



## The Supreme Court of Texas

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December 21, 2016

Mr. Charles L. "Chip" Babcock  
Chair, Supreme Court Advisory Committee  
Jackson Walker L.L.P.  
cbabcock@jw.com

Re: Referral of Rules Issues

Dear Chip:

The Supreme Court requests the Advisory Committee to study and make recommendations on the following matters.

**New Rule on Lawyer Access to Juror Social Media Activity.** The attached article by David J. Beck and Jacqueline M. Furlow calls for the promulgation of a rule addressing whether and under what circumstances a lawyer may view or request access to a juror's social media activity. Please draft a rule for the Court's consideration.

**Guidelines for Social Media Use by Judges.** Please draft amendments to the Code of Judicial Conduct that give guidance on permissible social media use by judges.

**Proposed Amendments to the Code of Judicial Conduct and Policies on Assistance to Court Patrons by Court and Library Staff.** The Texas Access to Justice Commission has submitted to the Court (1) an amendment to Canon 3(B)(8) of the Code of Judicial Conduct that authorizes a judge to make reasonable accommodations to afford litigants the right to be heard; (2) a policy on assistance to court patrons by clerks and their staff; and (3) a policy on assistance to court patrons by court staff, law librarians, and court volunteers. The proposed amendments and policies are attached to this letter.


**Proposed Amendments to the Protective Order Kit Forms.** In 2003, the Court established the Protective Order Task Force to draft forms for obtaining a protective order from family violence. The Court approved the protective order kit in 2005 and amendments to the kit in 2012. The

Protective Order Task Force has submitted proposed amendments to the kit that reflect statutory changes made by the 83rd and 84th Texas Legislatures. The proposal is attached to this letter.

**Texas Rule of Civil Procedure 145.** Since the 2016 amendments to Rule 145, commenters have raised the following questions: (1) Should the rule prohibit a litigant who is represented by counsel under a contingency-fee agreement from filing a Statement of Inability to Afford Payment of Court Costs? (2) Should the rule be amended to more clearly address a trial court's authority to hold a hearing and to issue an order on a declarant's ability to afford court costs after the judgment has been signed? (3) Should the rule mandate that an order requiring the declarant to pay costs state the deadline for seeking review of the decision in the court of appeals? Please draft appropriate amendments for the Court's consideration and make other suggestions to clarify and improve the rule and the form Statement.

As always, the Court is grateful for the Committee's counsel and your leadership.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan L. Hecht", with a long horizontal flourish extending to the right.

Nathan L. Hecht  
Chief Justice

Attachments

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Jackson Walker

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October 14, 2016

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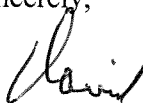
Re: Texas Supreme Court Advisory Committee

Dear Chip:

As a follow up to our recent conversation, attached is a copy of an article published in the State Bar Litigation Section's publication, The Advocate, entitled "The Ethical Boundaries of Reviewing Jurors' Internet Presence: The Need for a Rule in Texas." There is an issue whether the ethical boundaries of a Texas attorney's obligation should be set forth by a new Texas disciplinary rule, or new rule of civil procedure. I submit this to the Advisory Committee for its consideration.

Please let me know if you have any questions.

Sincerely,



David J. Beck

cc: Honorable Nathan L. Hecht  
SUPREME COURT OF TEXAS  
P.O. Box 12248  
Austin, TX 78711-2248

# THE ETHICAL BOUNDARIES OF REVIEWING JURORS' INTERNET PRESENCE: THE NEED FOR A RULE IN TEXAS

DAVID J. BECK & JACQUELINE M. FURLOW

THE PERCENTAGE OF THE POPULATION UTILIZING electronic social media ("ESM")<sup>1</sup> is significant and continues to grow.<sup>2</sup> As a result of this significant growth, lawyers now have "a digital treasure trove of information right at their fingertips," for nearly instantaneous research on prospective jurors.<sup>3</sup> This fact makes increasingly relevant the question of whether trial lawyers may ethically investigate and monitor juror Internet activity, and if so, to what extent.

ESM poses an ethical concern for lawyers because it can be a form of direct communication, and lawyers are ethically prohibited from conducting *ex parte* communications with jurors or potential jurors, unless authorized by law or court order.<sup>4</sup> This prohibition also extends to anyone acting on a lawyer's behalf.<sup>5</sup> About two years ago, these ethical concerns spawned a question to the American Bar Association Standing Committee on Ethics and Professional Responsibility (the "ABA Committee"): "whether a lawyer who represents a client in a matter that will be tried to a jury may review the jurors' or potential jurors' presence on the Internet leading up to and during trial, and, if so, what ethical obligations the lawyer might have regarding information discovered during the review."<sup>6</sup>

## The ABA Opinion

On April 24, 2014, the ABA Committee issued Formal Opinion 466, which concludes that review of a juror's *public* Internet activity is permissible, but requesting access to review a juror's *nonpublic* information is not. In so concluding, ABA Opinion 466 seeks to strike a balance between the "strong public interest in identifying jurors who might be tainted by improper bias or prejudice"<sup>7</sup> and the "equally strong public policy in preventing jurors from being approached *ex parte* by the parties to the case or their agents."<sup>8</sup> The Opinion specifically addresses "three levels of lawyer review of juror Internet presence":

1. Passive lawyer review of a juror's website or ESM that is available without making an access request where the juror is unaware that a website or ESM has been reviewed;
2. Active lawyer review where the lawyer requests access to the juror's ESM; and
3. Passive lawyer review where the juror becomes aware through a website or ESM feature of the identity of the viewer.<sup>9</sup>

The question of whether a particular review of juror Internet activity is permissible depends on whether the "review" constitutes or becomes a prohibited *ex parte* communication. This determination is influenced by the fact that ESM sites typically provide for varying degrees of privacy settings. Privacy settings "allow the ESM subscriber to establish different degrees of protection for different categories of information, each of which can require specific permission to access."<sup>10</sup> In turn, many ESM sites require a person seeking access to a user's information to request permission to view private, nonpublic information, by becoming, for instance, a Facebook "friend" or Twitter "follower."

Additionally, there is a risk that even if a lawyer searches for a juror's public information, that search will cause a network-generated message to be sent to the juror informing the juror that his or her profile has been viewed. For example, members of LinkedIn searched by fellow members of LinkedIn can see that their profile has been viewed.<sup>11</sup> Depending on the privacy settings of the searching member and the searched member, the notification might state the name of the member running the search, or it might state that the searching member wishes to be "anonymous."<sup>12</sup> Similarly, certain web analytics software can allow website or blog creators to track information about who has visited their sites or blogs.<sup>13</sup> These features could create a risk that a lawyer inadvertently "communicates" with a juror simply by searching for a juror's public information.

ABA Opinion 466 draws the line at requesting access to *nonpublic* information. The Opinion provides that (1) passive review (“without making an access request”) of which the juror is not aware does not violate Model Rule 3.5; (2) active review (by making an access request) amounts to an *ex parte* communication prohibited by Model Rule 3.5; and (3) passive review through which a juror becomes aware of the review by “ESM-generated notice” is not a “communication” from lawyer to juror and thus does not violate Model Rule 3.5.<sup>14</sup>

The ABA Committee summarized its conclusions as follows:

Unless limited by law or court order, a lawyer may review a juror’s or potential juror’s Internet presence, which may include postings by the juror or potential juror in advance of and during a trial, but a lawyer may not communicate directly or through another with a juror or potential juror. A lawyer may not, either personally or through another, send an access request to a juror’s electronic social media. An access request is a communication to a juror asking the juror for information that the juror has not made public and that would be the type of *ex parte* communication prohibited by Model Rule 3.5(b).<sup>15</sup>

#### Suggestions for Trial Judges and Lawyers

The ABA Committee also offered guidance to trial judges and lawyers on the procedure for reviewing juror Internet activity. Regarding management of juror expectations, the Committee suggested that judges discuss the “likely practice of trial lawyers reviewing juror ESM during the jury orientation process” to “dispel juror misperception” of impropriety, especially when jurors might receive electronic notifications from ESM networks that lawyers have passively reviewed jurors’ public Internet activity.<sup>16</sup> In the same vein, the ABA Committee suggested that judges consider issuing local rules, standing orders, or case management orders to define appropriate limits on review of juror ESM, depending on factors such as the likelihood that jurors or potential jurors would receive notifications that their ESM is being viewed.<sup>17</sup>

The ABA Committee’s advice to lawyers was twofold. First, the ABA Committee recommended that lawyers “be aware of...automatic, subscriber-notification features.”<sup>18</sup> The

ABA Committee emphasized that by reading the terms and conditions associated with such networks, lawyers could better ensure that they are complying with Model Rule 1.1’s requirement that lawyers stay up to date on benefits and risks associated with using technology.<sup>19</sup> The ABA Committee cautioned that “[b]y accepting the terms of use, the subscriber-notification feature is not secret,” and “[w]hile many people simply click their agreement to the terms and conditions for use of an ESM network, a lawyer who uses an ESM network in his practice should review the terms and conditions, including privacy features – which change frequently – prior to using such a network.”<sup>20</sup> The ABA Committee’s second suggestion was that lawyers reviewing juror Internet activity “ensure that their review is purposeful and not crafted to embarrass, delay, or burden the juror or the proceeding” in violation of Model Rule 4.4(a).

#### The Need for a Rule in Texas

Notably, Texas has not yet squarely addressed these issues. It is time to do so. As the ABA Committee acknowledged in Formal Opinion 466: “[J]urisdictions differ on issues that arise when a lawyer uses social media in his practice.”<sup>21</sup>

**The ABA Committee suggested that judges consider issuing local rules, standing orders, or case management orders to define appropriate limits on review of juror ESM, depending on factors such as the likelihood that jurors or potential jurors would receive notifications that their ESM is being viewed.**

A few state bar associations, including West Virginia, Colorado and Oregon have followed and, in the case of the Oregon State Bar, expanded upon, Formal Opinion 466. In September 2015, the Lawyer Disciplinary Board of West Virginia issued new guidelines for

lawyers’ use of social media. The opinion concluded, in relevant part, that lawyers may review public sections of a juror’s social networking websites, but “are prohibited from attempting to access the private sections of a juror’s social media page, as doing so would violate Rule 3.5 of the Rules of Professional Conduct.”<sup>22</sup> The Lawyer Disciplinary Board also concluded that lawyers may not utilize third parties to contact jurors through social media or social networking websites to gain access to private information, as doing so would constitute an *ex parte* communication in violation of Rule 3.5.<sup>23</sup>

The Colorado Bar Association Ethics Committee also issued an opinion in September 2015, which similarly concluded that lawyers may “always view the public portion of a person’s social media profile and any public posts made by a person through social media,” but may not “request permission to

view a restricted portion of a social media profile or website of a prospective or sitting juror.”<sup>24</sup> The opinion also reiterated that “[a] lawyer must never use any form of deception to gain access to a restricted portion of a social media profile or website.”<sup>25</sup>

The Oregon State Bar has gone a step further than West Virginia and Colorado. In Formal Opinion 2013-189, the Oregon State Bar concluded that a lawyer may affirmatively request access to private information on a juror’s or prospective juror’s social media websites as long as the lawyer accurately represents his or her role in a case if and when asked by the juror.<sup>26</sup>

In addition, the U.S. District Court for the District of Idaho has instituted a comprehensive local rule regarding investigation of juror social media. District Local Rule 47.2 provides:

(a) Attorneys may use websites available to the public, including social media websites, for juror or prospective juror research, so long as:

(1) The website or information is available and accessible to the public;

(2) The attorney does not send an access request to a juror’s electronic social media;

(3) No direct communication or contact occurs between the attorney and a juror or prospective juror as a result of the research, including, but not limited to Facebook “friend” requests, Twitter or Instagram “follow” requests, LinkedIn “connection” requests, or other forms of internet and social media contact;

(4) Social media research is done anonymously. For example, a search on a social media site must not disclose to the juror who is making the inquiry, and it must only seek information available and accessible to the public and not the result of an attorney’s account on said social media site; and

(5) Deception is not used to gain access to any website or to obtain any information.

