

Plaintiff's Guide Sheet for Protective Orders

This guide sheet provides basic information about protective orders. Keep this guide for future reference. If you receive a protective order, you should always carry a copy of the order with you.

TYPES OF PROTECTIVE ORDERS

1. ORDER OF PROTECTION (OP)—An OP is used when you and the defendant (the person from whom you want protection) have a specific relationship. In addition to having a qualifying relationship, you must state how an act of domestic violence was threatened or committed against you within the last year.

A qualifying relationship for an Order of Protection includes any of the following:

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

READ THIS FIRST.

2. INJUNCTION AGAINST HARASSMENT (IAH)—If you and the defendant do not share any of these relationships, you may ask for an Injunction Against Harassment (IAH). You must tell on the petition how the defendant has committed a series of acts (more than one) of harassment against you in the last year or one act of sexual violence (as defined in ARS § 23-371) against you.

3. INJUNCTION AGAINST WORKPLACE HARASSMENT (IAWH)—An employer or owner of a business or operation may file for this type of injunction for the benefit of an employee or the business based on a single act or a series of acts of harassment.

PETITION

Your request for a protective order begins when you file a petition with the court. There is no cost to file the petition for an OP or an IAH. In the petition, you must provide dates and facts about the domestic violence or harassing acts that you allege the defendant has committed against you or why you believe domestic violence or harm may occur without protection. NOTE: If the judge grants your request, the defendant will be given a copy of your petition and the order. The petition may be used in future judicial proceedings. You can list only one defendant per petition. If you want to file against more than one person, you must file a separate petition for each defendant.

CHILDREN AS OTHER PROTECTED PERSONS

You may ask for a child be included as a protected person only if (1) the child is not the defendant's child or (2) the child is the defendant's child and the domestic violence involved the child. 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 defendant file an action for maternity, paternity, annulment, legal separation, or divorce, tell the clerk immediately so the protective order case can be transferred to the superior court.

FILING A PETITION ON BEHALF OF A MINOR OR ANOTHER PERSON

- If you are:
- > a parent, guardian, or custodian of a minor who is asking for protection from someone else, choose the relationship between the *minor* and the *defendant* on the petition.
 - > applying on behalf of a person who is either temporarily or permanently unable to request an order, choose the relationship between the *person* and the *defendant* on the petition.

SERVICE AND EFFECT

Order of Protection: The court will send the OP to the appropriate law enforcement agency for service. There is no cost for service of an OP. If law enforcement is unable to serve the OP within 15 days, law enforcement will contact you. Law enforcement has a continuing duty to attempt service, so if you have additional information about the defendant’s location, please contact the law enforcement agency. The OP will be valid and enforceable for one year from the date of service. A served OP is enforceable by law enforcement in any state or tribal nation in the United States.

Injunction Against Harassment or an Injunction Against Workplace Harassment: You have one year from the date of issuance to ask for an IAH or IAWH to be served on the defendant. The order will be valid and enforceable for one year from the date of service. The court will instruct you on how service can be made. Law enforcement will serve an IAH involving a dating relationship or based on an act of sexual violence at no cost. There is a fee to serve an IAWH or an IAH not involving a dating relationship or sexual violence. The cost to serve injunctions depends on mileage and number of attempts. If you cannot afford pay for service, you can ask the judge to defer or waive the fee.

CONTESTED HEARING

If the defendant disagrees with the protective order, the defendant has the right to ask for a hearing. The court will conduct the hearing within 5 to 10 business days after the defendant makes a written request. At this hearing, you may present evidence (exhibits) and have witnesses testify on your behalf. The judge will take testimony from you, the defendant, and any witnesses to decide whether there is a legal reason to keep the order in place. If you do not appear for the hearing, the court may dismiss your order; therefore, you must notify the court of any change in your contact information to ensure you get notice of any hearing dates and times.

NO-CONTACT ORDERS

The defendant can be arrested for violating this protective order, even if you initiate contact. **If the defendant does not want you to contact him or her, the defendant has the right to request a protective order against you.** Orders are not automatically granted upon request—legal requirements must be met.

