



## **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 \_\_\_\_\_, 2023.

\_\_\_\_\_

Notary Public in and for the State of Texas

# TCIC Protective Order Data Entry Form

*To be completed by the Criminal Justice/Law Enforcement Official and released to authorized agencies only.*

ORI:	Choose One: Protective Order      Emergency Protective Order		
OCA:	Protective Order Number:	Court Identifier:	
Issue Date:	Date of Expiration:	Date Signed:	Date Rescinded:

**ALL fields should be completed to ensure timely entry into TCIC. Missing pertinent information will delay entry and will require the entering agency to contact the court to provide the necessary information.**

Respondent Name:				Sex: Male    Female	
Race: (circle one): Indian    Asian    Black    White    Unknown				Ethnicity: (circle one) Hispanic    Non-Hispanic    Unknown	
Place of Birth:	Citizenship:	Date of Birth:	Height:	Weight:	
Skin: (circle one): Albino    Black    Dark    Dk Brown    Fair    Light    Lt Brown    Medium    Med Brown    Olive    Ruddy    Sallow    Yellow					
Eye Color: (circle one): Black    Blue    Brown    Gray    Green    Hazel    Maroon    Pink    Multi-Colored    Unknown					
Hair Color: (circle one) Black    Blond    Brown    Gray    Red    White    Sandy    Bald    Blue    Green    Orange    Pink    Purple    Unknown					
Scars, Marks and/or Tattoos: (please describe in detail)					
AKA's:					
Caution and Medical Conditions: (circle all that apply)					
00 – Armed and Dangerous	05—Violent Tendencies	10—Martial Arts Expert	15—Explosive Expertise	40-Int'l Flight Risk	
20—Known to Abuse Drugs	25—Escape Risk	30—Sexually Violent Predator	50—Heart Condition		
55—Alcoholic	60—Allergies	65—Epilepsy	70—Suicidal		
80—Medication Required	85—Hemophiliac	90—Diabetic	01—Other		
Protection Order Conditions (PCO): (circle all that apply)					
01 Respondent is restrained from assaulting, threatening, abusing, harassing, following, interfering with or stalking the protected person and/or child of the protected person					
02 Respondent may not threaten a member of the protected person's family/household					
03 The protected person is granted exclusive possession of the residence/household					
04 Respondent is required to stay away from the residence, property, school or place of employment of the protected person or other family or household member					
05 Respondent is restrained from making any communication with the protected person including, but not limited to, personal, written, or phone contact, or their employers, employees or fellow workers, or others whom the communication would be likely to cause annoyance or alarm					
06 Respondent is awarded temporary custody of the children named					
07 Respondent is prohibited from possessing and/or purchasing a firearm or other weapon					
08 See miscellaneous field for comments regarding terms and conditions of the protection order (add all prohibitions ordered <u>not</u> already assigned a code, e.g. pets, utilities, mutually owned property, distance, bond conditions, visitation details and/or other special prohibitions).					
09 The protected person is awarded temporary exclusive custody of the child(ren) named					
Brady Record Indicator (BRD): N—Respondent is NOT disqualified    Y—Respondent is disqualified    U—Unknown			SVC:(circle one) served/not served/unknown SVD:		
Relationship To Protected Person: (Not the additional PPNS)					

*Please include the following numeric identifiers, if available:*

Driver License:	DL State:	DL Expiration:
Texas ID:	Misc ID:	Social Security:

Respondent Address:			
City:	County:	State:	Zip:

## Protective Order Data Entry Form – Page 2

Respondent Name:
------------------

*Respondent Vehicle Data:*

License Plate:	LP State:	LP Year:	LP Type:
Vehicle ID:	Year:	Color:	
Make:	Model:	Style:	

*Protected Person Data*

Protected Person Name:	Sex: Male Female		
Race: (circle one): Indian Asian Black White Unknown	Ethnicity: (circle one) Hispanic Non-Hispanic Unknown		
Date of Birth:	Social Security:		
Protected Person Address:			
City:	County:	State:	Zip:

*Protected Person Employer Data*

Protected Person Employer Name:	Address:	
City:	State:	Zip:
Protected Person Employer Name:	Address:	
City:	State:	Zip:

*Protected Child Data (Use additional pages if necessary)*

Protected Child Name:	Sex: Male Female		
Race: (circle one): Indian Asian Black White Unknown	Ethnicity: (circle one) Hispanic Non-Hispanic Unknown		
Date of Birth:	School/Child Care Name and Address:		
Home Address:	City:	State:	Zip:
Protected Child Name:	Sex: Male Female		
Race: (circle one): Indian Asian Black White Unknown	Ethnicity: (circle one) Hispanic Non-Hispanic Unknown		
Date of Birth:	School/Child Care Name and Address:		
Home Address:	City:	State:	Zip:

*To be completed by Criminal Justice/Law Enforcement Official:*

SID:	FBI #:	FPC:	MNU:
------	--------	------	------

Notes:

Use of Pseudonyms; Code of Criminal Procedures: Art. 57B.02. (Confidentiality of files and records)

Extension of PO if Respondent is confined or imprisoned; Family Code: Sec. 85.025 (Duration of Protective Order)

PCO-07-Possession of a firearm; Family Code: Sec. 85.0222 (Requirements of order applying to person who committed family violence).

SB 1242-Chapter 85-F.C. Sect 85.007- the court shall order the clerk to maintain a confidential record of the information for use only by: (A) the court; or (B) a law enforcement agency for purposes of entering the information required by Section 411.042 (b) (6), Govt. Code into the statewide law enforcement information system maintained by the Department of Public Safety. (Eff. 9/1/17)