

Protective Orders

What is a protective order?

It is a court order that protects you from someone who has been violent or threatened to be violent.

How can a protective order help me?

It can order the other person to:

- Not hurt you or threaten to hurt you
- Not contact you or go near you, your children, other family relatives, your home, where you work, or your children's schools
- Not have a gun or a license to carry a gun

The police can arrest the other person for violating any of these orders.

Can I get a protective order?

You can get a protective order if:

- Someone has hurt you, or threatened to hurt you, **and**
- You have a close relationship with that person (you were or are married, dating or living together, have a child together or are close relatives), **and**
- You are afraid that person may hurt you again.

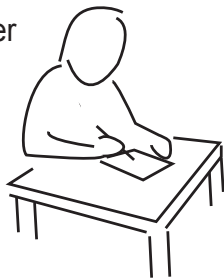
How much does it cost?

It is free for you.

How do I ask for a protective order?

Fill out the forms in this kit:

- Application for Protective Order
- Temporary Ex Parte Protective Order
- Protective Order
- Respondent Information



Where do I file the forms?

After you fill out the forms, take the forms with 2 copies to the courthouse. File them in the county where you or the other person lives. But if you have a divorce or custody case pending against the other person, file the forms in that same county or the county where you live.

What if the other person and I live together or have children together?

The judge can make orders about who gets to use the house, apartment or car.

The judge can also make other orders, like child custody, child support, visitation, and spousal support.

Can I get protection right away?

The judge may give you a temporary order that protects you until your court hearing. This order is called a "Temporary Ex Parte Protective Order".

In some cases, the judge orders the other person to leave the home right away. If you want this, you should ask the judge. Be ready to testify at a hearing when you file your Application.

Do I have to go to court?

Yes. Even if you get a Temporary Ex Parte Protective Order, you must go to the next hearing. It should be in about 2 weeks. The judge will decide if you should have protection and for how long. If you do not go, the Temporary Ex Parte Protective Order may end.

Read *Get Ready for Court* in this kit. Or get it from the court clerk or from:

www.texaslawhelp.org/protectiveorderkit

How will the other person know about the protective order?

You must have the other person "served" **before** the court hearing. This means someone—not you—will serve the other person a copy of your application for a protective order.

The clerk can arrange for law enforcement to serve the other person the court papers for FREE (for you).

Need help?

There is an instruction sheet for each form. But, if you need more help, contact:

Family Violence Legal Line: **800-374-HOPE**

Or, go to:

www.texaslawhelp.org/protectiveorderkit

Get Ready for Court



Don't miss your hearing!

If you miss it, your Temporary Ex Parte Protective Order may end and you will have to start from the beginning.

Get ready.

- Fill out a Protective Order before you go to court and bring it with you.
- Bring any evidence you have, like photographs, medical records, torn clothing. Also bring witnesses who know about the violence, like a neighbor, relative or police. The judge may ask them to testify.
- Bring proof of your and the other person's income and expenses, like bills, paycheck stubs, bank accounts, tax returns.
- If the Proof of Service was returned to you, file it with the clerk and bring a copy to court.

Get there 30 minutes early.

- Find the courtroom.
- When the courtroom opens, go in and tell the clerk or officer that you are present.
- Watch the other cases so you will know what to do.
- When your name is called, go to the front of the courtroom.

What if I don't speak English?

When you file your papers, tell the clerk you will need an interpreter.

If a court interpreter is not available, bring someone to interpret for you. Do not ask a child, a protected person, or a witness to interpret for you.

What if I am deaf?

When you file your papers, ask for an interpreter or other accommodation.

What if I need child support or visitation orders?

Call the Family Violence Legal Line before you go to court: **800-374-HOPE**

What if I am afraid?

If you don't feel safe, call your local family crisis center or the National Domestic Violence Hotline: **800-799-SAFE**

Practice what you want to say.

Make a list of the orders you want and practice saying them. Do not take more than 3 minutes to say what you want.

If you get nervous at the hearing, just read from your list. Use that list to see if the judge has made every order you asked for.

The judge may ask questions.

The other person or his or her lawyer may also ask you questions. Tell the truth. Speak slowly. Give complete answers.

If you don't understand, say, "I don't understand the question."

Speak only to the judge unless it is your turn to ask questions. When people are talking to the judge, wait for them to finish. Then you can ask questions about what they said.

What happens after the hearing?

If the judge agrees you need protection, the judge will sign your Protective Order.

Take your signed order to the court clerk. Ask for copies of your order (or make extra copies) and keep one with you at all times.

Give copies of your order to your children's day care, babysitter, or school. If the other person violates the order, call the police and show them your order.

Need help?

If you are in danger, call the police: **911**

Or call Family Violence Legal Line:
800-374-HOPE

Or go to:

www.texaslawhelp.org/protectiveorderkit

PERSONAL SAFETY PLANNING

Information provided by Texas RioGrande Legal Aid

SAFETY DURING AN EXPLOSIVE INCIDENT

- If there is an argument, try to be in a place that has an exit. Avoid the bathroom, kitchen or any room that may contain weapons.
- Practice how to get out safely. Know what doors, windows, elevators, stairwells, or fire escapes you would use.
- Keep purse and car keys readily available.
- Identify a friend or neighbor you can tell about the violence and ask them to call 911 if they hear a disturbance coming from your house.
- Arrange a code word to alert your children, friends and family that you need help.
- Plan where you will go if you have to leave home & a back-up place (even if you don't think you are going to need it).
- In a dangerous situation, appease the abuser if possible to keep him or her calm. You have the right to protect yourself until you are out of danger.

Remember: You don't deserve to be hit or threatened!

SAFETY FOR YOUR CHILDREN

- Talk to your children about a safety plan when you are not with them.
- Tell your children's school and/or daycare who has permission to pick up the children.
- Teach your children how to dial 911 for police and fire assistance.
- Practice your escape plan with the children, if appropriate.

SAFETY WHEN YOU ARE PREPARING TO LEAVE

- Abusers are more violent when they believe that the person they have abused is leaving the relationship. This is the time to be most cautious.
- Get your own post office box so that you can receive checks and mail.
- Open a checking or savings account in your own name at a different bank and try to get a credit card in your own name, to increase your independence.
- Leave money, an extra set of keys, copies of important papers, extra clothes and medicine with someone you can trust so you can leave quickly.
- Keep change for phone calls on you at all times. Using a calling card is not safe!
- You can seek shelter and help by calling 1-800-799-SAFE. Figure out who would be able to let you stay with them or lend you some money.
- If you have pets, make arrangements for them to be cared for in a safe place.
- Review your personal safety plan often.

SAFETY AND YOUR EMOTIONAL HEALTH

- The experience of being battered and verbally degraded by partners is usually exhausting and emotionally draining.
- If you are thinking about going back to your abusive partner, talk to someone you trust about your options.
- Have positive thoughts about yourself and be assertive about what you need.
- Plan to attend a support group.
- If you have to communicate with your partner, take someone with you for moral support & meet in a public place.

SAFETY IN THE HOME

- Use different banks, grocery stores and shopping malls. Shop at hours different from those you used when residing with the abuser. Change your routine!
- If you stay in your home:
 - Change the locks. Buy additional locks for the windows, and don't forget the patio door.
 - Tell your neighbors that the batterer no longer lives there, and to call the police if they see the batterer near your home.
 - Screen your calls.
- If you move:
 - Never call the abuser from your home, or tell them where you live.
 - Request an unlisted number from the phone company.

MORE ABOUT PERSONAL SAFETY PLANNING

SAFETY AT WORK OR IN PUBLIC

- Carefully decide who you will inform at work about your situation.
- Inform your supervisor, building security officers, and/or co-workers of your situation. If possible, provide them with a photograph of your abuser.
- Arrange to have someone screen your calls, whether it is the receptionist, voicemail or a co-worker.
- Have a safety plan to use when you leave work:
 - Ask someone to escort you to and from your vehicle or bus.
 - Park in a secure, well-lit area.
 - Use a variety of routes to come and go from home.
 - Think of what you would do if something happened on the way home.
 - Avoid isolated roads.

