

## Order of Protection: The Hearing Process

- ☐ The hearing date:
  - Can be found on page 3 of the Temporary Order of Protection (TOP).
  - It is your responsibility to seek any assistance or legal representation.
- ☐ Purpose of the hearing:
  - To determine if the TOP will be extended beyond 20 days.
  - TOP hearings are NOT intended to resolve child custody issues or property disputes.
  - Most of the time the Petitioner (you) and the Respondent will both have the opportunity to testify at the hearing.
- ☐ Having an advocate:
  - *In cases of domestic violence, sexual assault, incest or stalking, an advocate may be able to attend the hearing for support, at the Petitioner's request. However, because advocates are not attorneys, they may not speak on the Petitioner's behalf during the hearing.*
  - If you would like to have an advocate present for your hearing please call the Crime Victim Advocate Program at 258-3830.
- ☐ Showing up to the hearing:
  - If the Petitioner does not attend the hearing, the Judge will immediately dismiss the TOP.
  - If the Respondent does not attend the hearing, but the Petitioner is present, the Judge will decide whether or not to extend the order based on the information provided by the Petitioner.
- ☐ The day of the hearing:
  - Be on time, dress neatly, speak directly to the Judge and address him/her as "Your Honor".
  - Always tell the truth. If you do not know an answer, say you don't know.
  - If you don't understand a question, ask the Judge for clarification.
  - Do not interrupt the Judge or the Respondent.
- ☐ Order of events in the courtroom:
  - You, the Petitioner, will share your side of the story first, including relevant evidence.
    - You may use notes, but do not read directly from them. Tell your story, in your own words.
    - Tell the Judge specifically what you want the Order of Protection to say.
  - The Judge and Respondent may ask you questions.
  - If you have any witnesses you may call them once you are done giving your own testimony.
  - Once you are done presenting information the Respondent will have the chance to share his/her side of the story. The Respondent will follow the same format as you (Petitioner) did.
  - Both you and the Respondent may be asked to give closing statements.
  - The Judge makes a decision.
- ☐ Enforcement
  - It is important that you carry a copy of the Order at all times.
  - Report all violations of the Order to law enforcement by calling 911.
  - Montana Hope Cards are available to anyone with a Permanent Order of Protection.
    - You can apply for your HOPE Card through the Department of Justice website or at the Crime Victim Advocate office.