

FREQUENTLY ASKED QUESTIONS ABOUT PROTECTIVE ORDERS

1. How do I get an Emergency Protective Order?

A Magistrate's Emergency Protective Order can only be issued if the Respondent has been arrested for family violence or dating violence and a request for the Emergency Protective Order has been made by the arresting agency or the victim, and is at the discretion of the magistrate. The Respondent must come before the magistrate at the county jail to have his/her bond set. At that time the magistrate will advise the Respondent that an Emergency Protective Order is in effect and that he/she cannot have any contact with the victim for up to 61 days but not less than 31 days after the Protective Order is issued. The Magistrate's Emergency Protective Order is enforceable by arrest during this period.

THERE ARE NO ORDERS AVAILABLE THROUGH THE COUNTY ATTORNEY'S OFFICE THAT GO INTO EFFECT IMMEDIATELY

2. How long does it take for my paperwork to be processed?

After the County Attorney's Office has typed and filed your Application for Protective Order, it is filed with the County Clerk's Office. Due to the volume of documents they receive, it could take approximately two days for the County Attorney's Office to receive a filing number for your application. Once the application has been given a filing number, the Temporary Exparte Protective Order is sent to the Judge's office and the court coordinator will set your protective order for hearing. Due to the volume of paperwork sent to the court coordinator, it could take approximately two days for a hearing to be set and the paperwork to be sent back to the County Attorney's Office. By law, your court date must be within 14 days of the day your Temporary Exparte Protective Order is set. Therefore, it will take approximately 4-5 days to process your paperwork and an additional 14 days before your court date. Keep in mind, these are estimates. The total time for processing and setting your protective order hearing could be less than the above estimate.

3. If I file for a Protective Order through the Johnson County Attorney's Office, when will my Protective Order go into effect?

The County Attorney's Office will file an Application for Protective Order and a Temporary Exparte Protective Order on your behalf. The Temporary Exparte Protective Order is NOT ENFORCEABLE BY ARREST unless the Temporary Exparte Order has been served on the person. It is a temporary order and will only serve as proof that you have begun proceedings to keep the Respondent away from you. Your Protective Order will go into effect after the Respondent has been served, you have appeared in court to testify as to why you need a Protective Order, and the Judge issues the Protective Order. If a Protective Order is issued it may be valid for up to two years and is enforceable by arrest.

4. When will the Respondent be served?

After your paperwork has been filed and set for hearing, it is forwarded to the Constables' Office. The Constable handling your paperwork will attempt to serve the Respondent as quickly as possible; however, the Constable is also attempting to serve dozens of other citations, notices, etc. and your paperwork is one of many documents he is responsible for so there is no way to determine exactly when the Respondent will be served.

5. What if the Respondent doesn't get served?

If the Respondent has not been served by your court date, your hearing will be reset and you will be mailed notice of the new court date. During that time the Constables will continue to attempt service on the Respondent.

6. Do I have to pay a filing fee?

As the applicant, you do not have to pay a fee for your Application for Protective Order. The Respondent will be charged a fee which includes the filing fee, service fee and clerk's fees. The Respondent will be required to pay this fee within 60 days of the date of the Protective Order hearing. It is important to remember that the person you are filing against may also file against you. The County Attorneys Office is not responsible for defending you in such an action and will not defend you in such an action.

TEXAS STATE BAR REFERRAL
(To find an attorney in your area)
1-800-252-9690

JOHNSON COUNTY FAMILY CRISIS CENTER
(For counseling or Women's Shelter)
Office 817-641-2343
Crisis Hotline 1-800-848-3206 or 817-641-2332

LEGAL HOTLINE NUMBERS
(To answer legal questions)
1-800-955-3959
1-800-777-3247

NATIONAL DOMESTIC VIOLENCE HOTLINE
1-800-799-SAFE (7233)

ACKNOWLEDGMENT

I, _____ (Applicant), am a victim of family violence or dating violence and request the filing of a protective order against _____ (Respondent). I certify that I have read and understand the following:

A Protective Order application is a civil, legal action which I am requesting the Johnson County Attorney to bring against the Respondent (who shall be a family member, a member of my household, a person who previously lived in my household or a person involved in dating violence) on my behalf. A Protective Order application is not a criminal charge.