(b) Third parties working for the benefit of or on behalf of any attorney must comply with all the same restrictions as set forth above for attorneys.

(c) If an attorney becomes aware of a juror’s or

prospective juror’s conduct that is criminal or fraudulent, IRPC 3.3(b) requires the attorney to take remedial measures including, if necessary, reporting the matter to the court.

(d) If an attorney becomes aware of a juror’s posting on the internet about the case in which she or he is serving, the attorney shall report the posting to the court.<sup>27</sup>

Notes to Rule 47.2 from the Advisory Committee on the Idaho District Court Local Rules *require* that jurors be advised during orientation that their backgrounds will be of interest and lawyers may investigate their backgrounds on internet and social media websites, and that if there is no method of conducting internet research that will prevent a juror or prospective juror from discovering the identity of the person doing the research, then the research may not be done because it would constitute an improper communication.<sup>28</sup> The Advisory Committee notes also emphasize that lawyers must maintain their familiarity with internet tools they use to run searches, and the impact of using those tools.<sup>29</sup>

Unlike West Virginia, Colorado, Oregon and Idaho, a few New York bar associations have taken a position contrary to that of the ABA on the issue of network-generated notices. While ABA Opinion 466 concluded that network-generated notices informing jurors that their ESM has been viewed by a lawyer do *not* constitute prohibited *ex parte* communications between lawyer and juror, New York ethics opinions have contrastingly concluded that under certain circumstances they *do*.<sup>30</sup> In ABA Opinion 466, the ABA Committee considered two prior New York ethics opinions. The first opinion, Formal Opinion 2012-2 from the Association of the Bar of the City of New York Committee on Professional Ethics (“ABCNY”), concluded that a network-generated notice constituted a “communication” with the juror when the lawyer *knew* the notification would be sent.<sup>31</sup> The ABCNY did not opine on whether an inadvertent communication would violate the ethical rules. The second opinion, Formal Opinion 743 from the New York County Lawyers’ Association Committee on Professional Ethics, agreed with the ABCNY and further opined that if a juror became aware of a lawyer’s efforts to review the juror’s Internet activity through ESM, “the contact may well consist of an impermissible communication, as it might tend to influence the juror’s conduct with respect to the trial.”<sup>32</sup> Disagreeing with the two New York opinions, the ABA Committee instead concluded that it is the ESM service that is “communicating” with the juror, not the lawyer, and the communication does not constitute an improper *ex parte*

communication between lawyer and juror.<sup>33</sup>

Since publication of ABA Opinion 466, the New York State Bar has reiterated the position of its fellow New York bar associations. In June of 2015, the New York State Bar Association (“NYSBA”) published its “Social Media Ethics Guidelines,” in which the NYSBA concluded that “a lawyer in New York when reviewing social media to perform juror research needs to perform such research in a way that does not leave any ‘footprint’ or notify the juror that the lawyer or her agent has been viewing the juror’s social media profile.”<sup>34</sup> In so concluding, the NYSBA noted that “[t]he American Bar Association’s view has been criticized on the basis of the possible impact such communication might have on a juror’s state of mind...”<sup>35</sup>

In addition to certain New York bar associations, a few courts, including the U.S. District Court for the Northern District of California, have preemptively prohibited juror internet research before trial. In the high-profile copyright case of *Oracle Am., Inc. v. Google, Inc.*, Judge William Alsup urged, and the parties ultimately consented to, a complete ban against Internet research on the venire persons and the empaneled jury until trial was over.<sup>36</sup> Emphasizing that the area of researching jurors’ social media presents “an emerging and developing concern,” Judge Alsup identified three reasons why researching jurors was problematic. First, if jurors learned that they had been searched while being prohibited from conducting research themselves, it would decrease the likelihood that the jurors would heed the court’s admonition and continue to refrain from doing their own Internet research.<sup>37</sup> Second, permitting such research would facilitate the lawyers appealing improperly to particular jurors in their arguments and witness examinations.<sup>38</sup> And third, permitting such research risked violating the privacy of the venire persons.<sup>39</sup>

Importantly, Judge Alsup acknowledged that Formal Opinion 466 sanctioned “passive” Internet searches on prospective jurors, but concluded that, despite the ABA’s opinion, the fact “[t]hat such searches are not unethical does not translate into an inalienable right to conduct them.”<sup>40</sup> In reaching this conclusion, the court emphasized that while the ABA determined that certain activities are “permitted without

violating a professional duty,” the ABA also “cautioned that judges may limit the scope of the searches that counsel could perform regarding the juror’s social media ‘[i]f a judge believes it to be necessary, under the circumstances of a particular matter...’”<sup>41</sup> Judge Alsup ultimately decided that the circumstances of the *Oracle* case warranted a complete ban on Internet research of prospective and empaneled jurors.<sup>42</sup> The divergence in opinion regarding Formal Opinion 466 leaves lawyers with muddled guidance in this rapidly developing area. At the very least, this inconsistency among different jurisdictions’ ethics opinions, underscores the need for a Texas rule on these issues.<sup>43</sup>

The desirability of a Texas-specific rule is particularly warranted in light of the fact that Rule 3.06 of the Texas Disciplinary Rules of Professional Conduct, which addresses *ex parte* communications with jurors, differs in some respects from the Model Rules. Rule 3.06 prohibits a lawyer from (1) conducting harassing investigations of veniremen; (2) seeking to influence veniremen by means prohibited by law or applicable rules; (3) communicating or causing another

to communicate *ex parte* with veniremen or jurors; or (4) asking jurors post-trial questions that are merely calculated to harass or influence future service.<sup>44</sup>

The comments to Rule 3.06 emphasize that the purpose of the rule is to safeguard impartiality of the judicial process by protecting veniremen and jurors from “extraneous

influences.”<sup>45</sup> Moreover, Rule 3.06(e) and (f) extend the Rule’s protections to family members of jurors. The Model Rules, at least on their face, do not. Rule 3.06(e) and (f) constitute the most significant difference between the Texas Rules and the Model Rules, and could justify a rule scheme different than that of the Model Rules.

### Conclusion

ABA Formal Opinion 466 has elicited mixed reactions from state and local bar associations and courts across the country. Given this divergence in opinion regarding Formal Opinion 466, and the differences between the Texas Rules and Model Rules, a new Texas rule or a formal ethics opinion on this issue would be helpful for Texas trial lawyers.

For Texas practitioners, Formal Opinion 466 presently provides some helpful ethical guidance. However, until

Disagreeing with the two New York opinions, the ABA Committee instead concluded that it is the ESM service that is “communicating” with the juror, not the lawyer, and the communication does not constitute an improper *ex parte* communication between lawyer and juror.

Texas promulgates a rule or formal opinion on the matter, practitioners should exercise caution in reviewing juror Internet activity. In the meantime, trial judges should facilitate transparency by communicating their expectations to the lawyers, advise jurors during orientation of the potential for their ESM to be reviewed by lawyers, and actively monitor and regulate lawyer review of juror ESM through local rules, standing orders, or case management orders.

*David J. Beck, a Founding Partner of Beck, Redden & Secrest, L.L.P., is a Past President of the American College of Trial Lawyers as well as the Past President of the State Bar of Texas.*

*Jacqueline M. Furlow is an associate at Beck Redden L.L.P. She is a graduate of Vanderbilt University and the University of Texas School of Law. ★*

<sup>1</sup> “ESM” stands for “electronic social media” and is defined as “Internet-based social media sites that readily allow account-owner restrictions on access.” See ABA Comm. on Ethics & Prof’l Responsibility, Formal Opinion 466 (hereinafter “ABA Opinion 466” or the “Opinion”). Examples include Facebook, MySpace, LinkedIn, and Twitter.

<sup>2</sup> According to the Pew Research Center’s Internet Project, as of January 2014, 74% of adults online use social networking sites. “Social Networking Fact Sheet,” PEW RESEARCH CENTER (updated Jan. 2014), available at <http://www.pewinternet.org/fact-sheets/social-networking-fact-sheet/>. As of September 2014, 71% adults online use Facebook, 23% use Twitter, 26% use Instagram, 28% use Pinterest, and 28% use LinkedIn. *Id.*

<sup>3</sup> John G. Browning, *Should Voir Dire Become Voir Google? Ethical Implications of Researching Jurors on Social Media*, 17 SMU SCI. & TECH. L. REV. 603, 604 (2014).

<sup>4</sup> See MODEL RULES OF PROF’L CONDUCT R. 3.5(a), (b).

<sup>5</sup> MODEL RULES OF PROF’L CONDUCT R. 8.4(a) (“It is professional misconduct for a lawyer to: (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another...”). The inclusion of those acting on the lawyer’s behalf is important because lawyers sometimes employ professional juror monitoring services to collect background information, monitor juror internet activity during trial, and assist in predicting juror behavior based on Internet activity. See, e.g., “juryscout,” <http://www.juryscout.com/> (last visited May 18, 2015).

<sup>6</sup> See ABA Opinion 466, at 1.

<sup>7</sup> Some courts have even *required* lawyers to research potential jurors on the Internet as part of meeting their standard of care for competent performance, but the ABA Committee expressly did “not take a position on whether the standard of care for competent lawyer performance requires using Internet research to locate information about jurors that is relevant to the jury selection process.” ABA Opinion 466, at 2 n. 3 (citing *Johnson v. McCullough*, 306 S.W.3d

551 (Mo. 2010) (requiring lawyers to use “reasonable efforts” to find potential jurors’ litigation history on the court’s database and raise nondisclosure issues prior to empanelment)); see also Mo. Sup. Ct. R. 69.025 (same).