CHECKLIST: ITEMS TO TAKE WITH YOU

IDENTIFICATION

- Driver's license
- Birth Certificate
- Children's birth certificates
- Social Security cards
- Welfare Card
- Health Insurance/HMO cards
- Work permits / Green Cards
- Income Tax / IRA's
- Passport / Visa
- Divorce and custody papers
- Marriage license
- Mortgage / Loan payment books

FINANCIAL

- Money/Credit/ATM cards (in your name)
- Checking/ Savings account books

LEGAL PAPERS

- Protective Order
- Lease, rental agreement, house deed
- Car registration and insurance papers
- Health and life insurance papers
- Medical records for your family
- School/vaccination records

OTHER

- Medications
- House, car, and office keys
- Jewelry
- Address book
- Pictures of you, children & abuser
- Sentimental items
- Change of clothes
- Children's favorite toys/blankets
- Toiletries/diapers

**REMEMBER: DON'T RISK YOUR LIFE OR YOUR CHILDREN'S LIVES FOR ANY OF THESE ITEMS.
MATERIAL THINGS ARE REPLACEABLE... LIVES ARE NOT!!**

IMPORTANT PHONE NUMBERS

POLICE & SHERIFF:

Emergencies 911

HOTLINES:

First Call for Help 1-800-HELP-555
National DV Hotline 1-800-799-SAFE
Suicide Prevention 1-800-SUICIDE
Child & Elderly Abuse 1-800-252-5400
Rape Abuse & Incest National Network
1-800-656-HOPE

LEGAL SERVICES:

Women's Advocacy Project 1-800-374-HOPE
Lawyer Referral Service 1-877-9TEXBAR

COUNSELING & SUPPORT SERVICES:

TX Council on Family Violence 1-800-525-1978
Child Support Division 1-800-252-8014
Crime Victim's Compensation 1-800-983-9933

SAFETY WITH A PROTECTIVE ORDER

- If you or your children have been threatened or assaulted, you can request a Protective Order from the County Attorney.
- Always keep your protective order with you. Call the police if your abuser violates the Protective Order.
- Give copies of the order to family members, friends, schools and neighbors.

Case No.: _____

Applicant: Your name here.
You are the Applicant. § In the _____ Court
 §
 §
 §

Respondent: Name of person you want protection from.
This is the Respondent. _____ County, Texas

The clerk fills out this part

Application for Protective Order

1 Parties

Applicant: Name: Your name here County of Residence: _____
 Respondent: Name of person you want protection from _____ County where each person lives
 Respondent's address for service: Best address to give the other person a copy of this form

Check all that apply:

- The Applicant and Respondent are or were members of the same family or household.
- The Applicant and Respondent are parents of the same child or children.
- The Applicant and Respondent used to be married.
- The Applicant and Respondent are or were dating.
- The Applicant is an adult asking for protection for the Children named below from child abuse and/or family or dating violence.

2 Children: The Applicant is asking for protection for these Children under age 18:

| Name: | Is Respondent the biological parent? | County of Residence: |
|--|--|---------------------------------------|
| a. _____ | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____ |
| b. <u>Names of children needing protection</u> | <input type="checkbox"/> Yes <input type="checkbox"/> No | <u>County where each person lives</u> |
| c. _____ | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____ |
| d. _____ | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____ |

Check all that apply:

- Other children are listed on a sheet attached to this Application.
- The Children are or were members of the Applicant's family or household.
- The Children are the subject of a court order affecting access to them or their support.

3 Other Adults: The Applicant is asking for protection for these Adults, who are or were members of the Applicant's family or household:

| Name: | County of Residence: |
|--|---------------------------------------|
| a. <u>Names of other adults needing protection</u> | <u>County where each person lives</u> |
| b. _____ | _____ |

4 Other Court Cases: Are there other court cases, like divorce, custody, support, involving the Applicant, Respondent, or the Children? Yes No

If "Yes," say what kind of case and if the case is active or completed.

If "completed," (check one): A copy of the final order is attached.
 A copy of the final order will be filed before the hearing on this Application.

5 Grounds: Why is the Applicant asking for this Protective Order? Read and check one or both

- The Respondent committed family violence and is likely to commit one or both in the future.
- The Respondent violated a prior Protective Order that expired, or will expire in 30 days or less. A copy of the Order is (check one): Attached, or Not available now but will be filed before the hearing on this Application.

The Applicant requests a Protective Order and asks the Check all the orders you want the judge to make with a check

6 Orders to Prevent Family Violence

The Applicant asks the Court to order the Respondent to *(Check all that apply):*

- a. Not commit family violence against any person named on page 1 of this form.
- b. Not communicate in a threatening or harassing manner with any person named on page 1 of this form.
- c. Not communicate a threat through any person to any person named on page 1 of this form.
- d. Not communicate or attempt to communicate in any manner with *(Check all that apply):*
 Applicant Children Other Adults named on page 1 of this form.
The Respondent may communicate through: _____ or other person the Court appoints.
Good cause exists for prohibiting the Respondent's direct communications.
- e. Not go within 200 yards of the *(Check all that apply):*
 Applicant Children Other Adults named on page 1 of this form.
- f. Not go within 200 yards of the residence, workplace or school of the *(Check all that apply):*
 Applicant Other Adults named on page 1 of this form.
- g. Not go within 200 yards of the Children's residence, child-care facility, or school, except as specifically authorized in a possession schedule entered by the Court.
- h. Not stalk, follow or engage in conduct directed specifically to anyone named on page 1 of this form that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass them.

The Applicant also asks the Court to make these Orders *(Check all that apply):*

- i. Suspend any license to carry a concealed handgun issued to the Respondent under state law.
- j. Require the Respondent to complete a battering intervention and prevention program; or if no such program is available, counseling with a social worker, family service agency, physician, psychologist, licensed therapist, or licensed professional counselor; and pay all costs for the counseling or treatment ordered.
- k. Require the Respondent to follow these provisions to prevent or reduce the likelihood of family violence.

The law requires a trial court issuing a protective order to prohibit the Respondent from possessing a firearm or ammunition, unless the Respondent is a peace officer actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.

7 Property Orders

The Residence located at: Your home address here, unless you want it to be confidential.

- (Check one):*
- is jointly owned or leased by the Applicant and Respondent,
 - is solely owned or leased by the Applicant; or
 - is solely owned or leased by the Respondent; and the Respondent is obligated to support the Applicant or a child in the Applicant's possession.

The Applicant also asks the Court to make these orders *(Check all that apply):*

- The Applicant to have exclusive use of the Residence identified above, and the Respondent must vacate the Residence.
- The sheriff, constable, or chief of police shall provide a law enforcement officer to accompany the Applicant to the Residence, to inform the Respondent that the Court has ordered the Respondent excluded from the Residence, to provide protection while the Applicant takes possession of the Residence and the Respondent removes any necessary personal property, and, if the Respondent refuses to vacate the Residence, to remove the Respondent from the Residence and arrest the Respondent for violating the Court's Order.
- The Applicant to have exclusive use of _____ and Respondent jointly own or lease: List the property you want to use or control, like a car or furniture, even if the other person owns it with you.
- The Respondent must not damage, transfer, encumber, or otherwise dispose of any property jointly owned or leased by the parties, except in the ordinary course of business or for reasonable and necessary living expenses, including, but not limited to, removing or disabling any vehicle owned or possessed by the Applicant or jointly owned or possessed by the parties (whether so titled or not).

8 Spousal Support Order

The Applicant asks the Court to order the Respondent or otherwise legally entitled to support from the Respondent and asks the Court to order the Respondent to pay child support in an amount set by the Court.
Check here if you want spousal support.

9 Orders Related to Removal, Possession and Support of Children

The Applicant asks the Court to order the Respondent to pay child support for the Applicant's children: _____

Check here and fill out this section if you want the judge to make orders about who the children can stay with, restrictions on travel, and child support. _____
_____ interest of the people named on page 1 of this form.

- Check all _____
- The Respondent must not remove the children from the Applicant's possession or from their child-care facility or school, except as specifically authorized in a possession schedule entered by the Court.
- The Respondent must not remove the children from the jurisdiction of the Court.
- Establish or modify a schedule for the Respondent's possession of the Children, subject to any terms and conditions necessary for the safety of the Applicant or the Children.
- Require the Respondent to pay child support in an amount set by the Court.

10 Temporary Ex Parte Protective Order

Based on the information in the attached Affidavit, there is a clear and present danger of family violence that will cause the Applicant, Children or Other Adults named on page 1 of this form immediate and irreparable injury, loss and damage, for which there is no adequate remedy at law. Applicant asks the Court to issue a Temporary Ex Parte Protective Order immediately without bond, notice or hearing.

11 Ex Parte Order: Vacate Residence Immediately

The Applicant now lives with the Respondent at: Your home address here or has resided at this address _____ prior to filing this Application. The Respondent committed family violence against the Applicant _____ days prior to the filing of this Application, as described in the attached Affidavit.

