



Protective Orders

What is a protective order?

A Protective Order:

- Orders a person not to commit any more family violence.
- Orders a person not to come within a certain distance of places where the victim frequents, like where the victim lives, works, or goes to school.
- Limits communication with the victim.
- Prevents a person from harassing, annoying, alarming, abusing, tormenting, or embarrassing the victim or any member of the victim's family or household.
- If you are living together, requires the perpetrator to move out.

Who can get a protective order?

The person who committed the violence against the victim must be at least one of the following:

- Related to the victim by blood or marriage
- Currently living with the victim or must have lived with them at some time
- Someone with whom the victim has had a child
- Someone the victim has or had a relationship of a romantic or intimate nature
- Someone that sexually assaulted the victim
- Someone of a third party interest whom because of the victim's marriage to or dating relationship with an individual whom the actor is or has been in a dating relationship or marriage.

What has to be proven in court to get a protective order?

In court, you must prove two things:

1. Family violence has occurred and that
2. Family violence is likely to occur in the future

If only one of these can be proven, then the judge will not grant a protective order.

An isolated act is not enough. A good way to show that family violence is likely to occur in the future is with any threats of harm or acts of violence which occurred in the past to show a pattern of family violence.

What is family violence?

Family violence or dating violence is an act intended to result in physical harm, bodily injury, sexual assault, or a threat that places you in fear of imminent physical harm.

What will a protective order not do?

A protective order filed through the District Attorney's Office will be for the protection of the family and will not address the following:

- Child Support
- Child Custody
- Transfer of Property
- Visitation
- Counseling

What do I need to do to apply?

- Fill out the application and affidavit completely. The affidavit is all the Judge will review to decide whether to grant a Temporary Ex Parte Protective Order. Make sure to include all incidents you can remember. If you can't remember an exact date, do your best to and give a time frame. If you need assistance filling out the application, please let us know so that we may have someone assist you. You may also contact First Step and they will provide assistance throughout the process.
- Your application and affidavit will be reviewed by an attorney. Please know that our resources are limited, but we will review your application as quickly as possible. It may be necessary to schedule an appointment at a later date for you to meet with an attorney. The attorney may ask questions to clarify your situation and your affidavit.
- Before meeting with the attorney, write down any questions you have so that you can remember to ask them when you meet. If we are unable to accept your application and file on your behalf, we will do our best to provide you resources to assist you.
- You must be able to provide an address where the Respondent can be served. The Respondent must be served with the paperwork. If they cannot be personally served, then the Protective Order will not be granted. This may take time and is out of our control.
- Once your application is accepted, we will prepare the court documents. When those are ready, we will have you review them.
- Bring your driver's license or photo ID with you.

Issues to be aware of:

- If you are on probation, parole, or have a pending criminal case, we cannot file a protective order on your behalf as this creates a conflict of interest.
- If you are represented by a private attorney in a divorce, CPS, child custody case, we will not be able to represent you. Your attorney will need to file a protective order in that case.

What happens if my application is accepted?

- After you review and sign the pleadings, the documents will be filed with the District Clerk who will then assign the case to a court. The Judge will then review the documents and decide whether to grant a Temporary Ex Parte order until the hearing on the Protective Order.
- If you are requesting an order to remove the respondent from the home, you will appear before a judge at a brief hearing.

- The Judge will set the case for a hearing to be held in about two weeks. The Sheriff's Office will attempt to serve the respondent the paperwork.
- If the respondent is not able to be served at least three days prior to the hearing, then the hearing will be rescheduled. The court may have other things on its schedule that will preempt the hearing as well. This is all out of our control. However, stay in contact with our office and we will do our best to keep you informed.

What happens at the hearing?

- You will be accompanied in court by an assistant district attorney. You will be called to the stand to testify.
- The respondent may be represented by an attorney. The respondent or their attorney will be able to ask you questions.
- You may bring witnesses on your behalf who have personal knowledge of acts the respondent has committed against you. It is your responsibility to make sure your witnesses are present. Please let the assistant district attorney handling your case know about the witnesses beforehand.
- If you have pictures, text messages, or other evidence, please let the assistant district attorney know so that they may review the evidence and plan for how to introduce the evidence in court.
- At the end of the hearing, the judge will decide whether to grant a protective order. The judge may grant an order for up to two years. In some cases, the order may be extended beyond two years. Please contact our office about how an order may be extended.

What happens if the judge grants the protective order?

- The judge will sign a written order. We will provide you with a copy of the order. You can get additional copies from the District Clerk's office.
- If you change your address while the order is in effect, contact the District Clerk's office so they can update your information.
- Keep a copy of your order with you at all times. Provide copies to your employer, landlord, close family members, and others you think need to be informed.
- The police department will be informed of the protective order.
- If you believe the respondent is violating the order, you must call the police. The police will investigate and can arrest the respondent if they believe a violation has occurred.

Can I drop a protective order?

- You will be required to attend the final hearing. It will be your responsibility to inform the judge of why you want to dismiss the protective order.
- Once a Protective Order is granted, our office will not represent you in any proceeding to vacate a protective order.

If you have any questions, please contact our office at 940-766-8113.

If you have an emergency, call 911 immediately.

If you need a safe place to go, or need help applying for a Protective Order, please contact **First Step, Inc.** at their 24 hour hotline at 1-800-658-2683 or 940-692-1993.