<sup>8</sup> See ABA Opinion 466, at 2.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> See “How to See Who Has Viewed a Profile on LinkedIn,” wikiHow, <http://www.wikihow.com/See-Who-Has-Viewed-a-Profile-on-LinkedIn> (last visited May 18, 2015).

<sup>12</sup> See “Who’s Viewed Your Profile – Frequently Asked Questions,” LinkedIn Help Center (updated Jan. 7, 2015), available at [https://help.linkedin.com/app/answers/detail/a\\_id/47992/it/eng](https://help.linkedin.com/app/answers/detail/a_id/47992/it/eng).

<sup>13</sup> See “Web analytics,” webopedia, [http://www.webopedia.com/TERM/W/Web\\_analytics.html](http://www.webopedia.com/TERM/W/Web_analytics.html) (last visited May 18, 2015).

<sup>14</sup> See ABA Opinion 466, at 4-5.

<sup>15</sup> *Id.* at 1.

<sup>16</sup> *Id.* at 3. The ABA Committee reasoned that such electronic notifications amount to the “ESM service...communicating with the juror based on a technical feature of the ESM,” not the lawyer, “who uses a shared ESM platform to passively view juror ESM,” communicating with the juror. *Id.* at 5.

<sup>17</sup> The Committee emphasized that, despite approving lawyer review of juror ESM activity, lawyers must still comply with Model Rule 4.4(a), which prohibits any conduct calculated to “embarrass, delay, or burden a third person.” ABA Opinion 466, at 6. The ABA Opinion also explained the process of “tak[ing] reasonable remedial measures” to address instances of discovered juror misconduct, “including, if necessary, disclosure to the tribunal.” *Id.* at 9.

<sup>18</sup> *Id.* at 5.

<sup>19</sup> *Id.* (citing MODEL RULES OF PROF’L CONDUCT R. 1.1, cmt. 8).

<sup>20</sup> *Id.* at 6.

<sup>21</sup> *Id.* at 5.

<sup>22</sup> Lawyer Disciplinary Board of W. Va., *Social Media and Attorneys*, L.E.O. 2015-02, at 18 (Sept. 22, 2015).

<sup>23</sup> *Id.* at 19.

<sup>24</sup> Colo. Bar Ass’n Ethics Comm., *Use of Social Media for Investigative Purposes*, Formal Op. 127 (Sept. 2015).

<sup>25</sup> *Id.*

<sup>26</sup> Or. St. Bar, *Accessing Information about Third Parties Through a Social Networking Website*, Formal Op. 2013-189 (Feb. 2013).

<sup>27</sup> Loc. Civ. R. 47.2.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> See N. Y. St. Bar Ass’n Comm. & Fed. Litig. Sec., *Social Media Ethics Guidelines* (updated June 9, 2015) (acknowledging various New York ethics opinions diverging from the rule announced in ABA Opinion 466).

<sup>31</sup> *Id.* (citing Ass’n of the Bar of the City of N.Y. Comm. on Prof’l Ethics, Formal Op. 2012-2).

<sup>32</sup> *Id.* (citing N.Y. Cnty. Lawyers’ Ass’n, Formal Op. 743 (2011)).

<sup>33</sup> *Id.* at 5.

<sup>34</sup> See *Social Media Ethics Guidelines*, *supra* note 30, at 27.

<sup>35</sup> *Id.* (citing Mark A. Berman, Ignatius A. Grande, and Ronald J.



Hedges, *Why American Bar Association Opinion on Jurors and Social Media Falls Short*, N.Y.L.J. (May 5, 2014)).

<sup>36</sup> *Oracle Am., Inc. v. Google, Inc.*, No. 3:10-cv-03561-WHA, Dkt. No. 1573 (Mar. 25, 2016); *Id.* at Dkt. No. 1589 (Mar. 31, 2016) (Google's response); *Id.* at Dkt. No. 1590 (Mar. 31, 2016) (Oracle's response).

<sup>37</sup> Dkt. No. 1573, at 3.

<sup>38</sup> *Id.* at 4.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.* at 10-11.

<sup>41</sup> *Id.* at 11.

<sup>42</sup> In support of his conclusion, Judge Alsup cited *United States v. Norwood*, No. 12-CR-20287, 2014 WL 1796644 (E.D. Mich. May 6, 2014), in which Judge Mark A. Goldsmith rejected defendants' argument that they needed jurors' information to monitor the jurors' social media accounts during trial to ensure compliance with the court's instruction not to discuss the case. Judge Alsup noted Judge Goldsmith's reasoning that banning monitoring was important to both protecting the jury from intimidation in the context of a criminal case and avoiding the likely effect of "unnecessarily chill[ing] the willingness of jurors summoned from [the] community to serve as participants in our democratic system of justice." *Id.* at 12 (citing *Norwood*, 2014 WL 1796644, at \*4) (internal citations omitted).

<sup>43</sup> Jurisdictions also have issued inconsistent opinions regarding the proper scope of review of an unrepresented non-party's ESM. Compare Phila. Bar Ass'n Prof'l Guidance Comm. Op. 2009-02 (opining that, in the context of a lawyer inquiring whether the lawyer could ask a third person to "friend" an unrepresented non-party witness, such a request would be deceptive and impermissible) with Ass'n of the Bar of the City of N.Y. Comm. on Prof'l Ethics, Formal Op. 2010-2 (opining that, in the context of a lawyer's agent sending a "friend" request to unrepresented non-party without revealing affiliation with a lawyer, a lawyer or his or her agent could permissibly send a request, as long as the lawyer or agent identified him or herself by his or her real name and profile). On the other hand, the opinions on lawyers' review of an opposing party's ESM have more consistently limited such review to public information only, similar to the ABA Committee's Formal Opinion 466. See e.g., N.Y. State Bar Ass'n Comm. on Prof'l Ethics Op. 843 (2010).

<sup>44</sup> TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 3.06(a)-(d).

<sup>45</sup> *Id.* cmt. 1-4.



## **Proposed Amendment to Canon 3.B(8) of the Texas Code of Judicial Conduct August 15, 2016**

### Background

People representing themselves in court has become commonplace. Recent data from the Office of Court Administration indicates that number of pro se filers is growing in comparison to overall filings. In the past five years from FY 2011 through FY 2015, the total number of family law filings decreased by 14.3% but the number of pro se litigant family law case filings increased by 27.4%. During the same time frame, the total number of probate filings was up by 1.7%, yet the number of pro se probate filings increased by almost 12%. The percentage of pro se filings is also significant. Today, at least one in five family law cases is filed by a person representing themselves.

The influx of self-represented litigants places an increasing burden on courts that are set up to interface with lawyers rather than pro se litigants. Judges are often unclear on how much, if any, guidance they can provide to self-represented litigants, which leads to a disparity from court to court about how self-represented litigants are treated when interacting with the judicial system.

### Methodology

We sought guidance from the Conference of Chief Judges, which passed a resolution<sup>1</sup> in 2012 to give judges additional guidance regarding their role in cases involving self-represented litigants. The Resolution recommends amending the ABA Model Code of Judicial Conduct Rule 2.2 to expressly allow a judge to make reasonable efforts to facilitate the ability of self-representing litigants to be fairly heard. It also suggests modifying the rule's comments to outline specific actions that judges can take to exercise their discretion in cases involving self-represented litigants.

We also reviewed case law and other states judicial codes regarding specific actions a judge may or may not take when interacting with a self-represented litigant.

### Recommendation

The Texas Access to Justice Commission recommends that the Canon 3.B(8)<sup>2</sup> of the Texas Code of Judicial Conduct be amended to expressly state that judges may make reasonable accommodations to afford all litigants, including self-represented litigants, the right to be heard. We also propose adding a clarifying comment to Canon 3.B(8) with 12 specific examples of appropriate actions a judge may take directly or through court personnel who are subject to the judge's discretion and control.

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<sup>1</sup> Resolution 2 "In Support of Expanding Rule 2.2 of the ABA Model Code of Judicial Conduct to Reference Cases Involving Self-Represented Litigants"

<sup>2</sup> The Texas Code of Judicial Conduct is not parallel with the Model Code, but Canon 3.B(8) is the closest equivalent.

**PROPOSED AMENDMENT TO  
THE CODE OF JUDICIAL CONDUCT**

**Current Canon 3.B(8)**

(8) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. A judge shall not initiate, permit, or consider ex parte communications or other communications made to the judge outside the presence of the parties between the judge and a party, an attorney, a guardian or attorney ad litem, an alternative dispute resolution neutral, or any other court appointee concerning the merits of a pending or impending judicial proceeding. A judge shall require compliance with this subsection by court personnel subject to the judge's direction and control. This subsection does not prohibit:

- (a) communications concerning uncontested administrative or uncontested procedural matters;
- (b) conferring separately with the parties and/or their lawyers in an effort to mediate or settle matters, provided, however, that the judge shall first give notice to all parties and not thereafter hear any contested matters between the parties except with the consent of all parties;
- (c) obtaining the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond;
- (d) consulting with other judges or with court personnel;
- (e) considering an ex parte communication expressly authorized by law.

**Proposed Amendments to Canon 3.B(8)**

(8) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law and may make reasonable accommodations to afford litigants, including self-represented litigants, that right. A judge shall not initiate, permit, or consider ex parte communications or other communications made to the judge outside the presence of the parties between the judge and a party, an attorney, a guardian or attorney ad litem, an alternative dispute resolution neutral, or any other court appointee concerning the merits of a pending or impending judicial proceeding. A judge shall require compliance with this subsection by court personnel subject to the judge's direction and control. This subsection does not prohibit:

- (a) communications concerning uncontested administrative or uncontested procedural matters;

(b) conferring separately with the parties and/or their lawyers in an effort to mediate or settle matters, provided, however, that the judge shall first give notice to all parties and not thereafter hear any contested matters between the parties except with the consent of all parties;

(c) obtaining the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond;

(d) consulting with other judges or with court personnel;

(e) considering an ex parte communication expressly authorized by law.

#### COMMENT

When pro se litigants appear in court, they should comply with the rules and orders of the court and should be held to the same standards as litigants with counsel. See *Wheeler v. Green*, 157 S.W.3d 439, 444 (Tex. 2005). It is not a violation of a judge's duty to remain impartial for a judge to make reasonable accommodations to ensure all litigants the opportunity to have their matters fairly heard. By way of illustration, a judge may (either directly or through court personnel subject to the judge's discretion and control): (1) construe pleadings to facilitate consideration of the issues raised;<sup>1</sup> (2) provide information about the proceeding and evidentiary and foundational requirements;<sup>2</sup> (3) attempt to make legal concepts understandable;<sup>3</sup> (4) ask neutral questions to elicit or clarify information;<sup>4</sup> (5) modify the traditional manner of taking evidence;<sup>5</sup> (6) permit narrative testimony;<sup>6</sup> (7) allow litigants to adopt their pleadings as their sworn testimony;<sup>7</sup> (8) refrain from using legal jargon by explaining legal concepts in everyday language;<sup>8</sup> (9) explain the basis for a ruling;<sup>9</sup> (10) make referrals to any resources, such as legal services or interpretation and translation services, available to assist the litigant in the preparation of the case;<sup>10</sup> (11) invite or appoint an amicus curiae to present a particular issue;<sup>11</sup> and/or (12) inform litigants what will be happening next in the case and what is expected of them.<sup>12</sup>

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<sup>1</sup> CO, MA, MT, WI

<sup>2</sup> LA, OH, DC, CO, IA, MA, MT, WI. *See also* ME (explain the requirements of applicable rules and statutes so that a person appearing before the judge understands the process to be employed).

