

How to Represent Yourself

If you are a Petitioner who is requesting that the court grant you an order of protection, the following information will help you understand the hearing process and present your case effectively.

Do I have to go to the hearing?

Yes. If you are the Petitioner and do not attend the hearing, the court will dismiss your case, which means that you will not receive an order of protection.

What if I cannot attend?

If you absolutely cannot attend the hearing because of an important reason (such as sickness, job interview, family emergency, etc.), you should call the court in which your hearing is set and ask that the hearing be rescheduled. Some courts may require you to file a document called a “motion for continuance”.

How do I prepare for the hearing?

Decide the relief you want the court to give you. You will be asking the judge to grant you an order of protection against the person who has abused you or threatened to abuse you. You need to tell the judge specifically what you want the order to say. You can ask the judge to:

- Order the Respondent not to hurt you;

- Order the Respondent not to harass or otherwise disturb you (and/or your children);
- Order the Respondent not to contact you (in person, through 3rd parties, through writing, by email, by telephone, etc.);
- Order the Respondent to stay a specific distance from you, your residence and/or your place of employment;
- Order the Respondent to vacate the home that you are living in;
- Order the Respondent to allow you access to your personal property;
- Order the Respondent not to possess a gun or other dangerous weapon;
- Order the Respondent to attend batterer’s intervention counseling or drug/alcohol counseling.

Decide the evidence you want to use.

Evidence is what you present in court to prove that the Respondent has harmed or may harm you (and/or your child). Evidence can be your testimony, the testimony of witnesses, documents, photos, or objects such as torn clothing or a weapon.

What happens at the hearing?

If the Respondent does not appear at the hearing, the judge may grant an order of protection for you without considering any evidence or may require you to present your evidence so that s/he has it on the record. It is likely (but not guaranteed!) that if the Respondent does not appear, you will be granted an order of protection. If the Respondent appears and agrees that an order of protection should be granted, the judge will probably grant one for you.

Your Case

If the Respondent appears and disagrees that an order of protection be granted, the judge will probably ask you to present your case (your side of the story) first. This includes:

- Being sworn in to testify truthfully;
- Taking the witness stand;
- Presenting your evidence;
- Asking for the specific relief you need.

The judge may ask you specific questions about the situation. After you have finished, the Respondent will have a chance to ask you questions. After the Respondent has finished asking you questions, you will have the opportunity to ask questions of your witnesses. After each of your witnesses is done testifying, the Respondent has the opportunity to ask them questions.

Respondent's Case

After you have presented your side of the story, the judge will allow the Respondent to present his evidence, including having his witnesses testify. If you disagree with what the Respondent or his witnesses say, don't interrupt. You will have a chance to ask the Respondent questions after he has testified. You will also have a chance to ask his witnesses questions after each has testified and you can use those opportunities to show that the evidence you disagree with is either false or taken out of context.

You also will be given the opportunity to testify in response to issues the Respondent brings up that you did not discuss while you presented your case.

After both you and the Respondent have finished presenting your cases, the Judge will make a decision as to whether or not to grant an order of protection for you.

See the brochure "Order of Protection Hearings – Evidence for Petitioners" for information on how to present evidence in court.

How do I get more help?

Montana Legal Services Association (MLSA) provides free civil legal help to low-income people. Contact us to see if you qualify:

- Apply anytime online at mtlsa.org;
- Call our Helpline at 1-800-666-6899 (Helpline hours are limited).

What help can I find at MLSA?

- Legal advice and representation;
- Referrals to volunteer attorneys and other providers;
- Self-help clinics and materials.

www.MontanaLawHelp.org

Need legal information or forms? Visit www.MontanaLawHelp.org.

Can't find what you want? Use LiveHelp. Click on the LiveHelp picture and get help finding the information you need.

www.MTLSA.org

Find copies of all our brochures online. They are all available for free download!

This pamphlet is meant to give basic legal information, not legal advice about your problem. The law changes often and each case is different. We recommend you talk to an attorney about your legal problem.

Montana Legal Services Association

Orders of Protection: Representing Yourself



Providing, protecting, and enhancing access to justice.

Rev. 01/17