RESIDENCE AND PROPERTY

You may ask the judge to give you exclusive use of a residence you share with the defendant. **IMPORTANT:** If the judge gives you exclusive use but you move out of the residence while the court order is still in effect, you must notify the court within five days of moving out. The court will provide a notice form at your request. If the defendant needs to get personal belongings from the residence, the judge may order a civil standby. Standby allows the defendant to return once with a law enforcement officer to get necessary personal belongings. If the judge grants a civil standby, the defendant must arrange a time and date with a law enforcement agency. Neither law enforcement nor a protective order can resolve conflicts over property, title, furniture, finances, real estate, or other ownership issues.

FIREARMS

You may ask the judge to order the defendant not to possess, receive, or purchase firearms or ammunition while the protective order is in effect.

ANIMALS

If you are asking for an Order of Protection, you may also ask the court to grant you the custody, care, and control of any animal owned by you, the defendant, or a minor child living in your household if you believe the defendant is a danger to the animal.

COUNSELING

Counseling for the defendant can be ordered only at a hearing of which the defendant has notice and an opportunity to participate.

CHANGING OR DISMISSING THE ORDER

Nothing you do on your own can dismiss or change this protective order. If you want to change or dismiss this order, you must make a written request to the court.

PUBLIC ACCESS To comply with federal law, no identifying information about you from this protective order case will be published on the Judicial Branch website (www.azcourts.gov).

RESOURCES, SAFETY PLANS See Domestic Violence Info (<http://www.azcourts.gov/domesticviolencelaw>) and the booklet *Things You Should Know About Protective Orders* for information about protective orders, resources, and safety plans.

THIS FORM IS CONFIDENTIAL AND IS NOT A PUBLIC RECORD.

SAHUARITA MUNICIPAL COURT, 360 W SAHUARITA CENTER WAY, SAH. AZ. 85629, 520-344-7150

Case No. _____

Plaintiff's Information Sheet

Please **PRINT** all information on this form and on the petition *after* you have read the Plaintiff's Guide Sheet for Protective Orders.

Your name _____ Your birth date _____
 Address _____ Main phone number _____ *Cell _____
 City, State, ZIP _____ *May the court text you at this or another number?
 Mailing address (if different) _____ Email _____
 Yes No Alternate number _____

CONFIDENTIAL ADDRESS. Your address and contact information are confidential. Indicate any other addresses that should be kept confidential. Do not include confidential addresses on the petition as a copy of it will be served on the defendant. Keep work address confidential. Keep school address confidential.

RELATIONSHIP*

Choose the option that best describes your relationship to the defendant.
 *If you are applying on behalf of another person, choose the relationship between the other person and the defendant.

- 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
- Dating (but not romantic or sexual)
- Other _____

Defendant's name _____ Telephone _____
 Address _____ Cell phone _____
 City, State, ZIP _____ Email _____

DEFENDANT IDENTIFIERS Please provide all information to the best of your knowledge. <i>If you do not know the defendant's birth date, make your best guess.</i> If you have estimated the birth date, please check the "Estimated" box.	Sex	Race	Birth date	Height	Weight
			<i>required</i> <input type="checkbox"/> Actual <input type="checkbox"/> Estimated		
	Eye color	Hair color	Social Security #		
	Driver license #: _____ State: _____ Expiration date: _____				

Plaintiff <input type="checkbox"/> Employer-Plaintiff if Workplace Injunction	Defendant	Case No.
<input type="checkbox"/> On behalf of minor/person in need of protection named:	Defendant's address	PETITION for: <input type="checkbox"/> Order of Protection <input type="checkbox"/> Injunction Against Harassment <input type="checkbox"/> Workplace Injunction
Agent's name (if Workplace Injunction)	Defendant's phone	

This is NOT a court order.

This petition contains Plaintiff's allegations and requests. To see what the court has ordered, see "Order" form.

DIRECTIONS: Please read the Plaintiff's Guide Sheet before filling out this form.