<sup>3</sup> CO, MA, MT

<sup>4</sup> LA, DC, MA, MT, WI

<sup>5</sup> OH, DC, CO, IA, MA, MT, WI

<sup>6</sup> WI

<sup>7</sup> WI

<sup>8</sup> LA, OH, DC, IA, MT, WI

<sup>9</sup> LA, OH, DC, CO, IA, MA, MT

<sup>10</sup> LA, OH, DC, CO, IA, MA, MT, WI. *See also* ME (inform unrepresented persons of free legal aid and similar assistance that is available in the courthouse or otherwise).

<sup>11</sup> *See Dickerson v. United States*, 530 U.S. 428, 441 n.7 (2000).

<sup>12</sup> WI



**A Proposed Texas Supreme Court Policy on Assistance to Court Patrons by Clerks  
And A Proposed Texas Supreme Court Policy on Assistance to Court Patrons by Court Personnel  
September 7, 2016**

Background

People representing themselves in court has become commonplace. Recent data from the Office of Court Administration indicates that number of pro se filers is growing in comparison to overall filings. In the past five years from FY 2011 through FY 2015, the total number of family law filings decreased by 14.3% but the number of pro se litigant family law case filings increased by 27.4%. During the same time frame, the total number of probate filings was up by 1.7%, yet the number of pro se probate filings increased by almost 12%. The percentage of pro se filings is also significant. Today, at least one in five family law cases is filed by a person representing themselves.

The influx of self-represented litigants puts an increasing burden on courts that are set up to interface with lawyers rather than pro se litigants. Clerks and court staff are usually the first people any court patron encounters when they go to the courthouse. While clerks and staff should and must not engage in the unauthorized practice of law, they may provide basic legal information to any court patron, including self-represented litigants. Not surprisingly, clerks and staff are unclear on what type of information or assistance they can provide. They often err on the side of giving no information at all, which creates frustrations for all involved and ultimately ends up causing the courts to operate inefficiently.

Methodology

The Texas Access to Justice Commission reviewed policies governing interaction between court patrons and court staff that exist in state Codes of Ethics promulgated by judicial councils (California), by circuit court administrative order (Florida), for municipal court clerks (Georgia), through proposed Supreme Court rule amendments (Wisconsin), in model codes of conduct for court/judicial employees (Michigan, Nevada, North Dakota, Ohio), and in Codes of Judicial Conduct (Illinois, Maine).

The Illinois Supreme Court Policy on Assistance to Court Patrons by Circuit Clerks, Court Staff, Law Librarians, and Court Volunteers served as the template for our proposed policies. We maintained many of the permitted and prohibited services but augmented it with more precise definitions and eliminated redundancies.

Recommendation

Because no single entity has control over court staff, the Commission drafted two identical policies to give guidance on assisting court patrons. One policy is exclusively directed at district and county clerks and personnel subject to their direction and control. The other gives guidance to court personnel subject to a judge or judicial administrator's direction and control, such as court staff, bailiffs, law librarians and staff, and court volunteers. We recommend that the proposed Texas Supreme Court Policies on Assistance to Court Patrons be adopted to provide much needed clarity in these interactions.

**PROPOSED TEXAS SUPREME COURT POLICY  
ON ASSISTANCE TO COURT PATRONS  
BY DISTRICT AND COUNTY CLERKS AND THEIR STAFF**

**(a) Purpose and Scope.**

The purpose of this policy is to provide guidance to district and county clerks and personnel subject to their direction and control as to what services may and may not be offered to assist court patrons to achieve fair and efficient resolution of their cases.

Services permitted under this policy should be provided in the same manner to all court patrons. No court patron should be denied these services on the basis of being a self-represented litigant.

**(b) Definitions.**

- (1) "Court patron" means any person, such as an attorney, self-represented litigant, or member of the public, who is accessing the judicial system.
- (2) "Self-represented litigant" means any individual accessing the judicial system who is not represented by an attorney.
- (3) "Legal information" means neutral information about the law and the legal process. Legal information includes information regarding court procedures and records, forms, pleadings, practices, due dates and legal authority provided in statutes, cases, or rules. Legal information is different from legal advice, which involves giving guidance regarding an individual's legal rights and obligations in light of his or her particular facts and circumstances.

**(c) Permitted Services.** Clerks and their staff may provide legal information to court patrons, including assisting them as follows:

- (1) Providing information about court rules, court terminology and court procedures, including, but not limited to, requirements for service, filing, scheduling hearings, and compliance with local procedure;
- (2) Informing court patrons of legal resources and referrals if available, including, but not limited to:
  - a. Pro bono legal services;
  - b. Low-cost legal services;
  - c. Limited scope legal services;
  - d. Legal aid programs and hotlines;
  - e. Law and public libraries;
  - f. Non-profit alternative dispute resolution services;

- g. Lawyer referral services;
  - h. Internet-based resources;
  - i. Court-sponsored or court-affiliated educational classes, including parenting education and traffic safety classes and alternative dispute resolution services;
  - j. Units or departments of government; or
  - k. Domestic violence resources.
- (3) Encouraging self-represented litigants to obtain legal advice from a lawyer;
  - (4) Providing information about security protocols at the courthouse and directions around the courthouse, including, but not limited to, photocopier and telephone locations, children's waiting room locations, and other courthouse offices;
  - (5) Offering educational classes and informational materials;
  - (6) Assisting court patrons in identifying and providing forms and related instructions based on the court patron's description of what he or she wants to request from the court. Clerks and their staff must provide forms for the waiver of filing fees or other forms as required by law;
  - (7) Explaining the nature of the information required to fill out the forms;
  - (8) Informing court patrons if no approved form exists to accomplish the request and directing the court patron to other legal resources;
  - (9) Recording on forms verbatim information provided by the self-represented litigant if that person is unable to complete the forms due to language, disability or literacy barriers;
  - (10) Reviewing documents and forms for completeness, such as checking for signature, notarization, correct county name, and case number, and if incomplete, stating why the document or form is incomplete;
  - (11) Providing assistance to court patrons pursuing self-guided research;
  - (12) Providing docket information, including but not limited to:
    - a. Stating whether an order has been issued;
    - b. Explaining how to get a copy if one was not provided;
    - c. Reading the order to the individual if requested; or
    - d. Providing instructions about how to access such information.
  - (13) Informing court patrons of the process for requesting a foreign language or sign language interpreter;
  - (14) Instructing a court patron on how to obtain access to a case file that has not been restricted by statute, rule or order, and provide access to such a file;
  - (15) Providing the same services and information to all parties to an action, as requested; or
  - (16) Providing other services consistent with the intent of this policy.

**(d) Prohibited Services.** Clerks and their staff shall not:

- (1) Recommend whether a case should be brought to court or comment on the merits of a pending case;
- (2) Give an opinion about what will happen if a case is brought to court;
- (3) Represent court patrons in court;
- (4) Provide legal analysis, strategy or advice to a court patron;
- (5) Disclose information in violation of the law;
- (6) Deny a self-represented litigant access to the court, the court docket, or any services provided to other court patrons;
- (7) Tell a court patron anything he or she would not repeat in the presence of any other party involved in the case;
- (8) Refer a court patron to a specific lawyer or law firm, except for as provided by section (c)(2); or
- (9) Otherwise engage in the unauthorized practice of law.

**(e) Unauthorized Practice of Law and Privilege.** Services provided in accordance with section (c) of this policy do not constitute the unauthorized practice of law and do not create an attorney-client relationship. Information exchanged in accordance with section (c) of this policy is neither confidential nor privileged, except as otherwise protected by law.



**PROPOSED TEXAS SUPREME COURT POLICY  
ON ASSISTANCE TO COURT PATRONS  
BY COURT STAFF, LAW LIBRARIANS, AND COURT VOLUNTEERS**

**(a) Purpose and Scope.**

The purpose of this policy is to provide guidance to court personnel subject to a judge or judicial administrator's direction and control, such as court staff, bailiffs, law librarians and staff, and court volunteers, as to what services may and may not be offered to assist court patrons to achieve fair and efficient resolution of their cases.

Services permitted under this policy should be provided in the same manner to all court patrons. No court patron should be denied these services on the basis of being a self-represented litigant.

**(b) Definitions.**

- (1) "Court patron" means any person, such as an attorney, self-represented litigant, or member of the public, who is accessing the judicial system.
- (2) "Self-represented litigant" means any individual accessing the judicial system who is not represented by an attorney.
- (3) "Legal information" means neutral information about the law and the legal process. Legal information includes information regarding court procedures and records, forms, pleadings, practices, due dates and legal authority provided in statutes, cases, or rules. Legal information is different from legal advice, which involves giving guidance regarding an individual's legal rights and obligations in light of his or her particular facts and circumstances.

**(c) Permitted Services.** Court personnel, acting in a non-lawyer capacity on behalf of the court, may provide legal information to court patrons, including assisting them as follows:

- (1) Providing information about court rules, court terminology and court procedures, including, but not limited to, requirements for service, filing, scheduling hearings, and compliance with local procedure;
- (2) Informing court patrons of legal resources and referrals if available, including, but not limited to:
  - a. Pro bono legal services;
  - b. Low-cost legal services;
  - c. Limited scope legal services;
  - d. Legal aid programs and hotlines;

- e. Law and public libraries;
  - f. Non-profit alternative dispute resolution services;
  - g. Lawyer referral services;
  - h. Internet-based resources;
  - i. Court-sponsored or court-affiliated educational classes, including parenting education and traffic safety classes and alternative dispute resolution services;
  - j. Units or departments of government; or
  - k. Domestic violence resources.
- (3) Encouraging self-represented litigants to obtain legal advice from a lawyer;
  - (4) Providing information about security protocols at the courthouse and directions around the courthouse, including, but not limited to, photocopier and telephone locations, children's waiting room locations, and other courthouse offices;
  - (5) Offering educational classes and informational materials;
  - (6) Assisting court patrons in identifying and providing forms and related instructions based on the court patron's description of what he or she wants to request from the court. Court personnel must provide forms for the waiver of filing fees or other forms as required by law;
  - (7) Explaining the nature of the information required to fill out the forms;
  - (8) Informing court patrons if no approved form exists to accomplish the request and directing the court patron to other legal resources;
  - (9) Recording on forms verbatim information provided by the self-represented litigant if that person is unable to complete the forms due to language, disability or literacy barriers;
  - (10) Reviewing documents and forms for completeness, such as checking for signature, notarization, correct county name, and case number, and if incomplete, stating why the document or form is incomplete;
  - (11) Providing assistance to court patrons pursuing self-guided research;
  - (12) Providing docket information, including but not limited to:
    - a. Stating whether an order has been issued;
    - b. Explaining how to get a copy if one was not provided;
    - c. Reading the order to the individual if requested; or
    - d. Providing instructions about how to access such information.
  - (13) Informing court patrons of the process for requesting a foreign language or sign language interpreter;
  - (14) Instructing a court patron on how to obtain access to a case file that has not been restricted by statute, rule or order, and provide access to such a file;
  - (15) Providing the same services and information to all parties to an action, as requested; or
  - (16) Providing other services consistent with the intent of this policy.

