Protective Order Kit

Includes instructions, forms, and information.

Protective Order FAQs

PROTECTIVE ORDERS: FAQ

What is a Protective Order?

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 or threaten 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**
- Either you, your spouse or dating partner has a close relationship with the person who hurt you (close relationships include: marriage, close relatives, dating or living together, have a child together.)

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

You can also get a Protective Order if you have been sexually assaulted, stalked, or trafficked even if you do not have a close relationship with the person who committed these crimes against you. For 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**. You may find forms for a sexual assault or stalking Protective Order at **https://www.txcourts.gov/forms/.**

How much does a Protective Order cost?

It is free for you.

How do I ask for a Protective Order?

Fill out the following forms found in this kit:

- Application for Protective Order
- *Either* an Affidavit *or* Declaration (see below)
- Temporary Ex Parte Protective Order
- Protective Order
- TCIC Protective Order Data Entry Form

Do I use the Affidavit or Declaration form?

Your Application must include only **one** of these forms:

Affidavit	**OR**	**Declaration**
If you want your Date of Birth and Address kept confidential. **MUST** be signed in front of a notary.		Date of Birth and Address will be public information (not confidential.) Does **NOT** have to be signed in front of a notary.

Where do I file the forms?

After you fill out the forms, make two copies and take them all 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, file the forms in the same county as the case or the county where you live.*

What if I live or have children with the other person?

The judge can make orders about who gets to use the house, apartment, or car. The judge can also make other orders like protection of pets, child custody, child support, visitation, and spousal support.

Can I get protection right away?

The judge may give you a 'Temporary Ex Parte Protective Order,' which is a temporary order that protects you until your court hearing. Please note: If you do not receive a court document entitled "Temporary Ex Parte Protective Order" that is signed by a judge after you apply, you do **NOT** have a Protective Order yet. You must go to your 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, ask the judge when you file your application and be ready to testify at a hearing.

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, and that is when the judge will decide if you get a Protective Order and for how long. If you do not go, the Temporary Ex Parte Protective Order may end.

Read *Get Ready for Court*. You can find this at: **www.texaslawhelp.org/protectiveorderkit** or ask the court clerk for a copy.

How will the other person know about the Protective Order?

You must have the other person "served" **before** the court hearing. This means a law enforcement officer --not you-- will "serve" the other person a copy of your application. The clerk can arrange for law enforcement to serve the other person for FREE.

Please note: When the other person receives your application, they will also receive a copy of your signed Affidavit or Declaration. If the other person is in the military, a copy of your application and Affidavit or Declaration will also be sent to the officials on base.

How long will the Protective Order last?

In most cases, a Protective Order will last up to 2 years. There are some situations where a court can issue an order that lasts longer than 2 years.

Need help? There is an instruction sheet for each form, but if you need more help, contact: the Family Violence Legal Line at **800-374-HOPE(4673)** or go to **www.texaslawhelp.org**

*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 you for free. The State Bar of Texas may also be able to refer you to a lawyer if you call **800-252-9690**.*

Get Ready for Court

GET READY FOR COURT

Don't miss your hearing!

If you miss it, your Temporary Ex Parte Protective Order may end.

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, or 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, and 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 your Application for Protective Order.

Practice what you want to say.

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

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

Get there 30 minutes early.

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

The judge may ask questions.

The other person or his/her lawyer may also ask you questions. Tell the truth. Speak slowly. Give complete answers. If you don't understand the question, say, "I don't understand the question."

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

What if I don't speak English?

When you first file your application, tell the clerk you will need an interpreter. Ask the clerk for 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 first file your application, 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)**

What happens after the hearing?

If the judge agrees you need protection, they will sign your Protective Order. Take your signed order to the court clerk. Ask for a certified copy of your order and keep it 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 staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation to which they are assigned. 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 the Family Violence Legal Line: **800-374-HOPE(4673)**

Or go to: **www.texaslawhelp.org**

*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 you for free. The State Bar of Texas may also be able to refer you to a lawyer if you call **800-252-9690**.*

Make a Safety Plan

MAKE A SAFETY PLAN

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

During an attack

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

- Go to a friend's house or to a domestic violence shelter. Call 800-799-SAFE(7233) to find a shelter near you.
- Defend and protect yourself. Later, take photos of any injuries.
- Call for help. Scream as loud and 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 an attack 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 or co-worker to call the police if they hear or see 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 this 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 any pets.
- Review your safety plan a lot and make changes if needed.

Be safe with technology

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

Be safe when you live on your own

- Change the locks on your door as soon as you can.
- Put locks on all doors and windows.
- Ask your phone company for an unlisted number. (Sometimes this is free.) Don't call the other person from your phone. Screen all calls.
- If you move, don't tell the other person where you live.
- Give your children's schools and daycare a list of who is allowed to pick them up.
- Tell your neighbors and landlord that the other person no longer lives with you. Ask them to call the police if they see the other person near your home.
- Take care of yourself by asking for what you need and going to a support group.
- If you have to see the other person, meet in a public place and bring someone with you.
- If you are thinking of going back to the other person, talk to someone you trust first.
- Be safe at work by asking your co-workers to call the police if they see the other person at your job. Bring a picture of the other person 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 the other person violates it.
- Give copies of your Protective Order to your family, friends, neighbors, school, and daycare.
- If you need to get property from your home, you can request that a police officer go with you for safety.

Information also provided by: Texas RioGrande Legal Aid & the Texas Council on Family Violence

Important things to take with you

Keep these papers in a safe place where the other person can't find them!

Identification --

- □ Driver's License or other government-issued ID
- □ 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
- □ Works 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

Remember to keep these papers in a safe place where the other person can't find them!

Important resources

Police and Emergencies: 911

National Domestic Violence (DV) Hotline
1-800-799-SAFE (7233)
1-800-787-3224 (TTY) for the Deaf
Online chat: www.thehotline.org

Texas Council on Family Violence
1-800-525-1978
To find a legal advocate near you, go to: **www.tcfv.org**

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

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

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

Texas Family Violence—Legal Line
1-800-374-HOPE (4673)

National Dating Violence Helpline
866-331-9474
www.loveisrespect.org

Lawyer Referral Service
1-800-252-9690

Child Support Office
1-800-252-8014

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

Application for Temporary and Final Protective Orders

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

CAUSE NO: _____

_____	§	IN THE _____
APPLICANT	§	
VS.	§	
	§	
_____	§	OF _____ COUNTY, TEXAS
RESPONDENT	§	

Application for Protective Order

1. Parties:

_____ _____

Applicant County of Residence

☐ *Mark this box if you are completing and filing this application on behalf of the Applicant.*

_____ _____

Name of Person Filing the Application Title of Person Filing the Application

_____

Respondent

Respondent's address for service: _____

2. Reason(s) for Protective Order: *(Mark all that apply)*

- ☐ The Respondent committed family violence, dating violence, or child abuse.
- ☐ The Respondent committed sexual assault or abuse, indecent assault, indecency with a child, compelling prostitution, stalking, or trafficking.
- ☐ The Respondent violated a Protective Order that was active at the time of the violation but has since expired or will expire in 30 days or less. A copy of the Order is (*Mark one*)
  - ☐ attached. ☐ not available now but will be filed before the hearing set for this Application.
- ☐ The Respondent committed burglary of a habitation with intent to commit a felony, theft, or assault.

3. Describe Applicant's Relationship to the Respondent: (Mark all that apply)

- ☐ Current or former spouses
- ☐ Current or former dating partners
- ☐ Are or were members of the same family or household
- ☐ Parents of the same child(ren)
- ☐ Relatives
- ☐ Parent or child of the Respondent
- ☐ Foster child or foster parent of the Respondent
- ☐ Applicant is dating or married to Respondent's current or former spouse or dating partner
- ☐ Respondent is dating or married to Applicant's current or former spouse or dating partner
- ☐ No prior family or dating relationship

4. Children Under Age 18 Who Need Protection:

	Name	Is Respondent the parent or guardian
a.	_____	☐ Yes ☐ No
b.	_____	☐ Yes ☐ No
c.	_____	☐ Yes ☐ No
d.	_____	☐ Yes ☐ No

Mark 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 have a court order that affects how and when they can visit their family or sets child support.

5. Other Adults: The Applicant requests protection for the following adults who are or were: members of the Applicant's family or household; or in a marital or dating relationship with the Applicant.

	Name
a.	_____
b.	_____

6. Other Court Cases (other than criminal cases): Are there other court cases involving the Applicant, Respondent, or children?

☐ Yes ☐ No

(a) If "Yes," what kind of case and is the case active or complete?

_____

(b) If "complete," (*Mark all that apply*): ☐ A copy of the final order of the other case is attached.
☐ A copy of the final order of the other case will be filed before the hearing on this Application.

(c) If the Texas Office of the Attorney General Child Support Division has been involved with a child support case: list the OAG case number for each open case, if known. Case Number: _____

7. Family Violence or Other Criminal Case(s): Has the Respondent ever 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 the end of the Instruction document)

☐ Yes ☐ No ☐ Unknown

If "Yes," what kind of crime:

_____

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 ☐ Unknown

Was the crime against a child listed in this application?

☐ Yes ☐ No ☐ Unknown

Have the Respondent's parental rights to a child listed in this application been terminated?

☐ Yes ☐ No ☐ Unknown

If Respondent's parental rights have been terminated, has the Respondent contacted or attempted to contact the child?

☐ Yes ☐ No ☐ Unknown

8. Terms and Conditions of the Protective Order – Mark all terms and conditions that the Applicant wants the Court to include in the Temporary Ex Parte Order, if the Applicant is requesting one, and the final Protective Order.

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

a. ☐ Not to commit family violence.

b. ☐ Not to commit further acts of sexual assault or abuse, indecent assault, stalking, or trafficking.

c. ☐ Not to communicate a threat through any person to any person who is listed in this application as a person seeking protection or who is a member of the Applicant's family or household.

d. ☐ Not to communicate in a threatening or harassing manner with any person who is listed in this application as a person seeking protection or who is a member of the Applicant's family or household.

e. ☐ Not to communicate or attempt to communicate in any manner with *(Mark all that apply)*:

☐ Applicant ☐ children listed in this application ☐ other Adults listed in this application

except through Applicant's attorney or other person named by the Court, namely:

_____

Please explain why the court should prohibit direct communication from the Respondent:

_____

(If necessary, attach sheet with additional information)

f. ☐ Not go within _____ yards of the: (*Mark all that apply*)

☐ Applicant ☐ children listed in this application ☐ other Adults listed in this application

g. ☐ Not go to or within _____ yards of the residence, workplace, or school of the: (*Mark all that apply*)

☐ Applicant ☐ children listed in this application ☐ other Adults listed in this application.

Residence: _____

Workplace: _____

School: _____

h. ☐ Not go to or within _____ yards of the residence, child-care facility, or school of the children listed in this application, except as specifically authorized in a possession schedule or other order entered by the Court.

Residence: _____

Child-care facilities: _____

School: _____

i. ☐ Not to engage in conduct that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass any person who is listed in this application as a person seeking protection, or who is a member of the Applicant's family or household, including not tracking or monitoring the car or other property belonging to any person who is listed in this application as a person seeking protection, or who is a member of the Applicant's family or household, or by physically following or causing another to physically follow a person seeking protection or any member of the Applicant's family or household.

The Applicant further asks the Court to:

j. ☐ Suspend the Respondent's license to carry a handgun.*

k. ☐ Prohibit Respondent from possessing a firearm.*

l. ☐ Require the Respondent to complete a battering intervention and prevention program.

m. ☐ 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)

_____

n. ☐ Require the Respondent to do the following to prevent or reduce the likelihood of family violence or future harm to the Applicant or any person listed in this application as a person in need of protection.

_____

_____

_____

_____

**NOTE*: If the Respondent is a peace officer actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision, the court may not suspend the Respondent's license to carry a handgun or prohibit the Respondent from possessing a firearm.

9. Property Orders: *(Complete this section **only** if the Applicant shares, owns, or leases a residence with the Respondent)*

The Residence located at: _____

(*Mark one*):

☐ is jointly owned or leased by the Applicant and Respondent.

☐ is solely owned or leased by the Applicant.

☐ 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 asks the Court to make these orders about the residence: (*Mark all that apply*)

☐ Grant the Applicant exclusive use of the residence identified above and order the Respondent to vacate the residence and its premises.

☐ Order a law enforcement officer: to go with the Applicant to the residence; to tell the Respondent that the Court has ordered the Respondent to vacate the residence; to provide protection to the Applicant while the Applicant takes possession of the residence or while the Respondent takes possession of the Respondent's personal property; and to arrest the Respondent if the Respondent refuses to leave in violation of the Order.

