

## Orders of Protection in Arizona – Can Abused Spouses Seek Exclusive Ownership of a Marital Residence?

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[An abused spouse](#) can seek exclusive use of a marital residence by [filing for an Order of Protection](#). In the Petition for Order of Protection, the abused spouse must set forth all acts of domestic violence committed against them by the other party. The Court will then determine if the allegations contained in the Petition rise to the level of domestic violence. If the Court makes the determination that domestic violence has occurred, it will issue an Order of Protection and will likely prohibit the abuser from returning to the marital residence. The abuser may request a hearing to dispute the allegations contained in the Petition, however, it is unlikely that a Court will dismiss an Order of Protection without sufficient evidence supporting the dismissal.

An Order of Protection remains in effect for one year from the date it is entered by the Court, unless the Court dismisses the Order at the time of the hearing. Make sure that if you are maintaining ownership of the property that you have sufficient means to keep up with the mortgage and other expenses. The house will not pay your bills. A Family Court Judge who is permanently assigned to the Dissolution portion of your case will make the ultimate decision of who will retain the marital residence at Trial.



Timothy Durkin joined JacksonWhite in 2010, and quickly established himself as a highly effective family law attorney with the perfect balance of assertiveness and compassion. Tim is often complimented for his dedication to professional service, as he works closely with his clients to keep them informed, listen to their needs and involve them in the decision making process.

Tim handles all types of family law, including divorces, paternity actions, child custody, child support, relocation and jurisdiction issues, adoptions, termination of parental rights and parental severance actions, title 8 guardianships, spousal maintenance cases, division of marital property and debts, pre-nuptial agreements, post decree modifications and enforcement of custody and divorce orders, mediation services, grandparent visitation cases, and domestic violence issues. He is licensed to practice law in all Arizona State Courts, as well as the United States District Court, District of Arizona, and serves clients throughout the Phoenix metro area. To read more about what former clients are saying about hiring Tim, or to set up a free consultation, please visit [www.jacksonwhitelaw.com/arizona-family-law](http://www.jacksonwhitelaw.com/arizona-family-law).

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