

**Supreme Court of Texas
Protective Order Task Force**

PO Box 12487
Austin, TX 78711-2487
(512) 427-1855
(512) 427-4160 (fax)

FILED
IN SUPREME COURT
OF TEXAS

MAR 26 2012

BLAKE HAWTHORNE, Clerk
By _____ Deputy

March 26, 2012

Stewart W.
Gagnon
Chair

Tracy Grinstead-
Everly

Rhonda Gerson

Sue Hall

Justice Nathan
Hecht

Jeana Lungwitz

Amy Wright

The Supreme Court of Texas
Attn: Mr. Blake Hawthorne
Supreme Court Building
201 West 14th Street, Room 104
Austin, Texas 78701

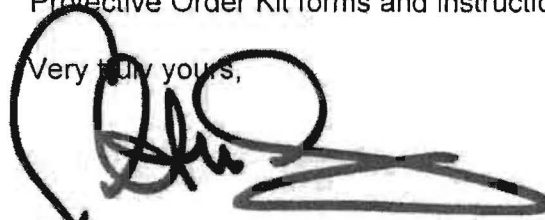
Re: Second Supplemental Report to the Supreme Court of Texas,
Misc. Docket No. 03-9146

Dear Justices of the Supreme Court of Texas:

This Second Supplemental Report contains edits made to the revised Protective Order Kit filed with the Court on January 31, 2012, and Supplemental Report filed on February 17, 2012. The Protective Order Kit was originally promulgated by the Court in 2005. Misc. Docket No. 05-9059, and was updated by the Supreme Court Protective Order Task Force to comport with new law created by legislative changes made during the 82nd Texas Legislative Session.

Please find the Second Supplemental Report for revisions to the 2005 Protective Order Kit forms and instructions for your review.

Very truly yours,



Stewart W. Gagnon
Chair

Attachments

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. Violence can include sexual assault.

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 pets, 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 are afraid that person may hurt you again, **and**
- Either you, or your spouse or dating partner has a close relationship with the person who hurt you (a close relationship includes: marriage, close relatives, dating or living together, or having a child together).

You can also get a Protective Order if you have had a Protective Order against the other person before and the other person violated the parts of the Protective Order designed to protect you.

You can also get a Protective Order if you have been sexually assaulted or stalked, even if you do not have a close relationship with the person who sexually assaulted or stalked you. To get more information about this kind of Protective Order, contact the Texas Advocacy Project, Inc. at 800/374-HOPE or the Texas Association Against Sexual Assault at 512/474-7190.

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 and Declaration
- 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. The judge can also make an order to protect pets.

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". Please note: if you do not receive a court document entitled "Temporary Ex Parte Protective Order" that is signed by the judge after you apply, you do NOT have a protective order yet. You must go to a hearing and ask the judge for a 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 (*give*) the other person a copy of your application for a protective order. Please note: when the other person receives your application for a Protective Order, they will also receive a copy of your signed Declaration. Also, if the other person is in the military, a copy of the application for protective order and Declaration will be sent to the officials on base.

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

How long will the Protective Order be in place?

In most cases, a Protective Order will last up to two years. There are some situations where a court can issue a Protective Order that lasts longer than two years.

Need help?

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

800-374-HOPE (4673) 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.
- If you had a Protective Order in the past bring a copy of it.
- 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. Proof of Service is a document that shows when and where the other person was given a copy of the Application for Protective Order and Declaration.

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. Ask the court clerk if you qualify for any free interpretation services.

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 (4673)**

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 (7233)**

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.

Make sure copies of your order are sent to your children's daycare, babysitter, school, and to the other person's military superior, if they have one. 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 (4673)**

Or go to:

www.texaslawhelp.org/protectiveorderkit

Make A Safety Plan

A safety plan can help keep you and your children safe. Ask a domestic violence counselor to help you with your plan.

During an Attack

When an attack starts, try to escape. Leave your home and take your children, *no matter what time it is!*

- Go to a friend's house or to a domestic violence shelter. Call 1-800-799-SAFE (7233) to find a shelter near you.
- Defend and protect yourself. Later, take photos of your injuries.
- Call for help. Scream as loud and as long as you can.
- Stay close to a door or window so you can get out if you need to.
- Stay away from the bathroom, kitchen, and weapons.

Be Ready to Leave

Leaving is the most dangerous time. Thinking about your safety plan before you leave will help you when the time comes.

