

REFERENCE TITLE: confidential information; protective orders; injunctions

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HB 2392

Introduced by
Representative Pierce

AN ACT

AMENDING SECTIONS 12-1809, 12-1810 AND 13-3602, ARIZONA REVISED STATUTES;
RELATING TO CONFIDENTIAL INFORMATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 12-1809, Arizona Revised Statutes, is amended to
3 read:
4 12-1809. Injunction against harassment; petition; venue; fees;
5 notices; enforcement; definition
6 A. A person may file a verified petition with a magistrate, justice of
7 the peace or superior court judge for an injunction prohibiting harassment.
8 If the person is a minor, the parent, legal guardian or person who has legal
9 custody of the minor shall file the petition unless the court determines
10 otherwise. The petition shall name the parent, guardian or custodian as the
11 plaintiff, and the minor is a specifically designated person for the purposes
12 of subsection F of this section. If a person is either temporarily or
13 permanently unable to request an injunction, a third party may request an
14 injunction on behalf of the plaintiff. After the request, the judicial
15 officer shall determine if the third party is an appropriate requesting party
16 for the plaintiff. Notwithstanding the location of the plaintiff or
17 defendant, any court in this state may issue or enforce an injunction against
18 harassment.
19 B. An injunction against harassment shall not be granted:
20 1. Unless the party who requests the injunction files a written
21 verified petition for injunction.
22 2. Against a person who is less than twelve years of age unless the
23 injunction is granted by the juvenile division of the superior court.
24 3. Against more than one defendant.
25 C. The petition shall state all of the following:
26 1. The name of the plaintiff. The plaintiff's address shall be
27 disclosed to the court for purposes of service. If the address of the
28 plaintiff is unknown to the defendant, the plaintiff may request that the
29 address be protected. On the plaintiff's request, the address shall not be
30 listed on the petition. Whether the court issues an injunction against
31 harassment, the protected address shall be maintained in a separate document
32 or automated database and is not subject to release or disclosure by the
33 court or any form of public access except as ordered by the court.
34 2. The name and address, if known, of the defendant. **ANY ADDITIONAL**
35 **INFORMATION ABOUT THE DEFENDANT THAT IS DISCLOSED TO THE COURT FOR THE**
36 **PURPOSES OF SERVICE SHALL BE MAINTAINED IN A SEPARATE DOCUMENT OR AUTOMATED**
37 **DATABASE AND IS NOT SUBJECT TO RELEASE OR DISCLOSURE BY THE COURT OR ANY FORM**
38 **OF PUBLIC ACCESS EXCEPT AS ORDERED BY THE COURT.**
39 3. A specific statement showing events and dates of the acts
40 constituting the alleged harassment.
41 4. The name of the court in which there was or is any prior or pending
42 proceeding or order concerning the conduct that is sought to be restrained.
43 5. The relief requested.
44 D. A fee shall not be charged for filing a petition under this
45 section. Fees for service of process may be deferred or waived under any

1 rule or law applicable to civil actions, except that fees for service of
 2 process shall not be charged if the petition arises out of a dating
 3 relationship. The court shall advise a plaintiff that the plaintiff may be
 4 eligible for the deferral or waiver of these fees at the time the plaintiff
 5 files a petition. The court shall not require the petitioner to perform
 6 community restitution as a condition of the waiver or deferral of fees for
 7 service of process. A law enforcement agency or constable shall not require
 8 the advance payment of fees for service of process of injunctions against
 9 harassment. If the court does not waive the fees, the serving agency may
 10 assess the actual fees against the plaintiff. On request of the plaintiff,
 11 an injunction against harassment that is issued by a municipal court may be
 12 served by the police agency for that city if the defendant can be served
 13 within the city. If the defendant cannot be served within the city, the
 14 police agency in the city in which the defendant can be served may serve the
 15 injunction. On request of the plaintiff, each injunction against harassment
 16 that is issued by a justice of the peace shall be served by the constable for
 17 that jurisdiction if the defendant can be served within the jurisdiction. If
 18 the defendant cannot be served within that jurisdiction, the constable in the
 19 jurisdiction in which the defendant can be served shall serve the injunction.
 20 On request of the plaintiff, an injunction against harassment that is issued
 21 by a superior court judge or commissioner may be served by the sheriff of the
 22 county. If the defendant cannot be served within that jurisdiction, the
 23 sheriff in the jurisdiction in which the defendant can be served may serve
 24 the order. The court shall provide, without charge, forms for purposes of
 25 this section for assisting parties without counsel.