A Protective Order prohibits the Respondent from physically abusing me, threatening or harassing me, or going within a specified distance of my home or place of employment, or engaging in conduct such as following me. While a private attorney may request orders in addition to those necessary to protect me from violence, the County Attorney's Office is not going to involve itself in custody, child support, visitation, or property disputes.

THE COUNTY ATTORNEY'S OFFICE WILL NOT REPRESENT ME IN A PROTECTIVE ORDER PROCEEDING IF A DIVORCE IS PENDING OR A SUIT AFFECTING PARENT CHILD RELATIONSHIP (SAPCR) IS PENDING. A PROTECTIVE ORDER MAY BE SOUGHT IN THE DIVORCE OR SAPCR SUIT BY THE ATTORNEY FOR THE PARTY WANTING THE PROTECTIVE ORDER. NEITHER MY SPOUSE NOR I HAVE FILED FOR A DIVORCE NOR IS A SAPCR SUIT PENDING.

A Temporary Protective Order will be requested to protect me until the hearing. If I cannot provide a good address for service, this suit may be refused or dismissed or there may be a delay in service of notice of this action.

I will be required to come to court. I understand it will be necessary for me to testify at the hearing and my failure to appear for a hearing may result in this application being dismissed.

If I decide that I **do not** want to follow through with this Protective Order after the application is filed and a hearing date is set, **I STILL MUST APPEAR ON THE HEARING DAY** to file a motion to dismiss and tell the Judge why I want my application for a Protective Order dismissed.

My testimony and other assistance are necessary to obtain a Protective Order and to enforce the final order. I am willing to proceed and will be present at all hearings necessary to obtain this Protective Order. The person abusing me may be sentenced to jail or be fined if the final Protective Order is violated, and the violation is prosecuted. No violation of the final Protective Order can be prosecuted unless I call the police and cooperate with the police and the County Attorney's Office.

THE STATEMENTS I MAKE IN THE "APPLICATION FOR PROTECTIVE ORDER" OR TO THE JUDGE ARE SWORN TO, AND THE TEXAS PENAL CODE SECTION 37.03 MAKES IT A THIRD DEGREE FELONY OFFENSE TO KNOWINGLY OR INTENTIONALLY MAKE FALSE STATEMENTS ABOUT MATERIAL FACTS IN AN OFFICIAL PROCEEDING.

The statements made in the Application for Protective Order are true and correct. I understand the consequences of falsifying any information or for bringing this suit for any reason other than for my or my family's protection. I will cooperate with the Johnson County Attorney's Office in obtaining this Protective Order.

APPLICANT

SUBSCRIBED AND SWORN to before me by this said Applicant on this the _____ day of _____, 20____,

NOTARY PUBLIC, STATE OF TEXAS

**PLEASE ANSWER THE FOLLOWING QUESTIONS TO SEE IF YOU
QUALIFY FOR A PROTECTIVE ORDER:**

1. ARE YOU FILING AGAINST SOMEONE THAT IS A FAMILY MEMBER, FORMER FAMILY MEMBER, SOMEONE YOU ARE LIVING WITH OR HAVE LIVED WITH AT SOME POINT IN TIME OR A PERSON WHO IS A BIOLOGICAL PARENT OF ANY CHILDREN YOU MAY HAVE?

YES _____ NO _____

2. HAS THE PERSON YOU ARE FILING AGAINST COMMITTED FAMILY VIOLENCE AGAINST YOU AND/OR YOUR MINOR CHILD/CHILDREN OR THREATENED TO COMMIT FAMILY VIOLENCE AGAINST YOU AND/OR YOUR MINOR CHILD/CHILDREN?

("Family Violence" means: an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself, or abuse by a member of a family or household toward a child of the family or household or dating violence.)

