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**INTERVIEW WITH JUDGE WENDY MILLION**

**Q=Justice Ann Scott Timmer**

**A=Judge Wendy Million**

Q: Hello. And welcome to this edition of the AZCourtHelp.org podcast series. My name is Ann Scott Timmer and I'm a Justice on the Arizona Supreme Court. Today we'll be talking about orders of protection with Judge Wendy Million. Some people might be familiar with the term restraining order or protective order. But in Arizona, if you're a victim of an assault or other violent crime by a family member, an intimate partner, a roommate, a household member, you can go to a court to request an Order of Protection. If you are a victim of harassment by anyone, whether or not they are related to you, you can obtain an Injunction Against Harassment. Joining me today is Judge Wendy Million. Judge Million started with the Tucson City Court's Domestic Violence Court in 2013. Welcome Judge Million.

A: Thank you.

1. Q: So Judge Million, what happens if you have a situation in your household  
2. where you're getting harassed by a family member or a roommate, or  
3. somebody that you live with? What can someone do?  
4.

5. A: You certainly can come to the court and apply for a Protective Order. If it's  
6. someone that you live with or a family member or an intimate partner,  
7. someone you have a child in common with even if you don't live with them,  
8. you get a Domestic Violence Protective Order. If it's someone that you're not  
9. related to in one of those relationships, then you could apply for an Injunction  
10. Against Harassment.  
11.

12. Q: So now, say I have that situation. Where do I go to get one of these orders?  
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14. A: All of the courts in Arizona have to issue these orders. So you could go to any  
15. court in the state and ask for one of these orders. Ask to apply for one of  
16. these orders.  
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18. Q: So I could go to a Justice of the Peace and ask for one?  
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20. A: Yeah.  
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22. Q: And the City Court?  
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24. A: Mm-hm.  
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1. Q: And I assume that they all have websites which will explain what I am to do?

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3. A: I think that most of them do. You can also go to AZCourtHelp.org. And also on  
4. that website there are several translated forms in different languages to help  
5. people who might need language access.

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7. Q: Do I have to go down myself or can I file something online?

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9. A: I don't believe that any of the courts right now have the ability to file a  
10. protective order online. You have to see a Judge in person because they're  
11. gonna want to put you under oath and talk to you about the facts.

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13. Q: Do I have to have an appointment with the Judge?

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15. A: No. You can walk in to any of these courts. Now the one caveat to that is in  
16. smaller courts, it may not have a Judge every day. They can send you down  
17. the road. For example, they have to have an agreement with another court.  
18. But most courts that are there every day, you can walk in and apply for an  
19. order.

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21. Q: What would I have to bring with me to apply?

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23. A: You don't have to bring anything with you except that what I suggest is a list  
24. of dates and incidents. Because you're going to be filling that out on a form

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1. and the more detailed and specific you can be, the more it helps the Judge in  
2. deciding whether to grant that order.

3.

4. Q: Do I need to bring down any witnesses?

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6. A: No. Not for what we call the ex-parte order which is the order where it's just  
7. you asking the Judge for the order. If the order gets granted and served, then  
8. the defendant will have the right to have a hearing. And if the hearing is set,  
9. then that's when you should bring witnesses and more evidence.

10.

11. Q: Do I have to hire an attorney to get one of these orders of protection?

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13. A: No. Most people represent themselves in these cases and the clerks will help  
14. you. They won't help you fill it out, but they'll give you instructions and we're  
15. all very familiar with people who don't have attorneys doing these kinds of  
16. processes.

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18. Q: Does it cost money?

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20. A: It does not cost money if it's a protective order. For an Injunction Against  
21. Harassment you can be charged a filing fee and then you might have to pay a  
22. process fee too for service.

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24. Q: What if somebody is in grave danger and needs immediate help and it's the  
25. middle of the night, something like that, and the courts aren't open?

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A: In that case a police officer can help that victim apply for an emergency order of protection. They can come to the scene. They can call a Judge. And that order could be issued for that victim to use until the next court business day. Then they'd have to come get a regular order.

Q: So what happens once - what does the Judge do with my application? Where does it go from there?

