

[K] | WHAT WILL HAPPEN AT THE HEARING?

In each case the Judge will decide who will present evidence first and how the hearing will proceed. This decision will be based on which party is requesting the action and on what would be the most practical and orderly way to develop the issues in the case. Before the actual presentation of the evidence begins, the Judge will explain the procedures which will be followed. If you are confused about the procedures or other matters, you should let the Judge know.

The Judge will allow each party to present witnesses and other evidence. He or she will also permit each party to question the other party's witnesses. This is called "cross-examination." All relevant evidence may be presented, including hearsay, which is, generally, a statement someone makes to the witness. However, the Judge cannot base a finding of fact on hearsay alone. The Judge may limit presentation of evidence if it is repetitive or irrelevant.

A record of everything that is said will be made at the hearing, so it is important that you speak in an audible, clear voice. The record will be preserved by a court reporter, by a tape recording, by videotape or by some other appropriate recording device.

The Judge is an impartial, independent person who is not employed by the referring agency involved in the case and who does not have any personal interest in the outcome of the matter. The Judge will attempt to determine the truth and to understand and fairly evaluate the position of each party. In doing so, he or she may ask questions of you, the agency representative, or any witness at the hearing.

