

CPO Courtroom Guidelines
Courtroom guidelines for CPO Hearings

You are involved in a Civil Protection Order hearing as either a petitioner or a respondent. Even though you are probably unfamiliar with courtroom practices and procedures, you will be expected to follow basic legal rules of presenting your case. This ensures fairness for everyone. You should:

- Always address the magistrate as “Your Honor.” It is proper to stand when speaking to the court, unless you are seated in the witness stand or have physical difficulty in standing.
- **Do not interrupt the magistrate.** The magistrate is in charge of the courtroom. It is vital that you just listen so you understand what the magistrate is saying. **Everyone needs to speak clearly, slowly, and one at a time so the court reporter or courtroom sound system can make a clear recording of the case.**
- There is a specific order in which a case is presented:
 - **The petitioner presents their evidence first** and has the opportunity to show the magistrate any exhibits and call any witnesses. The respondent is allowed to cross-examine (ask questions of) the petitioner’s witnesses. When the petitioner has finished their presentation with all their witnesses, they say that they “rest their case.”
 - **Respondent then has their turn to present evidence** and call their witnesses and present their exhibits. Petitioner is allowed to cross examine (ask questions of) respondent’s witnesses. When the respondent has finished their presentation with all their witnesses, they say that they “rest their case.”
 - The magistrate may allow the petitioner one last chance to present evidence, which is called a rebuttal.
 - The hearing then ends, and the magistrate makes a decision based on the evidence and the law, either in person from the bench, or in a written decision which will be delivered to the parties later.
 - It is important to follow this sequence. Do not try to change the sequence of the case as set by the magistrate or take things out of order.
- **When it is your turn to ask questions of any witness, make sure you are actually asking a question.** A question seeks a factual answer from the witness where he or she tells the magistrate something important about the case. Typical

questions are: “What did you see?” or “What did s/he do?” or “What happened next?” or “Can you tell us what happened on that date?”

- A factual statement describes something that occurred or something the witness observed, such as “I saw them arguing” or “I saw him run across the parking lot” or “The car was 50 feet from the house.”
 - When you are asking questions of a witness, you are not allowed to make factual statements, such as “That’s not true” or “You’re wrong” or “I didn’t say that.” Those kinds of statements are not questions, and they are not permitted when someone else is the witness.
 - Do not argue with the witness. If you have facts to present, you will have to become a witness at another time in the hearing.
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- The witness is placed under oath and legal rules about testimony apply. Witnesses cannot ask someone in the back of the courtroom for help with a particular answer. Additionally, **people in the back of the courtroom cannot ask questions of the witness or speak to the court**, unless the magistrate specifically asks them a question.

 - **When you are a witness and there is an objection, stop talking. There are rules about what evidence is allowed. You must wait for the magistrate to determine what is and is not proper testimony.** If you are allowed under the evidence rules to testify about something, the magistrate will let you know that and let you answer.

 - If you testify, tell the magistrate your evidence in a clear, logical pattern. **It is best to testify from the earliest event to most recent event.** You may testify in ordinary words and just tell the magistrate what happened. **You don’t have to use fancy legal language. Try not to repeat yourself unless the magistrate asks you to repeat something.** The magistrate may have some questions to make sure everything is clear. After you testify, the other party will have a chance to ask you questions. Don’t leave the witness stand until the magistrate excuses you as a witness.

 - **Be patient and respectful of the court process.** You may disagree with the other party, but the court will treat everyone fairly and equally. Anger and a rush to finish the hearing will just get in the way of a proper legal outcome.

These guidelines are intended to help everyone present their case. This is not legal advice. You cannot ask the magistrate for legal advice. You may hire an attorney to represent you at any time.