☐ Applicant requests exclusive use of the following property that the Applicant and Respondent jointly own or lease:

_____

_____;

☐ Order the Respondent not to damage, transfer, encumber, or otherwise dispose of any property jointly owned or leased by the parties, including removing or disabling any vehicle owned or possessed by the Applicant or jointly owned or possessed by the parties.

10. ☐ Spousal Support Order (Mark the box if the Applicant is married to the Respondent and would like spousal support)

Applicant is married to the Respondent and requests the Court to order the Respondent to pay spousal support.

11. ☐ Rights to Mobile Phone Numbers, Associated Devices, and Accounts (Mark the box if asking to separate or transfer the wireless telephone account)

The Applicant asks the Court to order that the wireless telephone numbers that are used primarily by the Applicant or a person listed in this application as a person in need of protection be separated from the Respondent's wireless telephone service account. The Applicant asks for sole use, possession, and control of the following wireless telephone numbers and associated mobile devices, including sole billing responsibility and sole ownership of the mobile devices and wireless telephone service account associated with the wireless telephone numbers.

The Applicant further asks the Court to order the Respondent to pay the costs associated with transferring the wireless service account to the Applicant and the outstanding balance on the account.

The following wireless telephone numbers and associated mobile devices are used by the Applicant or the children listed in this Application.

_____ ☐ my phone number ☐ child's phone number

_____ ☐ my phone number ☐ child's phone number

_____ ☐ my phone number ☐ child's phone number

(Sheet may be attached for additional numbers)

The Applicant asks the Court to prohibit Respondent from closing, limiting access to, or otherwise tampering with the wireless telephone service account associated with aforementioned mobile phone numbers and associated mobile devices until this Court determines who is the primary user of the mobile phone numbers and devices. Applicant also asks the Court to order the Respondent's wireless telephone service provider not to disclosure the Applicant's or other persons in need of protection contact information to the Respondent, including any new telephone numbers assigned to the Applicant or other person in need of protection.

12. ☐ Orders Related to Removal, Possession, and Support of Children (Mark the box if asking for the removal, possession, or support of the children)

The Applicant and the Respondent are the parents or guardians of the following children:

_____

_____

_____

The Applicant asks the Court to enter the following orders with respect to the children: *(Mark all that apply)*:

☐ The Respondent must not remove children from the Applicant's possession or from their child-care facility or school, except as specifically authorized in a possession schedule or other order entered by the Court.

☐ The Respondent must not remove the children from the jurisdiction of the Court.

☐ An order establishing or modifying 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.

☐ An order requiring the Respondent to pay child support in an amount set by the Court.

13. ☐ Temporary Ex Parte Order (Mark the box if requesting a temporary ex parte order)

Based on the information in the attached Affidavit or Declaration, the Applicant asks the Court to find that there is a clear and present danger of family violence, sexual assault or abuse, indecent assault, stalking, trafficking, or other harm to Applicant and/or a member of the family or household and issue a Temporary Ex Parte Order immediately without bond, notice, or hearing.

13a. ☐ Temporary Ex Parte Order That Also Requires Respondent to Vacate Residence Immediately (Mark the box if you are requesting that the temporary ex parte order also exclude Respondent from the shared residence)

NOTE: ***IF YOU MARK 13a, YOU MUST APPEAR FOR A HEARING BEFORE THE COURT CAN EXCLUDE OR REMOVE THE RESPONDENT FROM A SHARED RESIDENCE.***

The Applicant lives with the Respondent at: _____

_____

or resided there within the 30 days prior to the filing of this Application. The Respondent committed family violence against the Applicant, or a member of the family or household, as described in the Affidavit or Declaration attached, within 30 days prior to the filing of this Application. There is a clear and present danger that the Respondent is likely to commit family violence against the Applicant and/or a member of the family or household. The Applicant is available for a hearing to justify the issuance of an order excluding the Respondent from the residence. If the Court grants this request, the Applicant asks the Court to issue a Temporary Ex Parte Order that:

- Grants the Applicant exclusive use and possession of the residence and orders the Respondent to vacate the residence immediately and remain at least 200 yards away from the residence pending further Order of the Court.
- Directs 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 protect the Applicant while the Applicant takes possession of the residence, or while the Applicant takes possession of the Applicant's necessary personal property if the Respondent refuses to vacate the residence.

14. ☐ Keep Information Confidential (Mark the box if you want your information to remain confidential)

The Applicant requests the Court to exclude the following information from the protective order: the mailing address, county of residence, and telephone number of the Applicant and any person listed in this application as a person in need of protection; and the address and telephone number of a place of employment, business, child-care facility, or school, if any, of the Applicant and any person listed in this application as a person in need of protection. The Applicant further asks the Court to order the clerk of the court to strike the aforementioned information from the public records of the Court and keep a confidential record of the information for use only by the Court or law enforcement for the purpose of entering the information required by Section 411.042(b)(6), Government Code, into the statewide law enforcement information system maintained by the Texas Department of Public Safety.

WARNING: A copy of this application will be served on the Respondent and made available for public inspection. Marking Box No.14 means that you are asking the judge to remove your address and telephone numbers from the final order so the public cannot see this information. If you are requesting confidentiality, DO NOT INCLUDE personal information in this application or any other form related to your request.

If the Applicant is requesting confidentiality, provide the information requested below:

The Applicant asks the Court to designate the following person to receive on Applicant's behalf all notices and documents filed with the Court, if related to this Application:

Name: _____

Address: _____

15. Citations and Notices

The Applicant asks the Court to issue all citations and notices required by law for the application and any resultant order.

PRAYER

WHEREFORE, PREMISES CONSIDERED, the Applicant prays the Court issue the protective order as requested in this Application, and, if applicable, the Applicant further prays the Court issue a Temporary Ex Parte Order until a hearing can be held.

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

_____

Applicant or Person filing on behalf of Applicant

Address and telephone number where Applicant or Person filing on behalf of Applicant may be contacted *(List another address/telephone if you want yours kept confidential)*:

_____

_____

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

For Use ONLY if Requesting a Temporary Ex Parte Order

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.

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. My relationship with Respondent is: _____
2. Describe the most **recent time** the Respondent hurt or threatened to hurt you, including any conduct involving sexual assault, stalking, or trafficking:

_____

_____

_____

_____

_____

a. In what county did this happen? _____

b. On what date did this happen? ___/___/_____

c. Was a weapon involved? ☐ Yes ☐ No If yes, what kind?

_____

d. Does Respondent possess or have access to firearms? ☐ Yes ☐ No

e. Were any of the children present? ☐ Yes ☐ No If yes, who?

_____

f. Did anyone call the police? ☐ Yes ☐ No If yes, what happened?

_____

g. Were you injured? ☐ Yes ☐ No If yes, describe your injuries:

_____

_____

_____

_____

_____

_____

h. Did you seek medical care? ☐ Yes ☐ No

3. Has the Respondent threatened or hurt you ***before***? ☐ Yes ☐ No
If so, describe below how the Respondent threatened or hurt you, including date(s) if possible.

_____

_____

_____

_____

_____

_____

a. Were weapons ever involved? ☐ Yes ☐ No If yes, what kind?

b. Were the children present? ☐ Yes ☐ No If yes, who?

c. Did anyone report the conduct to the police? ☐ Yes ☐ No

d. Were you injured? ☐ Yes ☐ No If yes, describe your injuries:

e. Did you seek medical care? ☐ Yes ☐ No

4. Has the Respondent ever been convicted of family violence? ☐ Yes ☐ No
If yes, list when and in which county and state the conviction(s) occurred:

5. Has the Respondent ever been convicted or placed on deferred adjudication community supervision for any of the following:

Trafficking of Persons	☐ Yes	☐ No	☐ Unknown
Continuous Trafficking of Persons	☐ Yes	☐ No	☐ Unknown
Sexual Assault	☐ Yes	☐ No	☐ Unknown
Indecent Assault	☐ Yes	☐ No	☐ Unknown
Aggravated Sexual Assault	☐ Yes	☐ No	☐ Unknown
Stalking	☐ Yes	☐ No	☐ Unknown
Compelling Prostitution	☐ Yes	☐ No	☐ Unknown

If yes, list when and in which county and state the conviction(s) occurred:

6. Are you requesting exclusive possession of a residence and to have the Respondent excluded from the residence? ☐ Yes ☐ No

a. What is the location of the residence?

b. Do you currently reside at the residence or have resided there within the last 30 days?
☐ Yes ☐ No

c. Please describe the facts and circumstances that require the Respondent to be excluded from the residence:

On __/__/__, the Applicant _____ personally appeared before me, the undersigned notary. After being sworn, the Applicant stated that the Applicant is qualified to make this oath, that the Applicant has read the foregoing Application and Affidavit, that the Applicant has personal knowledge of the facts asserted, and the facts asserted are true and to the best of the Applicant's knowledge and belief. Subscribed and sworn before me on __/__/__.

_____

Applicant signs here

_____

Notary Public in and for the State of Texas

My Commission expires: _____

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

DECLARATION

For Use ONLY if Requesting a Temporary Ex Parte Order

Use this form if you want your Date of Birth and Address to be public information (not

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 _____
day of ___, _____ (Month) _____ (Year).

_____ (Declarant Signature).

1. My relationship with Respondent is: _____
2. Describe the most **recent time** the Respondent hurt or threatened to hurt you, including any conduct involving sexual assault, stalking, or trafficking:

_____
_____
_____
_____
_____

a. In what county did this happen? _____
b. On what date did this happen? ___/___/_____
c. Was a weapon involved? ☐ Yes ☐ No If yes, what kind?

_____

d. Does Respondent possess or have access to firearms? ☐ Yes ☐ No
e. Were any of the children present? ☐ Yes ☐ No If yes, who?

_____

f. Did anyone call the police? ☐ Yes ☐ No If yes, what happened?

_____

g. Were you injured? ☐ Yes ☐ No If yes, describe your injuries:

_____
_____
_____
_____
_____

_____

h. Did you seek medical care? ☐ Yes ☐ No

3. Has the Respondent threatened or hurt you ***before***? ☐ Yes ☐ No
If so, describe below how the Respondent threatened or hurt you, including date(s) if possible.

a. Were weapons ever involved? ☐ Yes ☐ No If yes, what kind?

b. Were the children present? ☐ Yes ☐ No If yes, who?

c. Did anyone report the conduct to the police? ☐ Yes ☐ No

d. Were you injured? ☐ Yes ☐ No If yes, describe your injuries:

e. Did you seek medical care? ☐ Yes ☐ No

4. Has the Respondent ever been convicted of family violence? ☐ Yes ☐ No
If yes, list when and in which county and state the conviction(s) occurred:

5. Has the Respondent ever been convicted or placed on deferred adjudication community supervision for any of the following:

Trafficking of Persons	☐ Yes	☐ No	☐ Unknown
Continuous Trafficking of Persons	☐ Yes	☐ No	☐ Unknown
Sexual Assault	☐ Yes	☐ No	☐ Unknown
Indecent Assault	☐ Yes	☐ No	☐ Unknown
Aggravated Sexual Assault	☐ Yes	☐ No	☐ Unknown
Stalking	☐ Yes	☐ No	☐ Unknown
Compelling Prostitution	☐ Yes	☐ No	☐ Unknown

If yes, list when and in which county and state the conviction(s) occurred:

6. Are you requesting exclusive possession of a residence and to have the Respondent excluded from the residence? ☐ Yes ☐ No

   a. What is the location of the residence? _____

   b. Do you currently reside at the residence or have resided there within the last 30 days? ☐ Yes ☐ No

   c. Please describe the facts and circumstances that require the Respondent to be excluded from the residence:

_____

_____

_____

_____

▶ _____

Applicant signs here

TCIC Protective Order Data Entry Form

CAUSE NO: _____

NOTICE OF APPLICATION FOR PROTECTIVE ORDER AND SETTING OF HEARING

_____	§	**IN THE** _____ **COURT**
APPLICANT	§	
VS.	§	
	§	
_____	§	_____ **COUNTY, TEXAS**
RESPONDENT		

TO: _____ **,** _____

(Person subject to the Order if granted)

AN APPLICATION FOR A PROTECTIVE ORDER HAS BEEN FILED IN THE ABOVE REFERENCED COURT ALLEGING THAT YOU HAVE COMMITTED FAMILY VIOLENCE OR AN OFFENSE AGAINST ANOTHER PERSON. YOU MAY EMPLOY AN ATTORNEY TO DEFEND YOU AGAINST THIS ALLEGATION. YOU OR YOUR ATTORNEY MAY, BUT ARE NOT REQUIRED TO, FILE A WRITTEN ANSWER TO THE APPLICATION. ANY ANSWER MUST BE FILED BEFORE THE HEARING ON THE APPLICATION. IF YOU RECEIVE THIS NOTICE WITHIN 48 HOURS BEFORE THE TIME SET FOR THE HEARING, YOU MAY REQUEST THE COURT TO RESCHEDULE THE HEARING NOT LATER THAN 14 DAYS AFTER THE DATE SET FOR THE HEARING. IF YOU DO NOT ATTEND THE HEARING, A DEFAULT JUDGMENT MAY BE TAKEN, AND A PROTECTIVE ORDER MAY BE ISSUED AGAINST YOU.

