

PO FULL HEARING SCRIPT

1. Party Location

- Come forward. Petitioner stands on the left. Respondent on the right.

2. Is A Full Hearing Necessary?

- To Petitioner. Do you still seek a protection order against respondent?
- To Respondent. Do you agree to entry of a protection order against you?

3. Process

- Petitioner may testify first.
- Respondent may testify next.
- Petitioner will be given a chance to respond if respondent testifies.

4. Exhibits

- Organize your documents, photographs, etc. in the order you want the Court to consider them.
- Make sure your opponent has seen your exhibits.
- The clerk will mark the exhibits.
- Court may take a recess to review your exhibits before testimony begins.

5. Respondent – LECIF (Law Enforcement Confidential Information Form)

- File. Respondent must file LECIF with court no later than first appearance. .105(2); 150(3); .160(1).
- Confirm. Respondent must confirm all LECIF information with court. .105(2); .160(1).
- Electronic Address. Respondent shall provide electronic address with email, text messaging, or social media so all future service in case can be by electronic service. .150(3).

6. Petitioner – LECIF (Law Enforcement Confidential Information Form) (.400(5))

- New Information. Petitioner must complete new LECIF if information needs to be updated.

7. Viewing These Proceedings

- Live Streaming Prohibited. Kitsap County District Court will not live stream or post online protection order hearings. .205(4).
- Public. The public may view this hearing in courtroom 203. .205(5)(c).

8. Zoom Appearance – Identity (.205(3))

- To Each Person On Zoom On The Case. Please identify yourself and spell your last name.

9. Evidence And Live Testimony (.200(5))

- Evidence. The evidence the court will consider includes – (1) the petition; (2) live testimony of the petitioner and respondent if they choose to testify today; and (3) any sworn declarations.
- Non-Party Testimony Prohibited (Exception). The court shall not permit live testimony of other witnesses unless – (1) a party requests a non-party witness to testify; and (2) the witness testimony is determined by the court to be necessary and material.

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10. Applicability Of Rules – Counsel Present

- Court Rules. Court rules do not apply where inconsistent with statute. .200(1); CRLJ 81(a).
- Evidence Rules. Evidence Rules generally need not be applied. .200(8); ER 1101(c)(4).

11. Burden Of Proof (.225(1))

- Court Shall Issue Protection Order. Court shall issue a protection order if petitioner proves by a preponderance of the evidence that petitioner has been subjected to [unlawful harassment, stalking, or domestic violence] by respondent.
- “Petitioner” Definition. Means any named petitioner or any other person identified in the petition on whose behalf the petition is brought. .010(28).
- “Preponderance” Definition. Means “more probably true than not true.” WPI 21.01.

12. Court Decision Timing

- After evidence, court will either make a ruling today or take the matter under advisement.
- If under advisement, court will extend the temporary order and schedule a hearing for you both to return for the decision.

13. Your Rights (.225(5))

- Recording. The parties have a right to a recording of the hearing. A party may obtain a copy of the recording by contacting the clerk’s office in room 106.
- Appeal. Either party has a right to appeal the court’s decision.
- How To Appeal. To appeal, you must file a written document called “Notice of Appeal” with the clerk’s office in room 106 within 30 days of the court decision. CRLJ 72(a); RALJ 2.4, 2.5.

14. Decorum – Optional

- No quarreling or arguing with each other.
- Only speak to the court. You are here to convince the court, not each other.
- Do not interrupt the other side. It is difficult to listen to two people speaking at once.
- The court may ask some questions during your testimony.

15. Court Decision Made – To Petitioner

- Granted But Respondent FTA. Respondent may not be subjected to penalties for violating the protection order the court just entered unless respondent knows of this order. .465(1).
- Denied. Petitioner may refile a petition for protection order any time if petitioner has new evidence to present that would support issuance of a protection order. .225(5)(a).