

Orden de Protección

¿Qué es una orden de protección?

Es una orden de la corte que lo protege a usted de alguna persona que ha sido violenta o ha amenazado con actos violentos.

¿Cómo me puede ayudar una orden de protección?

Puede ordenar a la otra persona que:

- No sea agresiva con usted o amenace con actos de agresión
- No contacte o se le acerque a usted, sus hijos, otros familiares, su casa, trabajo, o la escuela de sus hijos
- No tenga armas de fuego ni licencia para portar un arma

La policía puede arrestar a la persona por violar alguna de estas órdenes.

¿Puedo obtener una orden de protección?

Puede obtener una orden de protección si:

- Alguien ha cometido un acto de agresión o amenaza de agresión contra usted, **y**
- Tiene una relación cercana con esa persona (estaban o están casados, son novios o viven juntos, tienen un hijo o son familiares cercanos), **y**
- Tiene miedo de que esa persona vuelva a cometer un acto de agresión contra usted.

¿Cuánto cuesta?

No hay ningún costo para usted.

¿Cómo pido una orden de protección?

Llene los formularios en este paquete:

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



¿Dónde presento los formularios?

Después de que los llene, haga 2 copias y llévelos a la corte. Preséntelos en el condado donde usted o la otra persona viven. Pero si hay un caso de divorcio o custodia pendiente contra la otra persona, presente los formularios en ese mismo condado o en el condado donde vive usted.

¿Qué pasa si la otra persona y yo vivimos juntos o tenemos hijos juntos?

El juez puede emitir órdenes sobre quién se queda con la casa, departamento o carro.

El juez también puede emitir otras órdenes, tales como órdenes de custodia, visitas y manutención del cónyuge (spousal support).

¿Puedo obtener protección inmediatamente?

El juez puede emitir una orden temporal de protección para usted que dure hasta la siguiente audiencia en la corte. A esta orden se le llama *Temporary Ex Parte Protective Order*, o sea orden de protección temporal.

En algunos casos el juez le ordena a la otra persona que salga de la casa inmediatamente. Si usted desea que esto ocurra, debe pedirselo al juez. Prepárese para declarar durante la audiencia cuando presente su solicitud.

¿Tengo que ir a la corte?

Sí. Aun si el juez le da una orden de protección temporal, usted debe asistir a la siguiente audiencia, la cual se llevará a cabo dentro de 2 semanas. El juez decidirá si usted debe tener protección y por cuánto tiempo. Si usted no se presenta, la orden de protección temporal podría terminarse.

Lea la hoja *Prepárese para ir a la corte* de este paquete. O pídasela al secretario de la corte o en Internet:

www.texaslawhelp.org/protectiveorderkit

¿Cómo se enterará la otra persona de la orden de protección?

A la otra persona se le debe entregar un aviso de su solicitud **antes** de la audiencia. Alguien – **no usted** – le entregará a la otra persona una copia de su solicitud para orden de protección.

El secretario de la corte puede arreglar todo para que un agente del orden público le entregue los papeles de la corte a la otra persona SIN COSTO alguno para usted.

¿Necesita ayuda?

Hay una hoja con instrucciones para cada formulario.

Pero, si necesita más ayuda, llame a la:

Línea Legal de Violencia en el Hogar: **800-374-4673**

O vaya a:

www.texaslawhelp.org/protectiveorderkit

Si bien usted puede presentar estos formularios sin tener abogado, se le anima a que busque la ayuda de un abogado para que le ayude con este proceso. El fiscal de condado o de distrito o la oficina de Legal Aid quizás puedan ayudarle gratis. El Colegio de Abogados de Texas quizás también puede remitirlo a un abogado si llama al número gratuito: 800-252-9690.

Prepárese para ir a la corte



¡Es muy importante ir a la audiencia!

Si no se presenta a la audiencia, la orden de protección temporal, o sea la *Temporary Ex Parte*

Protective Order podría terminar y usted tendrá que comenzar de nuevo el proceso.

Prepárese.