Check here if you want the judge to order the other person to move out. _____ danger that the Respondent is likely to commit family violence against a member of the Applicant's household. The Applicant is available for a hearing but asks the Court to issue a Temporary Ex Parte Protective Order immediately without bond, notice or hearing:

- Granting the Applicant exclusive use and possession of the Residence and ordering the Respondent to vacate the Residence immediately, and remain at least 200 yards away from the Residence pending further Order of the Court; and
- Directing the sheriff, constable, or chief of police to provide a law enforcement officer to accompany the Applicant to the Residence, to inform the Respondent that the Court has ordered the Respondent to vacate the Residence, and to provide protection while the Applicant either takes possession of the Residence or removes necessary personal property.

12 Keep Information Confidential

Check here if you want to keep addresses and telephone numbers for residences, workplaces, schools, and your contact information private.

13 Fees And Costs

The Applicant asks the Court to order the Respondent to pay fees for service of process, all other fees and costs of Court, and reasonable attorneys' fees, if applicable.

I have read the entire Application and it is true and correct to the best of my knowledge.

▶ Sign Here

Applicant, *Pro se*

Address where Applicant may be contacted: _____
Phone # where Applicant may be contacted: _____
List your address/phone or another address/phone if you want yours kept confidential.
(List another address/phone if you want yours kept confidential.)

Affidavit

County of _____
State of Texas

Write the name of
your county here

My name is _____
Your name here. I am _____ years old and otherwise competent
to make this Affidavit. The information and events described in this Affidavit are true and correct.

1 Describe the most recent time the Respondent hurt you or threatened to hurt you:

Answer every question on this form.

2 What date did this happen? _____
If it happened in the last 30 days, the judge
can order the Respondent to move out.

3 Was a weapon involved? Yes No

4 Were any children there? Yes No If yes, who? _____

5 Did you call the police? Yes No If yes, what happened? _____

6 Did you get medical care? Yes No If yes, describe your injuries: _____

7 Has the Respondent ever threatened or hurt you **before**? Describe below, including date(s).

8 Were weapons ever involved? Yes No If yes, what kind? _____

9 Were any children there? Yes No If yes, who? _____

10 Have the police ever been called? Yes No

11 Did you ever have to get medical care? Yes No If yes, describe your injuries: _____

▶ Do NOT sign until the notary tells you to.
Applicant signs here

On ____ / ____ / ____ the Applicant _____ personally appeared before
me, the undersigned _____, the Applicant stated that she/he is qualified to make this oath,
that she/he has _____
Notary fills out this part. _____ and Affidavit, that she/he has personal knowledge of the facts
asserted, and the facts asserted are true to the best of her/his knowledge and belief.

Subscribed and sworn to before me on ____ / ____ / ____.

▶ _____
Notary Public in and for the State of Texas

My Commission expires: _____

Case No.: _____

Applicant: _____ § In the _____ Court
v. §
§
§
§
Respondent: _____ § _____ County, Texas

Application for Protective Order

1 Parties

Name: _____ County of Residence: _____

Applicant: _____
Respondent: _____

Respondent's address for service: _____

Check all that apply:

- The Applicant and Respondent are or were members of the same family or household.
- The Applicant and Respondent are parents of the same child or children.
- The Applicant and Respondent used to be married.
- The Applicant and Respondent are or were dating.
- The Applicant is an adult asking for protection for the Children named below from child abuse and/or family or dating violence.

2 Children: The Applicant is asking for protection for these Children under age 18:

Name: _____ Is Respondent the biological parent? _____ County of Residence: _____

- a. _____ Yes No _____
- b. _____ Yes No _____
- c. _____ Yes No _____
- d. _____ Yes No _____

Check all that apply:

- Other children are listed on a sheet attached to this Application.
- The Children are or were members of the Applicant's family or household.
- The Children are the subject of a court order affecting access to them or their support.

3 Other Adults: The Applicant is asking for protection for these Adults, who are or were members of the Applicant's family or household:

Name: _____ County of Residence: _____

- a. _____
- b. _____

4 Other Court Cases: Are there other court cases, like divorce, custody, support, involving the Applicant, Respondent, or the Children? Yes No

If "Yes," say what kind of case and if the case is active or completed.

- If "completed," (check one): A copy of the final order is attached.
 A copy of the final order will be filed before the hearing on this Application.

5 Grounds: Why is the Applicant asking for this Protective Order? Check one or both:

- The Respondent committed family violence and is likely to commit family violence in the future.
- The Respondent violated a prior Protective Order that expired, or will expire in 30 days or less. A copy of the Order is (check one): Attached, or Not available now but will be filed before the hearing on this Application.

The Applicant requests a Protective Order and asks the Court to make all Orders marked with a check

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The Applicant asks the Court to order the Respondent to *(Check all that apply)*:

- a. Not commit family violence against any person named on page 1 of this form.
- b. Not communicate in a threatening or harassing manner with any person named on page 1 of this form.
- c. Not communicate a threat through any person to any person named on page 1 of this form.
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 Applicant Children Other Adults named on page 1 of this form.
The Respondent may communicate through: _____ or other person the Court appoints.
Good cause exists for prohibiting the Respondent's direct communications.
- e. Not go within 200 yards of the *(Check all that apply)*:
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- f. Not go within 200 yards of the residence, workplace or school of the *(Check all that apply)*:
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- g. Not go within 200 yards of the Children's residence, child-care facility, or school, except as specifically authorized in a possession schedule entered by the Court.
- h. Not stalk, follow or engage in conduct directed specifically to anyone named on page 1 of this form that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass them.

The Applicant also asks the Court to make these Orders *(Check all that apply)*:

- i. Suspend any license to carry a concealed handgun issued to the Respondent under state law.
- j. Require the Respondent to complete a battering intervention and prevention program; or if no such program is available, counseling with a social worker, family service agency, physician, psychologist, licensed therapist, or licensed professional counselor; and pay all costs for the counseling or treatment ordered.
- k. Require the Respondent to follow these provisions to prevent or reduce the likelihood of family violence.

The law requires a trial court issuing a protective order to prohibit the Respondent from possessing a firearm or ammunition, unless the Respondent is a peace officer actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.

7 Property Orders

The Residence located at: _____

- (Check one)*: is jointly owned or leased by the Applicant and Respondent;
 is solely owned or leased by the Applicant; or
 is solely owned or leased by the Respondent; and the Respondent is obligated to support the Applicant or a child in the Applicant's possession.

The Applicant also asks the Court to make these orders *(Check all that apply)*:

- The Applicant to have exclusive use of the Residence identified above, and the Respondent must vacate the Residence.
- The sheriff, constable, or chief of police shall provide a law enforcement officer to accompany the Applicant to the Residence, to inform the Respondent that the Court has ordered the Respondent excluded from the Residence, to provide protection while the Applicant takes possession of the Residence and the Respondent removes any necessary personal property, and, if the Respondent refuses to vacate the Residence, to remove the Respondent from the Residence and arrest the Respondent for violating the Court's Order.
- The Applicant to have exclusive use of the following property that the Applicant and Respondent jointly own or lease: _____
- The Respondent must not damage, transfer, encumber, or otherwise dispose of any property jointly owned or leased by the parties, except in the ordinary course of business or for reasonable and necessary living expenses, including, but not limited to, removing or disabling any vehicle owned or possessed by the Applicant or jointly owned or possessed by the parties (whether so titled or not).



8 Spousal Support Order

The Applicant is married to the Respondent or otherwise legally entitled to support from the Respondent and asks the Court to order the Respondent to pay support in an amount set by the Court.

9 Orders Related to Removal, Possession and Support of Children

The Respondent is a parent of the following of the Applicant's children: _____

And, the Applicant asks for these Orders in the best interest of the people named on page 1 of this form.

Check all that apply:

- The Respondent must not remove the children from the Applicant's possession or from their child-care facility or school, except as specifically authorized in a possession schedule entered by the Court.
- The Respondent must not remove the children from the jurisdiction of the Court.
- Establish or modify a schedule for the Respondent's possession of the Children, subject to any terms and conditions necessary for the safety of the Applicant or the Children.
- Require the Respondent to pay child support in an amount set by the Court.

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Based on the information in the attached Affidavit, there is a clear and present danger of family violence that will cause the Applicant, Children or Other Adults named on page 1 of this form immediate and irreparable injury, loss and damage, for which there is no adequate remedy at law. Applicant asks the Court to issue a Temporary Ex Parte Protective Order immediately without bond, notice or hearing.

