

How Long is an Order or Injunction Good For? Where are They Valid? The papers are valid for one year from the date they are given to the defendant. They are valid nationwide.

**To Get an Order or Injunction, What Should be My First Step?** Before

you go to the Peoria Municipal Court, we recommend you **CALL FIRST** (623 773-7400) to make sure a judge is available to review your papers.

The Clerk will gladly answer any ques-

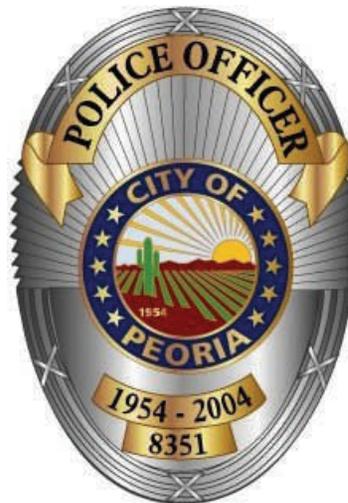
tions and arrange the first available time. As for Superior Courts, there should be a judge available any time Monday through Friday.



**Useful Telephone Numbers:**



- |   |              |
|---|--------------|
| Peoria Police Department                            | 623-773-8311 |
| Peoria Victim's Advocate                            | 623-773-7414 |
| Peoria Justice Court                                | 602-395-0294 |
| Peoria City Court                                   | 623-773-7400 |
| Neighborhood Mediation/<br>Police Dept. Victim Asst | 623-773-7019 |



**A publication of the  
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and Peoria Municipal Court**

***Our Community,  
Our Commitment***

# A Guide to Protective Orders



Answers to Frequently Asked Questions  
about Orders of Protection and  
Injunctions Against Harassment

# Frequently Asked Questions

**What is an Order of Protection?** An Order of Protection is a court order that can require someone else to stay away from you and your residence at all times. Normally, to obtain an Order of Protection, there must be a “family” relationship between you and the defendant and a crime has been committed or threatened against you.

**What is an Injunction Against Harassment?** An Injunction also orders someone to stay away from the victim, but it differs from an Order of Protection in two important ways. First, a “family” relationship is not required, and, second, there must be a “series” of acts that would cause a reasonable person to be upset.



**What if I Dated Someone But We Didn't Live Together?**

This is called a “Dating Relationship” Injunction. This would be against someone you knew socially, but did not live with. If someone you dated is still harassing you, a “Dating Relationship” Injunction may be available. There is no cost to serve a “dating” Injunction.

**Where Can I Get an Order or Injunction?**

You can obtain an Order or Injunction from any Superior Court, Justice of the Peace Court, or City Court located anywhere in Arizona. You do not have to reside in the precinct where the court is located. All courts have jurisdiction. However, if another case involving the same

parties or issues is already pending in another court, you may be referred to that court to file your request. Also, in cases involving children you may be referred to superior court.

**What is Involved in Getting an Order or Injunction?**

The process begins with filling out a petition the parties and describing what happened. You must have the correct full name and address of the people involved. The petition is a statement under oath. After the petition is filled out, the next step is to go before a judge to determine if the



court will grant your petition and to go over the details as to what you are requesting. The filing and judge review process takes about 60 minutes.

**Can I Ask the Court to Decide Child Custody and Property**

**Issues? What is a “Civil Standby?”** A City Court or Justice Court Order of Protection or Injunction cannot decide custody or child visitation issues. For those types of issues, you may need to file proper papers in Superior Court. However, if a child is genuinely at risk, you can include the child on the petition. Although the city court can issue the order to protect children, it still cannot divide or determine ownership of property. For this type of relief, you may have to go to another court with proper jurisdiction. When a person is served, an Order of Protection may provide for a police escort civil standby to allow about 20 minutes for the person served to retrieve personal effects such as clothing, toiletries, and personal papers. Again, this is not the time to divide and move furniture, appliances, and other property—only personal effects.

**Do I Only Have to go to Court One Time to Get an Order or Injunction?**

There must be at least one appearance in court to present your peti-

tion. However, remember that the defendant has the right to ask for a hearing to challenge your petition and your attendance at that separate hearing is required. Also, in most cases involving juveniles or neighbor disputes, the court may set a hearing for both sides to appear before any order is issued to better understand the issues, or your matter may be referred to “Neighborhood Mediation” for a possible solution.

**Does the Order or Injunction Have to be Served on the Defendant? Can Any Police Department Serve the Defendant?**

To be valid, the Order or Injunction must be personally served on the defendant. For this reason, it is important to have the defendant’s correct name and address so the police can serve the papers on the right person. The Peoria police can serve defendants who live or work within the Peoria city limits with a court order issued by any municipal court. For other orders, the police may refer you to the proper agency to contact for service. If the defendant does not live or work in Peoria, you may have to take your papers to that location to get service. For this reason, you may want to apply for your petition in the same city where the defendant lives to reduce the number of trips to the court house you will have to make. For “non-dating”-type Injunctions, you may have to hire a private process server at your own expense.

**What Does it Cost to Take Out an Order or Injunction? Is There a Fee to Get it Served on the Defendant?**



There is no filing fee to take out an Order or Injunction. There is no fee to serve an Order of Protection or an Injunction involving a “dating” social relationship. For other Injunctions you may have to pay to hire a private process server. If you cannot afford the cost, you can ask the court about a “waiver” of the fee for serving the order or injunction.