- Llene la orden de protección (*Protective Order*) antes de que vaya a la corte y llévela con usted.
- Traiga cualquier prueba que tenga, como fotos, expedientes médicos, ropa rota. También traiga testigos que sepan sobre la violencia, tal como un vecino, familiar o policía. El juez podría pedirles que presten testimonio.
- Traiga comprobantes de los ingresos y gastos de usted y de la otra persona, como recibos, talones de cheque, cuentas de banco, declaración de impuestos.
- Si le regresaron la Prueba de Entrega (*Proof of Service*), preséntela al secretario de la corte y traiga una copia a la corte.

Llegue 30 minutos antes.

- Busque la corte.
- Cuando abran entre y dígame al secretario u oficial que usted está presente.
- Observe lo que ocurre en los otros casos para que sepa lo que tendrá que hacer.
- Cuando llamen su nombre pase al frente de la sala.

¿Y si no hablo inglés?

Cuando presente sus papeles dígame al secretario que necesita intérprete.

Si no hay intérprete disponible traiga a alguien para que le interprete. No le pida a un niño, una persona protegida, ni a un testigo que sea su intérprete.

¿Y si soy sordo?

Cuando presente los papeles pida un intérprete u otra adaptación.

¿Qué pasa si necesito una orden de manutención de niños o de visitas?

Llame a la línea legal de Violencia en el Hogar antes de ir a la corte: **800-374-4673**

¿Y si tengo miedo?

Si teme por su seguridad, llame a su centro de crisis familiar local o a la Línea Especial Nacional de Violencia en el Hogar al: **800-799-7233**

Practique lo que usted quiere decir.

Haga una lista de las órdenes que desea y practique decir lo que le vaya a pedir al juez. No se tarde más de 3 minutos en decir lo que quiere.

Si se pone nervioso en la audiencia, sólo lea de su lista. Use la lista para ver si el juez le dio todas las órdenes que usted solicitó.

El juez quizás le haga preguntas.

La otra persona o su abogado(a) quizás también le hagan preguntas a usted. Diga la verdad. Hable despacio. Dé respuestas completas.

Si no entiende, diga, "No entiendo la pregunta".

Hable sólo con el juez, a menos que sea su turno de hacer preguntas. Cuando alguien esté hablando con el juez espere a que terminen. Luego usted puede hacer preguntas sobre lo que dijeron.

¿Qué pasa después de la audiencia?

Si el juez está de acuerdo en que usted necesita protección, firmará la orden de protección.

Lleve la orden firmada al secretario de la corte. Pida copias de la orden (o haga copias) y lleve una copia consigo en todo momento.

Déle una copia de la orden a la guardería de sus niños, la niñera o la escuela. Si la otra persona viola la orden, llame a la policía y muéstreles la orden.

¿Necesita ayuda?

Si está en peligro llame a la policía: **911**

O llame a la Línea Legal de Violencia en el Hogar: **800-374-4673**

O vaya a:

www.texaslawhelp.org/protectiveorderkit

PLAN DE SEGURIDAD PERSONAL

Escrito por Texas RioGrande Legal Aid

Seguridad Durante un Incidente Explosivo

- Si un argumento no puede evitarse, trate de tenerlo en una habitación o un sitio en el cual usted tenga fácil acceso a una salida. Tente de evitar el baño, la cocina, una alcoba o cualquier lugar en donde haya armas disponibles.
- Practique como salir de su casa con seguridad. Identifique que puertas, ventanas, corredor, elevador o escalera serán los mejores.
- Tenga una maleta empacada y manténgala en casa de una amiga(o), con el fin de poder salir rápidamente.
- Identifique uno o más vecinos a los cuales usted pueda contarles sobre la violencia a que esta expuesta y pídale que llamen a la policía si escuchan disturbios procedentes de su casa.
- Tenga una clave para usar con sus niños, familia, amigos o vecinos para darles a entender que necesita que llamen a la policía.
- Decida y planee a donde ir, si tiene que dejar su hogar (aun si no cree que tenga necesidad de hacerlo).
- Use sus propios instintos y juicio. Si la situación es muy peligrosa considere darle al agresor lo que le esta pidiendo, con el fin de calmarlo. Usted tiene el derecho de protegerse a si misma hasta que este fuera de peligro.
- Recuerde siempre: **¡USTED NO MERECE SER GOLPEADA O AMENAZADA!**

