

## ORDER OF PROTECTION FREQUENTLY ASKED QUESTIONS BY DEFENDANTS

**Q. What if I disagree with an Order of Protection of Injunction Against Harassment Issued against me?**

A. You have a right to one hearing in the Court that issued the Order of Protection or Injunction Against Harassment against you. At that time, the Judicial Officer will hear the reasons for the order and your evidence as to why it should be dismissed.

**Q. When is the order in effect and for how long?**

A. It is in effect once it is served to you by a private process server, a law enforcement officer, or a constable. An order remains in effect for one year from the date it is served.

**Q. I have been ordered to stay away from my house. How do I collect my belongings?**

A. If you need to get personal belongings or clothing, a Judicial Officer may allow you to return to the residence one time. If authorized by the Judicial Officer, you must have a law enforcement officer accompany you to the residence. You should contact the local police department or county sheriff's office to make an appointment. The law enforcement officer cannot resolve disputes regarding what property belongs to which person. However, if you don't get all of your belongings in the one trip, you may file a civil action to recover property in the residence that you believe is wrongfully denied to you.

**Q. How long must I stay away from my house?**

A. If the order is issued, it is effective for one year from the date it is served. You are entitled to request a hearing at any time during the year in which the order is in effect. If the order involves exclusive use of the home, you are entitled to have your hearing within 5 business days. If the order remains in effect after the hearing, you must stay away from the property for the full one-year period.

**Q. I have been ordered to surrender my guns. Who do I give them to, and when can I get them back?**

A. A Judicial Officer may order a defendant to turn over firearms on an ex parte order if the Judicial Officer finds that the defendant is a credible threat to the physical safety of the plaintiff. If such an order is issued, you should immediately turn over all firearms in your possession to the local police department or county sheriff's office at the main stations or any substation at the time of service or within 24 hours. At the end of the year (when the order expires) you may request the return of your firearms from the law enforcement agency that is holding them.

**Q. There is an action filed in an Arizona Superior Court for paternity, maternity, annulment, legal separation or dissolution of marriage (divorce). In which court should I object to this order?**

A. You may request a hearing in the court that granted the order. If the order was issued by a city, municipal or justice court, then you must notify that court that there is an action filed in the Superior Court. If exclusive use of your residence is involved in the order, the city, municipal, or justice court may hold a hearing before transferring the case to the Superior Court.

**Q. What happens at a hearing?**

A. You will need to present your testimony, any exhibits or other witnesses to show the Judicial Officer why the order or injunction should not remain in effect.

Q. What can I do if I believe this order stops me from seeing my children?

A. If you believe that your rights of parenting time or custody have been taken away by the issuance of an Order of Protection, you may:

- Arrange for parenting time or custody through someone who is not the person who obtained the order against you.
- Ask for a hearing in the Court that issued the order against you.
- Ask the Superior Court, as part of a domestic relations case, to clarify your rights of parenting time or custody if you believe that the order ignores or violates those rights.

**Q. I was never married to the person who obtained an order against me and we have children in common. How do I see my kids?**

A. If you have never established paternity through marriage or an action in the Superior Court, you may not have legal rights to the children. The order issued against you cannot grant you rights of parenting time or custody. These rights must be obtained in the Superior Court as a domestic relations matter. A person who obtains an order against you may voluntarily agree to parenting time through a third person, but it is not required.