A: Well when you get to the Clerk of the Court's office, they'll give you the paperwork to fill out. There's gonna be some instructions that you really should pay attention to. For example, if you do have a hearing later, you can only talk about the things that you've listed in the petition. So you want to make sure that you list every incident that you consider to be domestic violence or harassment. The Judge will bring you in and put you under oath and ask you about these incidents. And they make a decision whether or not to issue that order. And what the order says can depend on what you tell the Judge. Where you don't want this person to be, if you don't want them to have contact, things like that.

Q: What if I'm not here in this country legally? Can I still come to the court or will I just be arrested?

A: No. You certainly can come to the court and that is not allowed to be taken into consideration at all, the fact that you may not have legal status.

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Q: So if the Judge then issues this order, how is it delivered to the person I'm trying to get protection from?

A: In most places, the order will be served by your local law enforcement agency. Sometimes a process server will serve it. But you need to be aware of the fact that if that person is living in the house with you , make sure that the court knows that. Because we certainly don't want a process server to be serving that order with you still in the house and that person there. That could put you in danger. So a lot of times you can take the order with you and call the police to have it served.

Q: Will they let me know when the order is served?

A: Yes. I think that the agencies vary in how they give notice, but you will be able to find out when the order's been served.

Q: If I get a long term order of protection, how long will it go? Is that forever?

A: It's good for a year from when it's been served. And the defendant does have a right to have a hearing any time within that year so its valid after service. And then there might be a hearing some time during that year long period.

Q: What do I do if the defendant approaches me regardless of the order of protection?

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A: That's when you call the police. Because you should carry that order of protection with you all the time. And we often advise that you should give it to your work place. You should let, you know, if your children's school is included on it for example, give it to the people that it may affect or so they understand why you want the police called.

Q: Judge Million, what happens if the person that I'm afraid of has guns or knives or some other kinds of weapons that I'm scared about him having that?

A: Well when you apply for a protective order, the Judge has to ask if there are firearms involved. And if the Judge finds that the defendant could pose a credible threat to the petitioner or the protected parties, then the Judge can order that that person not possess firearms and that they have to turn them into law enforcement. And that prohibition would last through the length of the protective order.

Q: What if I change my mind while the order's in effect but we're getting along better and I decide that I want to start seeing the defendant? Then what do I do?

A: What you need to remember is that only a Judge can change that order. It's a court order so do not just invite the defendant back. Go to the court and talk to the Judge and explain why you want to have this order dismissed.

1. Otherwise the defendant could still be arrested for violating that order even if  
2. you invited that person back into your home or into contact with you.

3.  
4. Q: If I get the order against maybe my ex-husband and we were trading off  
5. children with a child situation? Do I have to make sure I don't see my ex-  
6. husband?

7.  
8. A: What happens with those kind of situations is you might end up being referred  
9. to the court that is in charge of your family law case and that's usually the  
10. best place to go. Because you don't want that order to conflict with your  
11. visitation or custody order. So lower court Judges will send you back to  
12. Superior Court, back to family court if you have a case pending or you have  
13. family visitation rules in place. Because you don't want to have two different  
14. orders that say two different things.

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16. Q: Are there any other resources out there in the community for someone who  
17. maybe needs help beyond what the court can offer in terms of an order of  
18. protection?

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20. A: The National Domestic Violence Hotline is available and the number is 1-800-  
21. 799-7233. Most of the counties in Arizona have victim services agencies.  
22. Azcourts.gov have some of these links on their website. On the azcourts  
23. website there's a safety plan, there's information on who to contact. And  
24. victims should remember they can always contact their local advocacy  
25. agency and have a safety plan so they are ready to make sure their and their



1. family members are safe whether or not they get an order. What we also  
2. encourage you to do is if you're worried about looking that kind of information  
3. up while you're in your home, you might want to go to the library, some place  
4. else where you can access a public computer so that the person that you're  
5. scared of doesn't see what kind of resources you're looking for.

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7. Q: Well Judge Million, thank you for your time today. This concludes today's  
8. [www.AZCourtHelp.org](http://www.AZCourtHelp.org) podcast. Thanks for listening and be sure to check out  
9. our other episodes.

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11. Man: Thank you for listening to this AZCourtHelp.org podcast. For more information  
12. on this and other topics, visit [AZCourtHelp.org](http://AZCourtHelp.org).

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