Seguridad Cuando Esta Preparándose Para Irse

- La pareja abusiva es mas violenta cuando cree que la persona que ha abusado esta dejando la relación.
- Abra una cuenta bancaria o saque una tarjeta de crédito a nombre suyo para empezar a fortalecer o aumentar su independencia. Piense en otras formas en las cuales puede fortalecer su independencia.
- Deje dinero, un juego extra de llaves de la casa y del auto, documentos importantes, medicinas y ropa con alguien en que usted confié, con el fin de poder salir sin demora alguna.
- Determine quien puede dejarla quedar en su casa o prestarle algún dinero.
- Mantenga con usted todo el tiempo el numero de teléfono del refugio (shelter) o la línea de emergencia, y mantenga monedas o una tarjeta de cobros para el teléfono en caso de tener que hacer alguna llamada de emergencia.
- Revise con frecuencia su plan de seguridad con el fin de programar la forma más segura para usted de dejar al agresor. **RECUERDE: EL MOMENTO MÁS PELIGROSO ES CUANDO USTED LO DEJA.**

Seguridad en su Propia Casa

- Cambie las cerraduras de sus puertas. Instale seguros adicionales y elementos de seguridad para sus ventanas.
- Discuta un plan de seguridad para los niños para cuando usted no este con ellos.
- Informe a la escuela, la guardería o la persona que cuida a sus niños de quien tiene autorización para recogerlos.
- Informe a sus vecinos y a su arrendador que su compañero no vive mas con usted y que ellos deben llamar a la policía si lo ven cerca de su casa.

Seguridad con una Orden De Protección

- Mantenga su orden de protección con usted en todo momento (cuando cambie de bolsa es lo primero que debe incorporar). Dele una copia a un vecino en el que confié o a alguno de su familia.
- Llame a la policía si su compañero viola la orden de protección.
- Piense en alternativas para poder estar segura si la policía no responde inmediatamente.
- Infórmeles a su familia, a sus amigos, vecinos, a su doctor o practicante de salud que usted tiene una orden de protección en acción.

Seguridad en el Trabajo y en Publico

- Decida a quien en su trabajo debe informarle de la situación. Esto incluye la oficina y la división de seguridad. Si es posible, suminístreles una fotografía del agresor.
- Tente de conseguir una contestadora telefónica, un código de identificación para quienes le llaman, o que una persona confiable o un miembro de su familia le conteste sus llamadas, si es posible.
- Haga un plan de seguridad para cuando sale del trabajo. Consiga que alguien le acompañe a su auto, camión o tren y que espere a que usted este en ruta sin problema. Use diferentes rutas para ir a casa, si le es posible. Piense en lo que podría hacer si algo le ocurre mientras va hacia su hogar (e.g. en su auto, en el camión, etc).

CONTINUACIÓN DEL PLAN DE SEGURIDAD PERSONAL

Seguridad y Uso de Drogas

- Los resultados legales debido al uso de drogas/alcohol pueden ser muy dañinos para la mujer víctima de violencia doméstica y puede ponerla en desventaja en acciones legales contra el agresor. Las mujeres deben considerar el precio de este tipo de comportamiento. El uso de alcohol o drogas reduce el conocimiento y habilidad de actuar rápidamente para protegerse del agresor. El agresor puede usar como excusa que la violencia fue debido al abuso de alcohol/drogas.

Su Seguridad y Su Salud Emocional

- Si usted está considerando regresar a una situación de posible abuso, discuta un plan alternativo con alguien en quien confíe.
- Si usted tiene que comunicarse con su compañero, determine la forma segura de hacerlo.
- Tenga pensamientos positivos con respecto a sí misma y proteja fuertemente sus derechos, creencias y necesidades frente a los demás. Lea libros, artículos y poemas que le ayuden a sentirse más fuerte.
- Decida con quien puede usted hablar libre y abiertamente para que le dé el apoyo que usted necesita.
- Programe asistir en un grupo de apoyo para mujeres o víctimas de abuso por lo menos por dos semanas. Esto le dará apoyo de otras personas y le enseñará más sobre usted misma y sobre la relación.