26 E. The court shall review the petition, any other pleadings on file
 27 and any evidence offered by the plaintiff, including any evidence of
 28 harassment by electronic contact or communication, to determine whether the
 29 injunction requested should issue without a further hearing. Rules 65(a)(1)
 30 and 65(e) of the Arizona rules of civil procedure do not apply to injunctions
 31 that are requested pursuant to this section. If the court finds reasonable
 32 evidence of harassment of the plaintiff by the defendant during the year
 33 preceding the filing of the petition or that good cause exists to believe
 34 that great or irreparable harm would result to the plaintiff if the
 35 injunction is not granted before the defendant or the defendant's attorney
 36 can be heard in opposition and the court finds specific facts attesting to
 37 the plaintiff's efforts to give notice to the defendant or reasons supporting
 38 the plaintiff's claim that notice should not be given, the court shall issue
 39 an injunction as provided for in subsection F of this section. If the court
 40 denies the requested relief, it may schedule a further hearing within ten
 41 days with reasonable notice to the defendant. For the purposes of
 42 determining the one year period, any time that the defendant has been
 43 incarcerated or out of this state shall not be counted.

44 F. If the court issues an injunction, the court may do any of the
 45 following:

1 modified injunction was issued shall forward to the sheriff of the county in
2 which the court is located a copy of the injunction and a copy of the
3 affidavit or certificate of service of process or acceptance of service. On
4 receiving these copies, the sheriff shall register the injunction.
5 Registration of an injunction means that a copy of the injunction and a copy
6 of the affidavit or certificate of service of process or acceptance of
7 service have been received by the sheriff's office. The sheriff shall
8 maintain a central repository for injunctions so that the existence and
9 validity of the injunctions can be easily verified. The effectiveness of an
10 injunction does not depend on its registration, and for enforcement purposes
11 pursuant to section 13-2810, a copy of an injunction, whether or not
12 registered, is presumed to be a valid existing order of the court for a
13 period of one year from the date of service of the injunction on the
14 defendant.

15 L. A peace officer, with or without a warrant, may arrest a person if
16 the peace officer has probable cause to believe that the person has violated
17 section 13-2810 by disobeying or resisting an injunction that is issued
18 pursuant to this section, whether or not the violation occurred in the
19 presence of the officer. The provisions for release under section 13-3903 do
20 not apply to an arrest made pursuant to this subsection. A person who is
21 arrested pursuant to this subsection may be released from custody in
22 accordance with the Arizona rules of criminal procedure or any other
23 applicable statute. An order for release, with or without an appearance
24 bond, shall include pretrial release conditions that are necessary to provide
25 for the protection of the alleged victim and other specifically designated
26 persons and may provide for additional conditions that the court deems
27 appropriate, including participation in any counseling programs available to
28 the defendant.

29 M. If a peace officer responds to a call alleging that harassment has
30 been or may be committed, the officer shall inform in writing any alleged or
31 potential victim of the procedures and resources available for the protection
32 of the victim including:

- 33 1. An injunction pursuant to this section.
- 34 2. The emergency telephone number for the local police agency.
- 35 3. Telephone numbers for emergency services in the local community.

36 N. The remedies provided in this section for enforcement of the orders
37 of the court are in addition to any other civil and criminal remedies
38 available. The municipal court and the justice court may hear and decide all
39 matters arising pursuant to this section. After a hearing with notice to the
40 affected party, the court may enter an order requiring any party to pay the
41 costs of the action, including reasonable attorney fees, if any. An order
42 that is entered by a justice court or municipal court after a hearing
43 pursuant to this section may be appealed to the superior court as provided in
44 title 22, chapter 2, article 4, section 22-425, subsection B and the superior

1 court rules of civil appellate procedure without regard to an amount in
2 controversy. No fee may be charged to either party for filing an appeal.

3 O. A peace officer who makes an arrest pursuant to this section is not
4 civilly or criminally liable for the arrest if the officer acts on probable
5 cause and without malice. A peace officer is not civilly liable for
6 noncompliance with subsection M of this section.

