PROTECTIVE ORDERS

YOU SHOULD NOT DELAY IF YOU ARE CONSIDERING A PROTECTIVE ORDER SINCE A DELAY BETWEEN AN INCIDENT OF VIOLENCE AND YOUR REQUEST FOR A PROTECTIVE ORDER APPLICATION MAY HURT THE CHANCES OF THE SAME BEING CONSIDERED BY THIS OFFICE.

1. A Protective Order:

- Orders a person not to commit any more family violence.
- Orders a person not to come within a certain distance of where the victim lives and works and of the victim's children, their home, school, day care or baby sitter.
- Orders a person not to communicate with the victim indirectly in a way that is harassing or threatening.
- Prevents a person from harassing, annoying, alarming, abusing, tormenting or embarrassing the victim or a member of the victim's family or household.
- If you are still living together, requires the Respondent to move out.

2. Who is entitled to protection?

The applicant must be one of the following:

- A person who is related to the offender by blood or marriage (including a former spouse);
- A person who is currently living in the same household as the offender, or has lived in the same household as the offender at some point in the past;
- A person who has had a child with the offender; or
- A person who has or has had a continuing relationship of a romantic or intimate nature with the offender.

3. Where can a protective order be filed?

A protective order can be filed in the county where the applicant resides or in the county where the offender (respondent) resides. An applicant can apply for a protective order through the County Attorney's office, a private attorney, through legal aid, or with a *pro se packet*, which is when a person files on their own. A *pro se packet* can be obtained at the office of the County Attorney.

4. How to apply.

You will be required to fill out an Application Form (copy below) giving us information on yourself (the protected party) and the person you are making the complaint against (the Respondent). If you cannot fill out the application, we will help do it for you.

The County Attorney will interview you and gather all the facts and information regarding your case.

At this time it is determined whether to send the defendant a letter, raise a bond, secure a no-contact order or request a protective order.

You will also be referred to various outside agencies for appropriate services.

It is strongly recommended that you contact **Hill Country Crisis Center** for assistance through the process, **830/796-3302**. In some instances, the County Attorney will require you to obtain counseling before an Application for a Protective Order is commenced.

5. The Protective Order Process.

Once the paperwork is prepared, a protective order hearing will be scheduled. Once granted, a protective order can last up to two (2) years. The Respondent will be served with notice of the Hearing.

The Respondent will also be served with paperwork consisting of an Application for the Protective Order, the sworn statement you signed in our office describing the violence, and a Temporary Ex Parte Order to keep the Respondent from bothering you until the hearing date. This includes keeping the defendant away from your house and job.

YOU WILL NEED TO GO TO COURT AND BE WILLING TO TESTIFY.

If the Respondent agrees to leave you alone, an Agreed Protective Order will be issued. If he or she does not show, you automatically get a protective order by default. If he or she denies the charges, a hearing will be held in front of a Judge who will decide if you get the protective order.

Once you receive the Protective Order, the Respondent may be arrested if he or she bothers you or goes near your residence. However, if the Respondent is not delivered (served) the papers, the case will be reset again if necessary.

While the Protective Order is in effect, you may not initiate contact with the Respondent.

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Q. How much will this cost me?
A. Our office does not charge attorney's fees to represent you and you will not be charged any filing fee or charge for service on the Respondent.

Q What's the difference between a protective order and a restraining order?
A. Both types of orders can direct a person to stay away from your home and place of employment. However, only a protective order is criminally enforceable, meaning that the Respondent can be arrested and charged with a criminal offense for violating the order. The police can arrest someone for violating a restraining order, You must go back to the Judge who issued the restraining order to enforce it. The County Attorney only files Applications for protective orders. If you want to obtain a Restraining Order, contact an attorney.

APPLICATION FORM

RESPONDENT INFORMATION

Name of Respondent: _____ Sex:(Circle) M F

Race:(Circle) Indian Asian Black White Unknown Ethnicity:(Circle) Hispanic Non-Hispanic Unknown

Place of Birth:(State)___ Date of Birth:_____ Ht:____ Wt:___

Skin:(Circle) Albino Black Dark Dk Brown Fair Light Lt Brown Medium Med Brown Olive Ruddy Sallow Yellow Unknown

Eye Color:(Circle) Black Blue Brown Gray Green Hazel Maroon Pink Multi-Colored Unknown

