**SCRIPT – ORDER OF PROTECTION HEARING**

“Today is the day set for the hearing of the case \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Petitioner v. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Respondent. The purpose of the hearing is to determine whether or not this order should be dissolved or modified and continued as an Order of Protection.

I will only allow testimony that pertains to the issue. I expect each of you to present your testimony in an orderly and courteous manner. I will not allow any misbehavior by either party.

I cannot issue an order affecting custody of any children that may be involved. I can, however, issue an order that will temporarily affect visitation by the non-custody parent, under some circumstances.

You must remember that this procedure in Justice/City Court is a temporary, amended, extended, permanent, or dissolved one. This is a court of limited jurisdiction and any further proceedings, such as dissolution of marriage or child custody, must be filed in the District Court.

Are there any questions before we proceed?

Is the Petitioner ready for hearing? Is the Respondent ready?

The Court will now hear evidence from the Petitioner….” (Place all testifying parties under oath.)

\*\*\*\* Remember, the Petitioner is the moving party. Refer to the TOP checklist for the steps to take if only one party or if both parties appear.

After you have heard evidence from all parties present, make the decision to either continue or amend the TOP or make the order permanent.  **You must make a finding to determine if good cause exists to continue the order.**

**“The judgment of the Court is to (dissolve / amend the TOP / issue an Order of Protection for the period of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The Order of Protection will read as follows:….)”**

It is helpful if you review each proposed restriction on the Temporary Order form and ask specific questions, much like writing up a contract between parties. Maintain control of the courtroom and do not let the parties argue about who may be at fault or trade petty accusations that seem to go along with these cases. Keep the parties on the issue.

If the matter is transferred to the District Court, you will lose jurisdiction to enforce the TOP or Order of Protection. Be sure that the parties are aware that they must advise you when they file in District Court. This is true for attorneys as well as for pro se litigants.

Be sure you have current addresses and phone numbers for all parties. If the Petitioner does not want the Respondent to know where she/he is, then they can give the Court this information in writing and not be required to share it with the other party.

If the order is to be continued, advise the Respondent that any violation of the order is a misdemeanor and advise what the penalties could be. Read each part of the Order of Protection and verify with the parties exactly how the injunction will read.

Enter all proceedings in your case docket. Be sure all law enforcement agencies are aware of the results of the hearing.