LISTA DE CONTROL LO QUE USTED DEBE LLEVAR CONSIGO CUANDO SE VAYA

IDENTIFICACIÓN

- Licencia de manejar
- Certificados de nacimiento de los niños
- Su certificado de nacimiento
- Tarjeta del Número de Seguro Social
- Tarjeta de asistencia social/(Welfare)

FINANZAS

- Dinero y/o tarjetas de crédito
- Libretas del banco
- Libretas de cheques

PAPELES LEGALES

SU ORDEN DE PROTECCIÓN

- Papeles de arrendamiento / propiedad de la casa
- Certificados de seguros de salud / vida
- Certificados médicos suyos / niños
- Permiso de trabajo/Green Card/Visa

- Pasaporte
- Papeles de divorcio
- Papeles de custodia de los niños

OTROS

- Llaves de la casa y el automóvil
- Medicinas
- Cosas pequeñas que pueda vender
- Joyas
- Libreta de direcciones
- Tarjeta de cobro telefónico
- Fotografías suyas/niños/abusador
- Juguetes pequeños de los niños
- Cosméticos/pañales
- Cambio de ropa para usted / niños

PARA MÁS INFORMACIÓN, COMUNIQUESE CON UNO DE LOS SIGUIENTES TELÉFONOS:

SERVICIOS DE EMERGENCIA, 24 HORAS, VIVIENDA Y OTROS SERVICIOS

Línea Nacional de Crisis Para Violencia Familiar 1-800-799-SAFE

INTERVENCIÓN EN CRISIS, REFERENCIA, ASISTENCIA

Emergencia - 911

CONSEJERÍA

Para víctimas de relaciones/familias abusivas, Centro de protección infantil
1-800-252-5400

ASISTENCIA LEGAL

Imposición de Mantenimiento Infantil, Oficina de la Procuraduría General (Attorney General) 1-800-252-8014

ASISTENCIA PARA VÍCTIMAS DE CRIMEN

Procuraduría General División de Indemnización (Crime Victim's Compensation) 1-800-983-9933

Case No.: _____

Applicant: Escriba su nombre. Usted es el Solicitante. § In the _____ Court

Respondent: Nombre de la persona de quien quiere protegerse. Este es el Demandado. § _____ County, Texas

§
§
§
§

El secretario
llena esta parte.

Application for Protective Order

1 Parties

Applicant: Name: Escriba su nombre aquí. County of Residence: _____

Respondent: Nombre de la persona de quien quiere protegerse Condado donde vive cada persona

Respondent's address: La mejor dirección para entregar a la otra persona una copia de este formulario

Check all that apply:

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

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

Name:	Is Respondent the biological parent?	County of Residence:
a. _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
b. <u>Nombres de los niños que necesitan protección</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>Condado donde vive cada persona</u>
c. _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
d. _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check all that apply:

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

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

Name:	County of Residence:
a. <u>Nombres de otros adultos que necesitan protección</u>	<u>Condado donde vive cada persona</u>
b. _____	_____

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

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

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

5 Grounds: Why is the Applicant asking for this Protective Order? Lea y luego marque una o ambas opciones.

- The Respondent committed family violence and is likely to continue 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.

Ejemplar solamente – No debe presentar esta hoja.

The Applicant requests a Protective Order and asks

Marque todas las órdenes que quiere que le conceda el juez.

with a check

6 Orders to Prevent Family Violence

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

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

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

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

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

7 Property Orders

The Residence located at: Escriba su dirección aquí a menos que quiera mantenerla confidencial.

(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 Residence identified above, and the Respondent jointly own or lease: Escriba aquí las cosas que quiere usar o controlar, por ejemplo carro o muebles, aun si la otra persona sea co-propietario.
- 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).

Ejemplar solamente – No debe presentar esta hoja.

8 Spousal Support Order

Marque aquí si quiere recibir manutención del conyugue.