**(d) Prohibited Services.** Court personnel, acting in a non-lawyer capacity on behalf of the court, shall not:

- (1) Recommend whether a case should be brought to court or comment on the merits of a pending case;
- (2) Give an opinion about what will happen if a case is brought to court;
- (3) Represent court patrons in court;
- (4) Provide legal analysis, strategy or advice to a court patron;
- (5) Disclose information in violation of the law;
- (6) Deny a self-represented litigant access to the court, the court docket, or any services provided to other court patrons;
- (7) Tell a court patron anything he or she would not repeat in the presence of any other party involved in the case;
- (8) Refer a court patron to a specific lawyer or law firm, except as provided by section (c)(2); or
- (9) Otherwise engage in the unauthorized practice of law.

**(e) Unauthorized Practice of Law and Privilege.** Services provided in accordance with section (c) of this policy do not constitute the unauthorized practice of law and do not create an attorney-client relationship. Information exchanged in accordance with section (c) of this policy is neither confidential nor privileged, except as otherwise protected by law.



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Patricia E. McAllister

December 1, 2016

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

RECEIVED  
IN SUPREME COURT  
OF TEXAS  
DEC 01 2016  
BLAKE HAWTHORNE, Clerk  
BY \_\_\_\_\_ Deputy

**Re: Report to the Supreme Court of Texas, Protective Order Kit**

Dear Justices of the Supreme Court of Texas:

Due to legislative changes made during the 83<sup>rd</sup> and 84<sup>th</sup> Texas Legislature, the Supreme Court Protective Order Task Force updated the instructions and pleadings in the Protective Order Kit to comport with current law.

Members of the Task Force include: Co-Chair Stewart W. Gagnon (Houston); Co-Chair Jeana A. Lungwitz (Austin); Rhonda Gerson (Houston); Tracey Grinstead-Everly (Austin); Sue McCoy Hall (San Antonio); Marilea Whatley Lewis (Dallas); Erin Davis Martinson (Austin); Amy Wright (Austin).

Enclose please find a summary of the revisions made and the final revised Protective Order Kit. All changes are highlighted in yellow for ease of review. Unless otherwise indicated, all relevant changes are reflected in both the "sample" forms and forms intended for submission to the court.

The Task Force will distribute the Kit in electronic format via TexasLawHelp and links on other websites to TexasLawHelp to minimize cost and maximize statewide availability. Additionally, the Task Force hopes that these forms will be developed as fillable forms with the Tyler Technology's Guide and File website.

On behalf of the Task Force, I wish to thank the Court for its continued support of this project.

Sincerely,

Patricia E. McAllister  
Executive Director

## Summary of Changes to Protective Order Kit

### Revisions in response to the 83<sup>rd</sup> Legislative Changes

**1) Tx. Fam. Code §82.003(3):**

§82.003(3) now allows an additional venue for filing a protective order application. In addition to filing in the county where the applicant or respondent resides under §82.003(1) & (2), or in the county where a divorce or SAPCR is pending under §85.062(a)(1), the applicant may file in the county where the violence occurred.

This information has been added to the “Where do I file the forms?” portion on the page 1 of the instructions. A new item 2 on both the “Affidavit” and “Declaration” forms has been added to read: “In which county did this happen?”

**2) Tx. Fam. Code §82.004(5)**

§82.004(5) adds to the list of things that must be in an application for a Protective Order. The applicant must now state whether they are receiving services from a Title IV-D agency, and, if known, the agency case number.

This question was added under item 4 of the “Application for Protective Order”.

**3) Tx. Fam. Code §85.021(1)(C) and §85.022(b)(7)**

Additions to §85.021 and §85.022 expand the definition of “possession” to mean actual or constructive care of an animal. Under §85.021(1)(C), in a protective order, a court may prohibit any party from “removing a pet, companion animal, or assistance animal... from the possession or actual or constructive care of a person named in the order.”

Under §85.022(b)(7), in a protective order, the court may prohibit the person found to have committed family violence from “harming, threatening, or interfering with the care, custody, or control of a pet, companion animal, or assistance animal, ... that is possessed by or is in the actual or constructive care of a person protected by an order or by a member of the family or household of a person protected by an order.”

These statutory changes are reflected in item 6(k) of the “Application of Protective Order,” item 3(l) of the “Temporary Ex Parte Protective Order,” and item 4(i) of the “Protective Order.”

**4) Tx. Fam. Code §§85.042 (a)(3) and (a-1)**

§85.042(a)(3) and (a-1) extends the list of people to whom a court clerk must deliver the Protective Order. §85.042 (a)(3) to the Title IV-D agency, if applicable, and a staff judge advocate or provost marshal, if applicable.

These new requirements are reflected in item 13 of the “Protective Order.”

**Other:** The Task Force made minor changes to page four of the kit which provides contact information for important resources.

## Revisions in response to the 84<sup>th</sup> Legislative Changes

### 1) Tx. Fam. Code §81.0015

§81.0015 adds a presumption that family violence occurred and is likely to occur again if certain conditions are true. A presumption now exists, if a respondent has been convicted or received deferred adjudication for particular offenses under Title 5 and 6 of the Penal Code and also meets other criteria under the statute.

This new presumption is reflected in the “Application of Protective Order” under new item “4b.” Additionally, an instruction bubble is included on the sample “Application for Protective Order” explaining that a judge will assume family violence has occurred if any box is checked. The change is also seen in the “Findings” section of the “Final Protective Order” under “Statutory Grounds for the Protective Order have been established.” A list of the relevant offenses under Title 5 and 6 of the Penal Code is included on the last page of the Protective Order Kit.

### 2) Tx. Fam. Code §81.011

§81.011 now allows an applicant to use a digitized signatures to sign the application for a protective order.

The ability to use a digitized signature is explained in an instruction bubble on page 4 of the sample “Application.”

### 3) Tx. Fam. Code §85.025(c)(1)-(2)

§85.025 extends the expiration date of a protective order if the person who is the subject of the protective order is confined or imprisoned and the protective order would expire not later than the first anniversary of the date the person is released. The statute sets out the expiration date for a protective order in such cases.

A clause explaining the expiration standards in such cases is included on page 6 under item 14 of the “Final Protective Order.”

### Other:

- a. The Task Force receive feedback from a county clerk about some potential problems with an applicant’s contact information remaining confidential. There was a concern that if an applicant marks the “keep information confidential” box on page 4 of the “Application for a Protective Order,” they will not realize the confidentiality only pertains to the “Final Protective Order.” An applicant’s information provided on the “Application for a Protective Order and the “Temporary Ex Parte Protective Order” will not be kept confidential

The Task Force added warning language above the item 12 on page 4 of the “Application for a Protective Order” to address this issue.

- b. Minor grammatical and spelling errors were corrected throughout the document.

Protective Order Kit Final Draft with  
changes marked in yellow

# 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(4673) 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
- Either an Affidavit *or* Declaration
- Temporary Ex Parte Protective Order
- Protective Order
- Respondent Information



## Do I use the Affidavit or the Declaration form?

An Application for Protective Order needs to include either a completed Affidavit or Declaration form. You only need to complete one of these forms. Do NOT complete both forms.

- Complete the Affidavit form if you want your Date of Birth and Address kept confidential. An Affidavit must be signed in front of a notary.
- Complete the Declaration form if you want your Date of Birth and Address to be public information (not confidential). A Declaration does NOT have to be signed in front of a notary.

Although you may file these forms without having a lawyer, you are encouraged to get a lawyer to help you in this process. Your county or district attorney or legal aid office may be able to help for free. The State Bar of Texas may also be able to refer you to a lawyer if you call 800-252-9690.

## Where do I file the forms?

After you fill out the forms, take the forms with 2 copies to the courthouse. You may file the forms in one of three places: the county where you live, the county in which the other person lives, or any Texas county in which the violence occurred. If you have a divorce or custody case pending against the other person, however, you should 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](http://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 Affidavit or Declaration. Also, if the other person is in the military, a copy of the application for protective order and Affidavit or 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](http://www.texaslawhelp.org/protectiveorderkit)



# Get Ready for Court

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## 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.

## 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](http://www.texaslawhelp.org/protectiveorderkit)**

# Make A Safety Plan

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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:
  - Medicines
  - Driver's license, ID, social security card
  - Cash, check book, credit cards
  - 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 Resources

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

To find a legal advocate near you go to: [www.tcfv.org](http://www.tcfv.org)

2-2-1 Texas  
211 or 877-541-7905

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)

National Dating Violence Helpline  
866-331-9474  
[www.loveisrespect.org](http://www.loveisrespect.org)

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

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

§  
§  
§  
§  
§  
§

The clerk fills out this part

Respondent: \_\_\_\_\_ § \_\_\_\_\_ County, Texas

### Application for Protective Order

**1 Parties** Your name here.  
Name: \_\_\_\_\_ County of Residence County where each person lives  
Applicant: Name of person you want protection from  
Respondent: \_\_\_\_\_  
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.
- 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. <u>Names of children needing protection</u>	Yes No	<u>County where each person lives</u>
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. <u>Names of other adults needing protection</u>	<u>County where each person lives</u>

**4a 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.
- The Texas Office of the Attorney General Child Support Division has been involved with a child support case. List the agency case number for each open case, if known.

Case Number: \_\_\_\_\_

**4b Presumption of Family Violence:** Has the Respondent been convicted of or placed on deferred adjudication community supervision for any crime under Title 5 or Title 6 of the Texas Penal Code (check all that apply) (times at end of packet)

Yes No

If "Yes," say what kind of case:

The judge will assume family violence has occurred if any of these boxes are checked.

If the Respondent was convicted or placed on community supervision for a Title 5 crime, did the Court make a finding that the crime involved family violence?

Yes No

Was the crime against a child listed on this petition?

Yes No

Have the Respondent's parental rights to this child been terminated?

Yes No

Is the Respondent seeking or attempting to seek contact with this child?