YES _____ NO _____

3. IS FAMILY VIOLENCE LIKELY TO OCCUR IN THE FUTURE?

YES _____ NO _____

4. ARE YOU FILING AGAINST SOMEONE WITH WHOM YOU HAVE HAD A DATING RELATIONSHIP?

("Dating Relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:

1. The length of the relationship;
2. The nature of the relationship; and
3. The frequency and type of interaction between the persons involved in the relationship.

A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "Dating Relationship.")

YES _____ NO _____

5. HAS THE PERSON YOU ARE FILING AGAINST COMMITTED "DATING VIOLENCE" AGAINST YOU?

("Dating Violence" means an act, other than a defensive measure to protect oneself, by an actor that is committed against a victim with whom the actor has or has had a dating relationship or because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage and is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.)

YES _____ NO _____

6. ARE YOU FILING AGAINST SOMEONE WHO IS OR HAS BEEN IN A DATING RELATIONSHIP OR MARRIAGE WITH A PERSON TO WHOM YOU WERE MARRIED TO OR HAD A DATING RELATIONSHIP?

YES _____ NO _____

7. IS DATING VIOLENCE LIKELY TO OCCUR IN THE FUTURE?

YES _____ NO _____

If you answered "YES" to questions 1 through 3 **OR** questions 4 through 7, you **MAY** qualify for filing an application for a protective order through the County Attorney's Office. It is located in the Guinn Justice Center, 204 South Buffalo Avenue, Fourth Floor, Suite 411, Cleburne, Texas, 76033, and is open Monday through Friday from 8:00 a.m. to 5:00 p.m. with the exception of the lunch hour when it closes from 12:00 noon to 1:00 p.m.

If you CANNOT answer "YES" to questions 1 through 3 **OR** 4 through 7, you **DO NOT** qualify for a protective order through the Johnson County Attorney's Office; however, you may be able to file some other type of legal action through a private attorney.

APPLICANT (Your Name): _____ SEX: M or F

RESIDENCE: _____

Street City State Zip

IS RESIDENCE OUTSIDE OF CITY LIMITS? YES _____ NO _____

COUNTY OF RESIDENCE: _____ TELEPHONE: _____

MAILING ADDRESS: _____

YOUR PHYSICAL DESCRIPTION:

RACE (Circle One): Indian Asian Black White Unknown

ETHNICITY (Circle One): Hispanic Non-Hispanic Unknown

PLACE OF BIRTH:(State) _____ DATE OF BIRTH: _____

HEIGHT: _____ WEIGHT: _____ EYE COLOR _____ HAIR _____

DRIVER'S LICENSE #: _____ SOCIAL SECURITY #: _____

PLACE OF EMPLOYMENT: _____

Business

Address

City

State

Zip

Days and Hours at Work

Business Telephone

SOMEONE WHO WILL ALWAYS BE ABLE TO CONTACT YOU:

Name Relation Telephone Number

RESPONDENT (Abuser): _____ SEX: M or F

RESIDENCE: _____

Street City State Zip

COUNTY OF RESIDENCE: _____ TELEPHONE: _____

PHYSICAL DESCRIPTION OF RESPONDENT:

RACE (Circle One): Indian Asian Black White Unknown

ETHNICITY (Circle One): Hispanic Non-Hispanic Unknown

PLACE OF BIRTH: (State) _____ DATE OF BIRTH: _____

HEIGHT: _____ WEIGHT: _____ EYE COLOR: _____ HAIR: _____

DRIVER'S LICENSE #: _____ SOCIAL SECURITY #: _____

VEHICLE DESCRIPTION: _____

PLACE OF EMPLOYMENT: _____

Business

Address

City

State

Zip

Days and Hours at Work

Business Telephone

IS RESPONDENT ON PROBATION OR PAROLE? YES _____ NO _____
IF YES, WHERE? _____

County

HOW LONG HAVE YOU KNOWN THE RESPONDENT? _____

HOW ARE YOU RELATED TO RESPONDENT? (Choose One of the Following A, B, or C)

A. MARRIED: YES _____ Civil Ceremony: YES _____ or Common Law: YES _____
HOW LONG: _____ DATE MARRIED: _____
WHERE MARRIED: _____
HAVE YOU FILED FOR DIVORCE: YES _____ NO _____
IF YES, DATE FILED: _____ COURT FILED IN: _____
CAUSE NO. OF CASE: _____