11 Ex Parte Order: Vacate Residence Immediately

The Applicant now lives with the Respondent at: _____ or has resided at this Residence within the 30 days prior to filing this Application. The Respondent committed family violence against a member of the household within the 30 days prior to the filing of this Application, as described in the attached Affidavit. There is a clear and present danger that the Respondent is likely to commit family violence against a member of the household. The Applicant is available for a hearing but asks the Court to issue a Temporary Ex Parte Protective Order immediately without bond, notice or hearing:

- Granting the Applicant exclusive use and possession of the Residence and ordering the Respondent to vacate the Residence immediately, and remain at least 200 yards away from the Residence pending further Order of the Court; and
- Directing the sheriff, constable, or chief of police to provide a law enforcement officer to accompany the Applicant to the Residence, to inform the Respondent that the Court has ordered the Respondent to vacate the Residence, and to provide protection while the Applicant either takes possession of the Residence or removes necessary personal property.

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The Applicant asks the Court to keep addresses and telephone numbers for residences, workplaces, schools, and childcare facilities confidential.

13 Fees And Costs

The Applicant asks the Court to order the Respondent to pay fees for service of process, all other fees and costs of Court, and reasonable attorneys' fees, if applicable.

I have read the entire Application and it is true and correct to the best of my knowledge.



Applicant, *Pro se*

Address where Applicant may be contacted: _____

Phone # where Applicant may be contacted: _____ Fax #: _____

(List another address/phone if you want yours kept confidential)



Affidavit

County of _____
State of Texas

My name is _____. I am _____ years old and otherwise competent to make this Affidavit. The information and events described in this Affidavit are true and correct.

1 Describe the most recent time the Respondent hurt you or threatened to hurt you:

2 What date did this happen? ____ / ____ / ____

3 Was a weapon involved? Yes No If yes, what kind? _____

4 Were any children there? Yes No If yes, who? _____

5 Did you call the police? Yes No If yes, what happened? _____

6 Did you get medical care? Yes No If yes, describe your injuries: _____

7 Has the Respondent ever threatened or hurt you **before**? Describe below, including date(s).

8 Were weapons ever involved? Yes No If yes, what kind? _____

9 Were any children there? Yes No If yes, who? _____

10 Have the police ever been called? Yes No

11 Did you ever have to get medical care? Yes No If yes, describe your injuries: _____



Applicant signs here

On ____ / ____ / _____, the Applicant _____ personally appeared before me, the undersigned notary. After being sworn, the Applicant stated that she/he is qualified to make this oath, that she/he has read the foregoing Application and Affidavit, that she/he has personal knowledge of the facts asserted, and the facts asserted are true to the best of her/his knowledge and belief.

Subscribed and sworn to before me on ____ / ____ / _____.



Notary Public in and for the State of Texas

My Commission expires: _____

Case No.: _____

Applicant: _____ Court _____

Look at the top of your Application for Protective Order and copy the same information here.

v.

of

Respondent: _____ County, Texas

Temporary Ex Parte Protective Order

Go to the court hearing on: Date: _____ Time: _____ a.m.

The court fills out this part.

Court Address: _____

Findings: The Court finds from the sworn Affidavit attached to the *Application for Protective Order* filed in this case that there is a clear and present danger that the Respondent named below will commit acts of family violence that will cause the Applicant, Children and/or Other Adults named below immediate and irreparable injury, loss and damage, for which there is no adequate remedy at law. The Court, therefore, enters this *Temporary Ex Parte Protective Order* without further notice to the Respondent or hearing. No bond is required.

1 Respondent: The person named below must follow all Orders marked with a check

Name: _____ County of Residence: _____

Who do you want protection from?

What county does s/he live in?

2 Protected People: The following people are protected by the terms of this Protective Order:

Name:

County of Residence:

Applicant:

Your name here

Children:

Names of children you want to be protected by this order

County where each person lives

Other Adults:

Names of other adults needing protection

3 Temporary Orders — To prevent family violence, the Court orders the Respondent to obey all orders marked with a check.

The Respondent (person named in 1) must:

- a. Not commit an act against any person named in **2** above that causes or results in physical harm, bodily injury, assault, or sexual assault or that is a threat to the safety of any person in fear of imminent physical harm, bodily injury, or assault.
- b. Not communicate in a threatening or harassing manner with any person named in **2** above.
- c. Not communicate a threat through any person to any person named in **2** above.

The Court fills out the rest of this form. The judge may ask you questions before making the orders.

Sample Only – Do Not File



- d. Not communicate or attempt to communicate in any manner with: *(Check all that apply)*
 Applicant Children Other Adults named in **2** above. The Respondent may communicate through: _____ or other person the Court appoints.
 Good cause exists for prohibiting the Respondent's direct communications.
- e. Not go within 200 yards of the: *(Check all that apply)*
 Applicant Children Other Adults named in **2** above. (except to go to court hearings)
- f. Not go within 200 yards of the Residence, workplace or school of the: *(Check all that apply)*
 Applicant Other Adults named in **2** above
 The addresses of the prohibited locations are: *(Check all that apply)*
 Deemed confidential. The Clerk is ordered to strike the information from all public court records and maintain a confidential record of the information for Court use only.
 Disclosed as follows:
 Applicant's Residence: _____
 Applicant's Workplace/School: _____
 Other: _____
- g. Not possess a firearm or ammunition, unless the Respondent is a peace officer actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.
- h. Not go within 200 yards of the Children's Residence, child-care facility, or school.
 The addresses of the prohibited locations are: *(Check all that apply)*
 Deemed confidential. The Clerk is ordered to strike the information from all public court records and maintain a confidential record of the information for Court use only.
 Disclosed as follows:
 Children's Residence: _____
 Children's Child-care/School: _____
 Other: _____
- i. Not stalk, follow or engage in conduct directed specifically toward the Applicant, Children, or Other Adults named in **2** above that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass them.
- j. Not remove the Children from their school, child-care facility, or the Applicant's possession.
- k. Not remove the Children from the jurisdiction of the Court.
- l. Not interfere with the Applicant's use of the Residence located at: _____, including, but not limited to, disconnecting utilities or telephone service or causing such services to be disconnected.
- m. Not interfere with the Applicant's use and possession of the following property:

- n. Not damage, transfer, encumber, or otherwise dispose of any property jointly owned or leased by the Applicant and Respondent, except in the ordinary course of business or for reasonable and necessary living expenses, including, but not limited to, removing or disabling any vehicle owned or possessed by the Applicant or jointly by the parties (whether so titled or not)

4 Order: Vacate Residence Immediately

The Court finds that the Residence located at: _____

(Check one):

- is jointly owned or leased by the Applicant and Respondent;
- is solely owned or leased by the Applicant; or
- is solely owned or leased by the Respondent; and the Respondent is obligated to support the Applicant or a child in the Applicant’s possession.

The Court further finds that the Applicant currently resides at the Residence, or has resided there within 30 days prior to the filing of the *Application for Protective Order* in this case, and that the Respondent has committed family violence against a member of the household within 30 days prior to the filing of the *Application for Protective Order* in this case. There is a clear and present danger that the Respondent is likely to commit family violence against a member of the household.

The Respondent is therefore ORDERED to vacate the Residence on or before: _____ a.m. p.m. on (date): _____ and to remain at least 200 yards away from the Residence until further order of the Court. The Applicant shall have exclusive use and possession of the Residence until further order of the Court.

IT IS FURTHER ORDERED that the sheriff, constable, or chief of police shall provide a law enforcement officer to accompany the Applicant to the Residence, to inform the Respondent that the Court has ordered the Respondent to vacate the Residence, and to provide protection while the Applicant takes possession of the Residence, and if the Respondent refuses to vacate the Residence, provide protection while the Applicant takes possession of the Applicant’s necessary personal property.

5 Go to the court hearing

IT IS FURTHER ORDERED that notice issue to the Respondent to appear, and the Respondent is ORDERED to appear in person before this Court at the time and place indicated on page 1 of this form.

The purpose of this hearing is to determine whether the Court should issue the Protective Orders and other relief requested in the *Application for Protective Order* filed in this case.

6 Duration of Order: This Order is effective immediately and shall continue in full force and effect until twenty (20) days from the date it is signed, or further order of the Court.

7 Warning: A person who violates this order may be punished for contempt of court by a fine of as much as \$500 or by confinement in jail for as long as six months, or both.