Yes No

**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

Read and check one or both

Application

The Applicant requests a PROTECTIVE ORDER and asks the Court to make the following 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*):

- ✓ Not commit family violence against any person named on page 1 of this form.
- Not communicate in a threatening or harassing manner with any person named on page 1 of this form.
- Not communicate a threat through any person to any person named on page 1 of this form.
- 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.
- Not go within 200 yards of the (*Check all that apply*):  
Applicant Children Other Adults named on page 1 of this form.
- 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.
- 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.
- 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*):

- Suspend any license to carry a concealed handgun issued to the Respondent under state law.
- 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.
- Prohibit the Respondent from taking, harming, threatening, or interfering with the care, custody, or control of the following pet, companion animal, or assistance animal: \_\_\_\_\_ (describe the animal).
- 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 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. The Respondent or otherwise legally entitled to support from the Respondent and asks the Respondent to pay support in an amount set by the Court.

## 9 Orders Related to Removal, Possession, and Support of Children

The Respondent asks for the following of 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 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 Affidavit or 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 has lived with the Respondent at: Your home address here or has resided at this address for the 30 days prior to the filing of this Application. The Respondent committed family violence against a child of the Applicant within the 30 days prior to the filing of this Application, as described in the attached

Affidavit or 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.

**WARNING:** A copy of this court document will be served to the respondent with any information that you include available for public inspection. Marking the box on number 12 means that you are asking the judge to order the clerk to remove some addresses and telephone numbers from the final order in this case so that the public cannot see them. If you are requesting this, DO NOT INCLUDE this personal information in this form OR a temporary ex parte protective order form.

**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 or Digitized Signature is acceptable  
Applicant, *Pro se*

Address where Applicant may be contacted: \_\_\_\_\_

Phone # where Applicant may be contacted: \_\_\_\_\_  
(List another address/phone if you want yours kept confidential)

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

# AFFIDAVIT

Use this form if YOU WANT your Date of Birth and Address to REMAIN CONFIDENTIAL.

You will need to have it SIGNED BY A NOTARY.

Do NOT use the Declaration form if you use this form.

County of Write the name of your county here

State of Texas

My name is Your name here (First Middle Last). 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. In which county did this happen?**

3. What date did this happen? \_\_\_\_ / \_\_\_\_ / \_\_\_\_

4. Was a weapon involved?	Yes	No	If yes, what kind? _____
5. Were any children there?	Yes	No	If yes, who? _____
6. Did you call the police?	Yes	No	If yes, what happened? _____
7. Did you get medical care?	Yes	No	If yes, describe your injuries: _____

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

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

\_\_\_\_\_  
\_\_\_\_\_

9. Were weapons ever involved? Yes No If yes, what kind? \_\_\_\_\_

10. Were any children there? Yes No If yes, who? \_\_\_\_\_

11. Have the police ever been called? Yes No \_\_\_\_\_

12. Did you ever have to get medical care? Yes No If yes, describe your injuries: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

13. Has the Defendant ever been convicted of family violence? Yes No

If yes, list when and in which county and state the convictions occurred: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

▶ Do NOT sign until the notary tells you to.  
\_\_\_\_\_  
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~~ Notary fills out this part personal knowledge of the facts asserted, and the facts asserted are true and to the best belief.

Subscribed and sworn to before me on \_\_\_\_ / \_\_\_\_ / \_\_\_\_.

▶ \_\_\_\_\_  
Notary Public in and for the State of Texas



# DECLARATION

Use this form if you want your Date of Birth and Address to be public information (not confidential).  
You will NOT need to have it signed by a notary.  
Do NOT use the Affidavit form if you use this form.

County of Write the name of your county here  
State of Texas

My name is Your name here (First Middle Last), my date of birth is Your date of birth here  
and my address is Your address here (Street),  
(City), (State), (Zip Code) (Country)

I declare under penalty of perjury that the foregoing is true and correct.  
Executed in Write your County, State, and the Date you signed here County, State of (Month), (Year).  
Sign your name here (Declarant Signature).

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

Answer every question on this form

2. In which county did this happen? \_\_\_\_\_

3. What date did this happen? \_\_\_\_ / \_\_\_\_ / \_\_\_\_

4. Was a weapon involved? Yes No If yes, what kind? \_\_\_\_\_

5. Were any children there? Yes No If yes, who? \_\_\_\_\_

6. Did you call the police? Yes No If yes, what happened? \_\_\_\_\_

7. Did you get medical care? Yes No If yes, describe your injuries: \_\_\_\_\_

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

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

\_\_\_\_\_

9. Were weapons ever involved? Yes No If yes, what kind? \_\_\_\_\_

10. Were any children there? Yes No If yes, who? \_\_\_\_\_

11. Have the police ever been called? Yes No \_\_\_\_\_

12. Did you ever have to get medical care? Yes No If yes, describe your injuries: \_\_\_\_\_

\_\_\_\_\_

13. 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 signs here

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. _____	_____

**4a 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.  
 The Texas Office of the Attorney General Child Support Division has been involved with a child support case. List the agency case number for each open case, if known.  
Case Number: \_\_\_\_\_

**4b Presumption of Family Violence:** Has the Respondent been convicted of or placed on deferred adjudication community supervision for any crime under Title 5 or Title 6 of the Texas Penal Code? (see list of crimes at end of packet)

Yes No

If "Yes," say what kind of case:

If the Respondent was convicted or placed on community supervision for a Title 5 crime, did the Court make a finding that the crime involved family violence?

Yes No

Was the crime against a child listed on this petition?

Yes No

Have the Respondent's parental rights to this child been terminated?

Yes No

Is the Respondent seeking or attempting to seek contact with this child?

Yes No

**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 taking, 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 Affidavit or 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 Affidavit or 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.

**WARNING:** A copy of this court document will be served to the respondent with any information that you include available for public inspection. Marking the box on number 12 means that you are asking the judge to order the clerk to remove some addresses and telephone numbers from the final order in this case so that the public cannot see them. If you are requesting this, DO NOT INCLUDE this personal information in this form OR a temporary ex parte protective order form.

**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)*

**AFFIDAVIT**

County of \_\_\_\_\_

State of Texas

My name is \_\_\_\_\_ (First Middle Last). 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. In which county did this happen?** \_\_\_\_\_

3. What date did this happen? \_\_\_\_ / \_\_\_\_ / \_\_\_\_

- 4. Was a weapon involved?      Yes    No              If yes, what kind? \_\_\_\_\_
- 5. Were any children there?    Yes    No              If yes, who? \_\_\_\_\_
- 6. Did you call the police?      Yes    No              If yes, what happened? \_\_\_\_\_
- 7. Did you get medical care?    Yes    No              If yes, describe your injuries: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 9. Were weapons ever involved?    Yes    No              If yes, what kind? \_\_\_\_\_
- 10. Were any children there?      Yes    No              If yes, who? \_\_\_\_\_
- 11. Have the police ever been called?                      Yes    No
- 12. 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 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 and 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: \_\_\_\_\_

**DECLARATION**

County of \_\_\_\_\_  
State of Texas

My name is \_\_\_\_\_ (First Middle Last), my date of birth is \_\_\_\_\_,  
and my address is \_\_\_\_\_ (Street), \_\_\_\_\_  
(City), \_\_\_\_\_ (State), \_\_\_\_\_ (Zip Code) \_\_\_\_\_ (Country) \_\_\_\_\_.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_ (Month), \_\_\_\_\_ (Year).  
\_\_\_\_\_ (Declarant Signature).

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. In which county did this happen? \_\_\_\_\_

3. What date did this happen? \_\_\_\_ / \_\_\_\_ / \_\_\_\_

4. Was a weapon involved?      Yes    No      If yes, what kind? \_\_\_\_\_

5. Were any children there?      Yes    No      If yes, who? \_\_\_\_\_

6. Did you call the police?      Yes    No      If yes, what happened? \_\_\_\_\_

7. Did you get medical care?      Yes    No      If yes, describe your injuries: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Were weapons ever involved?    Yes    No      If yes, what kind? \_\_\_\_\_

10. Were any children there?      Yes    No      If yes, who? \_\_\_\_\_

11. Have the police ever been called?      Yes    No \_\_\_\_\_

12. Did you ever have to get medical care?    Yes    No If yes, describe your injuries: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. 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 signs here

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 Affidavit or 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:**

- 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.

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 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 take, 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.**

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 Affidavit or 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 take, 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.**

**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 notice and 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.

Under Texas Family Code Section 81.0015, there is a presumption that the Respondent has committed family violence 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 \_\_\_\_\_

**Children:** \_\_\_\_\_ Names of children \_\_\_\_\_  
\_\_\_\_\_ needing protection \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ County where \_\_\_\_\_  
\_\_\_\_\_ each person lives \_\_\_\_\_  
\_\_\_\_\_

**Other** \_\_\_\_\_ Names of other adults \_\_\_\_\_  
**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 take, 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*):

Was served on the Respondent in open court.  
Shall be personally served on the Respondent.  
Shall be mailed by the Clerk of the Court to the Respondent's last known address.

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.

## 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 Title IV-D agency

The staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation to which Respondent is assigned whose address is as follows: \_\_\_\_\_.

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 the Protective Order is scheduled to expire while the Respondent is confined or imprisoned or within one year of Respondent's release, the Protective Order will expire one year after the Respondent's release if Respondent was sentenced for more than five years; or two years after the date of Respondent's release if Respondent was sentenced for five years or less.

**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

**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

Relationship to Petitioner: \_\_\_\_\_

\_\_\_\_\_  
Respondent's Address

\_\_\_\_\_  
\_\_\_\_\_

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

**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.**



- 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 take, 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*):

Was served on the Respondent in open court.  
Shall be personally served on the Respondent.  
Shall be mailed by the Clerk of the Court to the Respondent's last known address.

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.

## 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 Title IV-D agency

The staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation to which Respondent is assigned whose address is as follows: \_\_\_\_\_.

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 the Protective Order is scheduled to expire while the Respondent is confined or imprisoned or within one year of Respondent's release, the Protective Order will expire one year after the Respondent's release if Respondent was sentenced for more than five years; or two years after the date of Respondent's release if Respondent was sentenced for five years or less.