YOU ARE HEREBY ORDERED to appear for a hearing before the above referenced court located at

_____

on _____ at _____ **.M.** for a hearing on the application in the above referenced cause. A copy of the application and order setting a hearing are attached to this notice.

Date the application was filed: __/__/____

Name of the Applicant (alleged victim): _____

Name and address of the Applicant's attorney, if applicable: _____

_____

_____

_____

Applicant's mailing address **[Provide only if the Applicant is not represented by an attorney, is not requesting confidentiality of the Applicant's contact information, and has not designated a person to receive service on Applicant's behalf]**: _____

_____

_____

_____

Name and address of person designated to receive service of notices and documents on the Applicant's behalf, if applicable: _____

_____

_____

_____

Other person(s), if any, alleged to have committed family violence or an offense with you:

_____

_____

_____

_____

ISSUED AND GIVEN under my hand and seal of said Court on: __/__/____

_____
(PRINTED NAME OF ELECTED CLERK)

(SEAL)

_____
(TITLE OF ELECTED CLERK)

By: _____
Clerk's or Deputy Clerk's Signature

(The Clerk's or Deputy Clerk's signature and the Court's seal are required (Section 82.041, Family Code))

ADDRESS OF THE CLERK OF THE COURT:

Instructions for Completing the Application

OFFICE OF COURT ADMINISTRATION

Information and Instructions Regarding the Application for Temporary and Final Protective Orders

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The Office of Court Administration of the Texas Judicial System (OCA) is required[1] to develop and make available on OCA's Internet website a standardized form for an application to apply for a protective order. Effective June 1, 2024, state law requires applicants to use OCA's standardized form when applying for a protective order. Use these instructions and application to apply for a protective order, including a temporary ex parte order, if you need protection from someone who hurt or threatened you, and that person is:

1. your current or former spouse;
2. your current or former girlfriend, boyfriend, or dating partner;
3. someone with whom you live or have lived with in the past *(in the same household)*;
4. someone with whom you have a child together *(biological child, adopted child, foster child, etc.)*;
5. a close relative or a member of your family;
6. someone who is or was dating or married to your current spouse, girlfriend, boyfriend, or dating partner;
7. someone who has committed an offense against you, and the offense was trafficking, sexual assault, indecent assault, aggravated sexual assault, stalking, or compelling prostitution;
8. someone who abused a child member of the person's family or household, and you are the parent or guardian of that child *(You can file the application on the child's behalf);* or
9. someone who committed family violence, dating violence, child abuse, trafficking, sexual assault or abuse, indecency with a child, indecent assault, stalking, or compelling prostitution against a family or household member **who is less than 18 years of age,** and you are filing the application on that family or household member's behalf.

There may be other situations that may lead you to request a protective order. *In essence, if y*ou were hurt or threatened by someone with whom you have a close relationship, or if you were sexually assaulted or stalked by someone, even if you do not have a close relationship with that person, you may file an application for a protective order. A "close relationship" includes

[1] Issued under Texas Government Code Section 72.039.

marriage, close relatives, dating or living together, or having a child together, including a biological, foster or adopted child.

In some situations, you may file the application on someone's behalf if that person needs protection. However, there are limits on who may file the application on someone's behalf. You must be one of the following:

1. An adult applying to protect any child from family violence;
2. An adult member of a family of household applying to protect a child who was abused by another member of the same family of household;
3. An adult member of the family or household filing on behalf of another member of the family or household;
4. A prosecuting attorney;
5. An attorney representing the person who was hurt or threatened; or
6. An employee of the Department of Family and Protective Services.

DO I HAVE TO USE OCA'S APPLICATION?

Yes - State law requires you to use the application created by OCA. You will find the application on OCA's website. Be sure to check the website for the most recent version of the application. **If you are completing the application for yourself or on behalf of someone, and you are not an attorney, YOU MUST USE THE PDF VERSION OF THE APPLICATION**. DO NOT USE THE WORD VERSION.

CAN I ALTER THE APPLICATION?

You cannot change or modify the application if you are not an attorney.

ATTORNEYS FILING ON BEHALF OF AN APPLICANT – Attorneys may alter the style of the cause and signature line to fit their particular needs. Attorneys may delete parts or sections that do not apply to their case, but they should not change the order of the content, the material components of the application, or any element required by statute.

TO REQUEST A PROTECTIVE ORDER, YOU MUST DO THE FOLLOWING:

1. Print these instructions and the application for protective order from OCA's website, unless you are completing the application online. If you want to complete the application online, download the form and enable editing. **IF YOU ARE NOT AN ATTORNEY, YOU MUST USE THE PDF VERSION OF THE APPLICATION.**
2. Complete the application using a dark color ink pen *(blue or black)*.

3. Verify that you have marked all applicable boxes with an ☒ and that your mark is **dark and clearly visible** so that it will show when copied.
4. Sign the application using a dark color ink pen *(blue or black)*.
5. If you are requesting a temporary ex parte order, complete either the Affidavit or the Declaration located at the end of the application.
6. Provide an address where the court can contact you. If you do not want the person who hurt or threatened you to have your contact information, ask a family member, close friend, or person you trust if you can use his or her address, or designate a person who is willing to receive court information and notices on your behalf and provide that person's address. Do not use the address of a person who plans to move soon. Also, if you designate someone, it is important to designate a person who will deliver court information and notices to you immediately.
7. File the application with the clerk of the court. For more information on where to file the application, see the section below for ***Where Do I File the Application?***
8. Provide the clerk with at least two copies of the application and required documents, if any. One of the copies will be served on or delivered to the Respondent, the person who hurt or threatened you. The clerk will return the other copy to you after stamping it.
9. **YOU DO NOT HAVE TO PAY FILING COSTS OR FEES** when you file the application. If the clerk demands payment, kindly ask the clerk to read Section 81.002 of the Family Code, which reads as follows:

> Sec. 81.002. NO FEE FOR APPLICANT. An applicant for a protective order or an attorney representing an applicant may not be assessed a fee, cost, charge, or expense by a district or county clerk of the court or a sheriff, constable, or other public official or employee in connection with the filing, serving, or entering of a protective order or for any other service described by this subsection, including:
> (1) a fee to dismiss, modify, or withdraw a protective order;
> (2) a fee for certifying copies;
> (3) a fee for comparing copies to originals;
> (4) a court reporter fee;
> (5) a judicial fund fee;
> (6) a fee for any other service related to a protective order; or
> (7) a fee to transfer a protective order.
>
> Added by Acts 1997, 75th Leg., ch. 34, Sec. 1, eff. May 5, 1997. Amended by Acts 1997, 75th Leg., ch. 1193, Sec. 3, eff. Sept. 1, 1997.

10. If the court grants the protective order, complete the TCIC Protective Order Data Entry Form (located on OCA's website) and give it to the clerk when you attend the hearing for the protective order. **This document is very important** because law enforcement must enter this information into a statewide and national database. Law enforcement uses the information to serve and enforce the protective order, including when arresting the person who hurt or threatened you if that person violates provisions of the order.

WHAT DOCUMENTS ARE NEEDED TO COMPLETE THE APPLICATION?

You may need one or more of the following documents to complete or file with the application:

1. A copy of any protective order that you had in the past against the person who hurt or threatened you.
2. A copy of the final order or judgment in any criminal, divorce, or custody case involving you and the person who hurt or threatened you.
3. The agency case number if the Office of the Attorney General Child Support Division is involved in your child support case.
4. Some courts may require you to submit a proposed order with your application for a protective order. If you are requesting the court to issue a temporary ex parte order before the final hearing, you will submit a proposed order for the temporary ex parte order and a proposed order for the protective order. If you did not request a temporary ex parte order, you will submit a proposed order for the protective order. You will find the orders on OCA's website. Print the order(s) from the website. **DO NOT FILL OUT OR COMPLETE THE ORDER(S)**. We recommend printing two copies of each order needed. You will attach one copy to your application and bring one with you to court.

WHERE DO I FILE THE APPLICATION?

You may file the application in one of three places: the county where you live, the county in which the person who hurt or threatened you lives, or in any county where the violence or crime occurred. **However**, if there is an **open** divorce or custody case involving you and the other person, file the application in the county where the case is pending or where you live.

INSTRUCTIONS FOR COMPLETING THE APPLICATION

BEFORE YOU BEGIN…

1. Use a dark color ink pen *(black or blue)* to complete the application.
2. It is important to leave a **dark** mark when marking a box. We recommend using an **X** when marking a box ☒. If your mark is faint, or if you forget to mark a box, the court or person viewing the order may assume the particular box does not apply.
3. When filling in or completing the application, only mark those boxes that apply to you or your situation. For example, if children are not involved, do not complete the information in **No. 12 Orders Related to Removal, Possession, and Support of Children**.

Who is the Applicant?
The Applicant is the person who was hurt, threatened, or victimized. If you are filing the application on behalf of someone who was hurt, threatened, or victimized, you are NOT the Applicant.
What if I am filing the application on someone's behalf?
You must check the box that indicates you are filing the application on behalf of the Applicant *(the person who was hurt, threatened, or victimized)* and provide your name and title or relationship to the person. See the example below. ☒ Check this box if you are completing or filing this application on behalf of the Applicant. **Name/Title of Person Completing or Filing this Application**: Sophia Long, mother of Applicant
Who is the Respondent?
The Respondent is the person who hurt or threatened you or caused another to hurt or threaten you. The court will issue the protective order against the Respondent.

1. **Parties** – **Applicant:** Please write or enter the name and county of residence for the Applicant. You are the Applicant if you are requesting the protective order for yourself. However, if you are requesting the protective order on someone's behalf, that person is the Applicant, and you should enter that person's name and county of residence. **Respondent:** Please write or enter the name, county of residence, and address for the person who hurt or threatened you. Provide the address where the person lives or can be found, so the clerk or sheriff can let the person know that you are requesting a protective order and that a hearing has been set for the order. If you are filing the application on someone's behalf, you should mark the box

indicating so and provide your name and title or name and relationship to the person. See the example below.

☒ *Mark this box if you are completing and filing this application on behalf of the Applicant.*

Betty Smith	Assistant District Attorney
Name of Person Filing the Application	Title of Person Filing the Application

2. **Reason for Protective Order** – You must have a legal reason to apply for a protective order. You have a legal reason if you are a victim of family violence or a crime involving sexual assault or abuse, indecent assault, indecency with a child, compelling prostitution, stalking, or trafficking. Additionally, you have a legal reason if you have a protective order, and the person who hurt or threatened you violates a part of the order that is designed to protect you or a member of your family or household.

   "Family violence" occurs when you are hurt or threatened by a member of your family or household or a current or former dating partner. This is not the only time family violence occurs. Family violence occurs when your ex-dating partner or ex-spouse threatens, harms, or injures your current spouse or dating partner. It also occurs when a child is abused by a member of the child's family or household.

   Please mark all boxes that provide a legal reason for you to apply for a protective order.

   6. Reasons for Protective Order *(Mark all that apply)*:

   ☒ The Respondent committed family violence.

   ☐ The Respondent committed sexual assault or abuse, indecent assault, indecency with a child, compelling prostitution, stalking, or trafficking.

   ☒ The Respondent violated a Protective Order that was active at the time of the violation but has since expired or will expire in 30 days or less. A copy of the Order is (*Mark one*)

   ☐ Attached. ☒ Not available now but will be filed before the hearing on this Application

3. **Describe Applicant's Relationship to the Respondent** – Mark the box that best describes your relationship to the person who hurt or threatened you. If there is no relationship, mark the box indicating there is no relationship between you and the person.

4. **Children Under Age 18 Who Need Protection** – List the names of children who are members of your family or household if you think they need protection. If you list a child, you should indicate whether the person who hurt or threatened you is a parent or guardian of the child. There are three boxes provided below the space included for the names of the children.

1st box: If you need more space to list the names of the children, you may attach a separate sheet with the names. If an additional sheet is attached, please mark the box that indicates an additional sheet is attached. Please write the following at the top of the sheet – "**Application for Protective Order, No. 3 –Children (continued)**."

