Good morning, my name is Judge De Alessandro. In just a moment I am going to call the **Protection from Abuse1** cases scheduled for today. But first I am going to explain the **procedure2** that will be followed in these cases.
        In each of these cases, someone has come to court requesting a **court order3** of protection against someone else. The person who starts the case is the **Plaintiff4** and the person who has been brought to court is the **Defendant5**.
         All of the cases I am **about to6** call are scheduled for **hearing7** today so all Plaintiffs and Defendants **must be8** ready with all their witnesses and evidence if a trial is needed in the case. I am going to call the Plaintiff's name and the Defendant's name. If the Plaintiff does not answer, I **will assume9** that person is no longer **pursuing10** the case and the case will be **dismissed11**.
       If the Plaintiff is here and the Defendant does not answer, what happens next depends on whether the Defendant has been **served12** with the **complaint13** as the law requires.
           If not, then **the case14** cannot proceed today and will be **continued15** or postponed to a future date. If there is a temporary order in the case, **it continues16** in effect until the next court date.
         If the Defendant has been served and **fails to answer17**, I will assume the Defendant has chosen **not to contest18** the case and will **ordinarily19** **grant20** the Plaintiff a court order of protection.
         If **both21** parties are present, then I am **going to try22** to determine whether **a trial23** is needed or not. **Most24** cases of this **kind25** are not resolved through a trial even when both parties are in court. Sometimes the Plaintiff chooses not to proceed. If I hear that in any case today, I am going to **make sure26** the Plaintiff is **acting27** voluntarily **without anyone28** pressuring them. In some other cases, the Defendant **is not opposed29** to the Plaintiff getting a court order of protection. In many cases, court orders are **issued30** without a trial based on the parties **agreeing31** that the court should **approve32** an order. The Plaintiff gets a court order that can have the same **level33** of protection as a court order issued after a trial. A court order issued **by agreement34** contains no decision that the Defendant has or **has not done35** anything **wrong36**. Both parties **benefit37** by not having to wait for a trial to be **scheduled38**, and both parties **avoid39** the **uncertainty40** and stress of a trial. So in any case where both parties are here, I am going to ask the Plaintiff and the Defendant whether each of them **is willing41** to consider the **possibility42** of a court order by agreement. If you say "Yes", all you are saying is that you are open to the possibility--you are not **committing yourself43** to agreeing to anything.
  There should be no contact or discussion between a Plaintiff and a Defendant in a case. In some cases, there are temporary orders in effect that prohibit contact, and **I am directing44** that **there be no45** contact, whether or not there is an order in effect. Sometimes a lawyer involved in the case or a representative of an **advocacy46** group can be **a go-between47** to explore whether agreement on a court order is possible. If the parties to a case can agree on a court order, there is no trial. **On the other hand48**, if an agreement as to what should happen is not reached, the parties still have a right to a trial.

If there is a trial in any case, the Plaintiff presents evidence first, because the Plaintiff has the **burden of proof49**: First, the Plaintiff has to prove that the Plaintiff and Defendant are family or **household50** members. This means generally that the parties in a protection from abuse case must be related **by blood51**, or be married, or have had a sexual relationship. Plaintiff also must prove that the defendant committed abuse against the Plaintiff.
The law defines abuse to mean any one or more of the following kind of conduct:

          \*     assaulting or attempting to assault someone as to cause injury or offensive physical
        contact, including **sexual assaults52**
          \*     threatening someone in a way that would put that person in reasonable fear of
  **bodily harm53**
          \*     putting someone in reasonable fear of bodily injury through **a course54** of conduct
          \*     stalking someone to the point that they are in reasonable fear of bodily harm
          \*     forcing someone to do something against their will or **preventing them55** from doing
  something that they **have a right56** to do

    In deciding what evidence to present, the Plaintiff and the Defendant should keep in mind the limitations of what evidence **the court57** can consider. There are three **major58** requirements: First, evidence must be relevant or have a bearing to **the issues59** in the case.
Second, **hearsay evidence60** is not allowed. Third, evidence should not be repetitive.

The Plaintiff and the Defendant each have the right **to testify61**, and they each have the right **to call62** other witnesses to testify. Whether you are a Plaintiff or a Defendant, you should be prepared **to ask questions63** to your own witnesses. You also have a right to **cross examine64**, or ask questions to the **other party's65** witnesses. The judge may also **exercise66** control over what kinds of questions can be asked, and may require each party to present their questions through the court, so that the judge is **actually67** questioning the witnesses based on what questions the party wants to be asked.
    In cases involving children, the court can make decisions about **parental rights68** and responsibilities, and the parties can present evidence to help the court make decisions in the **best interests69** of the children.
       After both parties have presented their evidence, the trial ends. The judge may make a decision **on the spot70**, or may wait until later. This is called taking the case **under advisement71**. If the judge decides the Plaintiff has proved abuse, the court will issue an order of protection from abuse. On the other hand, if the judge decides Plaintiff has not **proved72** abuse, the case is terminated without **further73** order.

Either party has the right **to appeal74** a decision made over their objection. You can get more information about the appeal process from **the clerk75**.