**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.

**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	Eye color	Hair color	Skin
American Indian or Alaskan Native (I)	Black (BLK)	Black (BLK)	Albino (ALB)
Asian Pacific Islander (A)	Blue (BLU)	Blond or Strawberry (BLN)	Black (BLK)
Black (B)	Brown (BRO)	Brown (BRO)	Dark (DRK)
White (W)	Gray (GRY)	Gray or partially gray (GRY)	Dark Brown (DBR)
Unknown (All other non-whites) (U)	Green (GRN)	Red or Auburn (RED)	Fair (FAR)
Other: _____	Hazel (HAZ)	White (WHI)	Light (LGT)
_____	Maroon (MAR)	Red or Auburn (RED)	Light Brown (LBR)
_____	Pink (PNK)	White (WHI)	Medium (MED)
_____	Multicolored (MUL)	Sandy (SDY)	Medium Brown (MBR)
_____	Unknown (XXX)	Completely Bald or Unknown (xxx)	Olive (OLV)
<b>Ethnicity</b>	Other _____	Other (style/length): _____	Ruddy (RUD)
Hispanic (H)	_____	_____	Sallow (SAL)
Non-Hispanic (N)	_____	_____	Yellow (YEL)
Unknown (U)	_____	_____	Unknown (XXX)
			Other _____

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

Glasses _____	Tattoos _____	Drug/Alcohol Use _____
Beard _____	Scars _____	Weapons _____
Moustache _____	Markings _____	Other _____
Missing front teeth _____	Piercings _____	Other _____
Bald _____	Mental Health Condition _____	

**Respondent's Vehicle Information:** Vehicle ID # (VIN): \_\_\_\_\_ Year: \_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_  
Color: \_\_\_\_\_ License Plate #: \_\_\_\_\_ State: \_\_\_\_\_ License Plate Year of Expiration: \_\_\_\_\_

**Respondent's Employment Information** (name of employer): \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Hours/Dept: \_\_\_\_\_ Supervisor: \_\_\_\_\_

**Respondent's Attorney (Name):** \_\_\_\_\_ Phone: \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Other people who may have information to help find Respondent:**

**Name:** \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Relationship: \_\_\_\_\_

Other Information: \_\_\_\_\_

**Name:** \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Relationship: \_\_\_\_\_

Other Information: \_\_\_\_\_

**\*\*\*Protected Person Information\*\*\***

*(Use additional pages if necessary)*

**Name of Protected Person:** \_\_\_\_\_

Sex: M F Date of Birth: \_\_\_\_\_ SSN (last 3#) \_\_\_\_\_ County: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Race:** Indian Asian Black White Unknown **Ethnicity:** Hispanic Non-Hispanic Unknown

**Employment Information** (name of employer): \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Employment Information** (name of employer): \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**\*\*\*Protected Child Information\*\*\***

*(Use additional pages if necessary)*

**Name of Protected Child:** \_\_\_\_\_

Sex: M F Date of Birth: \_\_\_\_\_ Daycare or School Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Race:** Indian Asian Black White Unknown **Ethnicity:** Hispanic Non-Hispanic Unknown

**Name of Protected Child:** \_\_\_\_\_

Sex: M F Date of Birth: \_\_\_\_\_ Daycare or School Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Race:** Indian Asian Black White Unknown **Ethnicity:** Hispanic Non-Hispanic Unknown

## List of Crimes under Texas Penal Code Titles 5 and 6

When answering question 4b on the Application for Protective Order form, look at this list to see if Respondent has been convicted or received deferred adjudication community supervision for any of the following crimes.

### Title 5 Crimes

- Unlawful Restraint
- Kidnapping
- Aggravated Kidnapping
- Smuggling of Persons
- Trafficking of Persons
- Continuous Trafficking of Persons
- Continuous Sexual Abuse of a Young Child or Children
- Public Lewdness
- Indecent Exposure
- Indecency with a Child
- Invasive Visual Recording
- Assault
- Sexual Assault
- Aggravated Assault
- Aggravated Sexual Assault
- Injury to a Child, Elderly Individual, or Disabled Individual
- Abandoning or Endangering a Child
- Deadly Conduct
- Terroristic Threat
- Leaving a Child in a Vehicle

### Title 6 Crimes

- Prohibited Sexual Conduct
- Interference with Child Custody
- Agreement to Abduct from Custody
- Enticing a Child
- Criminal Nonsupport
- Harboring Runaway Child
- Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Sexual Assault or Abuse, Stalking, or Trafficking Case
- Violation of Protective Order Preventing Offense Caused by Bias or Prejudice
- Repeated Violation of Certain Court Orders or Conditions of Bond in the Family Violence, Sexual Assault or Abuse, Stalking, or Trafficking Case
- Sale or Purchase of Child
- Advertising for Placement of Child
- Interference with Rights of Guardian of the Person
- Continuous Violence Against the Family

# Protective Order Kit Final Draft

# 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(4673) 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
- Either an Affidavit *or* Declaration
- Temporary Ex Parte Protective Order
- Protective Order
- Respondent Information



## Do I use the Affidavit or the Declaration form?

An Application for Protective Order needs to include either a completed Affidavit or Declaration form. You only need to complete one of these forms. Do NOT complete both forms.

- Complete the Affidavit form if you want your Date of Birth and Address kept confidential. An Affidavit must be signed in front of a notary.
- Complete the Declaration form if you want your Date of Birth and Address to be public information (not confidential). A Declaration does NOT have to be signed in front of a notary.

Although you may file these forms without having a lawyer, you are encouraged to get a lawyer to help you in this process. Your county or district attorney or legal aid office may be able to help for free. The State Bar of Texas may also be able to refer you to a lawyer if you call 800-252-9690.

## Where do I file the forms?

After you fill out the forms, take the forms with 2 copies to the courthouse. You may file the forms in one of three places: the county where you live, the county in which the other person lives, or any Texas county in which the violence occurred. If you have a divorce or custody case pending against the other person, however, you should 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](http://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 Affidavit or Declaration. Also, if the other person is in the military, a copy of the application for protective order and Affidavit or 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](http://www.texaslawhelp.org/protectiveorderkit)



# Get Ready for Court

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## 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.

## 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](http://www.texaslawhelp.org/protectiveorderkit)**

# Make A Safety Plan

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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:
  - Medicines
  - Driver's license, ID, social security card
  - Cash, check book, credit cards
  - 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 Resources

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

To find a legal advocate near you go to: [www.tcfv.org](http://www.tcfv.org)

2-2-1 Texas  
211 or 877-541-7905

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)

National Dating Violence Helpline  
866-331-9474  
[www.loveisrespect.org](http://www.loveisrespect.org)

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: \_\_\_\_\_  
Your name here.  
You are the Applicant.

§  
§  
§  
§  
§  
§

In the \_\_\_\_\_ Court

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

The clerk fills out this part

Respondent: \_\_\_\_\_

\_\_\_\_\_ County, Texas

### Application for Protective Order

**1 Parties** \_\_\_\_\_  
Your name here.

Name: \_\_\_\_\_ County of Residence \_\_\_\_\_ County where each person lives

Applicant: \_\_\_\_\_ Name of person you want protection from

Respondent: \_\_\_\_\_

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.
- 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. _____	_____

**4a 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.
  - The Texas Office of the Attorney General Child Support Division has been involved with a child support case. List the agency case number for each open case, if known.  
Case Number: \_\_\_\_\_

**4b Presumption of Family Violence:** Has the Respondent been convicted of or placed on deferred adjudication community supervision for any crime under Title 5 or Title 6 of the Texas Penal Code (check all that apply) (times at end of packet)

Yes No

The judge will assume family violence has occurred if any of these boxes are checked.

If "Yes," say what kind of case:

If the Respondent was convicted or placed on community supervision for a Title 5 crime, did the Court make a finding that the crime involved family violence?

Yes No

Was the crime against a child listed on this petition?

Yes No

Have the Respondent's parental rights to this child been terminated?

Yes No

Is the Respondent seeking or attempting to seek contact with this child?

Yes No

**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

Read and check one or both

Application

The Applicant requests a PROTECTIVE ORDER and asks the Court to make the following 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 taking, 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:

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

## 9 Orders Related to Removal, Possession, and Support of Children

The Respondent asks for the following of 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 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 Affidavit or 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 has lived with the Respondent at: Your home address here or has resided at this address within the 30 days prior to the filing of this Application. The Respondent committed family violence against a child of the Applicant within the 30 days prior to the filing of this Application, as described in the attached

Affidavit or 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.

**WARNING:** A copy of this court document will be served to the respondent with any information that you include available for public inspection. Marking the box on number 12 means that you are asking the judge to order the clerk to remove some addresses and telephone numbers from the final order in this case so that the public cannot see them. If you are requesting this, DO NOT INCLUDE this personal information in this form OR a temporary ex parte protective order form.

**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 or Digitized Signature is acceptable  
Applicant, *Pro se*

Address where Applicant may be contacted: \_\_\_\_\_

Phone # where Applicant may be contacted: \_\_\_\_\_  
(List another address/phone if you want yours kept confidential)

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

**AFFIDAVIT**

Use this form if YOU WANT your Date of Birth and Address to REMAIN CONFIDENTIAL.

You will need to have it SIGNED BY A NOTARY.

Do NOT use the Declaration form if you use this form.

County of Write the name of your county here

State of Texas

My name is Your name here (First Middle Last). 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. In which county did this happen? \_\_\_\_\_

3. What date did this happen? \_\_\_\_ / \_\_\_\_ / \_\_\_\_

4. Was a weapon involved? Yes No If yes, what kind? \_\_\_\_\_

5. Were any children there? Yes No If yes, who? \_\_\_\_\_

6. Did you call the police? Yes No If yes, what happened? \_\_\_\_\_

7. Did you get medical care? Yes No If yes, describe your injuries: \_\_\_\_\_

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

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

\_\_\_\_\_  
\_\_\_\_\_

9. Were weapons ever involved? Yes No If yes, what kind? \_\_\_\_\_

10. Were any children there? Yes No If yes, who? \_\_\_\_\_

11. Have the police ever been called? Yes No \_\_\_\_\_

12. Did you ever have to get medical care? Yes No If yes, describe your injuries: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

13. Has the Defendant ever been convicted of family violence? Yes No

If yes, list when and in which county and state the convictions occurred: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

▶ **Do NOT sign until the notary tells you to.**  
\_\_\_\_\_  
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~~ **Notary fills out this part** personal knowledge of the facts asserted, and the facts asserted are true and to the best belief.

Subscribed and sworn to before me on \_\_\_\_ / \_\_\_\_ / \_\_\_\_.

▶ \_\_\_\_\_  
Notary Public in and for the State of Texas



# DECLARATION

Use this form if you want your Date of Birth and Address to be public information (not confidential).  
You will NOT need to have it signed by a notary.  
Do NOT use the Affidavit form if you use this form.

County of Write the name of your county here  
State of Texas

My name is Your name here (First Middle Last), my date of birth is Your date of birth here  
and my address is Your address here (Street),  
(City), (State), (Zip Code) (Country)

I declare under penalty of perjury that the foregoing is true and correct.  
Executed in County, State Write your County, State, and the Date you signed here day of (Month), (Year).  
Sign your name here (Declarant Signature).