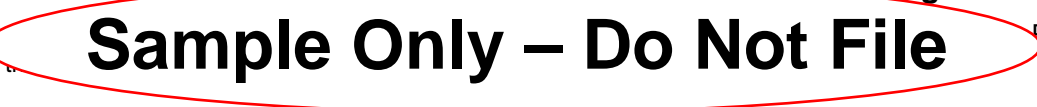
No person, including a person who is protected by this order, may give permission to anyone to ignore or violate any provision of this Order. During the time in which this Order is valid, every provision of this Order is in full force and effect unless a court changes the Order.

It is unlawful for any person, other than a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision, who is subject to a Protective Order to possess a firearm or ammunition.

This Ex Parte Order signed on (date): _____ Time: _____ a.m. p.m.

Judge Presiding: ► _____

This is a Court Order. No one, not even the Court, can change this Order.



Case No.: _____

Applicant: _____

In the _____ Court

v.

of

Respondent: _____

§
§
§
§
§
§

_____ County, Texas

Temporary Ex Parte Protective Order

Go to the court hearing on: Date: _____ Time: _____ a.m. p.m.

Court Address: _____

Findings: The Court finds from the sworn Affidavit attached to the *Application for Protective Order* filed in this case that there is a clear and present danger that the Respondent named below will commit acts of family violence that will cause the Applicant, Children and/or Other Adults named below immediate and irreparable injury, loss and damage, for which there is no adequate remedy at law. The Court, therefore, enters this *Temporary Ex Parte Protective Order* without further notice to the Respondent or hearing. No bond is required.

1 Respondent: The person named below must follow all Orders marked with a check.

Name: _____ County of Residence: _____

2 Protected People: The following people are protected by the terms of this Protective Order:

| | Name: | County of Residence: |
|---|-------|----------------------|
| <input type="checkbox"/> Applicant: | _____ | _____ |
| <input type="checkbox"/> Children: | _____ | _____ |
| | _____ | _____ |
| | _____ | _____ |
| <input type="checkbox"/> Other Adults: | _____ | _____ |
| | _____ | _____ |

3 Temporary Orders — To prevent family violence, the Court orders the Respondent to obey all orders marked with a check.

The Respondent (person named in 1) must:

- a. Not commit an act against any person named in **2** above that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places those people in fear of imminent physical harm, bodily injury, assault, or sexual assault.
- b. Not communicate in a threatening or harassing manner with any person named in **2** above.
- c. Not communicate a threat through any person to any person named in **2** above.

- d. Not communicate or attempt to communicate in any manner with: *(Check all that apply)*
 Applicant Children Other Adults named in **2** above. The Respondent may communicate through: _____ or other person the Court appoints.
 Good cause exists for prohibiting the Respondent's direct communications.
- e. Not go within 200 yards of the: *(Check all that apply)*
 Applicant Children Other Adults named in **2** above. (except to go to court hearings)
- f. Not go within 200 yards of the Residence, workplace or school of the: *(Check all that apply)*
 Applicant Other Adults named in **2** above
 The addresses of the prohibited locations are: *(Check all that apply)*
 Deemed confidential. The Clerk is ordered to strike the information from all public court records and maintain a confidential record of the information for Court use only.
 Disclosed as follows:
 Applicant's Residence: _____
 Applicant's Workplace/School: _____
 Other: _____
- g. Not possess a firearm or ammunition, unless the Respondent is a peace officer actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.
- h. Not go within 200 yards of the Children's Residence, child-care facility, or school.
 The addresses of the prohibited locations are: *(Check all that apply)*
 Deemed confidential. The Clerk is ordered to strike the information from all public court records and maintain a confidential record of the information for Court use only.
 Disclosed as follows:
 Children's Residence: _____
 Children's Child-care/School: _____
 Other: _____
- i. Not stalk, follow or engage in conduct directed specifically toward the Applicant, Children, or Other Adults named in **2** above that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass them.
- j. Not remove the Children from their school, child-care facility, or the Applicant's possession.
- k. Not remove the Children from the jurisdiction of the Court.
- l. Not interfere with the Applicant's use of the Residence located at: _____, including, but not limited to, disconnecting utilities or telephone service or causing such services to be disconnected.
- m. Not interfere with the Applicant's use and possession of the following property:

- n. Not damage, transfer, encumber, or otherwise dispose of any property jointly owned or leased by the Applicant and Respondent, except in the ordinary course of business or for reasonable and necessary living expenses, including, but not limited to, removing or disabling any vehicle owned or possessed by the Applicant or jointly by the parties (whether so titled or not).

4 Order: Vacate Residence Immediately

The Court finds that the Residence located at: _____

(Check one):

- is jointly owned or leased by the Applicant and Respondent;
- is solely owned or leased by the Applicant; or
- is solely owned or leased by the Respondent; and the Respondent is obligated to support the Applicant or a child in the Applicant’s possession.

The Court further finds that the Applicant currently resides at the Residence, or has resided there within 30 days prior to the filing of the *Application for Protective Order* in this case, and that the Respondent has committed family violence against a member of the household within 30 days prior to the filing of the *Application for Protective Order* in this case. There is a clear and present danger that the Respondent is likely to commit family violence against a member of the household.

The Respondent is therefore ORDERED to vacate the Residence on or before: _____ a.m. p.m. on (date): _____ and to remain at least 200 yards away from the Residence until further order of the Court. The Applicant shall have exclusive use and possession of the Residence until further order of the Court.

IT IS FURTHER ORDERED that the sheriff, constable, or chief of police shall provide a law enforcement officer to accompany the Applicant to the Residence, to inform the Respondent that the Court has ordered the Respondent to vacate the Residence, and to provide protection while the Applicant takes possession of the Residence, and if the Respondent refuses to vacate the Residence, provide protection while the Applicant takes possession of the Applicant’s necessary personal property.

5 Go to the court hearing

IT IS FURTHER ORDERED that notice issue to the Respondent to appear, and the Respondent is ORDERED to appear in person before this Court at the time and place indicated on page 1 of this form.

The purpose of this hearing is to determine whether the Court should issue the Protective Orders and other relief requested in the *Application for Protective Order* filed in this case.


6 Duration of Order: This Order is effective immediately and shall continue in full force and effect until twenty (20) days from the date it is signed, or further order of the Court.

7 Warning: A person who violates this order may be punished for contempt of court by a fine of as much as \$500 or by confinement in jail for as long as six months, or both.

No person, including a person who is protected by this order, may give permission to anyone to ignore or violate any provision of this Order. During the time in which this Order is valid, every provision of this Order is in full force and effect unless a court changes the Order.

It is unlawful for any person, other than a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision, who is subject to a Protective Order to possess a firearm or ammunition.

This Ex Parte Order signed on (date): _____ Time: _____ a.m. p.m.

Judge Presiding:  _____

This is a Court Order. No one – except the Court – can change this Order.

Case No.: _____

Applicant: _____ Court

v.

Look at the top of your Application for Protective Order and copy the same information here

of

Respondent: _____ § _____ County, Texas

Protective Order

Write the date and time of your hearing here.

A court hearing was held on: Date: _____ Time: _____

Findings: All legal requirements have been met, and the Court has jurisdiction over the parties and this case. This Order is in the best interests of the Protected Person(s) and is necessary to prevent future family violence.

- The Applicant and Respondent are spouses, former spouses, parents of the same child, live-in partners, or former live-in partners, and are thus "intimate partners" as defined by 18 U.S.C. § 921(a)(32).
- The parties have agreed to the terms of this Protective Order.

Statutory grounds for the Protective Order have been established. (Check one or both):

- The Respondent has committed family violence against the Applicant or Children named below and is likely to commit family violence in the future.
- The Respondent has violated a prior Protective Order that expired or will expire within 30 days.

1 Appearances: (Check any that apply):

Applicant Respondent

- Appeared in person and announced ready.
- Appeared in person and by attorney, _____, and announced ready.
- Appeared by signature below evidencing agreement to the entry of this Protective Order.
- Although duly cited, did not appear and wholly made default.

2 Protected People: The following people are protected by the terms of this Protective Order:

Name: _____ County of Residence: _____

- Applicant:** _____ Your name here _____
- Children:** _____ Names of children needing protection _____ County where each person lives _____
- Other Adults:** _____ Names of other adults needing protection _____

3 A Record of Testimony (Check one): was made by: _____ was waived by the parties.

4 Protective Orders — To prevent family violence, the Court orders the Respondent to obey all Orders marked with a check. **The Respondent must:**

- a. Not commit an act against any person named in 2 above that results in bodily injury, assault, or sexual assault or that is a threat of imminent physical harm, bodily injury, assault, or sexual assault.
- b. Not communicate in a threatening or harassing manner with any person named above.
- c. Not communicate with any person named above.