7 P. This section does not apply to preliminary injunctions issued
8 pursuant to an action for dissolution of marriage or legal separation or for
9 protective orders against domestic violence.

10 Q. In addition to the persons who are authorized to serve process
11 pursuant to rule 4(d), Arizona rules of civil procedure, a peace officer or a
12 correctional officer as defined in section 41-1661 who is acting in the
13 officer's official capacity may serve an injunction against harassment that
14 is issued pursuant to this section.

15 R. For the purposes of this section, "harassment" means a series of
16 acts over any period of time that is directed at a specific person and that
17 would cause a reasonable person to be seriously alarmed, annoyed or harassed
18 and the conduct in fact seriously alarms, annoys or harasses the person and
19 serves no legitimate purpose. Harassment includes unlawful picketing,
20 trespassory assembly, unlawful mass assembly, concerted interference with
21 lawful exercise of business activity and engaging in a secondary boycott as
22 defined in section 23-1321 and defamation in violation of section 23-1325.

23 Sec. 2. Section 12-1810, Arizona Revised Statutes, is amended to read:
24 12-1810. Injunction against workplace harassment; definitions

25 A. An employer or an authorized agent of an employer may file a
26 written verified petition with a magistrate, justice of the peace or superior
27 court judge for an injunction prohibiting workplace harassment.

28 B. The court shall not grant an injunction against workplace
29 harassment against either:

30 1. A person who is under twelve years of age unless the injunction is
31 granted by the juvenile division of the superior court.

32 2. More than one defendant.

33 C. The petition shall state all of the following:

34 1. The name of the employer.

35 2. The name and address, if known, of the defendant. **ANY ADDITIONAL**
36 **INFORMATION ABOUT THE DEFENDANT THAT IS DISCLOSED TO THE COURT FOR THE**
37 **PURPOSES OF SERVICE SHALL BE MAINTAINED IN A SEPARATE DOCUMENT OR AUTOMATED**
38 **DATABASE AND IS NOT SUBJECT TO RELEASE OR DISCLOSURE BY THE COURT OR ANY FORM**
39 **OF PUBLIC ACCESS EXCEPT AS ORDERED BY THE COURT.**

40 3. A specific statement showing the events and dates of the acts that
41 constitute harassment toward the employer or any person who enters the
42 employer's property or who is performing official work duties.

43 D. The filing fee for a petition that is filed pursuant to this
44 section is established pursuant to sections 12-284, 22-281 and 22-404.

1 E. The court shall review the petition and any evidence offered by the
2 employer to determine whether to issue the injunction without further
3 hearing. Rules 65(a)(1) and 65(e) of the Arizona rules of civil procedure do
4 not apply to injunctions requested pursuant to this section. If the court
5 finds reasonable evidence of workplace harassment by the defendant or that
6 good cause exists to believe that great or irreparable harm would result to
7 the employer or any other person who enters the employer's property or who is
8 performing official work duties or if the injunction is not granted before
9 the defendant or the defendant's attorney can be heard in opposition and the
10 court finds specific facts that attest to the employer's efforts to give
11 notice to the defendant or reasons supporting the employer's claim that
12 notice should not be given, the court shall issue an injunction pursuant to
13 subsection F of this section. If the court denies the requested relief, the
14 court may schedule a further hearing within ten days with reasonable notice
15 to the defendant.

16 F. If the court grants an injunction against workplace harassment, the
17 court may do any of the following:

18 1. Restrain the defendant from coming near the employer's property or
19 place of business and restrain the defendant from contacting the employer or
20 other person while that person is on or at the employer's property or place
21 of business or is performing official work duties.

22 2. Grant any other relief necessary for the protection of the
23 employer, the workplace, the employer's employees or any other person who is
24 on or at the employer's property or place of business or who is performing
25 official work duties.

26 G. If the court issues an ex parte injunction pursuant to this
27 section, the injunction shall state on its face that the defendant is
28 entitled to a hearing on written request and shall include the name and
29 address of the judicial office in which the request may be filed. At any
30 time during the period that the injunction is in effect, the defendant may
31 request a hearing. The court shall hold the hearing within ten days after
32 the date of the written request unless the court finds compelling reasons to
33 continue the hearing. The hearing shall be held at the earliest possible
34 time. After the hearing, the court may modify, quash or continue the
35 injunction.