Mark 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.

2nd box: The children must be current or former members of your family or household. If you are filing the application on someone's behalf, the children must be current or former members of that person's family or household. You must mark the box to verify that the children are members of your family or household.

Mark 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

3rd box: Check this box if there is a pending divorce or custody case involving any of the children.

Mark 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

5. **Other Adults** - You can ask for protection for an adult member who is or was a member of your family or household, a dating partner, or a spouse. Please provide the full legal name of the adult(s).

6. **Other Court Cases** – The court needs to know whether any of the parties or persons in need of protection are involved in another case, such as a criminal, divorce or child support or custody case. If there is another case, the court may need to notify the other court or transfer the application or protective order to the other court or another county. If there is or was another case, please mark the box ☒ Yes and write the type and status of the case in the space provided. Include the cause number and county of the case, if known. See the example below.

5.Other Court Cases: Are there other court cases involving the Applicant, Respondent, or children?
☒ Yes ☐ No
If "Yes," what kind of case and is the case active or complete?
Divorce case is active.

If the case is complete *(closed)*, mark the box that best indicates when you will provide a copy of the final order, divorce decree or judgment for the case. Finally, if the Attorney General's Child Support Division is involved with any of the parties, please mark the box that indicates the Attorney General's office is involved and provide the case number, if you know it.

If "completed," (Mar*k all that apply*):

☐ 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: 24-1234-F

7. **Family Violence** – Please answer the questions with respect to the Respondent's history of family violence or criminal cases. If you do not know the answer to any of the questions, mark the box for Unknown.

8. **Terms and Conditions** – You can request certain terms and conditions for your protective order. For instance, you may ask the court to order the person who hurt or threatened you to do *(complete a program for abusers)* or to refrain from doing something *(stay away or not come within a certain distance of you)*. You do *not* have to mark all of the conditions or terms that are listed in the application, but keep in mind that if you do not mark a condition or term, the court may not include it the protective order. Select conditions and terms that you think will decrease the person's opportunity *(it will not eliminate it completely)* to hurt or threaten you again.

   Please note that if you ask the court to suspend the person's license to carry a handgun, the court may not suspend the license if the person is a peace officer actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.

9. **Property Orders** – If you share a residence or live with the person who hurt or threatened you, provide the address of the residence. You can ask the court to make that person move out. However, if your name is not on the lease, deed or rental agreement, the court will not order the person to move out, unless the person is legally obligated to support you or the children/child in your care. If you want the court to order the person to move out, you must file

a sworn statement supporting your request and go to court to explain to the judge why the person should be ordered to move out.

If the court grants you exclusive possession of the residence or other property, you can request law enforcement assistance you when you return to the residence to claim it or your property. If you want to request exclusive possession of the residence or other property and need law enforcement assistance, you would complete this section as follows:

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

☒ Grant the Applicant exclusive use of the residence identified above, and order the Respondent to vacate the residence and its premises;

☒ Order the sheriff, constable, or chief of police to go with the Applicant to the residence if the Respondent is ordered to vacate the residence to tell Respondent that the Court has ordered the Respondent to leave the residence, provide protection to the Applicant while the Applicant takes possession of the residence and or while the Respondent takes possession of personal property. Applicant requests that law enforcement arrest or remove the Respondent if the Respondent refuses to leave the residence as ordered by the Court;

☒ Applicant requests exclusive use of the following property that the Applicant and Respondent jointly own or lease:
The 2010 blue Toyota Corolla (Texas License Plate PLX 3489), our pit bull Harper, the sofa, television, computer, cell phone that we share, and the microwave.

10. **Spousal Support** – If you are requesting spousal support, you must be married to the person who hurt or threatened you or legally entitled to support from that person. **If you are requesting spousal support, you must mark Box No. 10. If you do not mark the box, the court may not order the Respondent to pay spousal support**.

10. ☒ **Spousal Support Order** (Mark the box if asking for spousal support)

If the Applicant is married to the Respondent, **Applicant requests the Court** to order the Respondent to pay spousal support.

11. **Right to Mobile Phone Numbers, Associated Devices and Accounts** – If your cell phone number is under the Respondent's wireless cell phone account, you can request separation of your cell phone number from the Respondent's account. Also, you can request separation of the cell phone number of any child in your care and custody if that child is the primary user of that number. You must list the cell phone numbers that you want the court to separate. If your request is granted, the court will issue an order directing the Respondent's cell phone service provider *(for instance, ATT, T-Mobile, Sprint)* to transfer the cell phone numbers and billing responsibilities to you. Unless the court orders otherwise, you will not be responsible for the outstanding balance on the Respondent's account. For more information regarding who is responsible or what the service provider can charge for making the transfer, see Section 609.001 of the Business and Commerce Code.

If you want to request separation of your cell phone number, you must mark Box. No. 11. If you do not mark the box, the court may not order the number separated from the Respondent's account. The following is an example of how to complete the application if you want to request separation of your cell phone number.

10. ☒ **Rights to Mobile Phone Numbers, Associated Devices, and Accounts** (Mark the box if asking to separate or transfer the wireless phone account)

The Applicant asks the Court to order the separation of the wireless telephone numbers that are used primarily by the Applicant or a person listed in this application as a person in need of protection from the Respondent's wireless telephone service account. The Applicant asks for sole use, possession, and control of the following mobile phone numbers and associated mobile devices, including sole billing responsibility and sole ownership of the wireless telephone service account associated with the mobile numbers.

The Applicant further asks the Court to order the Respondent to pay the costs associated with transferring the wireless service account to the Applicant and to pay the outstanding balance on the account.

The following mobile phone numbers and associated mobile devices are used by the Applicant or the children listed in this Application.

(254) 783-5555	☒ my phone number	☐ child's phone number
(254) 783-5575	☐ my phone number	☒ child's phone number

12. **Orders Related to Removal, Possession and Support of Children** – If you are not the biological, foster or adoptive parent, legal guardian, or otherwise legally responsible for the child, the court is not likely to grant your request to remove, possess, or receive child support for the child. List names of children that you and the Respondent have in common. Do not include stepchildren, unless you are legally responsible for them.

If you want to request orders with respect to the children, you must mark Box No. 11. **If you do not mark the box, the court may not enter orders for the children's removal, possession or support.** Provide the names of the children and mark the boxes that you want the court to grant. See the example below.

11. ☒ **Orders Related to Removal, Possession, and Support of Children** (Mark the box if asking for the removal, possession, or support of the children)

The Applicant and the Respondent are the parents of the following children:
Billy Bob Baker, Jr.

Betty Sue Baker

Maribelle Baker

The Applicant asks the Court to enter the following orders with respect to the children: *(Mark 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 or other order 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; and
☐ Require the Respondent to pay child support in an amount set by the Court

13. **Temporary Ex Parte ORDER** – When you file your application for a protective order, you have the option of requesting a temporary ex parte order if you need immediate protection from the person who hurt or threatened you. If you request a temporary ex parte order, the court will review your application and determine whether a temporary order is needed under the circumstances. If the court finds that it is, the court will issue the temporary ex parte order immediately, and you and the person who hurt or threatened you will be notified. The temporary order will be in effect for 20 days, unless you request an extension. If the court is unable to hold a hearing before the temporary order expires, you must request an extension of the temporary order if the need for immediate protection remains.

If you want to request a temporary ex parte order, mark Box No. 13.

13. ☒ **Temporary Ex Parte ORDER** (Mark the box if requesting a temporary ex parte order)

Based on the information in the attached Affidavit or Declaration, the Applicant asks the Court to find that there is a clear and present danger of family violence, sexual assault or abuse, indecent assault, stalking, trafficking, or other harm to Applicant and/or a member of the family or household and issue a Temporary Ex Parte Order immediately without bond, notice, or hearing

13a. Temporary Ex Parte Order That Also Requires The Respondent to Vacate Residence Immediately – Mark this box if you want to request a temporary ex parte order that excludes the person who hurt or threatened you from the residence. You cannot exclude the person from the residence if more than 29 days have passed since you left or moved out. The court may not exclude the person from the residence if the person's name is the only name on the lease, deed, or rental agreement, unless the person has a legal obligation to support you or the children. **IF YOU MARK THIS OPTION, YOU MUST APPEAR IN COURT TO TESTIFY. THE JUDGE WILL ASK QUESTIONS AND MAY ORDER THE RESPONDENT TO COME TO COURT OR TO TESTIFY.**

If you want to request a temporary ex parte order that excludes the person who hurt or injured you from the residence, mark Box No. 13a. *Remember: You cannot request an order to exclude the person from the residence if more than 29 days have passed since you left or moved out*. See the example below.

13a. ☒ **Temporary Ex Parte Order That Also Requires Respondent to Vacate Residence Immediately** (Mark the box if requesting a temporary ex parte order that excludes the Respondent from the shared residence)

14. **Keep Information Confidential** – Although the law prohibits the public disclosure of sensitive data (including, birth date, home address, and names of minors), **IT IS IMPORTANT TO MARK BOX NO. 14 IF YOU DO NOT WANT YOUR COUNTY OF RESIDENCE AND THE ADDRESS AND TELEPHONE NUMBER FOR YOUR RESIDENCE, WORKPLACE, SCHOOL, OR CHILDCARE FACILITY DISCLOSED TO THE PUBLIC.** Below is an example of how you should mark Box No. 14 if you want your information to remain confidential.

> 14. ☒ **Keep Information Confidential** (Mark the box if you want your information to remain confidential)
>
> In accordance with Sections 82.011 and 85.007, Tex. Fam. Code, the Applicant requests the Court to exclude from the protective order the county of residence and the address and telephone number for the residence, workplace, school, and childcare facility of any person protected by the protective order. The Applicant further asks the Court to order the clerk of the court to strike the aforementioned information from the public records of the Court and to keep a confidential record of this information for use only by the Court or a law enforcement agency for the purpose of entering the information required by Section 411.042(b)(6), Gov't Code, into the statewide law enforcement information system maintained by the Texas Department of Public Safety.

If you mark Box 14, please provide the name and address of the person you want to receive information and documents on your behalf.

> If the Applicant is requesting confidentiality, provide information requested below:
>
> The Applicant asks the Court to designate the following person as the person to receive on Applicant's behalf all notices or documents filed with the Court and related to this Application:
>
> | | |
> |---|---|
> | Name: | Chester Williams |
> | Address: | 56 North Loop Drive, Fairview, Texas 75002 |

15. **Citations and Notices** – The clerk will issue all citations and notices required for the issuance of the protective order.

16. **Prayer** – After completing the application, please read it to see if it is correct to the best of your knowledge. If it is, please mark the box that indicates you have read the entire application, and it is correct to the best of your knowledge.

17. **Signature - YOU MUST SIGN THE APPLICATION, EVEN IF YOU ARE FILING IT ON SOMEONE'S BEHALF**. Provide your complete address, including the city, state, and zip code, and telephone number in the space provided below your signature. ***If you do not want to use your address and telephone number, use the address and telephone number of the person you designated to receive notices on your behalf. If you are filing the application on someone's behalf, you must sign the application indicating that you are***

filing on behalf of the Applicant and provide your contact information, unless you designated another person to receive notices on the Applicant's behalf.

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

Betty Appleberry on behalf of Applicant

Applicant or Person filing on behalf of Applicant

18. **Affidavit or Declaration** – If you are requesting a temporary ex parte order, you must complete and submit an **Affidavit** or **Declaration** with your application. It is important to note that the Respondent will receive a copy of your application along with the Affidavit or Declaration.

    - Use the **Affidavit** if you want to keep your date of birth and address **confidential**, but you must sign it in front of a notary public.
    - Use the **Declaration** if you do not want to sign in front of a notary public. However, your date of birth and address might be disclosed.

    Once you decide which form to use, answer the questions as best you can. This is your opportunity to explain what happened. You do not have to give every detail. A summary of what happened is sufficient. The court will hold a hearing and you will be asked to testify. You can provide more details during your testimony. Use additional pages if you need more space. You must sign the form where it says "Applicant." ***NOTE****: If you are completing the Affidavit, do not sign it until you are in front of the notary*.

    If you are **not** requesting a temporary ex parte order, you do **not** have to complete or submit the Affidavit or Declaration.

19. **TCIC PROTECTIVE ORDER DATA ENTRY FORM** –Complete the TCIC Data Entry Form to the best of your ability. You will find the form on OCA's website. Give the form to the clerk when you go to court for the hearing. If the court grants the temporary ex parte order without holding a hearing, it is important that you take the form to the clerk's office as soon as possible.

    The form is important because law enforcement is required to enter information on the form into a statewide and national database that is used by law enforcement officers when serving and enforcing protective orders.

