

Rule 12. Conduct of Trials or Hearings

(a) BY COURT. The court will, without a jury, hear and adjudicate petitions for civil protection orders and all motions made in accordance with these rules.

(b) EVIDENCE.

(1) *Under Oath*. In all trials or hearings under these rules, the testimony of witnesses must be taken under oath or affirmation.

(2) *Who May Present Evidence*. At a trial or hearing held in accordance with these rules, both the petitioner and the respondent may present evidence, including their own testimony and testimony of other witnesses, and physical evidence.

(3) *Admissible Evidence*. The following rules apply at a trial or hearing:

(A) Evidence that is competent, material, and relevant is admissible.

(B) One spouse is a competent and compellable witness against the other and may testify as to confidential communications, but the testimony is inadmissible as evidence in a criminal trial over the objection of a spouse entitled to claim that privilege.

(4) *Prohibition Against Use of Respondent's Testimony*. The respondent's testimony in any trial or hearing under these rules is inadmissible as evidence in a criminal trial or delinquency proceeding except in a prosecution for perjury or false statement.

(5) *Level of Proof Required for Civil Protection Order*. The court may issue a civil protection order if the court finds that there is good cause to believe the respondent has committed or threatened to commit a criminal offense against the petitioner or against petitioner's animal or an animal in petitioner's household.

(c) FINDINGS. At the conclusion of a trial or hearing, the court must make those findings of fact essential to the ultimate conclusion of law.

COMMENT TO 2017 AMENDMENTS

Formerly Rule 9, this rule was renumbered as Rule 12. The rule was also amended consistent with the stylistic changes to the civil rules. Additionally, former subsection (a)(1) was eliminated as unnecessary, and former subsection (a)(2) was eliminated as inaccurate.