9 Orders Related to Removal, Possession and Support of Children

Marque aquí y llene esta sección si quiere que el juez emita una orden sobre las personas con las que se pueden quedar los niños, restricciones de viaje y manutención de los hijos.

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

10 Temporary Ex Parte Protective Order

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

11 Ex Parte Order: Vacate Residence Immediately

Marque aquí si quiere que el juez le ordene a la otra persona que se vaya del hogar.

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

12 Keep Information Confidential

Marque aquí si quiere que su información de contacto permanezca privada.

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.

Firme aquí.

Escriba la dirección y el teléfono suyo u otra dirección y teléfono si quiere mantener los suyos privados.

Ejemplar solamente – No debe presentar esta hoja.

Affidavit

County of _____
State of Texas

Escriba el nombre del condado donde vive usted.

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

Escriba su nombre aquí.

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

Conteste todas las preguntas en este formulario

2 What date did this happen?

Si ocurrió en los últimos 30 días el juez le puede ordenar al Demandado que se vaya de la casa.

3 Was a weapon involved? Yes No

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

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

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

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

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

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

10 Have the police ever been called? Yes No

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

NO firme hasta que no le diga el "notary public" que lo haga.

Applicant signs here

On ____ / ____ / ____ the Applicant _____ personally appeared before me, the undersigned _____, who is a Notary Public in and for the State of Texas, and she/he stated that she/he is qualified to make this oath, that she/he has personal knowledge of the facts asserted, and the facts asserted are true to the best of her/his knowledge and belief.

El "notary public" llena esta parte.

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

Notary Public in and for the State of Texas

My Commission expires: _____

Ejemplar solamente – No debe presentar esta hoja.

Case 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.

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

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

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

Check all that apply:

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

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

Name: _____ County of Residence: _____

- a. _____
- b. _____

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

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

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

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

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

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

6 Orders to Prevent Family Violence

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

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

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

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

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

7 Property Orders

The Residence located at: _____

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

11 Ex Parte Order: Vacate Residence Immediately

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

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

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

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

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

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

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

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

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

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

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

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

10 Have the police ever been called? Yes No

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



Applicant signs here

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

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



Notary Public in and for the State of Texas

My Commission expires: _____

Case No.: _____

Applicant: _____ Court _____

Vea la parte superior de la "Application for Protective Order" y escriba la misma información aquí.

v.

of

Respondent: _____ County, Texas

Temporary Ex Parte Protective Order

Go to the court hearing on: Date: _____ Time: _____ a La corte llena esta parte.

Court Address: _____

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

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

Name: ¿De quién quiere que se le proteja? County of Residence: ¿En qué condado vive él/ella?

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

	Name:	County of Residence:
<input type="checkbox"/> Applicant:	Escriba el nombre de usted aquí.	_____
<input type="checkbox"/> Children:	Nombres de los niños que necesitan protección	Nombre del condado donde vive cada persona.
<input type="checkbox"/> Other Adults:	Nombres de otros adultos que necesitan protección	_____

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

The Respondent (person named in 1) must:

- a. Not commit an act against any person named in 2 above that causes or results in physical harm, bodily injury, assault, or sexual assault or that is a threat to cause or result in such harm, injury, assault, or sexual assault to any person named in 2 above.
- 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.

La corte llena el resto de este formulario. El juez quizás le haga preguntas antes de emitir las órdenes.

Ejemplar solamente – No debe presentar esta hoja.

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

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

Ejemplar solamente – No debe presentar esta hoja.

4 Order: Vacate Residence Immediately

The Court finds that the Residence located at: _____

(Check one):

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

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

The Respondent is therefore ORDERED to vacate the Residence on or before:

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

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

5 Go to the court hearing

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

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

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

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

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

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

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

Judge Presiding: ► _____

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

Ejemplar solamente – No debe presentar esta hoja.