    Please complete the parts of the form in yellow highlight the best you can. If you do not know the information requested, leave it blank. Please provide, at a minimum:

a. the Respondent's name, date of birth, sex, height, weight, eye color, hair color, and race;
b. the Protected Person's Data on page 2 of the form (this is for you or the Applicant and any adult protected by the Protective Order); and
c. the Protected Child's Data on page 2 of the form.

If you need to add more children or adults, you can add pages.

THE TCIC DATA ENTRY FORM DOES NOT BECOME PART OF THE PUBLIC RECORD AND WILL NOT BE SHARED WITH THE RESPONDENT.

List of Crimes under Texas Penal Code Titles 5 and 6

When answering Question 7 on the Application for Protective Order form, look at this list to see if the person who hurt or threatened you (the 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 (Final Order)

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

CAUSE NO. _____

_____ APPLICANT	§	IN THE _____
	§	
VS.	§	
	§	
_____ RESPONDENT	§	OF _____ COUNTY, TEXAS
	§	

PROTECTIVE ORDER

1. APPLICANT (PROTECTED PERSON) *(Complete all entries below)*

*Name: _____

*County of Residence: _____

2. RESPONDENT (ORDER ISSUED AGAINST) *(Complete all entries below)*

*Name: _____

* County of Residence: _____

3. MINORS - FAMILY OR HOUSEHOLD MEMBERS (PROTECTED PERSONS)

Name

a. _____

b. _____

c. _____

d. _____

4. OTHER PROTECTED PERSONS

Name

a. _____

b. _____

c. _____

On this day, the Court heard the Applicant's Application for Protective Order filed in the above-referenced cause pursuant to Title 4, Family Code, or Chapter 7B, Code of Criminal Procedure.

The Court **FINDS** that the Respondent was provided with reasonable notice of the hearing and an opportunity to be heard.

I. APPEARANCES

(Mark all that apply)

Applicant: ☐ appeared in person ☐ did not appear ☐ Applicant's attorney: _____

Respondent: ☐ appeared in person ☐ did not appear ☐ Respondent's attorney: _____

II. FINDINGS AND ORDERS

(Mark all that apply)

After considering the application, evidence, and arguments of the parties, if any, the Court:

(A) ☐ **FINDS** that family violence occurred. Therefore, the Court grants the application and issues this Protective Order against the Respondent.

(B) ☐ **FINDS** that there is a presumption that family violence occurred because the Respondent was convicted of or placed on deferred adjudication community supervision for an offense under Title 5, Penal Code, for which the Court made an affirmative finding that family violence was involved, or for an offense under Title 6, Penal Code, that was committed against the child for whom this application was filed, and the Respondent's parental rights regarding the child have been terminated. Therefore, the Court grants the application and issues this Protective Order against the Respondent.

(C) ☐ **FINDS** that the Respondent failed to appear after receiving service of the application and notice of the hearing. The Court further **FINDS** that proof of service was filed with the Court before the hearing. Therefore, the Court grants the application and issues this Protective Order by default against the Respondent.

(D) ☐ **FINDS** that the parties reached an agreement with respect to this Protective Order. The Court further **FINDS** that the agreement does not require the Applicant to do or refrain from doing an act under Section 85.022, Family Code. Therefore, the Court approves the agreement without making a finding of family violence and issues this AGREED PROTECTIVE ORDER against the Respondent. The Court **FINDS** that the Order is in the best interest of the Applicant, the family or household, or a member of the family or household. The Court **FINDS** that the Respondent ☐ agreed ☐ did not agree to waive all post-order relief, including the right to appeal this Order and to file a motion for a new hearing or trial.

(E) ☐ **FINDS** that the Respondent violated a Protective Order issued pursuant to Chapter 85, Family Code, by committing an act prohibited by the Order. The Court **FINDS** that the Protective Order was in effect at the time of the violation but expired thereafter. Therefore, the Court without making a finding of family violence grants the application and issues this Protective Order against the Respondent.

(F) ☐ **FINDS** that there are reasonable grounds to believe the Respondent committed one or more of the following offenses(s) against the Applicant: ☐ Trafficking of Persons (Sec. 20A.02**,** Penal Code) ☐ Continuous Trafficking of Persons (Sec. 20A.03, Penal Code) ☐ Continuous Sexual Abuse of Young Child or Disabled Individual (Sec. 21.02, Penal Code), ☐ Indecency With a Child (Sec. 21.11, Penal Code) ☐ Sexual Assault (Sec. 22.011, Penal Code) ☐ Indecent Assault (Sec. 22.012, Penal Code) ☐ Aggravated Sexual Assault (Sec. 22.021, Penal Code) ☐ Stalking (Sec.

42.072, Penal Code) ☐ Compelling Prostitution (Sec. 43.05, Penal Code) ☐ Burglary of a habitation with intent to commit a felony, theft, or assault (Sec. 30.02 (c)(2) or (d). Therefore, the Court grants the application and issues this Protective Order against the Respondent. *(Art. 7B.003, Code Crim. Proc.)*

(G) ☐ **FINDS** that the Respondent's conviction or placement on deferred adjudication community supervision for the offense(s) marked below constitutes reasonable grounds to believe the Applicant is the victim of sexual assault or abuse, indecent assault, stalking, or trafficking. Therefore, the Court grants the application and issues this Protective Order against Respondent. ☐ Trafficking of Persons (Sec. 20A.02**,** Penal Code) ☐ Continuous Trafficking of Persons (Sec. 20A.03, Penal Code) ☐ Continuous Sexual Abuse of Young Child or Disabled Individual (Sec. 21.02, Penal Code) ☐ Indecency With a Child (Sec. 21.11, Penal Code) ☐ Sexual Assault (Sec. 22.011, Penal Code) ☐ Indecent Assault (Sec. 22.012, Penal Code) ☐ Aggravated Sexual Assault (Sec. 22.021, Penal Code) ☐ Stalking (Sec. 42.072, Penal Code) ☐ Compelling Prostitution (Sec. 43.05, Penal Code) ☐ Burglary of a habitation with intent to commit a felony, theft, or assault. (Sec. 30.02 (c)(2) or (d). *(Art. 7B.003, Code Crim. Proc.)*

III. RELATIONSHIP OF PARTIES

(Mark all that apply)

The Court **FINDS** that the Applicant and the Respondent are related in the following manner:

☐ No prior family or dating relationship
☐ Current or former spouses
☐ Current of former dating partners
☐ Are or were members of the same family or household
☐ Parents of the same child(ren)
☐ Relatives
☐ Parent-child relationship
☐ Foster parent-foster child relationship
☐ Applicant is married to or dating Respondent's former spouse or dating partner
☐ Respondent is dating or married to Applicant's current or former spouse or dating partner

IV. CONDITIONS AND TERMS OF ORDER

(Mark all that apply)

The Court **FINDS** that the following conditions and terms are necessary or appropriate to prevent or reduce the likelihood of family violence or future harm to a person protected by this Order or a member of the family or household of a person protected by this Order. The Court **ORDERS** the Respondent to obey all entries marked below. The **Respondent must**:

(A) ☐ **NOT** commit further acts of family violence against Applicant or any member of the Applicant's family or household (including acts intended to result in physical harm, bodily injury, assault or sexual assault, or threats reasonably placing a person in fear of physical harm, bodily injury, assault or sexual assault). **(TCIC Form PCO-01)**

(B) ☐ **NOT** communicate in any manner with a person protected by this Order or a member of the family or household of a person protected by this Order, except through a protected person's attorney or a person appointed by the Court. The name of the attorney or person appointed by the Court is: _____. The Court **FINDS** that good cause exists to prohibit direct communication from the Respondent. **(TCIC Form PCO-08)**

(C) ☐ **NOT** communicate in a threatening or harassing manner, directly or indirectly, with a person protected by this Order or a member of the family or household of a person protected by this Order. **(TCIC Form PCO-05)**

(D) ☐ **NOT** communicate a threat through any person to a person protected by this Order or a member of the family or household of a person protected by this Order. **(TCIC Form PCO-05)**

(E) ☐ **NOT** go within _____ yards of a person protected by this Order or a member of the family or household of a person protected by this Order, except as authorized by this Order. **(TCIC Form PCO-08)**

(F) ☐ **NOT** go to or within _____ yards of the residence or place of employment/business of a person protected by this Order or a member of the family or household of a person protected by this Order. **(TCIC Form PCO-04)** The addresses of the prohibited locations are: *(Mark one)*

☐ **CONFIDENTIAL BY ORDER OF THIS COURT**. The Court **ORDERS** the clerk to strike the addresses and telephone numbers, if provided, from the public court records of the Court and maintain a confidential record of the information for use only by the Court or law enforcement for the purpose of entering the information required by Section 411.042(b)(6), Government Code, into the statewide law enforcement information system maintained by the Texas Department of Public Safety.

☐ **DISCLOSED AS FOLLOWS**: *(Enter the addresses below)*

Residence: _____

Place of Employment/Business: _____

(G) ☐ **NOT** go to or within _____ yards of the child-care facility or school of a person protected by this Order or a member of the family or household of a person protected by this Order. **(TCIC Form PCO-04)** The addresses of the prohibited locations are: *(Mark one)*

☐ **CONFIDENTIAL BY ORDER OF THIS COURT**. The Court **ORDERS** the clerk to strike the addresses and telephone numbers, if provided, from the public court records of the Court and maintain a confidential record of the information for use only by the Court or law enforcement for the purpose of entering the information required by Section 411.042(b)(6), Government Code, into the statewide law enforcement information system maintained by the Texas Department of Public Safety.

☐ **DISCLOSED AS FOLLOWS**: *(Enter the addresses below)*

Child-care facility: _____

School: _____

(H) ☐ **NOT** engage in conduct that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass when that conduct is directed specifically toward a person protected by this Order or a member of the family or household of a person protected by this Order, including not following or causing another to follow a protected person or member. **(TCIC Form PCO-01)**

(I) ☐ **NOT** take, harm, threaten, or interfere with the care, custody, or control of the following pet, companion animal, or assistance animal, _____.
(TCIC Form PCO-08) *(Enter the name and/or description of the pet or animal)*

(J) ☐ **NOT** transfer, encumber, or otherwise dispose of property mutually owned or leased by the parties, except when done so in the ordinary course of business. **(TCIC Form PCO-08)**

(K) ☐ **NOT** track or monitor the personal property or a motor vehicle in the possession a person protected by this Order or a member of the family or household of a person protected by this Order, without the person's effective consent, including by not tracking or monitoring the person with a tracking device or application or by physically following the person. **(TCIC Form PCO-01)**

(L) ☐ **NOT** own, possess, buy or attempt to buy, receive or attempt to receive, or in any other way obtain possession, ownership, or control of a firearm, firearm parts, 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. **(TCIC Form PCO-07)**

(M) ☐ **NOT** attempt to prevent or dissuade a protected person from attending a hearing, testifying, or making a report to any law enforcement agency or another person.
(TCIC Form PCO-08)

(N) ☐ The Respondent is ordered to enroll in, pay costs for, and enter the program checked below no later than __/__/____ and complete the program by __/__/____. *(Mark one)* **(TCIC Form PCO-08)**

☐ 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: _____. The Respondent is ordered to comply with any recommendation or referral for additional or alternate counseling within _____ days of the recommendation. The Respondent is further 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. If applicable, the Respondent must follow these instructions with respect to notifying the Court of the Respondent's completion of the program:

_____

_____

☐ 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 who has completed family violence intervention training that the Community Justice Assistance Division of the Texas Department of Criminal Justice has approved: _____. The Respondent is ordered to comply with any recommendation or referral for additional or alternate counseling within _____ days of the recommendation. The Respondent is further 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. If applicable, the Respondent must follow these instructions with respect to notifying the Court of the Respondent's completion of the program:

_____

(O) ☐ Other condition or term: _____

(P) ☐ Other condition or term: _____

(Q) ☐ Other condition or term: _____

(R) ☐ Other condition or term: _____

V. ORDERS REGARDING SEPARATION OF WIRELESS TELEPHONE SERVICE ACCOUNT

(Mark the box if the Court wants to separate the wireless telephone service account)

☐ The Court **FINDS** that the Applicant, and/or a child in the Applicant's care or custody is/are the primary user(s) of one or more wireless telephone number(s) associated with the Respondent's wireless telephone service account. As requested by the Applicant or alleged victim, the Court **ORDERS** the separation of the following wireless telephone numbers from the Respondent's wireless telephone service account. **(TCIC Form PCO-08)**:

_____ ☐ Applicant's/Victim's phone number ☐ child's phone number

_____ ☐ Applicant's/Victim's phone number ☐ child's phone number

_____ ☐ Applicant's/Victim's phone number ☐ child's phone number

(Sheet may be attached with additional numbers)

The Court issued a separate order directing the Respondent's wireless telephone service provider to separate and transfer the account to _____. Please see attached Order for Separation of Wireless Telephone Service Account.

