



## Late Life Domestic Violence (06 October 2015)

**Summary:** “*Protective Orders*” is a broad term. Every trial court in the state of Arizona can issue a protective order, but only certain courts handle some types or some circumstances. It is a good idea for the alleged victim or, when that person is vulnerable or incapacitated, for the person assisting, to meet with counsel. This guide is merely a brief overview for today's multi-disciplinary professional audience so that we are best equipped with resources and to spot these issues.

**Guardianships** over a person / **Conservatorships** over one's affairs (legal and financial generally). These proceedings are only brought within the Superior Court of the State of Arizona. For an adult, the g/c proceedings occur within the probate department of that court, and can include limited or expansive orders issued by a judicial officer for the best interests of the protected person.

**Child “custody”** actions may involved protections for a child in the family department of the Superior Court, usually involving two parents and sometimes involving third-parties seeking *in loco parentis* recognition. When there is an active case, OOP actions will be in this court. DCS actions, dependency, permanent guardianship, and termination of parental rights are actions that occur in the juvenile department of the Superior Court.

**Orders of Protection, Injunctions Against Harassment, and Injunctions Against Workplace Harassment** are all *ex parte* remedies available in the Superior Court, in any municipal court, and in any justice court, as well as under the laws and procedures established on reservations, within tribal courts. The court may issue an order *ex parte*, deny the request, or have a hearing prior to issuance. The order will take effect only once it is served, and will remain in effect usually for a year, unless quashed or modified after a hearing. The defendant may request a hearing once as a matter of right at any time during the term of the order.

**Consider a consulting with counsel who “unbundles” for limited representation when ethically appropriate and agreed.**

Prevent the Event - Detect and Protect<sup>1</sup>.

***Know these warning signs of financial exploitation of a vulnerable adult:***

- **Isolation;**
- **Sudden change in life, health, or mentation (cognition);**
- **A new “BFF” (best forever friend);**
- **The new BFF handling the accounts;**
- **An estranged person suddenly taking over.**

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1 Coined for a seminar by Dawn Savatone of The Area Agency on Aging and by Ms. Weeks.

<b>Order of Protection</b> A.R.S. §13-3601 <i>et seq</i>	<b>Injunction against Harassment</b> A.R.S. §12-1809	<b>Injunction against Workplace Harassment</b> A.R.S. §12-1810
<ul style="list-style-type: none"> <li>requisite relationship</li> <li>reasonable cause to believe there has been an act of domestic violence within the past year</li> </ul> <p>(The look-back could be historically if significant or a prospective look)</p>	<ul style="list-style-type: none"> <li>no requisite relationship</li> <li>addresses harassment only</li> </ul> <p>“a series of acts over any period of time that is directed at a specific person and that would cause a reasonable person to be seriously alarmed, annoyed or harassed and the conduct in fact seriously alarms, annoys or harasses the person and serves no legitimate purpose. Harassment includes unlawful picketing, trespassory assembly, unlawful mass assembly, concerted interference with lawful exercise of business activity and engaging in a secondary boycott as defined in section 23-1321 and defamation in violation of section 23-1325.”</p>	<ul style="list-style-type: none"> <li>no requisite relationship</li> <li>addresses harassment only</li> </ul> <p>“a single threat or act of physical harm or damage or a series of acts over any period of time that would cause a reasonable person to be seriously alarmed or annoyed and includes unlawful picketing, trespassory assembly, unlawful mass assembly, concerted interference with lawful exercise of business activity and engaging in a secondary boycott as defined in section 23-1321 and defamation in violation of section 23-1325. “</p>

**Resources:**

- 9-1-1 for emergencies
- Eve's Place – 623-537-5380, including MOBILE units meeting victims safely
- Orders of Protection, Injunctions Against Harassment & Workplace Harassment
- Area Agency on Aging in Phoenix at 602-264-2255
- Senior Help Line in Phoenix at 602-264-4357
- Adult Protective Services to Report either of 1-877-SOS ADULT / 1-877-767-2385
- AZ Dept. of Veterans Services at 602-255-3373
- Veterans Homeless Referral at 602-254-6785
- A New Leaf – 24 hour emergency domestic violence shelter at 623-939-6798 or 1-800-799-7739
- Central AZ Shelter Services – emergency shelter and support at 602-256-6945, x.3059
- 24 hours domestic violence hotline at 1-800-299-SAFE (7233)
- Central Intake for shelter in Maricopa County at 480-890-3039
- Call 211 for Arizona other resources.

Go To Your Local E.R. For a Referral to a **Late-Life Domestic Violence Shelter**

**Download the City of Peoria Community Resources Guide**

[http://www.peoriaaz.gov/uploadedFiles/NewPeoriaAZ/Residents/Neighborhood\\_Resources/neighborhoods\\_and\\_Revitalization/CommunityResourceGuide11x17.pdf](http://www.peoriaaz.gov/uploadedFiles/NewPeoriaAZ/Residents/Neighborhood_Resources/neighborhoods_and_Revitalization/CommunityResourceGuide11x17.pdf)

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