Protective Order Application

TODAY'S DATE: _____

Your Information (Applicant)

Name: _____
Last First Middle Maiden/Other

Race: _____ Sex: _____ Birth Date: ____/____/____ Age: _____ Driver's License No.: _____

Social Security No.: _____/_____/_____ Safe E-mail: _____

Address: _____ City: _____ Zip Code: _____ County: _____

Home Phone: ____/____/____ Cell Phone: ____/____/____ Work Phone: ____/____/____

Employer: _____ Occupation: _____

Work Address: _____ City: _____ Zip Code: _____

School Name (if you are a student): _____

School Address: _____ City: _____ Zip Code: _____

Mailing Address: _____ City: _____ Zip Code: _____

Does the Respondent know where you live? _____ Yes _____ No

Emergency Contact: 1) _____
Relative/ Friend's Name Relationship to You Phone Number

2) _____
Relative/ Friend's Name Relationship to You Phone Number

The person you want to file against (Respondent)

Name: _____
Last First Middle Alias/Nickname

Race: _____ Sex: _____ Birth Date: ____/____/____ Age: _____ Marital Status: _____

Driver's License No.: _____ Social Security No.: _____/_____/_____

Address: _____ City: _____ Zip Code: _____ County: _____

Home Phone: ____/____/____ Cell Phone: ____/____/____ Work Phone: ____/____/____

Employer: _____ Supervisor: _____

Work Address : _____ City: _____ Zip Code: _____

Work Phone: ____/____/____ Work Schedule: _____

Another address where the respondent can be served? _____

Describe the Respondent:

Height: ___' ___" Weight: _____ lbs Eye Color: _____ Hair Color: _____

Describe any tattoos, birthmarks, or scars: _____

Glasses Beard Mustache Goatee Missing Teeth Gold Teeth

Citizen?: ___ Yes ___ No Place of Birth: _____

Vehicle Information: Year: _____ Model: _____ Make: _____ Color: _____

License Plate State: _____ License Plate# _____ VIN: _____

Military Information:

Is the Respondent currently a *member* of the State Military Forces (Texas Army National Guard, Texas Air National Guard, or Texas State Guard)? ___ Yes ___ No

Is the Respondent currently on *active duty* in the U.S. Armed Forces? ___ Yes ___ No

If yes, provide commanding officer name and military base location:

If the Respondent Owns Weapons:

Describe Type of Weapon(s): _____

Where are they kept? _____ When were they purchased? _____

Respondent's Criminal History:

Has the Respondent ever been arrested? _____ Convicted: _____ Charges Pending: _____

What kind of charges? _____

Last Incident Information:

Date of Last Incident: _____ Address of Last Incident: _____

Were the police called? _____ Which police agency responds to your home? _____

Incident Number: _____ Was the Respondent Arrested? ___ Yes ___ No

If charges are pending, what charge?: _____ Case No.: _____

Is the Respondent on Probation or Parole?: ___ Yes ___ No For what?: _____

Name of Probation/Parole Officer: _____ Phone: _____

Information Regarding Children of the Marriage/Relationship

Are you requesting your children be included in the protective order? If so, please provide the following information:

Name: _____ Birth Date: ____/____/____

Race: _____ Sex: _____ Child Care or School Name: _____

Child Care or School Address: _____

Name: _____ Birth Date: ____/____/____

Race: _____ Sex: _____ Child Care or School Name: _____

Child Care or School Address: _____

Name: _____ Birth Date: ____/____/____

Race: _____ Sex: _____ Child Care or School Name: _____

Child Care or School Address: _____

Do these children live with you? Yes No If not, with whom? _____

Information About Your Relationship

What type of relationship do you have with the Respondent?

Please check the appropriate category (ies):

- Currently dating Previously Dated
- Currently married Previously married (divorced)
- Currently live together Previously lived together
- Biological parents of the same child(ren)

Related by blood, describe: _____
(brother, sister, mother, father, etc)

Other—Describe: _____

How long did you and the Respondent date?: _____

If you lived with the Respondent, what period of time did you live together?:

From _____ to _____
Date Date

If you are (were) married to the Respondent, how long have you been (were) married?: _____

When did you LAST separate / break-up with the Respondent?: _____

If you are divorced from the Respondent, when was your divorce final?: _____

Is a divorce OR custody case *currently* pending?: _____ Yes _____ No

In what county is the case pending? _____

What is the case number? _____

Do you and the Respondent have any child custody orders in place?: _____ Yes _____ No

Is there a case involving child support and the Attorney General's Office? _____ Yes _____ No

What is the child support case number? _____

If there are child visitation orders in place, we need to designate a neutral (safe) location for pick-up and drop-off of the children. *Where would you like that place to be?* It should be some place where you feel safe, like a police station that is open 24 hours.

Please list a safe exchange location: _____

Is there property the Respondent has that you want?: _____ Yes _____ No

Describe: _____

Is there property you have that the Respondent wants?: _____ Yes _____ No

Describe: _____

Household Residency

Do you and the respondent currently live together? _____ Yes _____ No

Are you requesting an order excluding the respondent from the home until the day of the hearing? _____ Yes _____ No

Have you resided at that address in the past 30 days? _____ Yes _____ No

Do you own or lease the home? _____ Own _____ Lease

Whose name is on the lease/deed? Yours / Respondent's / Both / Other: _____

How long would you like the final Protective Order to be in effect? One Year / Two Years / Other: _____

I am afraid that Respondent will continue this violent behavior or will carry out these threats and I therefore request a protective order.”

Further Affiant sayeth not.

Affiant

Date

Sworn to and subscribed before me by _____ on this the ____ day of _____, 2016.

Notary Public in and for the State of Texas