Case No.: _____

Applicant: _____

In the _____ Court

v.

of

Respondent: _____

§
§
§
§
§

_____ County, Texas

Temporary Ex Parte Protective Order

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

Court Address: _____

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

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

Name: _____ County of Residence: _____

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

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

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

The Respondent (person named in 1) must:

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

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

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

4 Order: Vacate Residence Immediately

The Court finds that the Residence located at: _____

(Check one):

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

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

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

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

5 Go to the court hearing

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

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

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

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

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

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

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

Judge Presiding: ► _____

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

Case No.: _____

Applicant: _____ Court

v.

Vea la parte superior de la "Application for Protective Order" y escriba la misma información aquí.

of

Respondent: _____ § _____ County, Texas

Protective Order

Escriba aquí la fecha y hora de la audiencia.

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

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

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

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

1 Appearances: (Check any that apply):

Applicant Respondent

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

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

	Name: _____	County of Residence: _____
<input type="checkbox"/> Applicant:	Escriba el nombre de usted aquí.	_____
<input type="checkbox"/> Children:	Nombres de los niños que necesitan protección	Nombre del condado donde vive cada persona
<input type="checkbox"/> Other Adults:	Nombres de otros adultos que necesitan protección	_____

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

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

- a. Not commit an act against any person named in **2** above that results in serious bodily injury, assault, or sexual assault or that is likely to result in 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 with any person named in **2** above by any means, including but not limited to telephone, text, email, social media, or any other electronic means.

La corte llena el resto de este formulario. El juez quizás le haga preguntas antes de emitir las órdenes.

Ejemplar solamente – No debe presentar esta hoja.

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

5 Family Violence Prevention Program

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

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

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

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

Ejemplar solamente – No debe presentar esta hoja. →

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

Ejemplar solamente – No debe presentar esta hoja.

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

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

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

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

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

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

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

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

10 **Fees and Costs**

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

Total to be paid: \$ _____

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

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

11 **Attorney's Fees**

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

Attorney Fees awarded by the Court: \$ _____

Attorney's name: _____

Attorney's address: _____

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

12 **Service**

This Protective Order (Check all that apply):

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

Ejemplar solamente – No debe presentar esta hoja.

13 Copies Forwarded

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

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

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

14 Duration of Order

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

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

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

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

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

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

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

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

Judge Presiding:  _____

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


Agreed Order

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

 _____
Applicant

 _____
Respondent

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

 _____
Respondent

Ejemplar solamente – No debe presentar esta hoja.

Case No.: _____

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

Protective Order

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

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

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

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

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

1 Appearances: (Check any that apply):

Applicant Respondent

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

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

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

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

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

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

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

5 Family Violence Prevention Program

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

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

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

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

6 Property Orders

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

7 Other Property Orders

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

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

8 Spousal Support Order

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

9 Orders Related to Removal, Possession and Support of Children

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

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



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

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

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

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

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

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

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

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

10 **Fees and Costs**

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

Total to be paid: \$ _____

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

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

11 **Attorney's Fees**

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

Attorney Fees awarded by the Court: \$ _____

Attorney's name: _____

Attorney's address: _____

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

12 **Service**

This Protective Order (Check all that apply):

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



13 Copies Forwarded

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

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

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

14 Duration of Order

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

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

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

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

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

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

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

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

Judge Presiding:  _____

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

Agreed Order

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

 _____
Applicant

 _____
Respondent

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

 _____
Respondent

Respondent Information

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

Respondent's Name: _____

Alias (Nickname): _____

Respondent's relationship to Applicant: _____

Respondent lives in: _____ County

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

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

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

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

Race

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

Other: _____

Eye color

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

Other: _____

Hair color

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

Other (style/length): _____

Skin

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

Other: _____

Ethnicity

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

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

Other Identifying Information *Check all that apply*

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

Respondent works at (name of business): _____

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

Phone: _____ Hours/Dept: _____ Supervisor: _____

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

License Plate # _____ State: _____ Exp. _____

Respondent's Attorney (Name): _____

Phone: _____ Address: _____

Other contacts who may have information to help find Respondent:

Name: _____ **Phone:** _____

Address: _____ **Relationship:** _____

Other Information: _____

Name: _____ **Phone:** _____

Address: _____ **Relationship:** _____

Other Information: _____