- Practice your escape. Know which doors, windows, elevator, or stairs are best. Practice with your children if they are old enough.
- Have a safe place to go in an emergency. Memorize their phone number.
- Keep a cell phone or calling card with you always so you can call in an emergency.
- Ask a neighbor and a co-worker to call the police if they see or hear abuse.
- Get rid of guns and weapons in your house.
- Teach your children how to dial 911 to get help in an emergency.
- Have a safety plan for your children when you can't be with them. Teach them the plan.
- Have a "code word" to use with your children, family, friends, and neighbors. Ask them to call the police when you say that word.
- Keep a bag ready with clothes and extra keys for your house and car. Hide it in a place you can get to quickly. Or leave it at a friend's house.
- Get your own post office box so you can safely get checks and mail.
- Open your own checking or savings account and try to get a credit card in your name

- Put important things in a safe place where you can get them easily, such as your:
 - o Medicines
 - o Driver's license, ID, social security card
 - o Cash, check book, credit cards
 - o Legal papers, important phone numbers.
- Make plans for your pets if you have them.
- Review your safety plan a lot and make changes to it if you need to.

Be Safe With Technology

- Get a new email address.
- Change your passwords and PIN numbers often.
- Search your name on the internet to see if your phone numbers or address are listed.
- If you have an online page, "de-friend" your partner or make a new page.
- Use a computer that your partner doesn't know about like at a library or friend's house.
- Get a cell phone that your partner doesn't know about. Call the domestic violence shelter and ask them if they can give you a donated cell phone. Call 1-800-799-SAFE (7233).
- Save emergency phone numbers with a made up name in your cell phone. For example, you can name the domestic violence shelter in your cell as "Angie."

Be Safe When You Live on Your Own

- Change the locks on your doors as soon as you can.
- Put locks on all your doors and windows.
- Ask your phone company for an unlisted number. Sometimes this is free. Don't call your partner from your phone. Screen all your calls.
- If you move, don't tell your partner where you live.
- Give your children's school or daycare a list of who is allowed to pick up your children.
- Tell your neighbors and landlord that your partner no longer lives with you.
- Ask them to call the police if they see your partner near your home.
- Take care of yourself by asking for what you need and going to a support group.
- If you have to see your partner, meet in a public place and bring someone with you.

- If you are thinking about going back to your partner, talk to someone you trust first.
- Be safe at work by asking your co-workers to call the police if they see your partner at your job. Bring a picture of your partner to work.
- Take a different way home and to work. Go to different stores and places. Change your routine.
- If you drive, park where there is a lot of light.
- Have someone walk with you to your car or to the bus stop.

Be Safe With a Protective Order

- Always keep your Protective Order with you and call the police if your partner violates it.
- Give copies of your protective order to your family, friends, neighbors, school, and daycare.

Important Phone Numbers

Police and Emergencies 911

National Domestic Violence (DV) Hotline
1-800-799-SAFE (7233)
1-800-787-3224 (TTY) for the Deaf

Texas Council on Family Violence
1-800-525-1978

First Call for Help
1-800-HELP-5555 (1-800-4357-5555)

Child and Elderly Abuse/Neglect
1-800-252-5400

Rape Abuse & Incest National Network
1-800-656-HOPE (4673)

Texas Advocacy Project—Legal Line
1-800-374-HOPE (4673)

Lawyer Referral Service
1-877-9TEXASBAR or 1-800-252-9690

Child Support Office
1-800-252-8014

Crime Victim's Compensation
1-800-983-9933

Important Things to Take With You

Identification—

- Driver's License
- Birth Certificate
- Social Security Card
- Children's Birth Certificate and Social Security Cards

Financial—

- Money and credit cards in your name
- Checking and savings account numbers

Legal Papers—

- Protective Order
- Lease or house papers
- Car registration and insurance
- Health and life insurance papers
- Medical records for you and your children
- School records
- Work permits/Green Cards/Visa
- Passport
- Divorce and custody papers
- Marriage license
- Mortgage and loan payment books and account numbers

Other—

- Medications
- House and car keys
- Valuable jewelry
- Address book
- Pictures
- Clothes for you and your children
- Diapers and formula
- Pets

**Keep these papers in a safe place
where your partner can't find them!**

Cause No.: _____

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

The clerk fills out this part

Your name here.
 You are the Applicant.

Name of person you want protection from.
 This is the Respondent.

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.
- The Applicant is dating or married to a person who was married to or dating the Respondent.

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, or are in a dating or marriage relationship with the Applicant.

