

Protective Orders

What is a Protective Order? If you have been a victim of violence, stalking or sexual abuse, you can apply for a court order to keep your abuser away from you. This order is called a Protective Order (“PO”). There are different kinds of PO’s for victims of domestic abuse, dating violence, sexual assault, stalking and human trafficking. A PO orders an abuser:

- not to hurt, threaten, or harass you or your children, either directly or through another person;
- to stay away from you, your family, your home, workplace, and children’s day care or school;
- not to carry a gun, even with a license.

The judge can also:

- order payment of child support and medical support,
- set terms and conditions for visitation with the children,
- order the abuser to attend anger management classes,
- order drug testing,
- order the abuser to attend a substance abuse treatment program,
- order the offender out of the home (“kick out order”).

How do I get a PO? There are several ways to apply:

- Contact your local county or district attorney’s office,
- Contact your local family violence shelter, call 1.800.799.SAFE (7233) to find the nearest one,
- Contact your local legal aid office,
- Hire a private attorney,
- Complete the do-it-yourself PO Kit available from www.texaslawhelp.org. Trying to get a protective order without an attorney should be your last resort.

What must I show to get a PO? What you must show depends on the type of protective order. For a family violence protective order, you must be able to show that violence has occurred and it is likely that violence will continue in the future. For stalking, sexual assault, and human trafficking protective orders, you must be able to show the abuser committed either stalking, sexual assault, or trafficking. Some considerations:

- Family violence includes *any intimate partner violence*, including dating violence and violence between same-sex partners,
- A specific relationship with the abuser is not required for sexual assault, stalking and human trafficking protective orders.
- *Call the police when an incident occurs.* If you have made reports before, it is more likely that a PO will be granted,
- *Don’t delay in applying for a protective order.* Apply right after the incident. Waiting will reduce your chances of getting a PO, because the threat of immediate danger has passed.
- *Document incidents of abuse.* Photograph injuries, save threatening voice messages, texts and emails. The more details you provide, the more likely you are to get a PO.

FAMILY

How long does a PO last? It depends on the type of abuse (stalking, dating violence, sexual assault, family violence); the seriousness of the harm, if children were present, if an arrest was made, past violence, the likelihood of future violence, and other factors. PO’s for family violence usually last two years, but can be for any duration, including for life. Sexual assault and stalking PO’s can last for life.

What happens if someone violates a PO? If the abuser violates a PO, he or she can be arrested and charged with a crime. Multiple violations can result in felony charges.