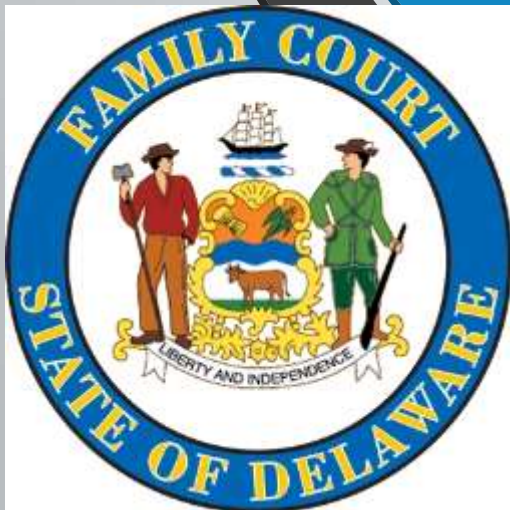


THE PFA HEARING: WHAT YOU CAN EXPECT

A step-by-step guide through the process



WELCOME TO FAMILY COURT

- You are here today for a Protection from Abuse hearing, also known as a PFA.
- In a PFA petition, a person alleges that they or their child has been abused by an intimate partner or family member.
- Abuse is defined by the PFA statute.
- A PFA is not a criminal case. If there is a criminal charge from the same incident it will not be handled today.



Words You Should Know:

- Petitioner: the person claiming abuse happened.
- Respondent: the person accused of the abuse.
- Sometimes a person is both a petitioner and a respondent because each party has filed a petition against the other.
- A Protection from Abuse Order is called a PFA.

Case Review

- Mediator will meet with each party separately to see if a resolution can be made without going to trial.
- Parties will not have contact with each other during the Case Review.
- Case Review outcomes depend on who is here today.



If only one party is here there are 3 options:

- Continuance
- Default
- Dismissal

Case Review: only the petitioner is here

- Continuance: If the respondent did not receive proper notice from the Court, the Court will continue the case.
- Default: If proper notice was given to the respondent, but the respondent is not present, the petitioner can request a Default hearing.

Case Review: only the respondent is here

- Continuance: If the respondent is present and the petitioner is not, and the Court did not give the petitioner proper notice, the court will reschedule the case.
- Dismissal: If there was notice, but the petitioner is not present, the court can dismiss the case.

Case Review: both parties are present

- Consent
- Continuance
- Dismissal
- Trial

Consent: Situation 1

- If the petitioner and the respondent are represented by attorneys, their attorneys will attempt to negotiate an agreement to settle the case.

Consent: Situation 2

- If either party does not have an attorney, a court employee (mediator) will speak with each party separately to see whether they are able to reach an agreement.



If agreement is reached:

- Both parties will go before a Commissioner who will make sure that they understand what they have agreed to.
- If the Commissioner is satisfied, a Consent Order will be issued.

What is a Consent Order?

- Respondent agrees to a PFA Order (Consent Order) which contains terms agreed to by the parties.
- The Respondent does not admit to any abuse.
- The Consent Order cannot be used in any other court case as proof of abuse.
- A Consent Order is enforceable in all the same ways as a PFA Order issued after a trial.

If parties don't agree...

- If either party will not be ready for a trial on the trial date that is provided, they can ask for the case to be rescheduled (or 'continued').
- There must be a good reason for a continuance.
- The Commissioner will decide whether to continue the case.

Dismissal: Both parties are present

- If the petitioner no longer wants a PFA Order, both parties may agree to a Stipulation of Dismissal.
- The petitioner will be given an opportunity to speak to an advocate prior to the dismissal.
- A dismissal ends the case without a trial or a PFA Order.

Trial

- If there is no Consent, no Continuance or no Dismissal, the case will proceed with a Trial.



What Happens at Trial

- The petitioner tries to prove that the respondent abused the petitioner or the petitioner's child.
- Both parties will be able to submit evidence to support their case.
- The respondent does not have to testify at trial; but if he or she does testify, what they say can be used against them in civil or criminal cases from the same incident.



Trial Outcome: Petitioner

- A Protection from Abuse Order will be granted if the Court finds that abuse has occurred.
- The Commissioner will decide what relief is granted in the Order and how long the Order will last.
- It may or may not include some or all of the things that the petitioner asked for.

Trial outcome: Respondent

- If the Court finds that abuse has not been proven, the case will be dismissed.
- If there was a temporary order issued at an earlier time, it will end.

Note: Guns, Ammunition and Other Weapons

In most cases, it is a crime for the respondent of a Protection from Abuse Order (issued by Consent, Default or after a Trial) to possess firearms.



Now you will proceed with the Case Review.

- The mediator will let you know if the other party is present.

Attendance

