



SURPRISE CITY COURT

16081 N. Civic Center Plaza, Surprise, AZ 85374

Phone: (623) 222-4800 • Fax: (623) 222-4801 • www.surpriseaz.gov/court

PROTECTIVE ORDER HEARINGS

You must arrive and check in with the Judicial Assistant 15 minutes before the scheduled start time, so that any exhibits you may wish to offer at the hearing can be marked at that time.

- **If you have documents to offer into evidence**, bring three copies: one for you, one for the Court, and one the Court will provide to the opposing party before the hearing begins.
- **If your evidence is on an electronic device** (cell phone, laptop, computer, etc.), you must print the document or put the evidence on a flash drive or a disk, so that it (and not your electronic device) can be received in evidence.

A CONTESTED HEARING is set when a Defendant who has been served with a protective order has filed a written request to contest the protective order or any of its terms.

A PRE-ISSUANCE HEARING is set if the Court has determined that both sides shall have the opportunity to be heard before the Court decides whether or not to issue the requested protective order.

AT THE HEARING:

- The scope of the hearing will be limited to the allegations of the Plaintiff's petition.
- The hearing will be audio and video recorded.
- Parties and any witnesses will be placed under oath.
- Both sides will have the opportunity to be heard. Parties may testify; present photographs, documents, or other evidence; call and examine witnesses; and cross examine the other side's witnesses.
- The plaintiff has the burden of proof (see below).
- At the conclusion of a Contested Hearing, the judge will determine whether the protective order shall be upheld as originally issued; modified; or dismissed, and will explain their ruling.
- At the conclusion of a Pre-issuance Hearing, the judge will determine whether the Plaintiff's petition for a protective order shall be granted or denied, and will explain their ruling.
- Any modified or any newly issued protective order will then be served on the Defendant.
- The hearing will be adjourned, and the parties excused from the Courtroom one at a time.

BURDEN OF PROOF:

The Plaintiff has the burden to prove their allegations by a preponderance of the evidence (that is, that an allegation is more likely true than not).

- **Order of Protection:** Plaintiff's evidence must show that the Defendant may commit an act of domestic violence or has committed an act of domestic violence in the past year (longer, if the court finds good cause). An "act of domestic violence" means any act specified in A.R.S. § 13-3601(A).
- **Injunction Against Harassment:** Plaintiff's evidence must show that within the past year, the Defendant committed a series of acts of harassment against the Plaintiff, or one act of sexual violence as defined in A.R.S. § 23-371.

FAILURE TO APPEAR:

- If the Plaintiff appears and the Defendant fails to appear, the protective order may remain in effect or, if pre-issuance, may be issued on evidence the Plaintiff may then present.
- If the Defendant appears and the Plaintiff fails to appear, the protective order may be dismissed.
- If neither party appears, the protective order may remain in effect as issued; if pre-issuance, the petition may be denied.

Clerk: _____

Date: _____