

## Formal Hearing Statement

This hearing is now open in the matter of \_\_\_\_\_.  
Today's date is \_\_\_\_ and the beginning time of the hearing is \_\_\_\_\_.

The hearing is being held (in person) (by telephone) from Phoenix, Arizona. The purpose of the hearing is to consider \_\_\_\_\_'s appeal/complaint/grievance against \_\_\_\_\_ regarding \_\_\_\_\_.

Present today are \_\_\_\_\_.

My name is \_\_\_\_\_ and I am the Administrative Law Judge assigned by the Office of Administrative Hearings to hear this case.

The Office of Administrative Hearings is an independent agency under A.R.S. § 41-1092 authorized to conduct hearings in contested matters arising out of State regulation.

The Arizona Rules of Evidence do not apply to administrative hearings; all relevant testimony and evidence may be accepted.

The burden of proof generally rests upon the party making a claim to establish it by a preponderance, or the greater weight, of the evidence. (For CPS cases, the burden of proof rests upon the agency to show probable cause for upholding the proposed substantiation of the allegation.)

This hearing is being tape recorded in case a transcript is ever needed. Therefore, please speak up when you testify and answer questions audibly and not with shakes of your head or other non-verbal gestures. Please refrain from talking when someone else is speaking.

(Swear in interpreter if necessary. "Do you solemnly swear to interpret all questions put and answers offered to the best of your ability?")

Testimony given at this hearing must be made under oath. Therefore, I need to swear in everyone who will be testifying. Will you please raise your right hands?

Do all and each of you solemnly swear or affirm that the testimony you are about to give in the case now in hearing shall be the truth, the whole truth and nothing but the truth?

In this hearing, each party will be allowed to offer evidence and testimony which is relevant to the issues, to cross-examine the other party and witnesses and to offer rebuttal evidence. I will direct the order of presentation of evidence and examination of witnesses. I may also ask questions of a party or a witness during their testimony for the purpose of completing the record. Each party will have the opportunity to make a closing statement at the end of the hearing if you wish to do so.

Within 20 days of the conclusion of the hearing, I will make a Recommendation to the Director of \_\_\_\_\_ who may issue a Decision or Order approving, not approving or modifying my Recommendation. If the Director takes no action on the Recommendation within 30 days, the Recommendation will become the final administrative decision.

The file in this matter has been compiled and supplied to me by the Office of Administrative Hearings and the \_\_\_\_\_ (agency). Is there any objection to my considering the documents in the file as part of the record?

Did everyone receive an evaluation sheet when you were escorted to the hearing room? After the hearing you may complete them and deposit them in the black boxes outside the hearing room. Your cooperation and feedback is confidential and assists the Office of Administrative Hearings in evaluating its procedures. (Parties appearing telephonically may phone in an evaluation following the close of the hearing by calling the front office at 602-542-9826.)

Are there any questions about the procedure of the hearing before we go on?