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

Answer every question on this form

- 2. In which county did this happen? \_\_\_\_\_
- 3. What date did this happen? \_\_\_\_ / \_\_\_\_ / \_\_\_\_
- 4. Was a weapon involved?    Yes    No    If yes, what kind? \_\_\_\_\_
- 5. Were any children there?    Yes    No    If yes, who? \_\_\_\_\_
- 6. Did you call the police?    Yes    No    If yes, what happened? \_\_\_\_\_
- 7. Did you get medical care?    Yes    No    If yes, describe your injuries: \_\_\_\_\_

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

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

\_\_\_\_\_

- 9. Were weapons ever involved?    Yes    No    If yes, what kind? \_\_\_\_\_
- 10. Were any children there?    Yes    No    If yes, who? \_\_\_\_\_
- 11. Have the police ever been called?    Yes    No
- 12. Did you ever have to get medical care?    Yes    No    If yes, describe your injuries: \_\_\_\_\_

13. 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 signs here

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. \_\_\_\_\_

**4a 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.  
The Texas Office of the Attorney General Child Support Division has been involved with a child support case. List the agency case number for each open case, if known.  
Case Number: \_\_\_\_\_

**4b Presumption of Family Violence:** Has the Respondent been convicted of or placed on deferred adjudication community supervision for any crime under Title 5 or Title 6 of the Texas Penal Code? (see list of crimes at end of packet)

Yes No

If "Yes," say what kind of case:

---

If the Respondent was convicted or placed on community supervision for a Title 5 crime, did the Court make a finding that the crime involved family violence?

Yes No

Was the crime against a child listed on this petition?

Yes No

Have the Respondent's parental rights to this child been terminated?

Yes No

Is the Respondent seeking or attempting to seek contact with this child?

Yes No

**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 taking, 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 Affidavit or 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 Affidavit or 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.

**WARNING:** A copy of this court document will be served to the respondent with any information that you include available for public inspection. Marking the box on number 12 means that you are asking the judge to order the clerk to remove some addresses and telephone numbers from the final order in this case so that the public cannot see them. If you are requesting this, DO NOT INCLUDE this personal information in this form OR a temporary ex parte protective order form.

**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)*

**AFFIDAVIT**

County of \_\_\_\_\_

State of Texas

My name is \_\_\_\_\_ (First Middle Last). 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. In which county did this happen? \_\_\_\_\_

3. What date did this happen? \_\_\_\_ / \_\_\_\_ / \_\_\_\_

4. Was a weapon involved?      Yes    No      If yes, what kind? \_\_\_\_\_

5. Were any children there?      Yes    No      If yes, who? \_\_\_\_\_

6. Did you call the police?      Yes    No      If yes, what happened? \_\_\_\_\_

7. Did you get medical care?      Yes    No      If yes, describe your injuries: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

9. Were weapons ever involved?    Yes    No      If yes, what kind? \_\_\_\_\_

10. Were any children there?      Yes    No      If yes, who? \_\_\_\_\_

11. Have the police ever been called?                      Yes    No

12. 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 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 and 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: \_\_\_\_\_

**DECLARATION**

County of \_\_\_\_\_  
State of Texas

My name is \_\_\_\_\_ (First Middle Last), my date of birth is \_\_\_\_\_,  
and my address is \_\_\_\_\_ (Street), \_\_\_\_\_  
(City), \_\_\_\_\_ (State), \_\_\_\_\_ (Zip Code) \_\_\_\_\_ (Country) \_\_\_\_\_.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_ (Month), \_\_\_\_\_ (Year).  
\_\_\_\_\_ (Declarant Signature).

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. In which county did this happen? \_\_\_\_\_

3. What date did this happen? \_\_\_\_ / \_\_\_\_ / \_\_\_\_

4. Was a weapon involved?      Yes    No      If yes, what kind? \_\_\_\_\_

5. Were any children there?      Yes    No      If yes, who? \_\_\_\_\_

6. Did you call the police?      Yes    No      If yes, what happened? \_\_\_\_\_

7. Did you get medical care?      Yes    No      If yes, describe your injuries: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Were weapons ever involved?    Yes    No      If yes, what kind? \_\_\_\_\_

10. Were any children there?      Yes    No      If yes, who? \_\_\_\_\_

11. Have the police ever been called?      Yes    No \_\_\_\_\_

12. Did you ever have to get medical care?    Yes    No If yes, describe your injuries: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. 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 signs here

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 Affidavit or 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:**

- 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.

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 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 take, 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.**

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 Affidavit or 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 take, 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.**

**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.

- Under Texas Family Code Section 81.0015, there is a presumption that the Respondent has committed family violence 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 \_\_\_\_\_

**Children:** \_\_\_\_\_ Names of children \_\_\_\_\_  
\_\_\_\_\_ needing protection \_\_\_\_\_

\_\_\_\_\_ each person lives \_\_\_\_\_  
\_\_\_\_\_

**Other** \_\_\_\_\_ Names of other adults needing protection \_\_\_\_\_

**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 take, 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*):

Was served on the Respondent in open court.  
Shall be personally served on the Respondent.  
Shall be mailed by the Clerk of the Court to the Respondent's last known address.

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.

## 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 Title IV-D agency  
The staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation to which Respondent is assigned whose address is as follows: \_\_\_\_\_.

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 the Protective Order is scheduled to expire while the Respondent is confined or imprisoned or within one year of Respondent's release, the Protective Order will expire one year after the Respondent's release if Respondent was sentenced for more than five years; or two years after the date of Respondent's release if Respondent was sentenced for five years or less.

**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

**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

Relationship to Petitioner: \_\_\_\_\_

\_\_\_\_\_  
Respondent's Address

\_\_\_\_\_

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

**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.

- Under Texas Family Code Section 81.0015, there is a presumption that the Respondent has committed family violence 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 take, 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*):

Was served on the Respondent in open court.  
Shall be personally served on the Respondent.  
Shall be mailed by the Clerk of the Court to the Respondent's last known address.

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.

## 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 Title IV-D agency

The staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation to which Respondent is assigned whose address is as follows: \_\_\_\_\_.

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 the Protective Order is scheduled to expire while the Respondent is confined or imprisoned or within one year of Respondent's release, the Protective Order will expire one year after the Respondent's release if Respondent was sentenced for more than five years; or two years after the date of Respondent's release if Respondent was sentenced for five years or less.

**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.

**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	Eye color	Hair color	Skin
American Indian or Alaskan Native (I)	Black (BLK)	Black (BLK)	Albino (ALB)
Asian Pacific Islander (A)	Blue (BLU)	Blond or Strawberry (BLN)	Black (BLK)
Black (B)	Brown (BRO)	Brown (BRO)	Dark (DRK)
White (W)	Gray (GRY)	Gray or partially gray (GRY)	Dark Brown (DBR)
Unknown (All other non-whites) (U)	Green (GRN)	Red or Auburn (RED)	Fair (FAR)
<i>Other:</i> _____	Hazel (HAZ)	White (WHI)	Light (LGT)
_____	Maroon (MAR)	Red or Auburn (RED)	Light Brown (LBR)
_____	Pink (PNK)	White (WHI)	Medium (MED)
_____	Multicolored (MUL)	Sandy (SDY)	Medium Brown (MBR)
_____	Unknown (XXX)	Completely Bald or Unknown (xxx)	Olive (OLV)
<b>Ethnicity</b>	<i>Other</i> _____	Unknown (xxx)	Ruddy (RUD)
Hispanic (H)	_____	Other ( <i>style/length</i> ): _____	Sallow (SAL)
Non-Hispanic (N)	_____	_____	Yellow (YEL)
Unknown (U)	_____	_____	Unknown (XXX)
			<i>Other</i> _____

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

Glasses _____	Tattoos _____	Drug/Alcohol Use _____
Beard _____	Scars _____	Weapons _____
Moustache _____	Markings _____	Other _____
Missing front teeth _____	Piercings _____	Other _____
Bald _____	Mental Health Condition _____	

**Respondent's Vehicle Information:** Vehicle ID # (VIN): \_\_\_\_\_ Year: \_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_  
Color: \_\_\_\_\_ License Plate #: \_\_\_\_\_ State: \_\_\_\_\_ License Plate Year of Expiration: \_\_\_\_\_

**Respondent's Employment Information** (name of employer): \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Hours/Dept: \_\_\_\_\_ Supervisor: \_\_\_\_\_

**Respondent's Attorney (Name):** \_\_\_\_\_ Phone: \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Other people who may have information to help find Respondent:**

**Name:** \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Relationship: \_\_\_\_\_

Other Information: \_\_\_\_\_

**Name:** \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Relationship: \_\_\_\_\_

Other Information: \_\_\_\_\_

**\*\*\*Protected Person Information\*\*\***

*(Use additional pages if necessary)*

**Name of Protected Person:** \_\_\_\_\_

Sex: M F Date of Birth: \_\_\_\_\_ SSN (last 3#) \_\_\_\_\_ County: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Race:** Indian Asian Black White Unknown **Ethnicity:** Hispanic Non-Hispanic Unknown

**Employment Information** (name of employer): \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Employment Information** (name of employer): \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**\*\*\*Protected Child Information\*\*\***

*(Use additional pages if necessary)*

**Name of Protected Child:** \_\_\_\_\_

Sex: M F Date of Birth: \_\_\_\_\_ Daycare or School Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Race:** Indian Asian Black White Unknown **Ethnicity:** Hispanic Non-Hispanic Unknown

**Name of Protected Child:** \_\_\_\_\_

Sex: M F Date of Birth: \_\_\_\_\_ Daycare or School Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Race:** Indian Asian Black White Unknown **Ethnicity:** Hispanic Non-Hispanic Unknown

## List of Crimes under Texas Penal Code Titles 5 and 6

When answering question 4b on the Application for Protective Order form, look at this list to see if Respondent has been convicted or received deferred adjudication community supervision for any of the following crimes.

### Title 5 Crimes

- Unlawful Restraint
- Kidnapping
- Aggravated Kidnapping
- Smuggling of Persons
- Trafficking of Persons
- Continuous Trafficking of Persons
- Continuous Sexual Abuse of a Young Child or Children
- Public Lewdness
- Indecent Exposure
- Indecency with a Child
- Invasive Visual Recording
- Assault
- Sexual Assault
- Aggravated Assault
- Aggravated Sexual Assault
- Injury to a Child, Elderly Individual, or Disabled Individual
- Abandoning or Endangering a Child
- Deadly Conduct
- Terroristic Threat
- Leaving a Child in a Vehicle

### Title 6 Crimes

- Prohibited Sexual Conduct
- Interference with Child Custody
- Agreement to Abduct from Custody
- Enticing a Child
- Criminal Nonsupport
- Harboring Runaway Child
- Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Sexual Assault or Abuse, Stalking, or Trafficking Case
- Violation of Protective Order Preventing Offense Caused by Bias or Prejudice
- Repeated Violation of Certain Court Orders or Conditions of Bond in the Family Violence, Sexual Assault or Abuse, Stalking, or Trafficking Case
- Sale or Purchase of Child
- Advertising for Placement of Child
- Interference with Rights of Guardian of the Person
- Continuous Violence Against the Family