The Court fills out the rest of this form. The judge may ask you questions before making the orders.

- d. Not communicate or attempt to communicate in any manner with: *(Check all that apply)*
 Applicant Children Other Adults in **2** above (except through: _____)
 Good cause exists for prohibiting the Respondent's direct communications.
- e. Not go within 200 yards of the: *(Check all that apply)*
 Applicant Children Other Adults named in **2** above.
 (Except to go to court hearings or to exchange Children as authorized by a court order)
- f. Not go within 200 yards of the Residence, workplace or school of the: *(Check all that apply)*
 Applicant Other Adults named in **2** above.
 The addresses of the prohibited locations are: *(Check all that apply)*
 Deemed confidential. The clerk is ordered to strike the information from all public court records and maintain a confidential record of the information for Court use only.
 Disclosed as follows:
 Applicant's Residence: _____
 Applicant's Workplace/School: _____
 Other: _____
- g. Not go within 200 yards of the Children's Residence, child-care facility, or school, except as authorized by a court order. The addresses of the prohibited locations are: *(Check all that apply)*
 Deemed confidential. The clerk is ordered to strike the information from all public court records and maintain a confidential record of the information for Court use only.
 Disclosed as follows:
 Children's Residence: _____
 Children's Child-care/School: _____
 Other: _____
- h. Not stalk, follow or engage in conduct directed specifically to any person named in **2** above that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass them.
- i. Not possess a firearm or ammunition, unless the Respondent is a peace officer actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision. Any license to carry a concealed handgun issued to the Respondent is hereby **SUSPENDED**.

5 Family Violence Prevention Program

- The Respondent is ordered to enroll in, pay costs for, and enter the program checked below no later than ___ / ___ / ___, and to complete the program by ___ / ___ / ___. *(Check one):*
- The local Battering Intervention and Prevention Program that meets the guidelines adopted by the community justice assistance division of the Texas Department of Criminal Justice:

Or if no such Battering Intervention and Prevention Program is available, then:

- A counseling program recommended and conducted by the following social worker, family service agency, physician, psychologist, licensed therapist, or licensed professional counselor:

- The Respondent is ordered to comply with any recommendation or referral for additional or alternate counseling within seven (7) days of the recommendation, and ordered to complete any additional or alternate program recommended. The Respondent is ordered to sign a waiver for release of information upon enrollment so that participation in the program may be monitored by the Applicant and/or the Court.
- The Respondent must also follow these provisions to prevent family violence:

6 Property Orders

- The Court finds that the Residence located at: _____
(Check one):
- is jointly owned or leased by the Applicant and Respondent;
 - is solely owned or leased by the Applicant; or
 - is solely owned or leased by the Respondent; and the Respondent is obligated to support the Applicant or a child in the Applicant's possession.
- IT IS ORDERED that the Applicant shall have exclusive use of the Residence identified above, and the Respondent must vacate the Residence no later than: _____ a.m. p.m. on (date): _____.
- IT IS FURTHER ORDERED that the sheriff, constable, or chief of police shall provide a law enforcement officer to accompany the Applicant to the Residence, to inform the Respondent that the Court has ordered the Respondent to be excluded from the Residence, to provide protection while the Applicant takes possession of the Residence and the Respondent removes any necessary personal property, and, if the Respondent refuses to vacate the Residence, to remove the Respondent from the Residence and arrest the Respondent for violating the Court's Order.

7 Other Property Orders

- The Court finds that the Applicant and Respondent jointly own or lease the following Additional Property, and awards the Applicant the exclusive use of:
- _____
- _____

The Respondent must not damage, transfer, encumber, or otherwise dispose of the Additional Property identified above or any other property jointly owned or leased by the parties, except in the ordinary course of business or for reasonable and necessary living expenses, including, but not limited to, removing or disabling any vehicle owned or possessed by the Applicant or jointly by the parties (whether so titled or not).

8 Spousal Support Order

- IT IS ORDERED that the Respondent pay the Applicant support in the amount of \$ _____ per month, with the first payment due and payable on ___ / ___ / ___ and a like payment due and payable on the _____ day of each following month until further Order of this Court. IT IS ORDERED that all payments be sent to the Applicant at the address listed below and postmarked on or before the due date for each payment:
- _____

9 Orders Related to Removal, Possession and Support of Children

The Court finds that the Respondent is a parent of the Children. The Protective Order below is in the best interests of the Applicant, Children, and/or Other Adults named in **2** above.

- Removal** — Check one or both:
- The Respondent must:
- Not remove the Children from the Applicant's possession or from their child-care facility or school, except as specifically authorized in a possession schedule ordered by the Court.
 - Not remove the Children from the jurisdiction of the Court.
- Possession** — Check one:
- The Applicant is granted exclusive possession of the Children, and the Respondent shall have no possession or access to the Children, unless and until further Orders are entered by the Court. This Order supersedes any previous order granting the Respondent possession or access to the Children.
 - The Applicant is granted primary possession of the Children, and the Respondent may have possession of the Children pursuant to the possession schedule attached to this Protective Order as Exhibit A, subject to the terms and conditions stated herein as necessary for the safety of the Applicant and the Children. The possession schedule hereby ordered supersedes any previous order.

The possession schedule previously entered on ___ / ___ / ___, in case number _____, styled _____, shall continue to govern the Respondent's possession and access to the Children, except that no exchanges of the Children shall occur at a prohibited location described in this Protective Order.

Child Support — **Nothing in this Protective Order shall be construed as relieving the Respondent of any past or future obligation to pay child support as previously ordered.** — *Check one:*

The Respondent is ordered to pay child support to the Applicant in the amount of \$ _____ per month, with the first such payment due and payable on ___ / ___ / ___, and a like payment due and payable on the _____ day of each month thereafter for the term of this Protective Order or until further Order of the Court, whichever occurs first.

The Respondent is ordered to make all child support payments payable to the Applicant, and must mail all payments to:

Texas Child Support Disbursement Unit, P.O. Box 659791, San Antonio, TX 78265-9791

That agency will send the payment to the Applicant for the support of the Children. The Respondent must keep the child support registry informed of the Respondent's Residence and work addresses.

On this date, the Court signed an Income Withholding Order, ordering the employer and any subsequent employer of the Respondent to withhold court-ordered child support from the Respondent's earnings. **The existence of the Order for withholding from earnings for child support does not excuse the Respondent from personally making any child support payment herein, except to the extent the Respondent's employer actually makes the payment on behalf of the Respondent.**

The child support Order previously entered on ___ / ___ / ___, in case number _____, styled _____, shall continue to govern the Respondent's child support obligations with respect to the Children.

10 **Fees and Costs**

Within 60 days after this Order is signed, the Respondent must pay the Total Fees and Costs as follows:

Total to be paid: \$ _____

(This includes fees for service: \$ _____ + all other Court fees and costs: \$ _____)

Address where Respondent must pay the Clerk of the Court with cash, cashier's check, or money order:

11 **Attorney's Fees**

Within 60 days after this Order is signed, the Respondent must pay the attorney who helped enter this Protective Order the Attorney Fees listed below. Pay with cash, cashier's check, or money order.

Attorney Fees awarded by the Court: \$ _____

Attorney's name: _____

Attorney's address: _____

Attorney (name) _____ shall have and recover judgment against the Respondent (name) _____ for \$ _____, such judgment bearing interest at _____ percent per annum compounded annually from the date this judgment and Order is signed until paid, for which let execution issue if it is not paid.

12 **Service**

This Protective Order (Check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Was served on the Respondent in open court. | <input type="checkbox"/> Shall be delivered to the Respondent by certified mail, return receipt requested, or by fax, to the Respondent's last known address or fax number, or _____ |
| <input type="checkbox"/> Shall be personally served on the Respondent. | |
| <input type="checkbox"/> Shall be mailed by the Clerk of the Court to the Respondent's _____ | |

13 Copies Forwarded

The Clerk is ORDERED to forward copies of this Protective Order and accompanying Respondent Information Form to *(Check all that apply)*:

- Sheriff and Constable of _____ County, Texas
- Police Chief of the City of _____
- Children’s child-care facility/schools listed above.

Any law enforcement agency receiving a copy of this Protective Order MUST, within 10 days, enter all required information into the Department of Public Safety’s statewide law enforcement information system.

