

Case No.: _____

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

Protective Order

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

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

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

The parties have agreed to the terms of this Protective Order.

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

The Respondent has committed family violence against the Applicant or Children named below and is likely to commit family violence in the future.

The Respondent has violated a prior Protective Order that expired or will expire within 30 days.

1 **Appearances:** *(Check any that apply):*

Applicant Respondent

Appeared in person and announced ready.

Appeared in person and by attorney, _____, and announced ready.

Appeared by signature below evidencing agreement to the entry of this Protective Order.

Although duly cited, did not appear and wholly made default.

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

Name:

County of Residence:

Applicant:

Children:

Other

Adults:

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

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

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

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

5 Family Violence Prevention Program

The Respondent is ordered to enroll in, pay costs for, and enter the program checked below no later than ____ / ____ / ____, and to complete the program by ____ / ____ / ____. *(Check one):*

The local Battering Intervention and Prevention Program that meets the guidelines adopted by the community justice assistance division of the Texas Department of Criminal Justice:

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

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

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

The Respondent must also follow these provisions to prevent family violence:

6 Property Orders

The Court finds that the Residence located at: _____

(Check one):

is jointly owned or leased by the Applicant and Respondent;

is solely owned or leased by the Applicant; or

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

IT IS ORDERED that the Applicant shall have exclusive use of the Residence identified above, and the Respondent must vacate the Residence no later than: _____ a.m. p.m. on (date): _____.

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

7 Other Property Orders

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

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

8 Spousal Support Order

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

9 Orders Related to Removal, Possession and Support of Children

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

Removal — Check one or both:

The Respondent must:

Not remove the Children from the Applicant's possession or from their child-care facility or school, except as specifically authorized in a possession schedule ordered by the Court.

Not remove the Children from the jurisdiction of the Court.

Possession — Check one:

The Applicant is granted exclusive possession of the Children, and the Respondent shall have no possession or access to the Children, unless and until further Orders are entered by the Court. This Order supersedes any previous order granting the Respondent possession or access to the Children.

The Applicant is granted primary possession of the Children, and the Respondent may have possession of the Children pursuant to the possession schedule attached to this Protective Order as Exhibit A, subject to the terms and conditions stated herein as necessary for the safety of the Applicant and the Children. The possession schedule hereby ordered supersedes any previous order granting the Respondent possession and access to the Children.

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

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

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

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

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

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

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

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

10 Fees and Costs

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

Total to be paid: \$ _____

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

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

11 Attorney's Fees

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

Attorney Fees awarded by the Court: \$ _____

Attorney's name: _____

Attorney's address: _____

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

12 Service

This Protective Order (Check all that apply):

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

Shall be delivered to the Respondent by certified mail, return receipt requested, or by fax, to the Respondent's last known address or fax number, or in any other manner allowed by Tex. R. Civ. P. 21a.

13 Copies Forwarded

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

Sheriff and Constable of _____ County, Texas

Police Chief of the City of _____

Children's child-care facility/schools listed above.

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

14 Duration of Order

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

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

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

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

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

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

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

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

Judge Presiding: ► _____

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

Agreed Order

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



Applicant



Respondent

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



Respondent