

Appeals; BOP; Rules of Evidence or Alternatives

Protective Orders

(OPs served after 9-24-22 valid for 2 years!)

Type	Appeal	BOP	R Ev	Alternative (ARPOP)
Ex Parte OP		20(e)(1): Reasonable cause to believe Def may commit an act of DV or has committed an act of DV	No	
IAH		<p style="color: #c00000;">With pre-issuance hearing: 25e1A</p> <p style="color: #c00000;">To grant w/o pre-issuance hearing: 25e1A and 25e1B</p>	No	<p>25(e)(1)(A): reasonable evidence that Def committed a series of acts of harassment or at least one act of sexual violence against Plain during previous year or Def was convicted of a dangerous offense, a serious offense or violent or aggravated felony, or any offense in Title 13, Chapters 14 or 35.1 (sex offenses) and Plain was victim. (as of 9-24-22)</p> <p>25(e)(1)(B): good cause exists to believe that great or irreparable harm would result to Plain if injunction is not granted before Def can be heard in opposition and specific facts attesting to Plain's efforts to give notice to Def or reasons supporting Plain's claim that notice should not be given.</p>
Contested Protective Orders	14 days (not stayed)	<p>Preponderance</p> <p>38(f)(4): At the conclusion of the hearing, the judicial officer must state the basis for continuing, modifying, or revoking the protective order.</p>	No	36(a): The court must limit the scope of the hearing to the allegations of the petition. Relevant evidence is admissible provided, however, that the court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, undue delay, wasting time, needlessly presenting cumulative evidence, or lack of reliability.
New Allegations at Contested Hearing		Rule 38(d): Court must allow plaintiff to amend on form provided by court and		<p style="color: #c00000;">Must allow defendant options:</p> <ol style="list-style-type: none"> 1 Continuance 2 Brief recess 3 Waive and proceed

Sexual violence

ARS § 23-371

J. "Sexual violence" means an offense prescribed in: (a) title 13, chapter 14, Arizona Revised Statutes, except for sections 13-1408 and 13-1422; or (b) sections 13-1304(A)(3), 13-1307, 13-3019, 13-3206, 13-3212, 13-3552, 13-3553, 13-3554, or 13-3560, Arizona Revised Statutes.

Title 13, Ch. 14, any offense, except § 13-1408 (adultery) or § 13-1422 (adult-oriented businesses)

13-1402	Indecent exposure
13-1403	Public sexual indecency
13-1404	Sexual abuse
13-1405	Sexual conduct with a minor
13-1406	Sexual assault
13-1409	Unlawful sexual conduct; adult probation employees; juvenile court employees
13-1410	Molestation of a child
13-1411	Bestiality
13-1412	Unlawful sexual conduct; peace officers
13-1417	Continuous sexual abuse of a child
13-1418	Unlawful sexual conduct; behavioral health professionals
13-1419	Unlawful sexual conduct; correctional facilities
13-1423	Violent sexual assault
13-1424	Voyeurism
13-1425	Unlawful disclosure of images depicting states of nudity or specific sexual activities
13-1428	Sexual extortion

13-1304(A)(3)—kidnapping with intent to inflict death, physical injury or a sexual offense on the victim

13-1307—sex trafficking

13-3019—surreptitious photographing, videotaping, filming or digitally recording or viewing

13-3206—taking a child for purpose of prostitution

13-3212—child sex trafficking

13-3552—commercial sexual exploitation of a minor

13-3553—sexual exploitation of a minor

13-3554—luring a minor for sexual exploitation

13-3560—aggravated luring a minor for sexual exploitation



Maricopa County Justice Courts, Arizona

Case Number: _____ NCIC #: _____ DPS #: _____

<input type="checkbox"/> Plaintiff <input type="checkbox"/> Plaintiff Employer (Work Injunction ONLY) Birth date: _____ <input type="checkbox"/> On behalf of minor/person in need of protection named _____ <input type="checkbox"/> Agent's Name (Work Injunction ONLY) _____	v.	Defendant _____ Address _____ City, State, Zip Code _____ Phone _____	This is <u>not</u> a court order SUPPLEMENT TO PETITION (Rule 38(d), ARPOP FOR: <input type="checkbox"/> Order of Protection <input type="checkbox"/> Injunction Against Harassment <input type="checkbox"/> Injunction Against Workplace Harassment
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Rule 38(d), Rules of Protective Order Procedure, allows a plaintiff to file an amended petition at a contested hearing. If you file an amended petition and add more allegations here, the judge must allow the defendant an opportunity to ask for the hearing to be continued to another day or grant a brief recess so the defendant can review and prepare for these additional allegations. The defendant may also choose to waive a continuance or a recess, and the contested hearing will proceed as scheduled.

Tell the judge additional information that you did not include on your original petition. Any events you add must have occurred before you applied for the protective order. Print both the dates and a brief description of what happened.

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

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

Date: _____ Attest: _____
 Plaintiff _____ Date: _____ Judicial Officer/Clerk _____