14 Duration of Order

This Protective Order is in full force and effect until *(date)* _____ (Texas law provides that the Protective Order may last for two years after the date it is signed.) If the Respondent is confined or imprisoned on the date this Protective Order is scheduled to expire, the Protective Order will expire one year after the date of the Respondent’s release.

Warning: A person who violates this Order may be punished for contempt of court by a fine of as much as \$500 or by confinement in jail for as long as six months, or both.

No person, including a person who is protected by this Order, may give permission to anyone to ignore or violate any provision of this Order. During the time in which this Order is valid, every provision of this Order is in full force and effect unless a court changes the Order.

It is unlawful for any person, other than a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision, who is subject to a Protective Order to possess a firearm or ammunition.

A violation of this Order by commission of an act prohibited by the Order may be punishable by a fine of as much as \$4,000 or by confinement in jail for as long as one year, or both. An act that results in family violence may be prosecuted as a separate misdemeanor or felony offense. If the act is prosecuted as a separate felony offense, it is punishable by confinement in prison for at least two years.

Possession of a firearm or ammunition while this Protective Order is in effect may subject respondent to federal criminal penalties. It is unlawful for any person who is subject to a Protective Order to knowingly purchase, rent, lease, or receive as a loan or gift from another, a handgun for the duration of this Order.

Interstate violation of this Protective Order may subject the Respondent to federal criminal penalties. This Protective Order is enforceable in all fifty states, the District of Columbia, tribal lands, and U.S. territories.


This Protective Order signed on *(date)*: _____ Time: _____ a.m. p.m.

Judge Presiding:  _____

This is a Court Order. No one – except the Court – can change this Order.


Agreed Order

By their signatures below, the Applicant and Respondent agree to the entry of the foregoing Protective Order and approve all terms stated in the Order:

 _____
Applicant

 _____
Respondent

Receipt Acknowledged – The Respondent hereby acknowledges receipt of a copy of this Protective Order.

 _____
Respondent

Case No.: _____

Applicant: _____ § In the _____ Court
v. §
§ of
§
Respondent: _____ § _____ County, Texas

Protective Order

A court hearing was held on: Date: _____ Time: _____ a.m. p.m.

Findings: All legal requirements have been met, and the Court has jurisdiction over the parties and this case. This Order is in the best interests of the Protected Person(s) and is necessary to prevent future family violence.

- The Applicant and Respondent are spouses, former spouses, parents of the same child, live-in partners, or former live-in partners, and are thus "intimate partners" as defined by 18 U.S.C. § 921(a)(32).
- The parties have agreed to the terms of this Protective Order.

Statutory grounds for the Protective Order have been established. (Check one or both):

- The Respondent has committed family violence against the Applicant or Children named below and is likely to commit family violence in the future.
- The Respondent has violated a prior Protective Order that expired or will expire within 30 days.

1 Appearances: (Check any that apply):

Applicant Respondent

- Appeared in person and announced ready.
- Appeared in person and by attorney, _____, and announced ready.
- Appeared by signature below evidencing agreement to the entry of this Protective Order.
- Although duly cited, did not appear and wholly made default.

2 Protected People: The following people are protected by the terms of this Protective Order:

| | | |
|---|-------|----------------------|
| | Name: | County of Residence: |
| <input type="checkbox"/> Applicant: | _____ | _____ |
| <input type="checkbox"/> Children: | _____ | _____ |
| | _____ | _____ |
| | _____ | _____ |
| <input type="checkbox"/> Other Adults: | _____ | _____ |

3 A Record of Testimony (Check one): was made by: _____ was waived by the parties.

4 Protective Orders — To prevent family violence, the Court orders the Respondent to obey all Orders marked with a check. **The Respondent must:**

- a. Not commit an act against any person named in **2** above that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places those people in fear of imminent physical harm, bodily injury, assault, or sexual assault.
- b. Not communicate in a threatening or harassing manner with any person named in **2** above.
- c. Not communicate a threat through any person to anyone named in **2** above.

- d. Not communicate or attempt to communicate in any manner with: *(Check all that apply)*
 Applicant Children Other Adults in **2** above (except through: _____)
 Good cause exists for prohibiting the Respondent's direct communications.
- e. Not go within 200 yards of the: *(Check all that apply)*
 Applicant Children Other Adults named in **2** above.
 (Except to go to court hearings or to exchange Children as authorized by a court order)
- f. Not go within 200 yards of the Residence, workplace or school of the: *(Check all that apply)*
 Applicant Other Adults named in **2** above.
 The addresses of the prohibited locations are: *(Check all that apply)*
 Deemed confidential. The clerk is ordered to strike the information from all public court records and maintain a confidential record of the information for Court use only.
 Disclosed as follows:
 Applicant's Residence: _____
 Applicant's Workplace/School: _____
 Other: _____
- g. Not go within 200 yards of the Children's Residence, child-care facility, or school, except as authorized by a court order. The addresses of the prohibited locations are: *(Check all that apply)*
 Deemed confidential. The clerk is ordered to strike the information from all public court records and maintain a confidential record of the information for Court use only.
 Disclosed as follows:
 Children's Residence: _____
 Children's Child-care/School: _____
 Other: _____
- h. Not stalk, follow or engage in conduct directed specifically to any person named in **2** above that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass them.
- i. Not possess a firearm or ammunition, unless the Respondent is a peace officer actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision. Any license to carry a concealed handgun issued to the Respondent is hereby **SUSPENDED**.

5 Family Violence Prevention Program

- The Respondent is ordered to enroll in, pay costs for, and enter the program checked below no later than ___ / ___ / ___, and to complete the program by ___ / ___ / ___. *(Check one):*
- The local Battering Intervention and Prevention Program that meets the guidelines adopted by the community justice assistance division of the Texas Department of Criminal Justice:

Or if no such Battering Intervention and Prevention Program is available, then:

- A counseling program recommended and conducted by the following social worker, family service agency, physician, psychologist, licensed therapist, or licensed professional counselor:

- The Respondent is ordered to comply with any recommendation or referral for additional or alternate counseling within seven (7) days of the recommendation, and ordered to complete any additional or alternate program recommended. The Respondent is ordered to sign a waiver for release of information upon enrollment so that participation in the program may be monitored by the Applicant and/or the Court.
- The Respondent must also follow these provisions to prevent family violence:

6 Property Orders

- The Court finds that the Residence located at: _____
(Check one):
- is jointly owned or leased by the Applicant and Respondent;
 - is solely owned or leased by the Applicant; or
 - is solely owned or leased by the Respondent; and the Respondent is obligated to support the Applicant or a child in the Applicant's possession.
- IT IS ORDERED that the Applicant shall have exclusive use of the Residence identified above, and the Respondent must vacate the Residence no later than: _____ a.m. p.m. on (date): _____.
- IT IS FURTHER ORDERED that the sheriff, constable, or chief of police shall provide a law enforcement officer to accompany the Applicant to the Residence, to inform the Respondent that the Court has ordered the Respondent to be excluded from the Residence, to provide protection while the Applicant takes possession of the Residence and the Respondent removes any necessary personal property, and, if the Respondent refuses to vacate the Residence, to remove the Respondent from the Residence and arrest the Respondent for violating the Court's Order.

7 Other Property Orders

- The Court finds that the Applicant and Respondent jointly own or lease the following Additional Property, and awards the Applicant the exclusive use of:
- _____
- _____

The Respondent must not damage, transfer, encumber, or otherwise dispose of the Additional Property identified above or any other property jointly owned or leased by the parties, except in the ordinary course of business or for reasonable and necessary living expenses, including, but not limited to, removing or disabling any vehicle owned or possessed by the Applicant or jointly by the parties (whether so titled or not).

8 Spousal Support Order

- IT IS ORDERED that the Respondent pay the Applicant support in the amount of \$ _____ per month, with the first payment due and payable on ___ / ___ / ___ and a like payment due and payable on the _____ day of each following month until further Order of this Court. IT IS ORDERED that all payments be sent to the Applicant at the address listed below and postmarked on or before the due date for each payment:
- _____

9 Orders Related to Removal, Possession and Support of Children

The Court finds that the Respondent is a parent of the Children. The Protective Order below is in the best interests of the Applicant, Children, and/or Other Adults named in **2** above.