36 H. An injunction against workplace harassment that is issued pursuant
37 to this section shall include the following statement:

38 Warning

39 This is an official court order. If you disobey this order, you
40 may be arrested and prosecuted for the crime of interfering with
41 judicial proceedings and any other crime you may have committed
42 in disobeying this order.

43 I. A copy of the petition and the injunction shall be served on the
44 defendant within one year from the date the injunction is signed. An
45 injunction that is not served on the defendant within one year expires. The

1 injunction is effective on the defendant on service of a copy of the
2 injunction and petition and expires one year after service on the defendant.
3 A modified injunction is effective on service and expires one year after
4 service of the initial injunction and petition.

5 J. Each affidavit, acceptance or return of service shall be filed
6 promptly with the clerk of the issuing court. The filing shall be completed
7 in person, made by fax or postmarked, if sent by mail, no later than the end
8 of the seventh court business day after the date of service. If the filing
9 is made by fax, the original affidavit, acceptance or return of service shall
10 be filed promptly with the court. Within twenty-four hours after the
11 affidavit, acceptance or return of service has been filed, excluding weekends
12 and holidays, the court that issued the injunction shall register a copy of
13 the injunction and a copy of the affidavit of service of process or
14 acceptance of service with the sheriff's office of the county in which the
15 employer is located. A copy of an injunction is presumed to be a valid
16 existing order of the court for one year after the date on which the
17 defendant was served. Any changes or modifications to the injunction are
18 effective on entry by the court and shall be registered with the sheriff
19 within twenty-four hours after the entry, excluding weekends and holidays.

20 K. This section does not:

21 1. Expand, diminish, alter or modify the duty of an employer to
22 provide a safe workplace for its employees and other persons.

23 2. Permit a court to issue a temporary restraining order or injunction
24 that prohibits speech or other activities that are constitutionally protected
25 or otherwise protected by law, including actions involving organized labor
26 disputes that do not involve unlawful picketing, trespassory assembly,
27 unlawful mass assembly, concerted interference with lawful exercise of
28 business activity and engaging in a secondary boycott as defined in section
29 23-1321, defamation in violation of section 23-1325 or any actual or
30 threatened misrepresentation, fraud, duress, violence or breach of the peace.

31 3. Preclude either party from being represented by private counsel or
32 appearing on the party's own behalf.

33 L. When the employer has knowledge that a specific person or persons
34 are the target of harassment as defined by this section, the employer shall
35 make a good faith effort to provide notice to the person or persons that the
36 employer intends to petition the court for an injunction against workplace
37 harassment.

38 M. Whether or not a violation occurs in the presence of a peace
39 officer, a peace officer, with or without a warrant, may arrest a person if
40 the peace officer has probable cause to believe that the person has violated
41 section 13-2810 by disobeying or resisting an injunction that was issued
42 pursuant to this section. The release provisions under section 13-3903 do
43 not apply to an arrest made pursuant to this subsection. A person who is
44 arrested pursuant to this subsection may be released from custody pursuant to
45 the Arizona rules of criminal procedure or any applicable statute. The court

1 shall include in an order for release any pretrial release conditions that
2 the court deems appropriate.

3 N. The remedies under this section for the enforcement of protection
4 orders are in addition to any other civil and criminal remedies that are
5 available. The municipal court and the justice court may hear and decide all
6 matters arising pursuant to this section. On notice to the affected party
7 and after a hearing, the court may enter an order that requires any party to
8 pay the costs of the action, including reasonable attorney fees. A party may
9 appeal an order entered by a justice court or municipal court pursuant to
10 section 22-261 or 22-425 and the superior court rules of civil appellate
11 procedure without regard to an amount in controversy.

12 O. A peace officer who makes an arrest pursuant to this section is
13 immune from civil or criminal liability if the officer acts on probable
14 cause.

15 P. An employer is immune from civil liability for seeking or failing
16 to seek an injunction under this section unless the employer is seeking an
17 injunction primarily to accomplish a purpose for which the injunction was not
18 designed. Any action or statement by an employer under this section shall
19 not be deemed an admission by the employer of any fact. An action or
20 statement by an employer under this section may be used for impeachment
21 purposes.

22 Q. In addition to the persons who are authorized to serve process
23 pursuant to rule 4(d), Arizona rules of civil procedure, a peace officer may
24 serve an injunction against workplace harassment pursuant to this section.