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 60 days or less. A copy of the Order is (check one): Attached, or Attached to this Application

The Applicant requests a PROTECTIVE ORDER and as follows: **Orders marked with a check**

Check all the orders you want the judge to make

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. Prohibit the Respondent from harming, threatening, or interfering with the care, custody, or control of the following pet, companion animal or assistance animal: _____ (describe the animal).
- l. 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

Your home address here, unless you want it to be confidential.

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:

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**

Check here if you want spousal support. 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 has removed or intends to remove 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.

And, the Applicant asks the Court to order the Respondent to pay support 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.

10 **Temporary Ex Parte Protective Order**

Based on the information in the attached Declaration, 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**

Check here if you want the judge to order the other person to move out. The Respondent committed 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.

12 **Keep Information Confidential**

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

Sign Here

Applicant, Pro se

Address where Applicant may be contacted: _____

List your address/phone or another address/phone if you want yours kept confidential.

Phone # where Applicant may be contacted: _____

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

Sample Only — Do Not File

Declaration

My name is Your name here. My date of birth is _____. My address is Your address here (leave out if you are requesting that your address be kept confidential). I declare under penalty of perjury that the following is true and correct.

Executed in Write the name of your county here County, State of _____ on _____ (date).

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

_____ If it happened in the last 30 days, the judge can order the Respondent to move out. _____

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: _____

12 Has the Defendant ever been convicted of family violence? Yes No If yes, list when and in which county and state the convictions occurred: _____

▶ Sign Here
Applicant *Pro se*

Cause No.: _____

Applicant: _____ § In the _____ Court
 §
 v. § of
 §
 §
 §
 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.
- The Applicant is dating or married to a person who was married to or dating the Respondent.

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, or are in a dating or marriage relationship with the Applicant.

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

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. Prohibit the Respondent from harming, threatening, or interfering with the care, custody, or control of the following pet, companion animal or assistance animal: _____ (describe the animal).
- l. 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.

10 Temporary Ex Parte PROTECTIVE ORDER

Based on the information in the attached Declaration, 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 Declaration. 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.

12 Keep Information Confidential

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)

Declaration

My name is _____. My date of birth is _____. My address is _____ (leave out if you are requesting that your address be kept confidential). I declare under penalty of perjury that the following is true and correct.

Executed in _____ County, State of _____ on _____ (date).

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: _____

12 Has the Defendant ever been convicted of family violence? Yes No If yes, list when and in which county and state the convictions occurred: _____

▶ _____
Applicant *Pro se*

Cause No.: _____

Applicant: _____ § In the _____ Court

v.

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

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 Declaration 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.

What county does s/he live in?

Name: _____ Who do you want protection from? _____ County of Residence: _____

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

Name:

County of Residence:

Applicant: _____ Your name here _____

County where each person lives

Children: _____ Names of children you want to be protected by this order _____

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:

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

a. Not commit an act against any person named in 2 above that is intended to cause physical injury, assault, or sexual assault or that is a threat that reasonably places the person in fear of 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 harm, or interfere with the care, custody, or control of the following pet, companion animal, or assistance animal: _____ (describe the animal).

- m. 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.

- n. Not interfere with the Applicant's use and possession of the following property:

- o. 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.

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.

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.

Sample Only — Do Not File

Cause 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 Declaration 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:

Applicant: _____

Children: _____

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 harm, or interfere with the care, custody, or control of the following pet, companion animal, or assistance animal: _____ (describe the animal).

- m. 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.

- n. Not interfere with the Applicant's use and possession of the following property:

- o. 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.

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.

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.

IN THE _____ COURT
_____ COUNTY, TEXAS

Protective Order

Cause No. _____

Judge: _____

Applicant/Petitioner

Applicant/Petitioner Identifiers

Your name here

First Middle Last

Date of Birth of Applicant: _____

And/or on behalf of minor family member(s): (list name and DOB):

Other Protected Persons/DOB:

Names of children needing protection

Names of other adults needing protection

VS.

Respondent

Respondent Identifiers

Name of person you want protection from

First Last

SEX	RACE	DOB	HT	WT
EYES	HAIR	Fill out information describing the person you want protection from (last 3 #)		
DRIVERS LICENSE NO.		STATE	EXP DATE	
Distinguishing Features: For example: tattoos, piercings, scars, facial hair				

Relationship to Petitioner: _____

Respondent's Address

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

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Respondent has been provided an opportunity to be heard.

Write the actual date and time of the hearing

Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

That the above named Respondent be prohibited from committing further acts of abuse or threats of abuse.

That the above named Respondent be prohibited from any contact with the Applicant/Petitioner.

Additional terms of this order as set forth below.

