an online process that will guide you step-by-step in filling out the forms needed to request one of these orders. [AZPOINT](#) will help you figure out whether your request should be for an Order of Protection, Injunction Against Harassment, or an Injunction Against Workplace Harassment based on your relationship to the person against whom you are seeking the order.
- The information you enter will be saved in [AZPOINT](#) for up to 90 days. At any time during this 90-day period, you may take the next step of filing your petition at an Arizona court. Until you file your petition at a court, you will be able to return to [AZPOINT](#) to update your information if necessary.

# IMPORTANT



**IMPORTANT: Please contact the court to find out what procedures have been implemented for telephonic or video hearings in response to COVID-19.**

*AVISO IMPORTANTE: Comuníquese con el tribunal para averiguar qué procedimientos se han establecido para celebrar audiencias por teléfono o videoconferencia debido al COVID-19.*



# AZPOINT

*New Law—Effective as of January 1, 2020*

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- **Victim can use plaintiff portal:**
  - **on computer, tablet, phone, or at courthouse.**
- **Court retrieves Petition.**
- **Once an Order is issued, it is sent electronically to law enforcement for service of process.**

# AZPOINT Service Portal

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**Includes:**

- **Service packet**
- **Service of process form**
- **Confidential and should be destroyed after service**

## WHAT INFORMATION WILL I NEED TO ENTER IN AZPOINT ?

The [AZPOINT](#) online interview requests information about the person requesting an Order of Protection (the Plaintiff) and the person against whom the Order of Protection is requested (the Defendant). Required information (marked by a red \* in the system) includes:

### **About the Plaintiff:**

- First and Last Name
- Date of Birth
- Contact Telephone Number
- Home Address (this information can be kept confidential)

### **About the Defendant:**

First and Last Name

- Date of Birth
- Home Address
- Physical Description: Sex, Race, Ethnicity, Height, Weight, Eye Color, Hair Color

# **SERVICE OF PROCESS**

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- 1. Plaintiff must provide the city where they believe the defendant can be served.**
- 2. Once the Order is Issued, the Court transmits it to law enforcement.**

## WHAT OTHER INFORMATION WILL I NEED TO ENTER IN AZPOINT ?

- **Type of relationship between the Plaintiff and Defendant**
- **Information about pending family court cases:**  
Maternity, paternity, annulment, legal separation, dissolution (divorce), custody (legal decision-making), parenting time, or support
- **Date and description of incidents:**  
Be descriptive about domestic violence the defendant committed or may commit on you “within the past year or within a longer period of time if the court finds that good cause exists to consider a longer period.” *ARS 13-3602 (E)(1-2)*
- **Other information** will be requested but not required. It includes information about the Defendant’s employment, schedule, vehicle, and access to or ownership of weapons.

## **WHO CAN BE INCLUDED ON THE ORDER OF PROTECTION?**

- Children, family members, or certain other people may be included in an Order of Protection if the judge determines it is appropriate under the circumstances.
- A protective order DOES NOT determine legal decision-making (custody) and cannot address parenting time issues. These matters must be handled separately in a family court case in Superior Court.

## **HOW CAN I GET AN ORDER OF PROTECTION WHEN THE COURT IS CLOSED?**

- A Judicial Officer may grant an Emergency Order of Protection (EOP) for a person in “imminent and present danger of domestic violence” in writing, verbally, or by telephone.
- Only a law enforcement officer may make a request for an Emergency Order of Protection.
- To request an Emergency Order of Protection, contact a law enforcement agency’s non-emergency line and explain that you need an Emergency Order of Protection.
- Unless continued by the court, an Emergency Order of Protection is only valid for 72 hours or until the close of the next judicial business day, whichever is longer.

## **AFTER ENTERING INFORMATION IN AZPOINT**

- **CALL the court** for further instructions, but make sure to have your **petition confirmation number** available so court staff can start your case. To find a court location and contact information for all AZ Courts, visit: <https://azcourthelp.org/home/find-my-court>.
- **ASK how filings are accepted at this time.** Here are some current filing methods that may or may not be used by the court:
  - Placing documents in an external drop box
  - Emailing documents
  - E-filing
- **FILE the petition** with any superior, justice, or city court, but if you have a **pending family court case**, you must file with the same superior court where the family court case was filed.
- **AFTER FILING THE PETITION**, it is important to **contact the court where your petition was filed** to know what schedules, deadlines, or hearing procedures might have changed.

# HELPFUL COVID-19 LINKS

Community Legal Services – COVID-19 Resource Page:

[www.clsaz.org/covid-19](http://www.clsaz.org/covid-19)

Arizona State Governor:

<https://azgovernor.gov/executive-orders>

<https://azgovernor.gov/governor/news/2020/03/list-essential-services>  
[Download](#)

Executive Order 2020-18 -

[https://azgovernor.gov/sites/default/files/eo\\_2020-18\\_stay\\_home\\_stay\\_healthy\\_stay\\_connected\\_1.0.pdf](https://azgovernor.gov/sites/default/files/eo_2020-18_stay_home_stay_healthy_stay_connected_1.0.pdf)

Arizona Foundation for Legal Services & Education:

<https://covid19.azlawhelp.org/domestic-violence>



# DOMESTIC VIOLENCE RESOURCES:

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National Domestic Violence Hotline: <https://www.thehotline.org/>

Advocates provide assistance 24 hours a day, 7 days a week Arizona.

Arizona Coalition To End Sexual and Domestic Violence:

<https://www.acesdv.org/covid-19/>

[https://www.acesdv.org/wp-content/uploads/2019/08/ACESDV\\_Sexual-and-Domestic-Violence-Resources-in-Arizona\\_August-2019.pdf](https://www.acesdv.org/wp-content/uploads/2019/08/ACESDV_Sexual-and-Domestic-Violence-Resources-in-Arizona_August-2019.pdf)

Jewish Family & Children's Services

Domestic Violence Victim Assistance in Greater Phoenix

<https://www.jfcsaz.org/programs-services/domestic-violence-victim-assistance/>

# SOJOURNER CENTER

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- ❖ **Sojourner Center is a residential program founded in 1977 that started as a small halfway house with 28 beds for women coming out of prison.**
- ❖ **We have grown to a facility with the capacity for 124 shelter beds and 32 transitional housing apartments.**
- ❖ **In 2017, Sojourner Center became a subsidiary organization of Jewish Family & Children's Services (JFCS) while maintaining its own name, brand, and 501 (c) (3) status.**
- ❖ **Our philosophy of care is comprised on the components of Trauma-Informed Care, Strength-Based practices and the Empowerment approach with the mission of Overcoming the Impact of Domestic Violence, One Life at a Time.**
- ❖ **We provide:**
  - **Crisis emergency shelter of up to 120 days, as well as Transitional Housing Program with 32 transitional housing apartments for up to twenty-four months, as well as an onsite Child Development Center and an onsite Pet Companion Shelter**
  - **We have a Community Outreach Program, Lay Legal Services, as well as our Traumatic Brain Injury Collaborative (TBIC) program primarily offering services in Maricopa county**