The Court **ORDERS** the Respondent to pay the costs associated with transferring the account and any outstanding balance.

BY ORDER OF THIS COURT, the telephone numbers of persons protected by this Order are **CONFIDENTIAL** and **shall not be released to the Respondent.** The Court **ORDERS** the clerk of the court to strike the telephone numbers from the public records of the Court and maintain a confidential record of the numbers for use only by the Court or law enforcement for the purpose of entering the information required by Section 411.042(b)(6), Gov't Code, into the statewide law enforcement information system maintained by the Texas Department of Public Safety.

VI. COSTS

(Mark the appropriate box)

☐ The Court **ORDERS** the Respondent to pay the $16 protective order fee, the standard fees charged by the clerk of the court in a general civil proceeding for the cost of serving this Order, the costs of court, and all other fees, charges, or expenses incurred in connection with the application and this Order.

☐ The Court **WAIVES** all costs and fees incurred in connection with the application and this Order because the Respondent is indigent or good cause exists to waive the costs and fees.

☐ The Court **ORDERS** the Respondent to pay the following costs and fees:

_____

☐ The Court **ORDERS** the Respondent to pay attorney fees in the amount of $_____. *(The Court must consider the Respondent's income and ability to pay before assessing attorney fees. Sec. 81.005, Family Code)*

VII. ADDITIONAL / SPECIAL ORDERS

(Mark one)

(A) ☐ None are entered.

(B) ☐ The Court enters the following **ADDITIONAL OR SPECIAL ORDERS**: _____

_____

VIII. WARNINGS

A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF AS MUCH AS $500.00 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 § 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.

IF A PERSON SUBJECT TO A PROTECTIVE ORDER IS RELEASED FROM CONFINEMENT OR

IMPRISONMENT FOLLOWING THE DATE THE ORDER WOULD HAVE EXPIRED, OR IF THE ORDER WOULD HAVE EXPIRED NOT LATER THAN THE FIRST ANNIVERSARY OF THE DATE THE PERSON IS RELEASED FROM CONFINEMENT OR IMPRISONMENT, THE ORDER IS AUTOMATICALLY EXTENDED TO EXPIRE ON:

(1) THE FIRST ANNIVERSARY OF THE DATE THE PERSON IS RELEASED, IF THE PERSON WAS SENTENCED TO CONFINEMENT OR IMPRISONMENT FOR A TERM OF MORE THAN FIVE YEARS; OR
(2) THE SECOND ANNIVERSARY OF THE DATE THE PERSON IS RELEASED, IF THE PERSON WAS SENTENCED TO CONFINEMENT OR IMPRISONMENT FOR A TERM OF FIVE YEARS OR LESS.

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. *(Applies to Orders issued under Title 4, Family Code)*

IF THIS ORDER IS GRANTED PURSUANT CHAPTER 7B, CODE OF CRIMINAL PROCEDURE, 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 A SEPARATE OFFENSE MAY BE PROSECUTED AS A SEPARATE OFFENSE IN ADDITION TO A VIOLATION OF THIS ORDER. *(Applies to Orders issued under Subchapter A, Chapter 7B, Code of Criminal Procedure)*

POSSESSION OF A FIREARM OR AMMUNITION WHILE THIS PROTECTIVE ORDER IS IN EFFECT MAY SUBJECT THE 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 FIREARM FOR THE DURATION OF THIS ORDER.

INTERSTATE VIOLATION OF THIS ORDER MAY SUBJECT YOU TO FEDERAL CRIMINAL PENALTIES. THIS PROTECTIVE ORDER IS ENFORCEABLE IN ALL FIFTY STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, AND U.S. TERRITORIES.

Note: As of September 1, 2025, protective orders issued against a respondent who is a party to a suit for dissolution of marriage; a suit affecting the parent-child relationship; or charged with a criminal offense involving family violence under Title 5, Penal Code, or an offense under Section 25.11, Penal Code, are effective until the second anniversary of the date of the final disposition of the suit or criminal case, as applicable. Section 85.025(a-2), (a-3), and (a-4), Family Code

IX. WRITTEN ADMONITION ON INELIGIBILITY TO POSSESS FIREARM OR AMMUNITION

In accordance with 1 Texas Administrative Code §176.1, the Court hereby admonishes you of the following:

1. **You are, by entry of this Order or Judgment, ineligible under Texas law to possess a firearm or ammunition.**
2. **Beginning now, if you possess a firearm or ammunition it could lead to charges against you. If you have questions about how long you will be ineligible to possess a firearm or ammunition, you should consult an attorney.**
3. **Under Texas Penal Code §46.01(3):**
    a. **"Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.**
    b. **"Firearm" does not include a firearm that may have, as an integral part, a folding knife**

blade or other characteristics of weapons made illegal by Penal Code Chapter 46 and that is (1) an antique or curio firearm manufactured before 1899 or (2) a replica of an antique or curio firearm manufactured before 1899 but only if the replica does not use rim fire or center fire ammunition.

For more information about the laws that make you ineligible to possess a firearm or ammunition, or for more information on how long your ineligibility to possess a firearm or ammunition lasts, the Court recommends you contact an attorney. For your reference, you may wish to consult the statutes listed below, which may or may not apply to your circumstances:

- **Code of Criminal Procedure Article 17.295—Magistrate's Order for Emergency Protection**
- **Code of Criminal Procedure Article 27.14(e)(1)—Plea of Guilty or Nolo Contendere in Misdemeanor**
- **Code of Criminal Procedure Article 42.0131—Notice for Persons Convicted of Misdemeanors Involving Family Violence**
- **Penal Code §46.02—Unlawful Carrying Weapons**
- **Penal Code §46.04—Unlawful Possession of Firearm**
- **Penal Code §25.07—Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case**
- **Family Code §85.026—Warning on Protective Order**

X. SUSPENSION OF LICENSE TO CARRY A HANDGUN

If the Defendant has a license to carry a handgun, the **COURT HEREBY SUSPENDS THE LICENSE** for the duration of this Order **(TCIC Form PCO-08)** and **ORDERS** the clerk of the magistrate court to send a copy of this Order to the appropriate division of the Texas Department of Public Safety (DPS) at its Austin headquarters (See the address below.):

Texas Department of Public Safety
Handgun Licensing Program, MSC 0245
PO Box 4087
Austin, Texas 78773-0245

Or send by email to RSD.concealedhandgun@DPS.texas.gov

XI. FINDINGS IN COMPLIANCE WITH FEDERAL LAW

(Mark the box only if the three conditions listed below are true)

☐ The Court finds that the Respondent is **DISQUALIFIED** from possessing a firearm pursuant to federal law because:

1. the Applicant and the Respondent are spouses or former spouses, share a child in common, and/or live together or have lived together in an intimate relationship;
2. the Respondent has received actual notice of the hearing pertaining to this order, and was given an opportunity to participate; **and**
3. this order restrains the Respondent from harassing, stalking, or threatening the Applicant or child of the Applicant.

XII. CONFIDENTIALITY OF INFORMATION

BY ORDER OF THIS COURT, the address, county of residence and telephone number of persons protected by this Order and the address and telephone number of the place of employment or business,

child-care facility or school of a person protected by this Order are CONFIDENTIAL. The Court **ORDERS** the clerk of the court to strike this information from the public records of the Court and maintain a confidential record of the information for use only by the Court or law enforcement for the purpose of entering the information required by Section 411.042(b)(6), Gov't Code, into the statewide law enforcement information system maintained by the Texas Department of Public Safety.

The Court designates the following person as the person to receive on a protected person's behalf notices and other documents related to this Order.

Name: _____

Address: _____

XIII. ORDERS TO THE CLERK OF THE COURT

If this Order suspends the Respondent's license to carry a handgun, the Clerk shall send a certified copy of this Order, by certified mail, return receipt requested, to the **Handgun Licensing Program** at the **TEXAS DEPARTMENT OF PUBLIC SAFETY**.

THE COURT ORDERS the clerk of the court to enter both the Protective Order and the Application for Protective Order into the Protective Order Registry within 24 hours after the court issues this Order.

XIV. ORDER REGARDING LAW ENFORCEMENT ASSISTANCE

If this Order excludes the Respondent from the residence, and the Applicant or the person granted possession of the residence requests assistance, the Court **ORDERS** the Sheriff, Constable, or Chief of Police to provide a law enforcement officer to:

1. accompany the Applicant, or the person granted possession of the residence, to the residence covered by this Order;
2. inform the Respondent that the Court has ordered the Respondent excluded from the residence;
3. protect the Applicant and other protected person(s), if any, while the Applicant and protected person(s) take possession of the residence, and the Respondent takes possession of the Respondent's necessary personal property; and
4. if the Respondent refuses to vacate the residence, remove the Respondent from the residence and arrest the Respondent for violating this Order.

XV. DURATION OF PROTECTIVE ORDER

(Mark a duration time (A, B, or C) then follow the instructions therein)

(A) ☐ This Order expires on __/__/____.

(This date cannot exceed two years from the date this Order is signed)

(B) ☐ This Order expires on __/__/____, which date is more than two years from the date this Order is signed because the Court **FINDS** that: *(Mark the appropriate box)*

- ☐ The Respondent caused serious bodily injury to the Applicant or a member of the Applicant's family or household.
- ☐ The Respondent was the subject of two or more previous protective orders protecting the Applicant and both of those orders contained findings that the Respondent committed family violence.
- ☐ The Respondent committed an act constituting a felony offense involving family violence against

the Applicant or a member of the Applicant's family or household, regardless of whether the Respondent has been charged with or convicted of the offense.

(C) ☐ The Court issues this Order under Art. 7B.003, Code of Criminal Procedure. **THEREFORE**, this Order is effective: *(Mark the appropriate box)*

☐ Until __/__/____. *(Enter any period shorter than the duration of the parties' lives)*

☐ For the duration of the Respondent's and the Applicant's lives.

☐ The duration of the Respondent's and the Applicant's lives because the Respondent was convicted of or placed on deferred adjudication community supervision for an offense listed in Article 7B.001(a)(1), Code of Criminal Procedure, specifically: *(Enter the offense name and statute)* _____, and is required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender.

DATE ENTERED BY JUDGE: _____ ***(This is the date the Order or Motion is granted)***

DATE SIGNED BY JUDGE: _____ ***(This the is the date the judge signs the Order)***

_____
PRESIDING JUDGE'S SIGNATURE

_____
PRESIDING JUDGE'S PRINTED NAME

Temporary Ex Parte Order

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

CAUSE NO. _____

_____	§	**IN THE** _____ **COURT**
	§	
VS.	§	
	§	
_____	§	**OF** _____ **COUNTY, TEXAS**

Temporary Ex Parte Order

Go to the court hearing on: Date: Time:

Court Address:

1. APPLICANT

*Name: _____

*County of Residence: _____

2. RESPONDENT (INCLUDES OFFENDERS) / ORDER ISSUED AGAINST

*Name: _____

*County of Residence: _____

3. AND / OR ON BEHALF OF MINOR FAMILY MEMBERS / PROTECTED PERSON(S)

(Provide the name for each minor added)

*Name: _____

*Name: _____

*Name: _____

*Name: _____

4. AND / OR BEHALF OF OTHER (PROTECTED PERSON(S)

(Provide the name for each person added)

*Name: _____

*Name: _____

*Name: _____

*Name: _____

On this day, the Court considered the Applicant's application for a temporary ex parte order filed pursuant to Title 4, Family Code, and/or Chapter 7B, Code of Criminal Procedure.

I. FINDINGS AND ORDERS

(Mark one)

After considering the application and any testimony of the Applicant or other protected persons, if required, the Court:

(A) ☐ **FINDS** that there is a clear and present danger of family violence, as defined by Section 71.004, Family Code. **THEREFORE**, the Court grants the application and issues this Temporary Ex Parte

Order. No bond is required.

(B) ☐ **FINDS** that there is a clear and present danger of sexual assault or abuse, indecent assault, stalking, trafficking, burglary of a habitation with intent to commit a felony, theft or assault, or other harm to Applicant. **THEREFORE**, the Court grants the application and issues this Temporary Ex Parte Order. No bond is required.

(C) ☐ **FINDS** that there is a clear and present danger of sexual assault or abuse or other harm to the Applicant, in light of the military protective order issued to the Applicant because the Applicant is a reported victim of sexual assault, indecent assault, or aggravated sexual assault. **THEREFORE**, the Court grants the application and issues this Temporary Ex Parte Order. No bond is required.