- Removal** — Check one or both:
- The Respondent must:
- Not remove the Children from the Applicant's possession or from their child-care facility or school, except as specifically authorized in a possession schedule ordered by the Court.
 - Not remove the Children from the jurisdiction of the Court.
- Possession** — Check one:
- The Applicant is granted exclusive possession of the Children, and the Respondent shall have no possession or access to the Children, unless and until further Orders are entered by the Court. This Order supersedes any previous order granting the Respondent possession or access to the Children.
 - The Applicant is granted primary possession of the Children, and the Respondent may have possession of the Children pursuant to the possession schedule attached to this Protective Order as Exhibit A, subject to the terms and conditions stated herein as necessary for the safety of the Applicant and the Children. The possession schedule hereby ordered supersedes any previous order granting the Respondent possession and access to the Children.



The possession schedule previously entered on ___ / ___ / ___, in case number _____, styled _____, shall continue to govern the Respondent's possession and access to the Children, except that no exchanges of the Children shall occur at a prohibited location described in this Protective Order.

Child Support — Nothing in this Protective Order shall be construed as relieving the Respondent of any past or future obligation to pay child support as previously ordered. — Check one:

The Respondent is ordered to pay child support to the Applicant in the amount of \$ _____ per month, with the first such payment due and payable on ___ / ___ / ___, and a like payment due and payable on the _____ day of each month thereafter for the term of this Protective Order or until further Order of the Court, whichever occurs first.

The Respondent is ordered to make all child support payments payable to the Applicant, and must mail all payments to:

Texas Child Support Disbursement Unit, P.O. Box 659791, San Antonio, TX 78265-9791

That agency will send the payment to the Applicant for the support of the Children. The Respondent must keep the child support registry informed of the Respondent's Residence and work addresses.

On this date, the Court signed an Income Withholding Order, ordering the employer and any subsequent employer of the Respondent to withhold court-ordered child support from the Respondent's earnings. **The existence of the Order for withholding from earnings for child support does not excuse the Respondent from personally making any child support payment herein, except to the extent the Respondent's employer actually makes the payment on behalf of the Respondent.**

The child support Order previously entered on ___ / ___ / ___, in case number _____, styled _____, shall continue to govern the Respondent's child support obligations with respect to the Children.

10 Fees and Costs

Within 60 days after this Order is signed, the Respondent must pay the Total Fees and Costs as follows:

Total to be paid: \$ _____

(This includes fees for service: \$ _____ + all other Court fees and costs: \$ _____)

Address where Respondent must pay the Clerk of the Court with cash, cashier's check, or money order:

11 Attorney's Fees

Within 60 days after this Order is signed, the Respondent must pay the attorney who helped enter this Protective Order the Attorney Fees listed below. Pay with cash, cashier's check, or money order.

Attorney Fees awarded by the Court: \$ _____

Attorney's name: _____

Attorney's address: _____

Attorney (name) _____ shall have and recover judgment against the Respondent (name) _____ for \$ _____, such judgment bearing interest at _____ percent per annum compounded annually from the date this judgment and Order is signed until paid, for which let execution issue if it is not paid.

12 Service

This Protective Order (Check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Was served on the Respondent in open court. | <input type="checkbox"/> Shall be delivered to the Respondent by certified mail, return receipt requested, or by fax, to the Respondent's last known address or fax number, or in any other manner allowed by Tex. R. Civ. P. 21a. |
| <input type="checkbox"/> Shall be personally served on the Respondent. | |
| <input type="checkbox"/> Shall be mailed by the Clerk of the Court to the Respondent's last known address. | |



13 Copies Forwarded

The Clerk is ORDERED to forward copies of this Protective Order and accompanying Respondent Information Form to *(Check all that apply)*:

- Sheriff and Constable of _____ County, Texas
- Police Chief of the City of _____
- Children’s child-care facility/schools listed above.

Any law enforcement agency receiving a copy of this Protective Order MUST, within 10 days, enter all required information into the Department of Public Safety’s statewide law enforcement information system.

14 Duration of Order

This Protective Order is in full force and effect until *(date)* _____ (Texas law provides that the Protective Order may last for two years after the date it is signed.) If the Respondent is confined or imprisoned on the date this Protective Order is scheduled to expire, the Protective Order will expire one year after the date of the Respondent’s release.

Warning: A person who violates this Order may be punished for contempt of court by a fine of as much as \$500 or by confinement in jail for as long as six months, or both.

No person, including a person who is protected by this Order, may give permission to anyone to ignore or violate any provision of this Order. During the time in which this Order is valid, every provision of this Order is in full force and effect unless a court changes the Order.

It is unlawful for any person, other than a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision, who is subject to a Protective Order to possess a firearm or ammunition.

A violation of this Order by commission of an act prohibited by the Order may be punishable by a fine of as much as \$4,000 or by confinement in jail for as long as one year, or both. An act that results in family violence may be prosecuted as a separate misdemeanor or felony offense. If the act is prosecuted as a separate felony offense, it is punishable by confinement in prison for at least two years.

Possession of a firearm or ammunition while this Protective Order is in effect may subject respondent to federal criminal penalties. It is unlawful for any person who is subject to a Protective Order to knowingly purchase, rent, lease, or receive as a loan or gift from another, a handgun for the duration of this Order.

Interstate violation of this Protective Order may subject the Respondent to federal criminal penalties. This Protective Order is enforceable in all fifty states, the District of Columbia, tribal lands, and U.S. territories.

This Protective Order signed on *(date)*: _____ Time: _____ a.m. p.m.

Judge Presiding:  _____

This is a Court Order. No one – except the Court – can change this Order.


Agreed Order

By their signatures below, the Applicant and Respondent agree to the entry of the foregoing Protective Order and approve all terms stated in the Order:

 _____
Applicant

 _____
Respondent

Receipt Acknowledged – The Respondent hereby acknowledges receipt of a copy of this Protective Order.

 _____
Respondent

Respondent Information

Fill out this form then file it with the clerk. Law enforcement needs this information to serve the Respondent and enter it into the state database for protective orders.

Respondent's Name: _____

Alias (Nickname): _____

Respondent's relationship to Applicant: _____

Respondent lives in: _____ County

Street: _____ City: _____ State: _____ Zip: _____

Sex M F **DoB** ____/____/____ **DL #** _____

Height ____ ft ____ in **Place of birth** _____ **Other ID#** _____

Weight ____ lbs **SS #** _____ **State** ____ **Expires** _____

Race

- American Indian or Alaskan Native (I)
- Asian Pacific Islander (A)
- Black (B)
- White (W)
- Unknown (All other non-whites) (U)

Other: _____

Eye color

- Black (BLK)
- Blue (BLU)
- Brown (BRO)
- Gray (GRY)
- Green (GRN)
- Hazel (HAZ)
- Maroon (MAR)
- Pink (PNK)
- Multicolored (MUL)
- Unknown (XXX)

Other: _____

Hair color

- Black (BLK)
- Blond or Strawberry (BLN)
- Brown (BRO)
- Gray or partially gray (GRY)
- Red or Auburn (RED)
- White (WHI)
- Sandy (SDY)
- Completely Bald or Unknown (XXX)

Other (style/length): _____

Skin

- Albino (ALB)
- Black (BLK)
- Dark (DRK)
- Dark Brown (DBR)
- Fair (FAR)
- Light (LGT)
- Light Brown (LBR)
- Medium (MED)
- Medium Brown (MBR)
- Olive (OLV)
- Ruddy (RUD)
- Sallow (SAL)
- Yellow (YEL)
- Unknown (XXX)

Other: _____

Ethnicity

- Hispanic (H)
- Non-Hispanic (N)
- Unknown (U)

You do not have to fill out the rest of this form. But, it may help law enforcement serve the Respondent.

Other Identifying Information *Check all that apply*

- Glasses
- Beard
- Moustache
- Missing front teeth
- Bald
- Unusual markings on body (*describe*) _____
- Tattoos _____
- Scars _____
- Markings _____
- Piercings _____
- Mental Problems _____
- Drug/Alcohol Problems _____
- Weapons _____

Respondent works at (name of business): _____

Street: _____ City: _____ State: _____ Zip: _____

Phone: _____ Hours/Dept: _____ Supervisor: _____

Respondent's Vehicle: VIN _____ Color: _____ Year: _____ Make/Model: _____

License Plate # _____ State: _____ Exp. _____

Respondent's Attorney (Name): _____

Phone: _____ Address: _____

Other contacts who may have information to help find Respondent:

Name: _____ **Phone:** _____

Address: _____ **Relationship:** _____

Other Information: _____

Name: _____ **Phone:** _____

Address: _____ **Relationship:** _____

Other Information: _____