25 R. For the purposes of this section:

26 1. "Employer" means an individual, partnership, association or
27 corporation or a person or group of persons who act, directly or indirectly,
28 on behalf of or in the interest of an employer and with the consent of the
29 employer. Employer includes this state, a political subdivision of this
30 state and any school district or other special district.

31 2. "Harassment" means a single threat or act of physical harm or
32 damage or a series of acts over any period of time that would cause a
33 reasonable person to be seriously alarmed or annoyed and includes unlawful
34 picketing, trespassory assembly, unlawful mass assembly, concerted
35 interference with lawful exercise of business activity and engaging in a
36 secondary boycott as defined in section 23-1321 and defamation in violation
37 of section 23-1325.

38 Sec. 3. Section 13-3602, Arizona Revised Statutes, is amended to read:

39 13-3602. Order of protection; procedure; contents; arrest for
40 violation; penalty; protection order from another
41 jurisdiction

42 A. A person may file a verified petition, as in civil actions, with a
43 magistrate, justice of the peace or superior court judge for an order of
44 protection for the purpose of restraining a person from committing an act
45 included in domestic violence. If the person is a minor, the parent, legal

1 guardian or person who has legal custody of the minor shall file the petition
2 unless the court determines otherwise. The petition shall name the parent,
3 guardian or custodian as the plaintiff and the minor is a specifically
4 designated person for the purposes of subsection G of this section. If a
5 person is either temporarily or permanently unable to request an order, a
6 third party may request an order of protection on behalf of the plaintiff.
7 After the request, the judicial officer shall determine if the third party is
8 an appropriate requesting party for the plaintiff. For the purposes of this
9 section, notwithstanding the location of the plaintiff or defendant, any
10 court in this state may issue or enforce an order of protection.

11 B. An order of protection shall not be granted:

12 1. Unless the party who requests the order files a written verified
13 petition for an order.

14 2. Against a person who is less than twelve years of age unless the
15 order is granted by the juvenile division of the superior court.

16 3. Against more than one defendant.

17 C. The petition shall state the:

18 1. Name of the plaintiff. The plaintiff's address shall be disclosed
19 to the court for purposes of service. If the address of the plaintiff is
20 unknown to the defendant, the plaintiff may request that the address be
21 protected. On the plaintiff's request, the address shall not be listed on
22 the petition. Whether the court issues an order of protection, the protected
23 address shall be maintained in a separate document or automated database and
24 is not subject to release or disclosure by the court or any form of public
25 access except as ordered by the court.

26 2. Name and address, if known, of the defendant. **ANY ADDITIONAL**
27 **INFORMATION ABOUT THE DEFENDANT THAT IS DISCLOSED TO THE COURT FOR THE**
28 **PURPOSES OF SERVICE SHALL BE MAINTAINED IN A SEPARATE DOCUMENT OR AUTOMATED**
29 **DATABASE AND IS NOT SUBJECT TO RELEASE OR DISCLOSURE BY THE COURT OR ANY FORM**
30 **OF PUBLIC ACCESS EXCEPT AS ORDERED BY THE COURT.**

31 3. Specific statement, including dates, of the domestic violence
32 alleged.

33 4. Relationship between the parties pursuant to section 13-3601,
34 subsection A and whether there is pending between the parties an action for
35 maternity or paternity, annulment, legal separation or dissolution of
36 marriage.

37 5. Name of the court in which any prior or pending proceeding or order
38 was sought or issued concerning the conduct that is sought to be restrained.

39 6. Desired relief.

40 D. A fee shall not be charged for filing a petition under this section
41 or for service of process. On request of the plaintiff, each order of
42 protection that is issued by a municipal court shall be served by the police
43 agency for that city if the defendant can be served within the city. If the
44 defendant cannot be served within the city, the police agency in the city in
45 which the defendant can be served shall serve the order. If the order cannot

1 be served within a city, the sheriff shall serve the order. On request of
2 the plaintiff, each order of protection that is issued by a justice of the
3 peace shall be served by the constable or sheriff for that jurisdiction if
4 the defendant can be served within the jurisdiction. If the defendant cannot
5 be served within that jurisdiction, the constable or sheriff in the
6 jurisdiction in which the defendant can be served shall serve the order. On
7 request of the plaintiff, each order of protection that is issued by a
8 superior court judge or commissioner shall be served by the sheriff of the
9 county. If the defendant cannot be served within that jurisdiction, the
10 sheriff in the jurisdiction in which the defendant can be served shall serve
11 the order. Each court shall provide, without charge, forms for purposes of
12 this section for assisting parties without counsel. The court shall make
13 reasonable efforts to provide to both parties an appropriate information
14 sheet on emergency and counseling services that are available in the local
15 area.

