

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

OCT 17 2023

IN AND FOR THE COUNTY OF YAVAPAI

DONNA McQUALITY, Clerk

By: J. DEROIS

IN THE MATTER OF:)
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PROTECTIVE ORDERS)
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ADMINISTRATIVE ORDER
No. 2023-12

Yavapai County has four superior court buildings, five justice courts, and eight municipal/magistrate courts all with the authority to issue protective orders under the Arizona Rules of Protective Order Procedure ("Rule"). The Rules require an expeditious hearing for a protective order. *Rule 17*. However, the Rules also vest exclusive jurisdiction in the superior court to issue a protective order when a family law action is pending between the parties. *Rule 34*. In that situation, the plaintiff shall be referred to the superior court. *Id.* This order establishes a procedure in which protective orders can be properly and expeditiously heard utilizing technology to facilitate remote hearings.


THEREFORE, IT IS ORDERED that all Yavapai County courts shall follow the procedure set forth below to promote, conduct, and facilitate a remote hearing on a petition for an order of protection when the parties also have a family law case pending:

1. If the petition is filed in the justice court or municipal/magistrate court (herein after referred to as limited jurisdiction court), and through the petition or evidence presented the court determines the plaintiff is a party to a pending family law matter in the superior court, the limited jurisdiction court cannot issue an order of protection.
2. If it is determined that the parties to the protective order proceeding have a pending family law case, and a case has been opened in the limited jurisdiction court, the Court shall dismiss the Petition, and the plaintiff shall be directed by that limited jurisdiction court to complete a new petition in the AZPOINT portal for purposes of facilitating a matter in the superior court. If the limited jurisdiction court has accessed the petition but not opened a case, the original petition can be utilized by the superior court.
3. Regardless of whether the original petition is available or a new petition is prepared, the petitioned court shall notify the superior court clerk that a petition for an order of protection has been completed and is pending in the AZPOINT portal.
4. The limited jurisdiction court will scan the front and back of the identification of the plaintiff seeking the order and send to the superior court clerk.

(✓) Chief of Court (C)
(✓) Chief Deputy (C)
(✓) Court Admin (C)
() _____
() _____
() _____ () Other _____

5. The limited jurisdiction court will obtain an email address and/or mailing address for the plaintiff seeking the order and send all address(es) provided to the superior court clerk.
6. The superior court clerk will accept the petition in AZPOINT and file the petition in the superior court as if the plaintiff filed in the superior court originally.
7. The assigned superior court judge will conduct the *ex parte* hearing through remote means identified by the assigned judge which shall include, but is not limited to, telephone, video, or Microsoft Teams at a link provided by the assigned superior court judge.
8. Whenever possible, the limited jurisdiction court will provide a room in their courthouse that has video access. In the event video access is not available, the limited jurisdiction court will provide a room, if available, that allows for the plaintiff to either utilize a landline or their personal device.
9. In the event that the limited jurisdiction court does not have a room available, the plaintiff shall be permitted to appear remotely on their personal device from outside the court facility, including the parking lot of the limited jurisdiction court or inside a vehicle.
10. At any time a remote hearing is being conducted under these procedures, the limited jurisdiction court and the superior court shall make all reasonable efforts to provide the plaintiff with a secure and private location to appear at the remote hearing.
11. If the superior court grants the petition and issues a protective order, the superior court clerk will send a copy of the order to the plaintiff at the email and/or mailing address(es) provided to the superior court.

DATED this 17th day of October, 2023



Hon. John D. Napper
Presiding Judge