1. **Defendant/Plaintiff Relationship** (or relationship between Defendant and minor/person in need of protection)

<input type="checkbox"/> Married (past or present) <input type="checkbox"/> Live/lived together as intimate partners <input type="checkbox"/> Romantic/sexual (past or present) <input type="checkbox"/> Parent of child in common <input type="checkbox"/> One party is pregnant by the other	<input type="checkbox"/> Related as parent, grandparent, child, grandchild, brother, sister (or in-law/step) <input type="checkbox"/> Live/lived together but not as intimate partners <input type="checkbox"/> Dating (but not romantic or sexual) <input type="checkbox"/> Other: _____
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2. If checked, Defendant and I have a pending action involving maternity, paternity, annulment, legal separation, dissolution, custody, parenting time, or support in _____ County Superior Court, Case # _____.

3. Name of court, if any, in which any other protective order related to this conduct has been filed.
 Court name _____ Case # _____

(Continue to next page)

4. Tell the judge what happened and why you need this order. PRINT both the dates and a brief description of what happened. If there is a contested hearing, a judge can consider only what you write here.

NOTE: Defendant will receive a copy of this petition when the order is served.

Approx. Date	(Do not write on back or in the margin. Attach additional paper if necessary.)
required	

5. The following persons should also be on this order. They should be protected because Defendant is a danger to them:

Birthdate:	Birthdate:
Birthdate:	Birthdate:

6. Defendant should be ordered to stay away from these locations at all times, even when I am not present.

NOTE: Do not list confidential addresses here.

Residence (confidential)

Work/Business Leave blank if address is confidential.

School/other Leave blank if address is confidential.

7a. Defendant owns or carries a firearm or other weapons.

7b. Defendant should be ordered NOT to possess firearms while this order is in effect because of the risk of harm to me or other protected persons.

8. Defendant should be ordered to stay away from any animal that is owned, possessed, leased, kept or held by me, Defendant, or a minor child living in either my household or Defendant's household.

9. Other requests: _____

Under penalty of perjury, I swear or affirm the above statements are true to the best of my knowledge. I request an order or an injunction granting relief as allowed by law.

Attest: _____

Plaintiff

Judicial Officer/Clerk/Notary

Date

DO NOT SERVE THIS FORM ON THE DEFENDANT. DESTROY WHEN SERVED.

Notice: This form will be used by the agency that will serve your court documents. Be accurate and complete when filling out this form. Without this information, your documents may not get served.

THIS FORM IS CONFIDENTIAL AND WILL NOT BE GIVEN TO THE DEFENDANT.

Plaintiff _____ v. Defendant _____	Case No. _____ Date Issued _____	SERVICE OF PROCESS INFORMATION FORM
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Your name	Email
Address	Main phone _____ *Cell _____
City, State, ZIP	*Will you accept text messages on this cell or at another number? <input type="checkbox"/> Yes <input type="checkbox"/> No Alternate number _____

DEFENDANT'S INFORMATION (person you want to be served)

Defendant's name	Birthdate _____ <input type="checkbox"/> Actual <input type="checkbox"/> Estimated							
Address _____ <i>include apartment and building number</i>	Does Defendant need an interpreter? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, language needed _____							
City, State, ZIP	Does Defendant live with you now? <input type="checkbox"/> Yes <input type="checkbox"/> No							
Apartment complex name								
Sex	Race	Height	Weight	Eye color	Hair color	Driver license #	State	Expiration date

Defendant's ethnicity is: Hispanic Not Hispanic

Company/work name	Work phone
Work address	
City, state, ZIP	
Work hours	Normal days off
Best time at work	Best time at home
Other places Defendant goes	Days/times most likely to be there
Vehicle year/make/color	License plate/state
Distinguishing features, scars, tattoos, marks (and location):	
Is Defendant <input type="checkbox"/> violent toward police <input type="checkbox"/> drug user <input type="checkbox"/> heavy drinker <input type="checkbox"/> mentally ill <input type="checkbox"/> on probation/parole > Probation officer name/phone: _____	
Does Defendant <i>carry</i> <input type="checkbox"/> a gun <input type="checkbox"/> a knife? Does Defendant <i>have</i> <input type="checkbox"/> a gun <input type="checkbox"/> a knife?	Location of weapons now _____