16 E. The court shall review the petition, any other pleadings on file
17 and any evidence offered by the plaintiff, including any evidence of
18 harassment by electronic contact or communication, to determine whether the
19 orders requested should issue without further hearing. The court shall issue
20 an order of protection under subsection G of this section if the court
21 determines that there is reasonable cause to believe any of the following:

- 22 1. The defendant may commit an act of domestic violence.
- 23 2. The defendant has committed an act of domestic violence within the
24 past year or within a longer period of time if the court finds that good
25 cause exists to consider a longer period.

26 F. For the purposes of determining the period of time under subsection
27 E, paragraph 2 of this section, any time that the defendant has been
28 incarcerated or out of this state shall not be counted. If the court denies
29 the requested relief, it may schedule a further hearing within ten days, with
30 reasonable notice to the defendant.

31 G. If a court issues an order of protection, the court may do any of
32 the following:

- 33 1. Enjoin the defendant from committing a violation of one or more of
34 the offenses included in domestic violence.
- 35 2. Grant one party the use and exclusive possession of the parties'
36 residence on a showing that there is reasonable cause to believe that
37 physical harm may otherwise result. If the other party is accompanied by a
38 law enforcement officer, the other party may return to the residence on one
39 occasion to retrieve belongings. A law enforcement officer is not liable for
40 any act or omission in the good faith exercise of the officer's duties under
41 this paragraph.
- 42 3. Restrain the defendant from contacting the plaintiff or other
43 specifically designated persons and from coming near the residence, place of
44 employment or school of the plaintiff or other specifically designated

1 locations or persons on a showing that there is reasonable cause to believe
2 that physical harm may otherwise result.

3 4. If the court finds that the defendant is a credible threat to the
4 physical safety of the plaintiff or other specifically designated persons,
5 prohibit the defendant from possessing or purchasing a firearm for the
6 duration of the order. If the court prohibits the defendant from possessing
7 a firearm, the court shall also order the defendant to transfer any firearm
8 owned or possessed by the defendant immediately after service of the order to
9 the appropriate law enforcement agency for the duration of the order. If the
10 defendant does not immediately transfer the firearm, the defendant shall
11 transfer the firearm within twenty-four hours after service of the order.

12 5. If the order was issued after notice and a hearing at which the
13 defendant had an opportunity to participate, require the defendant to
14 complete a domestic violence offender treatment program that is provided by a
15 facility approved by the department of health services or a probation
16 department or any other program deemed appropriate by the court.

17 6. Grant relief that is necessary for the protection of the alleged
18 victim and other specifically designated persons and that is proper under the
19 circumstances.

20 7. Grant the petitioner the exclusive care, custody or control of any
21 animal that is owned, possessed, leased, kept or held by the petitioner, the
22 respondent or a minor child residing in the residence or household of the
23 petitioner or the respondent, and order the respondent to stay away from the
24 animal and forbid the respondent from taking, transferring, encumbering,
25 concealing, committing an act of cruelty or neglect in violation of section
26 13-2910 or otherwise disposing of the animal.

27 H. The court shall not grant a mutual order of protection. If
28 opposing parties separately file verified petitions for an order of
29 protection, the courts after consultation between the judges involved may
30 consolidate the petitions of the opposing parties for hearing. This does not
31 prohibit a court from issuing cross orders of protection.

32 I. At any time during the period during which the order is in effect,
33 a party who is under an order of protection or who is restrained from
34 contacting the other party is entitled to one hearing on written request. No
35 fee may be charged for requesting a hearing. A hearing that is requested by
36 a party who is under an order of protection or who is restrained from
37 contacting the other party shall be held within ten days from the date
38 requested unless the court finds good cause to continue the hearing. If
39 exclusive use of the home is awarded, the hearing shall be held within five
40 days from the date requested. The hearing shall be held at the earliest
41 possible time. An ex parte order that is issued under this section shall
42 state on its face that the defendant is entitled to a hearing on written
43 request and shall include the name and address of the judicial office where
44 the request may be filed. After the hearing, the court may modify, quash or
45 continue the order.

