

# Domestic Violence Implementation Lab

## Interjurisdictional Service in Arizona

A Resource from the  
Pandemic Rapid Response Team

August 2022



|                  | Ex Parte Protective Order<br>(Temporary/Emergency)  | Final Protective Order |
|------------------|---|------------------------|
| Statute          | Arizona Revised Statutes <a href="#">13-3601</a> , <a href="#">13-3602</a> , and <a href="#">13-3624</a>  |                        |
| Terminology      | Order of Protection   |                        |
| Length of Order  | One year from date of issuance or, if served, two years from date of service (effective September 24, 2022). Orders of Protection served prior to September 24, 2022, are effective for one year from date of service.<br>Defendant can request one hearing at any time while the Order of Protection is in effect.   |                        |
| Available Relief | <ul style="list-style-type: none"> <li>• No threats to commit or committing acts of abuse</li> <li>• No harassing, stalking, annoying, threatening, or engaging in conduct that would place protected plaintiff and other specifically designated persons in reasonable fear of bodily injury</li> <li>• No contact of any kind (either in person, telephonically, electronically, or in any other manner) unless the judicial officer allows exceptions as indicated on the Order of Protection</li> <li>• Stay away from residence, place of employment, school, or other specified place</li> <li>• Exclusive use of home               <ul style="list-style-type: none"> <li>○ Law enforcement standby for defendant to retrieve necessary personal belongings</li> </ul> </li> <li>• Possession of animals</li> <li>• Prohibit possession or purchasing firearm for duration of order</li> <li>• Require defendant to complete a DV offender treatment program (ordered only after a hearing of which defendant had notice/opportunity to participate)</li> <li>• Any other relief necessary for the protection of the plaintiff and other specifically designated persons</li> </ul> |                        |

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| Protected Parties        | <ul style="list-style-type: none"> <li>• A person who files a verified petition (plaintiff), which can include: <ul style="list-style-type: none"> <li>○ A person filing on his/her own behalf</li> <li>○ A parent, legal guardian, or legal custodian of a minor</li> <li>○ A court may also allow a minor to file as a plaintiff</li> <li>○ A person filing on behalf of an adult who is either temporarily or permanently unable to request an order</li> </ul> </li> <li>• Other specifically designated persons, which may include: <ul style="list-style-type: none"> <li>○ A minor child of the plaintiff if the defendant is not the parent of the minor/child</li> <li>○ A minor child of the defendant – only if there is reasonable cause to believe physical harm may result or has resulted to the child or the alleged acts of domestic violence involved the child.</li> <li>○ Other person designated by the court</li> </ul> </li> </ul>   |
| Requirements for Service | <ul style="list-style-type: none"> <li>• AZPOINT assigns service to the appropriate law enforcement agency or constable the same day the Order is issued, unless the judicial officer orders that assignment of service should be delayed (no longer than 72 hours). Assignment is based on type of issuing court (justice of the peace, municipal, or superior) and the defendant’s zip code.</li> <li>• Service is attempted within one year of issuance. If service not executed, order expires. <ul style="list-style-type: none"> <li>○ If not served within 15 days of issuance, plaintiff is notified, and attempts continued.</li> <li>○ A victim notification system may be used.</li> </ul> </li> <li>• Service can be effectuated by: <ul style="list-style-type: none"> <li>○ Law enforcement</li> <li>○ Constable</li> <li>○ A peace officer or correctional officer acting in an officer’s official capacity</li> <li>○ Private process server</li> </ul> </li> <li>• Proof of Service: <ul style="list-style-type: none"> <li>○ Filed as soon as practicable, not later than 72 hours (excluding weekends and holidays)</li> <li>○ Protective Order Registry: Courts enter within 24 hours</li> <li>○ National Crime Information Center: Arizona Supreme Court enter within 24 hours</li> </ul> </li> <li>• Out-of-state county or tribal land: If service must be performed out of state or on tribal land, the OP is assigned to the sheriff in the county where the OP was issued. That sheriff must then coordinate service with the out-of-state or tribal law enforcement agency.</li> </ul> |

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| <p>Registration Required for Enforcement</p>  | <p>Not required</p>   |
| <p><a href="#">Military Jurisdictions</a></p> | <p>Military Bases:</p> <ul style="list-style-type: none"> <li>• Luke Air Force Base</li> <li>• Davis Monthan Air Force Base</li> <li>• Barry M. Goldwater Range Air Force Base</li> <li>• Fort Huachuca Army Base</li> <li>• Yuma Proving Ground Army Base</li> <li>• Camp Navajo Army Base</li> <li>• MCAS Yuma Marine Corp Base</li> </ul> <p>Processes on Military Jurisdictions: Contact the individual military jurisdiction for service process details.</p>  |
| <p><a href="#">Tribal Jurisdictions</a></p>   | <p>Federally Recognized Tribes:</p> <ul style="list-style-type: none"> <li>• Ak-Chin Indian Community</li> <li>• Cocopah Indian Tribe</li> <li>• Colorado River Indian Tribes</li> <li>• Fort McDowell Yavapai Nation</li> <li>• Fort Mohave Indian Tribe</li> <li>• Gila River Indian Community</li> <li>• Havasupai Tribe</li> <li>• Hopi Tribe</li> <li>• Hualapai Tribe</li> <li>• Kaibab Band of Paiute Indians</li> <li>• Navajo Nation</li> <li>• Pascua Yaqui Tribe</li> <li>• Pueblo of Zuni</li> <li>• Quechan Indian Tribe</li> <li>• Salt River Pima-Maricopa Indian Community</li> <li>• San Carlos Apache Tribe</li> <li>• San Juan Southern Paiute</li> <li>• Tohono O’odham Nation</li> <li>• Tonto Apache Tribe</li> <li>• White Mountain Apache Tribe</li> <li>• Yavapai-Apache Tribe</li> <li>• Yavapai-Prescott Tribe</li> </ul> <p>State Recognized Tribes: None</p> <p>Processes on Tribal Jurisdictions: Contact the individual tribal jurisdiction for service process details.</p> |

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| Other Information | <ul style="list-style-type: none"> <li>• A contested hearing is conducted only if defendant requests one.</li> <li>• Provisions for legal decision-making (custody) and parenting time (visitation) cannot be included in an Order of Protection.</li> <li>• Provisions for financial or child support are not included in an Order of Protection.</li> <li>• Attorney fees/costs may be ordered only after a contested hearing. (Rule 39, ARPOP).</li> </ul> |
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### Out of State Service Fees<sup>1</sup>:

None

For more information, please contact State Point of Contact Kay Radwanski (kradwanski@courts.az.gov).

If you would like to provide suggestions/feedback on this Profile, visit:  
[https://ncsc2.iad1.qualtrics.com/jfe/form/SV\\_eQzzYCcGK38Q64C](https://ncsc2.iad1.qualtrics.com/jfe/form/SV_eQzzYCcGK38Q64C)

<sup>1</sup> Courts should not charge a victim of domestic violence, dating violence, stalking, or sexual assault any costs associated with the filing, issuance, registration, or service of protection orders, whether issued by civil or criminal courts, including intra- and inter-jurisdictional orders. This no-cost provision also applies to any fees or costs associated with a criminal matter related to domestic violence, stalking, dating violence, and sexual assault (42 U.S.C. § 3796 hh(c)(4)). Charging any of these costs will render a jurisdiction ineligible for certain VAWA funds.