**Protective Order Default Hearing Testimony Questions**

**Before going on the record, ask the Judge if they will take judicial notice of the contents of the file, including the application and client’s attached statement, or if they would like you to go through each incident in your prove up.**

# Once on the record:

Can you please state your name?

Are you seeking a protective order today?

Against whom?

What has been your relationship with \_\_\_\_?

Do you have any children with \_\_\_\_?

Are the children currently residing with you?

What are the children’s names and dates of birth?

Are you asking that those children be protected?

Did you come to me for help in \_\_\_\_[month]?

And as part of the protective order process, did you sign a statement?

Is everything you stated in your statement true and correct?

Has \_\_\_\_ committed acts of violence [or sexual assault or stalking or all of the above] against you?

Are you concerned that if the Court does not grant a protective order that \_\_\_\_ will be violent with you in the future? ***(Omit this question if there is no likelihood requirement such as in a strictly Sexual Assault PO.)***

# Incidents (you can skip these questions if the Court will take judicial notice of the file)

In your statement, you listed an incident that occurred on \_\_\_\_[date]. Can you tell the court what happened on this day?

Did you call the police?

**If no**: Why not?

Was \_\_\_\_ arrested?

**If yes**: What was \_\_\_\_ charged with?

Did you receive any injuries?

Were the children present during this incident?

Was \_\_\_\_ under the influence of drugs or alcohol during this incident?

**Repeat for each incident alleged in the declaration.**

Are there any other incidents of violence that are not listed in your statement?

Why didn’t you list them? **(Note: In general, only ask this question if you know the answer is going to be something like: there were so many incidents, I can’t remember the dates of them all.)**

Can you tell the Court what else \_\_\_\_ has done to you?

# Go through summary with the Applicant and ask questions specific to the summary. You’ll want to tailor this to each case. Here are some sample questions:

You wrote in your statement that you believe \_\_\_\_ is capable of killing you, can you tell the court what makes you believe this?

Has \_\_\_\_ been violent with the children?

Has \_\_\_\_ ever forced you to have sex? ***(If they haven’t talked about this already.)***

Has \_\_\_\_ been violent with your animals?

# If the parties have children together:

If the court grants a protective order today, do you want \_\_\_\_ to have any visits with the children?

What kind of visits do you think would be appropriate? Why are you asking for \_\_\_\_ [specific visitation schedule]?

**If asking for supervised visits:**

Do you have any family or friends who could supervise the visits or are you asking that the visits be supervised by an agency?

Does \_\_\_\_ work? What does \_\_\_\_ do?

Do you know how much money \_\_\_\_ makes? Is that before or after taxes?

How often does s/he get paid?

Do you know whether \_\_\_\_ has any other children?

# If Respondent has firearms and you want the court to order the Respondent to turn them over to law enforcement:

Do you know whether \_\_\_\_ has any firearms?

Do you know how many and what kind of firearms \_\_\_\_ has?

Do you know where those firearms are currently located?

# Length of PO and protected parties:

Are you asking the court to grant you a \_\_\_\_ [length of time] protective order today?

Are you asking the court to order \_\_\_\_ not to communicate with you except \_\_\_\_?

Are you asking that any addresses be kept confidential?

Are you asking that other family or household members be protected?

Who are you asking the Court to protect?

Why do you feel it is necessary for the Court to protect these individuals?

**Pass the witness.**