

Defendant: _____ Date: _____ Case No. _____

Defendant's Guide Sheet for Protective Orders - Please Read Carefully

This guide sheet provides more information about the petition and the order that have been served on you.

The PETITION contains the plaintiff's allegations against you and the relief that was requested from the court. The ORDER tells you what conditions the judge granted. If you were served only with a petition, a pre-issuance hearing will be scheduled.

IF YOU HAVE BEEN SERVED WITH:

ORDER OF PROTECTION (OP). An Order of Protection has been issued because you allegedly committed or may commit an act of domestic violence against the plaintiff. You and the plaintiff have one of the following relationships:

- married (past or present)
- live/lived together as intimate partners
- romantic or sexual relationship (past or present)
- parent of a child in common
- one party is pregnant by the other
- related as parent, grandparent, child, grandchild, brother, sister (including step or in-law)
- live/lived together but not as intimate partners

INJUNCTION AGAINST HARASSMENT (IAH). You allegedly have committed a series of acts (more than one) of harassment or one act of sexual violence (as defined in ARS § 23-371) against the plaintiff within the last year.

INJUNCTION AGAINST WORKPLACE HARASSMENT (IAWH). An employer or a business owner, for the benefit of employees or the business, has filed a petition against you, alleging at least one act of harassment.

SERVICE AND EFFECT

An Order of Protection served on or after 9/24/2022 is in effect for two years from date of service. An Order of Protection served before 9/24/2022 is in effect for one year from date of service. An IAH or an IAWH is in effect for one year from the date it was served on you. These protective orders are enforceable by law enforcement in any state or tribal nation in the United States.

MODIFYING OR DISMISSING THIS ORDER

Only a judge can modify or dismiss this protective order. The plaintiff cannot dismiss or change this protective order without the court's written approval.

CONTACT WITH THE PLAINTIFF

You can be arrested for violating this protective order, even if the plaintiff initiates contact with you. You have the right to request a protective order against the plaintiff if you do not want the plaintiff to contact you. But orders are not automatically granted upon request. Legal requirements must be met.

REQUEST FOR HEARING

Contested Hearing. If you disagree with this protective order (regardless of its type), you have the right to request a hearing. The hearing will be held within 5 to 10 business days after you file a written request at the court that issued this order.

Exclusive Possession of Residence. If the court issued an Order of Protection

that granted the plaintiff exclusive possession of a residence shared with you, the plaintiff must notify the court if he/she moves out of the residence while the order is in effect. Upon receipt of the notice, the court will send a copy to you. You have a right to a court hearing, upon written request, if there has been a change of circumstances related to the shared residence. See ARS § 13-3602(L).

Important note about hearings and firearms: Separately from Arizona law, pursuant to federal law 18 USC § 922(g)(8), certain conditions may cause a defendant to be prohibited from possessing firearms while an Order of Protection is in effect. Federal law is not subject to Arizona statutes or court rules. The conditions are: (1) Defendant and Plaintiff are either married (past or present), live together as intimate partners (past or present), or are parents of a child in common, and (2) the Order of Protection is affirmed or modified at a hearing of which Defendant received actual notice of the hearing and had an opportunity to participate (even if Defendant fails to appear at the hearing). If you have questions about hearings and state and federal firearms prohibitions, you should contact an attorney. The court cannot give you legal advice.

**RESIDENCE AND
PROPERTY**

The judge may have given the plaintiff exclusive use of a residence shared with you and may have allowed you a law enforcement standby. If the judge has granted standby on the protective order, you may return to the residence once with a law enforcement officer to obtain necessary personal belongings. You must arrange a date and time with law enforcement for the standby. Neither law enforcement nor this protective order can resolve conflicts over property, title, furniture, finances, real estate, or other ownership issues.

FIREARMS

If the judge has ordered under Arizona law that you cannot possess, receive, or purchase firearms, you must surrender them within 24 hours after service of this protective order to the law enforcement agency named on this order. You should ask law enforcement to issue proof of the surrender. You may also have to provide documentation to the court that firearms were transferred to the specified law enforcement agency. If you have questions about a firearms prohibition and surrender, you should contact an attorney. The court cannot give you legal advice.

Also see the section titled Request for Hearing (above), which discusses hearings and firearms, because federal law imposes separate firearms restrictions.

CHILDREN

If your child is listed as a protected person, you may be referred to superior court. Only a superior court judge can decide child custody (legal decision-making) or parenting time in a separate family law action.

FAMILY COURT

If either you or the plaintiff file an action for maternity, paternity, annulment, legal separation, or divorce, advise this court immediately so the protective order case can be transferred to the superior court.