1 J. The order shall include the following statement:

2 Warning

3 This is an official court order. If you disobey this
4 order, you will be subject to arrest and prosecution for the
5 crime of interfering with judicial proceedings and any other
6 crime you may have committed in disobeying this order.

7 K. A copy of the petition and the order shall be served on the
8 defendant within one year from the date the order is signed. An order of
9 protection that is not served on the defendant within one year expires. An
10 order is effective on the defendant on service of a copy of the order and
11 petition. An order expires one year after service on the defendant. A
12 modified order is effective on service and expires one year after service of
13 the initial order and petition.

14 L. Each affidavit, acceptance or return of service shall be promptly
15 filed with the clerk of the issuing court. This filing shall be completed in
16 person, shall be made by fax or shall be postmarked, if sent by mail, no
17 later than the end of the seventh court business day after the date of
18 service. If the filing is made by fax, the original affidavit, acceptance or
19 return of service shall be promptly filed with the court. Within twenty-four
20 hours after the affidavit, acceptance or return of service has been filed,
21 excluding weekends and holidays, the court from which the order or any
22 modified order was issued shall forward to the sheriff of the county in which
23 the court is located a copy of the order of protection and a copy of the
24 affidavit or certificate of service of process or acceptance of service. On
25 receiving these copies, the sheriff shall register the order. Registration
26 of an order means that a copy of the order of protection and a copy of the
27 affidavit or acceptance of service have been received by the sheriff's
28 office. The sheriff shall maintain a central repository for orders of
29 protection so that the existence and validity of the orders can be easily
30 verified. The effectiveness of an order does not depend on its registration,
31 and for enforcement purposes pursuant to section 13-2810, a copy of an order
32 of the court, whether or not registered, is presumed to be a valid existing
33 order of the court for a period of one year from the date of service of the
34 order on the defendant.

35 M. A peace officer, with or without a warrant, may arrest a person if
36 the peace officer has probable cause to believe that the person has violated
37 section 13-2810 by disobeying or resisting an order that is issued in any
38 jurisdiction in this state pursuant to this section, whether or not such
39 violation occurred in the presence of the officer. Criminal violations of an
40 order issued pursuant to this section shall be referred to an appropriate law
41 enforcement agency. The law enforcement agency shall request that a
42 prosecutorial agency file the appropriate charges. A violation of an order
43 of protection shall not be adjudicated by a municipal or justice court unless
44 a complaint has been filed or other legal process has been requested by the
45 prosecuting agency. The provisions for release under section 13-3883,

1 subsection A, paragraph 4 and section 13-3903 do not apply to an arrest made
2 pursuant to this section. For the purposes of this section, any court in
3 this state has jurisdiction to enforce a valid order of protection that is
4 issued in this state and that has been violated in any jurisdiction in this
5 state.

6 N. A person who is arrested pursuant to subsection M of this section
7 may be released from custody in accordance with the Arizona rules of criminal
8 procedure or any other applicable statute. An order for release, with or
9 without an appearance bond, shall include pretrial release conditions that
10 are necessary to provide for the protection of the alleged victim and other
11 specifically designated persons and may provide for any other additional
12 conditions that the court deems appropriate, including participation in any
13 counseling programs available to the defendant. The agency with custody of
14 the defendant shall make reasonable efforts to contact the victim and other
15 specifically designated persons in the order of protection, if known to the
16 custodial agency, who requested notification immediately on release of the
17 arrested person from custody.

