

## INFORMATION SHEET ABOUT “Restraining Orders”

Under Arizona and CRIT Law, there is no such thing as a “Restraining Order.” That phrase is something that you hear in the movies or on television a lot, and people frequently use when speaking. In Arizona, these documents are referred to generally as “Protection Orders” or “Protective Orders,” and there are two types of orders: an ***Order of Protection***<sup>1</sup>, and an ***Injunction Against Harassment***<sup>2</sup>.

Both an Order of Protection and an Injunction Against Harassment accomplish the same thing: it is a court order for one person (Defendant/Respondent) not to contact or be within a specific physical distance of another person’s (Plaintiff’s/Petitioner’s) (1) person/body, (2) home, (3) workplace (if specifically requested), and/or (4) family members. It is an order for the Defendant/Respondent not to make any physical or indirect contact with the Plaintiff/Petitioner, except through formal legal process<sup>3</sup>.

Both of these instruments (Order of Protection and Injunction Against Harassment) accomplish the same thing, but in order to get an Order of Protection, there must be a qualifying relationship between the Plaintiff/Petitioner and the Defendant/Respondent:

1. A spouse or former spouse (actually married, or actually divorced);
2. A roommate or former roommate (cohabitates, or previously cohabitated);
3. A parent of a child in common (your child’s father, or your child’s mother);
4. A person that you were previously or are currently involved with either romantically or sexually;
5. A person that is your parent, grandparent, brother, sister, child, or grandchild;
6. A person that is your spouse’s parent, grandparent, brother, sister, child, or grandchild.

Per C.R.I.T. L&OC § 110(B); Ariz.Rev.Stat. § 13-3601(A).

***If the person against whom you wish to have a protection order issued does not fit any of the previous six (6) qualifying relationships with you, then you cannot get an Order of Protection. Instead, you should request an Injunction Against Harassment.***

Remember, both of these documents accomplish the same thing, but unless there is a qualifying relationship, then an Order of Protection can be easily challenged.

The Court has the forms necessary to request either type of document, but the Court Clerks are forbidden from providing you with any legal advice.

**This Information Sheet has been developed and provided by the C.R.I.T. Legal Aid Department. If you require further information, please contact us at 928.669.1268.**

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<sup>1</sup> For Order of Protection, see C.R.I.T. L&OC § 110(B); Ariz.Rev.Stat. § 13-3602; § 13-3601(A).

<sup>2</sup> For Injunctions Against Harassment, see C.R.I.T. L&OC § 110(B); Ariz.Rev.Stat. § 12-1809.

<sup>3</sup> “Formal Legal Process” means that something was filed in court, and therefore the other side has to receive a copy, therefore one party can mail the other a copy of whatever was filed in court. Aside from that, no other mail or phone calls may be made. Asking another person (third-party) to contact the other party on your behalf is indirect contact, and includes speaking, calling, writing, faxing, e-mailing, texting, social media posts, etc., either directly to the other party, or another intermediary.