II. RELATIONSHIP OF PARTIES

The Court **FINDS** that the Applicant and the Respondent are related in the following manner:
(Mark all that apply)

☐ No prior family or dating relationship
☐ Current or former spouses
☐ Current or former dating partners
☐ Are or were members of the same family or household
☐ Parents of the same child(ren)
☐ Relatives
☐ Parent-child relationship
☐ Foster parent - foster child relationship
☐ Applicant is dating or married to Respondent's current or former spouse or dating partner
☐ Respondent is dating or married to Applicant's current or former spouse or dating partner

III. CONDITIONS AND TERMS OF ORDER

(Mark all conditions and terms that apply)

The Court **FINDS** that the following conditions and terms are necessary or appropriate to prevent or reduce the likelihood of family violence and/or future harm to the Applicant, members of the Applicant's family or household, and other protected persons. THEREFORE, the Court **ORDERS** the Respondent to obey the conditions and terms marked below. **The Respondent must:**

(A) ☐ **NOT** commit further acts of family violence, as defined in Section 71.004, Family Code, against a person protected by this Order or a member of the family or household of a person protected by this Order (including acts intended to result in physical harm, bodily injury, assault or sexual assault, or threats reasonably placing a person in fear of physical harm, bodily injury, assault or sexual assault). **(TCIC Form PCO-01)**

(B) ☐ **NOT** communicate in any manner with a person protected by this Order or a member of the family or household of a person protected by this Order, except through a protected person's attorney or a person appointed by the Court. The name of the attorney or person appointed by the Court is: _____. The Court **FINDS** that good cause exists to prohibit direct communication from the Respondent. **(TCIC Form PCO-08)**

(C) ☐ **NOT** communicate in a threatening or harassing manner, directly or indirectly, with a person protected by this Order or a member of the family or household of a person protected by this Order. **(TCIC Form PCO-05)**

(D) ☐ **NOT** communicate a threat through any person to a person protected by this Order or a member of the family or household of a person protected by this Order. **(TCIC Form PCO-05)**

(E) ☐ **NOT** go to or within _____ yards of the residence or place of employment or business of a person protected by this Order or a member of the family or household of a person protected by this Order. **(TCIC Form PCO-04)** The addresses and telephone numbers of the prohibited locations are: *(Mark one)*

☐ **CONFIDENTIAL BY ORDER OF THIS COURT**. The Court **ORDERS** the clerk to strike the

addresses and telephone numbers, if provided, from the public records of the Court and maintain a confidential record of the information for use only by the Court or law enforcement for the purpose of entering the information required by Section 411.042(b)(6), Government Code, into the statewide law enforcement information system maintained by the Texas Department of Public Safety.

☐ **DISCLOSED AS FOLLOWS:** *(Enter the addresses below)*

Residence: _____

Place of Employment/Business: _____;

(F) ☐ **NOT** go to or within _____ yards of the child-care facility or school of a person protected by this Order. **(TCIC Form PCO-04)** The addresses and telephone numbers of the prohibited locations are: *(Mark one)*

☐ **CONFIDENTIAL BY ORDER OF THIS COURT**. The Court **ORDERS** the clerk to strike the addresses and telephone numbers, if provided, from the public records of the Court and maintain a confidential record of the information for use only by the Court or law enforcement for the purpose of entering the information required by Section 411.042(b)(6), Government Code, into the statewide law enforcement information system maintained by the Texas Department of Public Safety.

☐ **DISCLOSED AS FOLLOWS:** *(Enter the addresses below)*

Child-care facility: _____

School: _____;

(G) ☐ **NOT** go within _____ yards of a person protected by this Order or a member of the family or household of a person protected by this Order, except as authorized by this Order. **(TCIC Form PCO-08)**

(H) ☐ **NOT** engage in conduct that is directed specifically toward and reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass a person protected by this Order or a member of the family or household of a person protected by this Order, including following or causing another person to follow the person protected by this Order. **(TCIC Form PCO-01)**

(I) ☐ **NOT** take, harm, threaten, or interfere with the care, custody, or control of the following pet or companion or assistance animal: _____.

(TCIC Form PCO-08). *(Enter the name or description of the pet or animal)*

(J) ☐ **NOT** transfer, encumber, or otherwise dispose of property mutually owned or leased by the parties, except when done so in the ordinary course of business. **(TCIC Form PCO-08)**

(K) ☐ **NOT** track or monitor the personal property or motor vehicle in the possession of a person protected by this Order or a member of the family or household of a person protected by this Order, without the person's effective consent, including not tracking or monitoring the person with a tracking device or application, or by physically following the person. **(TCIC Form PCO-01)**

(L) ☐ **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. **(TCIC Form PCO-07)**

(M) ☐ **NOT** close, limit access to, or otherwise tamper with the telephone service account associated with the following mobile numbers and their associated mobile devices until this Court determines the primary user of the mobile numbers and associated devices. **(TCIC Form PCO-08)**

_____ ☐ my phone number ☐ child's phone number

_____ ☐ my phone number ☐ child's phone number

_____ ☐ my phone number ☐ child's phone number

(A sheet may be attached with additional numbers)

The Court **ORDERS** the clerk to remove from the public records of the Court the telephone numbers of persons

protected by this Order.

IV. RESPONDENT'S EXCLUSION FROM RESIDENCE
(Mark the box if ordering the Respondent to vacate the residence)

☐ After considering the Applicant's sworn affidavit or declaration and in person testimony, the Court **FINDS** that the Applicant currently resides at the residence referenced below, or resided there within 30 days prior to filing the application for a protective order, and that the Respondent committed family violence against a member of the household within 30 days prior to the filing of the application. The Court further **FINDS** that there is a clear and present danger that the Respondent is likely to commit family violence against a member of the household. **THEREFORE**, effective immediately, the Respondent is **ORDERED** to vacate the residence located at:

and to return one time under the escort of law enforcement to retrieve the Respondent's necessary personal property. The Applicant is granted exclusive use and possession of the residence until further Order of this Court. **(TCIC Form POC-03)**

The Respondent shall not interfere with the Applicant's use of the residence, including, but not limited to, disconnecting the utilities or telephone service or causing such services to be disconnected. **(TCIC Form POC-08)**

V. ORDER REGARDING LAW ENFORCEMENT ASSISTANCE

If this Order excludes the Respondent from the residence, the Court **ORDERS** the Sheriff, Constable, or Chief of Police to provide a law enforcement officer to:

(1) Accompany the Applicant or the person granted possession of the residence to the residence identified above.
(2) Inform the Respondent that the Court has ordered the Respondent excluded from the residence.
(3) Protect the Applicant or person granted possession of the residence while the Applicant or person takes possession of the residence.
(4) Protect the Applicant or person granted possession of the residence while the Applicant or person takes possession of his or her necessary personal property, if the Respondent refuses to vacate the residence.

VI. COSTS

The Court prohibits any person or agency, including a clerk of the court, sheriff, constable, or other public official or employee, from assessing the Applicant a fee, cost, charge, or expense in connection with the filing, serving, or entering of this Protective Order. (Sec. 81.002, Family Code)

VII. ADDITIONAL / SPECIAL ORDER(S)
(Mark one)

(A) ☐ None are entered.
(B) ☐ The Court enters the following **ADDITIONAL OR SPECIAL ORDER**:

_____ .

VIII. WARNINGS

A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF AS MUCH AS $500.00 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 § 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.

IF A PERSON SUBJECT TO A PROTECTIVE ORDER IS RELEASED FROM CONFINEMENT OR IMPRISONMENT FOLLOWING THE DATE THE ORDER WOULD HAVE EXPIRED, OR IF THE ORDER WOULD HAVE EXPIRED NOT LATER THAN THE FIRST ANNIVERSARY OF THE DATE THE PERSON IS RELEASED FROM CONFINEMENT OR IMPRISONMENT, THE ORDER IS AUTOMATICALLY EXTENDED TO EXPIRE ON:

(1) THE FIRST ANNIVERSARY OF THE DATE THE PERSON IS RELEASED, IF THE PERSON WAS SENTENCED TO CONFINEMENT OR IMPRISONMENT FOR A TERM OF MORE THAN FIVE YEARS; OR

(2) THE SECOND ANNIVERSARY OF THE DATE THE PERSON IS RELEASED, IF THE PERSON WAS SENTENCED TO CONFINEMENT OR IMPRISONMENT FOR A TERM OF FIVE YEARS OR LESS.

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. *(Applies to Orders issued under Title 4, Family Code)*

IF THIS ORDER IS GRANTED PURSUANT CHAPTER 7B, CODE OF CRIMINAL PROCEDURE, 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 A SEPARATE OFFENSE MAY BE PROSECUTED AS A SEPARATE OFFENSE IN ADDITION TO A VIOLATION OF THIS ORDER. *(Applies to Orders issued under Subchapter A, Chapter 7B, Code of Criminal Procedure)*

INTERSTATE VIOLATION OF THIS ORDER MAY SUBJECT YOU TO FEDERAL CRIMINAL PENALTIES. THIS PROTECTIVE ORDER IS ENFORCEABLE IN ALL FIFTY STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, AND U.S. TERRITORIES.

IX. WRITTEN ADMONITION ON INELIGIBILITY TO POSSESS FIREARM OR AMMUNITION

In accordance with 1 Texas Administrative Code § 176.1, the Court hereby admonishes you of the following:

1. **You are, by entry of this Order or Judgment, ineligible under Texas law to possess a firearm or ammunition.**
2. **Beginning now, if you possess a firearm or ammunition it could lead to charges against you. If you have questions about how long you will be ineligible to possess**

a firearm or ammunition, you should consult an attorney.

3. **Under Texas Penal Code § 46.01(3):**
   a. **"Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.**
   b. **"Firearm" does not include a firearm that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by Penal Code Chapter 46 and that is (1) an antique or curio firearm manufactured before 1899 or (2) a replica of an antique or curio firearm manufactured before 1899 but only if the replica does not use rim fire or center fire ammunition.**

For more information about the laws that make you ineligible to possess a firearm or ammunition, or for more information on how long your ineligibility to possess a firearm or ammunition lasts, the Court recommends you contact an attorney. For your reference, you may wish to consult the statutes listed below, which may or may not apply to your circumstances:

- **Code of Criminal Procedure Article 17.292—Magistrate's Order for Emergency Protection**
- **Code of Criminal Procedure Article 27.14(e)(1)—Plea of Guilty or Nolo Contendere in Misdemeanor**
- **Code of Criminal Procedure Article 42.0131—Notice for Persons Convicted of Misdemeanors Involving Family Violence**
- **Penal Code § 46.02—Unlawful Carrying Weapons**
- **Penal Code § 46.04—Unlawful Possession of Firearm**
- **Penal Code § 25.07—Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case**
- **Family Code § 85.026—Warning on Protective Order**

IX. CONFLICTING ORDERS

During the time this Order is valid, it prevails over any other court order entered under Title 5 (The Parent-Child Relationship and The Suit Affecting The Parent-Child Relationship) of the Family Code to the extent of any conflict between the orders.

X. DURATION OF PROTECTIVE ORDER

This Order expires on _____ . *(Duration cannot exceed 20 days)*

Signed on _____ _____

HONORABLE JUDGE
JUDGE PRESIDING

Instructions for Completing the Orders

OFFICE OF COURT ADMINISTRATION

Information and Instructions For Completing the Various Protective Orders

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The Office of Court Administration of the Texas Judicial System (OCA) is required[1] to develop and make available on OCA's Internet website standardized forms for the Magistrate Order of Emergency Protection,[2] Temporary Ex Parte Order,[3] and Protective Order.[4] The following information and instructions for completing the orders are for use by Applicants, Attorneys, and Judges. Also included is information regarding the Protective Order Registry.

A. FOR SELF-REPRESENTED APPLICANTS

(You completed and filed the application for protective order for yourself or on someone's behalf and you are not an attorney.)

Some courts may require you to submit a proposed order with your application for a protective order. If the court requires you to submit a proposed order, follow these instructions, unless instructed otherwise by the court:

1. ***Decide which order or orders you need***. If you requested the court to issue a temporary ex parte order before the final hearing you should file the Temporary Ex Parte Order **and** the Protective Order with your application. If you did not request a temporary ex parte order you only need to file the Protective Order with the application.
2. ***Print the order or orders you need*.** Do not change the order(s). Print them as they are. We recommend printing 2 copies of each order (attach one to the application when you file it with the clerk of the court and bring one with you to the hearing).
3. ***Do not complete or fill out the order or orders***. The court will complete the order(s) if the court grants your request.

