



Self-Represented Protective Order Hearing Guide

Disclaimer

- This guide is meant to give you a brief outline of a protective order hearing. You should not consider this guide a substitute for legal advice. The court cannot offer you legal advice, including on how to proceed at the hearing.

What is a protective order?

- A court order that controls who a person can have contact with and/or where the person can go.
- Protective orders are civil court orders. They are not criminal cases. A person can be the subject of a protective order without being charged with a crime.

Commonly Used Terms

- Defendant – person who is prohibited from contacting the Plaintiff and/or other named people
 - **IMPORTANT** – if the Defendant is a minor child the court is not permitted to allow the Defendant's parent to present their case. The court can only allow a lawyer or legal paraprofessional to represent a Plaintiff or Defendant. The minor will have to present their own case if they do not have a lawyer or legal paraprofessional representing them.
- Exhibits – items (For example: documents, photos, videos, screenshots) that you want to show the judge during the hearing. The judge will keep any exhibits that are allowed to be shown during the hearing.
- Injunction Against Harassment – a protective order that is issued when the Plaintiff and Defendant do not have a certain type of relationship.
- Oath – a promise to tell the truth.
- Order of Protection – a protective order that is issued when the Plaintiff and Defendant have a certain type of relationship.
- Plaintiff – person requesting the order.
- Protected parties – people other than the Plaintiff who the Defendant is prohibited from contacting.
- Testimony – statements made to a judge after promising to tell the truth.

Types of hearings

- Ex parte hearing – the first hearing in a protective order case. Only the Plaintiff is present. The judge can issue the order at the ex parte hearing or can set the case for a pre-issuance hearing where both the Plaintiff and the Defendant are present.
- Contested pre-issuance hearing – a hearing held before an order is issued where the Plaintiff and Defendant both have the chance to speak to the judge about the case and present evidence. The judge then decides whether the order should be issued.
- Contested post-issuance hearing – if the order is granted at the ex parte hearing, the Defendant can then request a contested hearing if the Defendant disagrees with the order. At the contested hearing both the Plaintiff and Defendant have a chance to testify and present evidence. The judge then decides whether the order should be kept in place, modified, or dismissed.

What do you do before your hearing?

- Identify witness(es) and exhibit(s) (see definition of Exhibit above) that are relevant to the scope of the hearing.
 - Please note that the scope of the hearing is limited to issues identified in the Petition. Witness(es) and exhibit(s) should be relevant to the scope unless additional procedures are followed.
 - Further note that the hearing is limited to 1 hour. If you think you will need more than 1 hour because of the number of witnesses or exhibits, please file a motion to request an extended hearing with the Court.
 - If you seek to have a witness testify by telephone or video conference, file a motion for the Court explaining the reason for the request.
- Prepare the exhibits that you want to use for your hearing.
 - If you are using paper exhibits or photos, you must make 3 copies of each exhibit. One copy is for you to keep, one copy is for the other side, and the third copy is for the court.
 - If you are presenting audio or video evidence, it must be on a USB drive and in a file format that can be played by Windows. Please note that the court is not able to consider evidence that you have on your phone, so you must print or download onto USB drive any evidence on your phone.
 - If you have more than 10 exhibits, you must provide the exhibits to the court in-person at the courthouse at least 2 business days before your scheduled hearing.
- Review this guide and consult resources listed at the bottom of this guide for additional assistance preparing for your hearing.
- Arrive 15 minutes before Court to have your exhibits marked.

What happens at a contested hearing?

1. Plaintiff's case

- a. The Plaintiff is put under oath.
 - b. The Plaintiff tells the judge about the things listed in the petition. The Plaintiff cannot talk about anything not listed in the petition unless additional procedures are followed. The Plaintiff can present exhibits (including, but not limited to, videos, text messages, photographs) that are relevant to the things listed in the petition.
 - c. Next, the Defendant can ask the Plaintiff questions
 - d. Then, the Plaintiff can provide the judge with follow up information.
 - e. The Plaintiff can call witnesses who know about the things listed in the petition. If the Plaintiff calls witnesses, they will be put under oath. Then the Plaintiff will ask the witness questions about the things in the petition. Next, the Defendant can ask the witness questions. Finally, the Plaintiff can ask follow-up questions.
2. Judge's initial decision
 - a. After the Plaintiff finishes testifying and/or calling witnesses, the judge makes an initial decision about whether the Plaintiff has presented enough evidence that the order should be issued/remain in effect.
 - i. If the judge decides the Plaintiff has not presented enough evidence, the petition/order will be dismissed without the Defendant presenting their case.
 - ii. If the judge decides the Plaintiff has presented enough evidence, the Defendant will then have a chance to present their case.
3. Defendant's case
 - a. The Defendant is put under oath.
 - b. The Defendant tells the judge why they believe the order should not be issued or should be modified or dismissed. The Defendant can present exhibits (including, but not limited to, videos, text messages, photographs) that are relevant to the things the Defendant testifies about.
 - c. Next, the Plaintiff can ask the Defendant questions
 - d. Then, the Defendant can provide the judge with follow up information.
 - e. The Defendant can call witnesses who know about the reasons the Defendant believes the order should not be issued, be modified, or be dismissed. If the Defendant calls witnesses, they will be put under oath. Then the Defendant will ask the witness questions. Next, the Plaintiff can ask the witness questions. Finally, the Defendant can ask follow-up questions.
4. Judge's final decision
 - a. After listening to all of the testimony and looking at any exhibits that are allowed to be shown at the hearing, the judge will decide whether the protective order should be issued, be modified, or be dismissed.

- b. Once the judge announces the decision everyone will receive copies of the paperwork and the judge will give instructions about when you can leave the courthouse.
- c. Whoever the judge rules against can appeal the judge's decision. The judge will give that person information about the appeal process.
- d. Admitted exhibits will be kept by the Court. All non-admitted exhibits will be returned to you at the end of the hearing.

5. Appeal

- a. If the judge rules against you at the hearing, you have the right to appeal the judge's decision. You must file a notice of appeal within 14 days of the judge announcing their decision. The court has notice of appeal forms, which can be requested at the front window. If the judge rules against you at the hearing, you will be given more information on the appeal process at that time.

Resources (contact court if you need this sent electronically to access the links below)

- Protective orders in Arizona – [Protective Orders in Arizona \(azcourthelp.org\)](https://www.azcourthelp.org/protective-orders-in-arizona)
- Things you should know about protective orders – [file \(azcourthelp.org\)](https://www.azcourthelp.org/things-you-should-know-about-protective-orders)
- Arizona Rules of Protective Order Procedure – [Arizona Court Rules | Arizona Rules of Protective Order Procedure | Casetext](https://www.azcourts.gov/arizona-court-rules/arizona-rules-of-protective-order-procedure)
- Judicial ethics opinion about parents being unable to represent minors in court – [ethics opinion 20-01.pdf \(azcourts.gov\)](https://www.azcourts.gov/judicial-ethics-opinion-20-01)