The terms of this Order shall be effective until _____, 20_____, or as otherwise provided for in **Section 14 Duration** located on **page 6** of this Order.

WARNINGS TO RESPONDENT:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U. S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922(g)(8)).

Only the Court can change this order.

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); or the applicant is dating or married to a person who was married to or dating the Respondent.
- 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 _____ County where each person lives _____
- Children:** _____ Names of children needing protection _____
- 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 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 named 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 harm, threaten, or interfere with the care, custody or control of the following pet, companion animal or assistance animal: _____ *(describe the animal)*.
- j. 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 cause 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 cause 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):

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.
- The staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation to which Respondent is assigned.

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:

- _____ (this date must be no more than two years from the date this Order is signed.)
- _____ (duration) This date is more than two years from the date this Protective Order is signed.
 - The Court finds that the Respondent caused serious bodily injury to the Applicant or a member of Applicant’s family or household; or
 - The Respondent was the subject of two or more previous Protective Orders protecting the Applicant and both of those Protective Orders contained findings that Respondent has committed family violence and the Respondent is likely to commit family violence in the future.

If 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



DRAFT

IN THE _____ COURT
_____ COUNTY, TEXAS

Protective Order

Cause No. _____

Judge: _____

Applicant/Petitioner

Applicant/Petitioner Identifiers

First Middle Last

Date of Birth of Applicant: _____

And/or on behalf of minor family member(s): (list name and DOB):

Other Protected Persons/DOB:

VS.

Respondent

Respondent Identifiers

First Middle Last

SEX	RACE	DOB	HT	WT
EYES	HAIR	SOCIAL SECURITY NO. (Last 3 #)		
DRIVERS LICENSE NO.		STATE	EXP DATE	
Distinguishing Features: _____				

Relationship to Petitioner: _____

Respondent's Address

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

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Respondent has been provided with reasonable notice and opportunity to be heard.

Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

That the above named Respondent be prohibited from committing further acts of abuse or threats of abuse.

That the above named Respondent be prohibited from any contact with the Applicant/Petitioner.

Additional terms of this order as set forth below.

**The terms of this Order shall be effective until _____, 20_____,
or as otherwise provided for in Section 14 Duration located on page 6 of this Order.**

WARNINGS TO RESPONDENT:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U. S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922(g)(8)).

Only the Court can change this order.

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); or the applicant is dating or married to a person who was married to or dating the Respondent.
- 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:** _____
- Children:** _____

- 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 named 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 harm, threaten, or interfere with the care, custody or control of the following pet, companion animal or assistance animal: _____ *(describe the animal)*.
- j. 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 cause 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 cause 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.
- The staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation to which Respondent is assigned.

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:

- _____ (*this date must be no more than two years from the date this Order is signed.*)
- _____ (*duration*) This date is more than two years from the date this Protective Order is signed.
 - The Court finds that the Respondent caused serious bodily injury to the Applicant or a member of Applicant's family or household; or
 - The Respondent was the subject of two or more previous Protective Orders protecting the Applicant and both of those Protective Orders contained findings that Respondent has committed family violence and the Respondent is likely to commit family violence in the future.

If 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 for Protective Orders

If the Court grants you a Protective Order, then fill out this form and file it with the clerk. Unless otherwise noted, fill in information below for the Respondent. If you do not know the information requested, leave that section blank. Please try to provide, at a minimum, the Respondent's name, date of birth, sex, height, weight, eye color, hair color, and race. Law enforcement needs this information to serve (give) the Respondent with the Protective Order and enter the Respondent's information into the statewide law enforcement database. If the Court does not grant you a Protective Order, then do not fill out this form.

If the Court does not grant you a Protective Order, then do not fill out this form.

Respondent's Name: _____

Alias (Nickname): _____

Respondent's Relationship to Applicant: _____

Respondent's Address: _____ City: _____ State: _____ Zip: _____

County: _____ Email Address: _____ Date of Birth: _____ Place of Birth: _____

SSN (last 3#) # _____ Identification Number/State: _____ / _____ Expiration Date: _____

Driver's License Number/State: _____ / _____ Expiration Date: _____

Other Identification Number: _____

Respondent is is not on active duty with the military

Sex: M F Height: _____ ft _____ in Weight: _____ lbs

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)

Other Identifying Information (Check all that apply to the Respondent and describe)

Respondent's Vehicle Information: Vehicle ID # (VIN): _____ Year: _____ Make: _____ Model: _____

Color: _____ License Plate #: _____ State: _____ License Plate Year of Expiration: _____