

PHOENIX REPUBLIC

Order of protection: Gut-wrenching task

Hearing requests for and issuing orders of protection and injunctions against harassment is one of the most gut-wrenching tasks for a justice of the peace.

Maricopa County's 25 Justice Courts issue over 7,000 protective orders every year, an average of more than 25 every day county-wide. Depending on the court's location, some issue far more than the average number of protective orders.

On one memorable Monday, 35 people appeared before me seeking the court's protection against harassment or domestic violence. Among them were three women who came forward sporting black eyes; two had both their eyes blackened by their spouses.

Sadly, one of these battered wives returned to the court a few days later, asking me to dismiss her order of protection. This is a dismaying and all-too-familiar pattern that repeats itself often, a product of what psychologists call co-dependency.

Her husband had gotten word to her through his mother that he wanted to come home, with the promise he would attend counseling. Since a protective order is a civil matter, the court cannot refuse a petitioner's request to dismiss. But I can certainly discuss the pros and cons of doing so.

I asked her what evidence she had of her husband's intent to attend counseling besides his promise. She said none. I asked whether it might be better to keep the order of protection in place until he could demonstrate proof that he had attended a few counseling sessions to show good faith.

She pondered the matter. Ultimately, she said her in-laws would be mad at her if she didn't dismiss the order. I placed her under oath and wrote, "No one forced or threatened me to dismiss this order of protection," on her mo-



My Turn

Frank Conti

harassment on behalf of her 17-year-old son, protecting him against cavorting with a troubled 14-year old-girl.

Legal opinions differ on whether a parent can seek a protective order in such "Romeo and Juliet" situations, because the defendant's conduct is not directed at the parent. But I believe a reasonable parent would obviously be seriously annoyed and alarmed by the presence of bad influences on their minor children. Since aggrieved parents are legally responsible for their children until they reach 18, they have the right to protect them.

The mother sheepishly returned some weeks later, asking that I dismiss the injunction at her son's request. The son had been making life miserable for his mom, but she clearly didn't want it dismissed. I asked her when her son would turn 18, and she said six months. I thumbed through the criminal code until I found the definition for sexual conduct with a minor, a serious felony offense when the victim is under 15 years old.

Horrified, the mother found her courage and decided to make a stand. She withdrew her motion to dismiss.

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tion form. I told her I would dismiss the order if she could sign the statement truthfully. She signed, and I dismissed as required by law.

The same day, I granted a single mother an injunction against