If the court does not require you to submit a proposed order with your application, we recommend printing but not completing the order and taking it with you when you attend the hearing.

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[1] Issued under Texas Government Code Section 72.039.
[2] Issued under Texas Code of Criminal Procedure Article 17.292.
[3] Issued under Texas Family Code Ch. 83; Texas Code of Criminal Procedure Article 7B.002.
[4] Issued under Texas Family Code Title 4 or Texas Code of Criminal Procedure Subchapter A, Ch. 7B.

B. FOR ATTORNEYS

If you are a licensed attorney, you may do the following:

1. ***Format the style of the cause and signature line to fit your particular needs***. *However, please note that the content of the orders is written with the Applicant as the person who was hurt, threatened, or victimized and the Respondent as the person who committed the act of family violence or the criminal offense. If you change the style or signature line, please adjust the content of the order accordingly, if needed.* ***We do not recommend changing the style or signature line, as the application contains a box that you can mark to indicate that you are filing the application on behalf of the Applicant (the person in need of protection).*** If you change the style or signature line, be sure to match the character, font, and justification to those used in the order (Font: Arial, Font size: 11, justified).
2. ***Delete portions of the Order that do not apply your case***. For instance, if the Court makes a finding that family violence occurred, which is Option (A) under **II. FINDINGS AND ORDERS** on the Protective Order form and none of the other findings apply, you may remove all of the other findings and rewrite the sentence to read, " After considering the application, evidence, and arguments of the parties, if any, the Court **FINDS** that family violence occurred. Therefore, the Court grants the application and issues this Protective Order against the Respondent." If you make edits, be sure to match the character, font, and justification to those used in the order (Font: Arial, Font size: 11, justified).

ATTORNEYS SHOULD NOT CHANGE THE ORDER OF THE CONTENT OR THE SUBSTANCE (MATERIAL COMPONENTS) OF THE ORDER. *Additional orders or instructions may be included in Section VII. ADDITIONAL/SPECIAL ORDERS of the Order, and ADDITIONAL CONDITIONS OR TERMS may be included in Section IV. CONDITIONS AND TERMS OF ORDER. If additional or special orders are not included, please mark the box that indicates none are entered.*

C. FOR JUDGES

Senate Bill 48 (88th Regular Session, 2023) ***requires courts and magistrates issuing protective orders to use standardized order forms created by OCA***.[5] ***However, a court's***

[5] Effective June 1, 2024. See Texas Family Code Sections 83.007(a) and 85.0221(a) and Texas Code of Criminal Procedure Articles 7B.0021(a), 7B.003(d), and 17.292(d-1).

failure to use a standardized order form does not affect the validity or enforceability of the order issued.[6]

The Temporary Ex Parte Order and the Protective Order may be used for orders issued under the Family Code, Code of Criminal Procedure, or both. When completing the order, the Applicant is the person who was hurt, threatened, or victimized, and the Respondent is the person who committed the act of family violence or the offense against the Applicant.

State law requires law enforcement agencies and courts to enter Magistrate Order of Emergency Protection, Temporary Ex Parte Order, and Protect Order information into required databases that are used by law enforcement throughout the state to verify the existence and validity of a protective order, as well as to check a Respondent's eligibility to possess a firearm.[7] This information is crucial to the effective and accurate enforcement of these orders. Paperwork variations often result in delays and inaccuracies during the data entry process, thereby impacting enforcement of the orders and firearm dealers check.

1. PCO CODES

At the end of each term and condition listed in the protective orders, you will find a code (e.g., **TCIC Form PCO-08**) that corresponds to the same or similar condition listed in the TCIC Data Entry form under Protection Order Conditions (PCO). The code is included to assist law enforcement when entering information required by law into the statewide law enforcement information system that DPS maintains. Please do not change the codes.

2. FINDINGS IN COMPLIANCE WITH FEDERAL LAW

The protective order contains a section for **FINDINGS IN COMPLIANCE WITH FEDERAL LAW.** These findings assist data entry personnel when completing the TCIC Data Entry form, specifically the portion that addresses whether a Respondent is prohibited from possessing a firearm pursuant to federal law. Texas law prohibits possession of firearms in all types of protective orders regardless of the relationship between the parties. However, federal law only prohibits firearm possession for orders that meet all of the following conditions:

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[6] See Texas Family Code Sections 83.007(b) and 85.0221(b) and Texas Code of Criminal Procedure Articles 7B.0021(b), 7B.003(e), and 17.292(d-2).

[7] Databases include the Texas Crime Information Center (TCIC), which feeds the information into the National Crime Information Center (NCIC) and the National Instant Criminal Background Check System (NICS), and the state's Protective Order Registry maintained by OCA.

- The Applicant and the Respondent are spouses or former spouses, share a child in common, and/or live together or have lived together in an intimate relationship;
- The Respondent received actual notice of the hearing pertaining to the protective order, and was given an opportunity to participate; **and**
- The protective order restrains the Respondent from harassing, stalking, or threatening the Applicant or child of the Applicant.[8]

Judges should complete this section of the protective order by checking the box only if the three conditions are met. This will alert the person entering the protective order into TCIC to include the federal firearm prohibition which will be transmitted to the National Crime Information Center and the National Instant Criminal Background Check System (NICS). Federal Firearm Licensed Dealers are required to check NICS to determine whether a purchaser is prohibited from possessing a firearm.

D. ***FOR CLERKS***

The law requires the clerk of the court to enter Magistrate Order for Emergency Protection, Temporary Ex Parte Order, and Protective Order information into the Protective Order Registry (Registry) as soon as possible but no later than 24 hours after the court issues the order.

An Applicant or other protected person may give written permission for the public to view certain limited information about the Applicant's protective order in the Registry. A person may give this permission by filing the *Consent to Publish or Remove Information from Protective Order Registry Public View* form with the clerk of the court. Upon receipt of the form, the clerk must upload it to the Registry for verification and posting by OCA.

Additional information regarding the Registry is provided below. For information regarding the clerks' duties to enter protective orders into the Registry, go to the Protective Order Registry website.

PROTECTIVE ORDER REGISTRY

The Protective Order Registry is a centralized Internet-based registry for applications and protective orders filed in this state. Members of the justice community, such as court clerks, prosecutors, law enforcement officers, and magistrates can view protective orders in the Registry for enforcement and investigative purposes. The public may view limited information about a final

[8] See 18 U.S.C. §922 (g)(8).

protective order in the Registry **only if** the person protected by that order gives written permission for the public to do so. A protected person may give permission for the public to view limited information about the order by completing and filing the form for ***Consent to Publish or Remove Information from Protective Order Registry Public View*** with the clerk of the court. Upon receipt of the form, the clerk will upload it to the Registry, and OCA will review it. Once verified, OCA will allow the public to access limited information on its website at https://topics.txcourts.gov/. The limited information includes:

- the name of the court that issued the protective order;
- the case number (sometimes called the "cause number");
- the full name, county of residence, birth year, and race or ethnicity of the person you are protected from by the protective order (sometimes called the "Respondent"); and
- the dates the protective order was issued, was served, and expired (or will expire).

Even with a protected person's permission, the public cannot use the Registry to access information regarding other types of protective orders. **Limited access is available for final orders only**. In addition, the public will not have access to a protected person's name or other personal information. **If an Applicant (or other protected person) does not want information from the protective order to be displayed on the Registry, the Applicant (or other protected person) should not complete or file the form for *Consent to Publish or Remove Information from Protective Order Registry Public View*.**

TCIC Protective Order Data Entry Form

TCIC Protective Order Data Entry Form

To be completed by the Criminal Justice/Law Enforcement Official and released to authorized agencies only.

ORI:	Choose One: Protective Order Emergency Protective Order	
OCA:	Protective Order Number:	Court Identifier:
Issue Date:	Date of Expiration:	Date Signed: Date Rescinded:

ALL fields should be completed to ensure timely entry into TCIC. Missing pertinent information will delay entry and will require the entering agency to contact the court to provide the necessary information.

Respondent Name:			Sex: (circle one) Male Female	
Race: (circle one): Indian Asian Black White Unknown			Ethnicity: (circle one) Hispanic Non-Hispanic Unknown	
Place of Birth:	Citizenship:	Date of Birth:	Height:	Weight:
Skin: (circle one): Albino Black Dark Dk Brown Fair Light Lt Brown Medium Med Brown Olive Ruddy Sallow Yellow				
Eye Color: (circle one): Black Blue Brown Gray Green Hazel Maroon Pink Multi-Colored Unknown				
Hair Color: (circle one) Black Blond Brown Gray Red White Sandy Bald Blue Green Orange Pink Purple Unknown				
Scars, Marks and/or Tattoos: (please describe in detail) AKA's:				

Caution and Medical Conditions: (circle all that apply)

00 – Armed and Dangerous	05—Violent Tendencies	10—Martial Arts Expert	15—Explosive Expertise	40-Int'l Flight
20—Known to Abuse Drugs	25—Escape Risk	30—Sexually Violent Predator	50—Heart Condition	Risk 55—
Alcoholic	60—Allergies	65—Epilepsy	70—Suicidal	
80—Medication Required	85—Hemophiliac	90—Diabetic	01--Other	

Protection Order Conditions (PCO): (circle all that apply)

01 Respondent is restrained from assaulting, threatening, abusing, harassing, following, interfering with or stalking the protected person and/or child of the protected person

02 Respondent may not threaten a member of the protected person's family/household

03 The protected person is granted exclusive possession of the residence/household

04 Respondent is required to stay away from the residence, property, school or place of employment of the protected person or other family or household member

05 Respondent is restrained from making any communication with the protected person including, but not limited to, personal, written, or phone contact, or their employers, employees or fellow workers, or others whom the communication would be likely to cause annoyance or alarm

06 Respondent is awarded temporary custody of the children named

07 Respondent is prohibited from possessing and/or purchasing a firearm or other weapon

08 See miscellaneous field for comments regarding terms and conditions of the protection order (add all prohibitions ordered not already assigned a code, e.g. pets, utilities, mutually owned property, distance, bond conditions, visitation details and/or other special prohibitions).

09 The protected person is awarded temporary exclusive custody of the child(ren) named

Brady Record Indicator (BRD):
N—Respondent is NOT disqualified Y—Respondent is disqualified U—Unknown

SVC:(circle one) served/not served/unknown
SVD:

Relationship to Protected Person: (Not the additional PPNS)

Please include the following numeric identifiers, if available:

Driver License:	DL State:	DL Expiration:
Texas ID:	Miscellaneous ID:	Social Security:

Respondent Address:			
City:	County:	State:	Zip:

Protective Order Data Entry Form – Page 2

Respondent Name:

Respondent Vehicle Data:

License Plate:	LP State:	LP Year:	LP Type:
Vehicle ID:	Year:	Color:	
Make:	Model:	Style:	

Protected Person Data

Protected Person Name:	Sex: Male Female
Race: (circle one): Indian Asian Black White Unknown	Ethnicity: (circle one) Hispanic Non-Hispanic Unknown
Date of Birth:	Social Security:
Protected Person Address:	

City:	County:	State:	Zip:

Protected Person Employer Data

Protected Person Employer Name:	Address:	
City:	State:	Zip:
Protected Person Employer Name:	Address:	
City:	State:	Zip:

Protected Child Data (Use additional pages if necessary)

Protected Child Name:	Sex: Male Female
Race: (circle one): Indian Asian Black White Unknown	Ethnicity: (circle one) Hispanic Non-Hispanic Unknown
Date of Birth:	School/Child Care Name and Address:

Home Address:	City:	State:	Zip:

Protected Child Name:	Sex: Male Female
Race: (circle one): Indian Asian Black White Unknown	Ethnicity: (circle one) Hispanic Non-Hispanic Unknown
Date of Birth:	School/Child Care Name and Address:

Home Address:	City:	State:	Zip:

To be completed by Criminal Justice/Law Enforcement Official:

SID:	FBI #:	FPC:	MNU:

Notes:
Use of Pseudonyms; Code of Criminal Procedures: Ch.58 Art. 58.051. (Confidentiality of Identifying Information for Certain Crime Victims) (Eff. 1/1/2021)
Extension of PO if Respondent is confined or Imprisoned; Family Code: Sec. 85.025 (Duration of Protective Order)
PCO-07-Posession of a firearm; Family Code: Sec. 85.022 (C)(6) (Requirements of order applying to person who committed family violence).
Family Code Ch. 85, Sec. 85.007 (3)- the court shall order the clerk to maintain a confidential record of the information for use only by: (A) the court; or (B) a law enforcement agency for purposes of entering the information required by Section 411.042 (b) (6), Govt. Code into the statewide law enforcement information system maintained by the Department of Public Safety. (Eff. 9/1/17)