18 O. The remedies provided in this section for enforcement of the orders
19 of the court are in addition to any other civil and criminal remedies
20 available. The superior court shall have exclusive jurisdiction to issue
21 orders of protection in all cases if it appears from the petition that an
22 action for maternity or paternity, annulment, legal separation or dissolution
23 of marriage is pending between the parties. A municipal court or justice
24 court shall not issue an order of protection if it appears from the petition
25 that an action for maternity or paternity, annulment, legal separation or
26 dissolution of marriage is pending between the parties. After issuance of an
27 order of protection, if the municipal court or justice court determines that
28 an action for maternity or paternity, annulment, legal separation or
29 dissolution of marriage is pending between the parties, the municipal court
30 or justice court shall stop further proceedings in the action and forward all
31 papers, together with a certified copy of docket entries or any other record
32 in the action, to the superior court where they shall be docketed in the
33 pending superior court action and shall proceed as though the petition for an
34 order of protection had been originally brought in the superior court.
35 Notwithstanding any other law and unless prohibited by an order of the
36 superior court, a municipal court or justice court may hold a hearing on all
37 matters relating to its ex parte order of protection if the hearing was
38 requested before receiving written notice of the pending superior court
39 action. No order of protection shall be invalid or determined to be
40 ineffective merely because it was issued by a lower court at a time when an
41 action for maternity or paternity, annulment, legal separation or dissolution
42 of marriage was pending in a higher court. After a hearing with notice to
43 the affected party, the court may enter an order requiring any party to pay
44 the costs of the action, including reasonable attorney fees, if any. An
45 order that is entered by a justice court or municipal court after a hearing

1 pursuant to this section may be appealed to the superior court as provided in
2 title 22, chapter 2, article 4, section 22-425, subsection B and the superior
3 court rules of civil appellate procedure without regard to an amount in
4 controversy. No fee may be charged to either party for filing an appeal.
5 For the purposes of this subsection, "pending" means, with respect to an
6 action for annulment, legal separation or dissolution of marriage or for
7 maternity or paternity, either that:

8 1. An action has been commenced but a final judgment, decree or order
9 has not been entered.

10 2. A post-decree proceeding has been commenced but a judgment, decree
11 or order finally determining the proceeding has not been entered.

12 P. A peace officer who makes an arrest pursuant to this section or
13 section 13-3601 is not civilly or criminally liable for the arrest if the
14 officer acts on probable cause and without malice.

15 Q. In addition to persons authorized to serve process pursuant to rule
16 4(d) of the Arizona rules of civil procedure, a peace officer or a
17 correctional officer as defined in section 41-1661 who is acting in the
18 officer's official capacity may serve an order of protection that is issued
19 pursuant to this section. Service of the order of protection has priority
20 over other service of process that does not involve an immediate threat to
21 the safety of a person.

22 R. A valid protection order that is related to domestic or family
23 violence and that is issued by a court in another state, a court of a United
24 States territory or a tribal court shall be accorded full faith and credit
25 and shall be enforced as if it were issued in this state for as long as the
26 order is effective in the issuing jurisdiction. For the purposes of this
27 subsection:

28 1. A protection order includes any injunction or other order that is
29 issued for the purpose of preventing violent or threatening acts or
30 harassment against, contact or communication with or physical proximity to
31 another person. A protection order includes temporary and final orders other
32 than support or child custody orders that are issued by civil and criminal
33 courts if the order is obtained by the filing of an independent action or is
34 a pendente lite order in another proceeding. The civil order shall be issued
35 in response to a complaint, petition or motion that was filed by or on behalf
36 of a person seeking protection.

37 2. A protection order is valid if the issuing court had jurisdiction
38 over the parties and the matter under the laws of the issuing state, a United
39 States territory or an Indian tribe and the person against whom the order was
40 issued had reasonable notice and an opportunity to be heard. If the order is
41 issued ex parte, the notice and opportunity to be heard shall be provided
42 within the time required by the laws of the issuing state, a United States
43 territory or an Indian tribe and within a reasonable time after the order was
44 issued.

1 3. A mutual protection order that is issued against both the party who
2 filed a petition or a complaint or otherwise filed a written pleading for
3 protection against abuse and the person against whom the filing was made is
4 not entitled to full faith and credit if either:

5 (a) The person against whom an initial order was sought has not filed
6 a cross or counter petition or other written pleading seeking a protection
7 order.

8 (b) The issuing court failed to make specific findings supporting the
9 entitlement of both parties to be granted a protection order.

10 4. A peace officer may presume the validity of and rely on a copy of a
11 protection order that is issued by another state, a United States territory
12 or an Indian tribe if the order was given to the officer by any source. A
13 peace officer may also rely on the statement of any person who is protected
14 by the order that the order remains in effect. A peace officer who acts in
15 good faith reliance on a protection order is not civilly or criminally liable
16 for enforcing the protection order pursuant to this section.