Hair Color:(Circle) Black Blond Brown Gray Red White Sandy Bald Unknown

Scars, Marks and/or Tattoos:(Describe) _____

_____

Relationship to Protected Person: _____

Date of Marriage (or started living together): _____ Date Separated: _____

Have divorce proceedings been started?(Circle) YES NO If so, when: _____

(PLEASE INCLUDE THE FOLLOWING NUMERIC IDENTIFIERS, IF AVAILABLE):

Texas I.D. No._____ Misc. I.D. No. _____ SSN: _____

Driver's License No. _____ Driver's License State _____ Date of Expiration_____

Respondent's Address: Street: _____ City:_____

State: _____ Zip: _____ County:_____

Respondent's Phone No.: _____

Respondent's Employer: _____

Employer's Address: Street: _____ City:_____

State: _____ Zip: _____ County:_____

Employer's Phone No.: _____

Respondent's Vehicle Information:

Vehicle I.D. # (VIN): _____ Year:_____

Make: _____ Model: _____ Style: _____ Color: _____

License Plate No. _____ L.P. State_____ L.P. Year of Expiration:_____ L.P. Type:_____

PROTECTED PERSON INFORMATION

Name of Protected Person: _____ Sex:(Circle) M F

Race:(Circle) Indian Asian Black White Unknown Ethnicity:(Circle) Hispanic Non-Hispanic Unknown

Date of Birth:_____ Telephone No.: _____

Home Address: _____City: _____

State: _____ Zip: _____ County: _____

Protected Person Employment Information:

Place of Employment Name:_____ Telephone No.: _____

Employer's Address:_____

City: _____State: _____Zip: _____

Place of Employment Name:_____ Telephone No.: _____

Employer's Address:_____

City: _____State: _____Zip: _____

PROTECTED CHILD INFORMATION

Name of Protected Child: _____ Sex:(Circle) M F

Race:(Circle) Indian Asian Black White Unknown Ethnicity:(Circle) Hispanic Non-Hispanic Unknown

Date of Birth: _____ Child Care or School Facility Name:_____

Care/School Address:_____ City: _____

State: _____ Zip:_____ County: _____

Name of Protected Child: _____ Sex:(Circle) M F

Race:(Circle) Indian Asian Black White Unknown Ethnicity:(Circle) Hispanic Non-Hispanic Unknown

Date of Birth: _____ Child Care or School Facility Name:_____

Care/School Address:_____ City: _____

State: _____ Zip:_____ County: _____

Name of Protected Child: _____ Sex:(Circle) M F

Race:(Circle) Indian Asian Black White Unknown Ethnicity:(Circle) Hispanic Non-Hispanic Unknown

Date of Birth: _____ Child Care or School Facility Name:_____

Care/School Address:_____ City: _____

State: _____ Zip:_____ County: _____

Name of Protected Child: _____ Sex:(Circle) M F

Race:(Circle) Indian Asian Black White Unknown Ethnicity:(Circle) Hispanic Non-Hispanic Unknown

Date of Birth: _____ Child Care or School Facility Name:_____

Care/School Address:_____ City: _____

State: _____ Zip:_____ County: _____

Name of Protected Child: _____ Sex:(Circle) M F

Race:(Circle) Indian Asian Black White Unknown Ethnicity:(Circle) Hispanic Non-Hispanic Unknown

Date of Birth: _____ Child Care or School Facility Name:_____

Care/School Address:_____ City: _____

State: _____ Zip:_____ County: _____

Name of Protected Child: _____ Sex:(Circle) M F

Race:(Circle) Indian Asian Black White Unknown Ethnicity:(Circle) Hispanic Non-Hispanic Unknown

Date of Birth: _____ Child Care or School Facility Name:_____

Care/School Address:_____ City: _____

State: _____ Zip:_____ County: _____

Name of Protected Child: _____ Sex:(Circle) M F

Race:(Circle) Indian Asian Black White Unknown Ethnicity:(Circle) Hispanic Non-Hispanic Unknown

Date of Birth: _____ Child Care or School Facility Name:_____

Care/School Address:_____ City: _____

State: _____ Zip:_____ County: _____

Name of Protected Child: _____ Sex:(Circle) M F

Race:(Circle) Indian Asian Black White Unknown Ethnicity:(Circle) Hispanic Non-Hispanic Unknown

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Care/School Address:_____ City: _____

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Care/School Address:_____ City: _____

State: _____ Zip:_____ County: _____