B. IF NEVER MARRIED TO RESPONDENT, HAVE YOU LIVED TOGETHER? YES ___ NO ___
IF SO, HOW LONG DID YOU LIVE TOGETHER? _____

C. OTHER RELATIONSHIP? _____

D. HAVE YOU AND RESPONDENT HAD A DATING RELATIONSHIP? YES _____ NO _____

IF SO, 1. HOW LONG DID YOU AND RESPONDENT DATE? _____

2. DESCRIBE THE NATURE OF YOUR RELATIONSHIP WITH
RESPONDENT. _____

3. DESCRIBE HOW OFTEN AND THE TYPE OF INTERACTION YOU HAD
WITH RESPONDENT. _____

E. IS OR HAS RESPONDENT BEEN IN A DATING RELATIONSHIP OR MARRIAGE WITH A
PERSON TO WHOM YOU WERE MARRIED TO OR HAD A DATING RELATIONSHIP?

YES _____ NO _____

IF YES, 1. NAME OF PERSON YOU WERE MARRIED TO WHO IS NOW MARRIED
TO OR DATING RESPONDENT: _____

2. DATE OF YOUR MARRIAGE: _____

3. DATE OF YOUR DIVORCE: _____

OR

4. NAME OF PERSON YOU HAD A DATING RELATIONSHIP WITH WHO IS
NOW MARRIED TO OR DATING RESPONDENT: _____

5. DESCRIBE THE NATURE OF YOUR RELATIONSHIP WITH PERSON
NAMED IN #4 ABOVE: _____

6. DESCRIBE HOW OFTEN AND THE TYPE OF INTERACTION YOU HAD
WITH PERSON NAMED IN #4 ABOVE: _____

7. IS RESPONDENT MARRIED TO PERSON NAMED IN #1 OR #4 ABOVE?
YES _____ NO _____

8. IF YES, DATE OF MARRIAGE: _____
9. IS RESPONDENT IN A DATING RELATIONSHIP TO PERSON NAMED IN #1 OR #4 ABOVE? YES _____ NO _____
10. IF YES, HOW LONG HAS RESPONDENT BEEN IN A DATING RELATIONSHIP WITH THE PERSON NAMED IN #1 OR #4 ABOVE? _____

DO YOU HAVE CHILDREN UNDER THE AGE OF 18 RESIDING WITH YOU? YES _____ NO _____
 IF YES, PLEASE GIVE THE FOLLOWING INFORMATION:

NAME OF CHILD: _____ SEX: M or F
 RACE: (Circle One) Indian Asian Black White Unknown
 ETHNICITY: (Circle One) Hispanic Non-Hispanic Unknown DATE OF BIRTH: _____
 CHILD CARE OR SCHOOL FACILITY: _____
 ADDRESS: _____ CITY: _____ STATE: _____

NAME OF CHILD: _____ SEX: M or F
 RACE: (Circle One) Indian Asian Black White Unknown
 ETHNICITY: (Circle One) Hispanic Non-Hispanic Unknown DATE OF BIRTH: _____
 CHILD CARE OR SCHOOL FACILITY: _____
 ADDRESS: _____ CITY: _____ STATE: _____

NAME OF CHILD: _____ SEX: M or F
 RACE: (Circle One) Indian Asian Black White Unknown
 ETHNICITY: (Circle One) Hispanic Non-Hispanic Unknown DATE OF BIRTH: _____
 CHILD CARE OR SCHOOL FACILITY: _____
 ADDRESS: _____ CITY: _____ STATE: _____

IS RESPONDENT THE BIOLOGICAL/ADOPTIVE PARENT OF THE CHILD/CHILDREN?

YES _____ NO _____

IF YES, IS THE CHILD/CHILDREN AFFECTED BY ANY COURT ORDER/DECREE? (Custody, Conservatorship, Adoption, etc.)

YES _____ NO _____

IF YES, EXPLAIN: _____

ARE YOU RECEIVING SERVICES FROM THE TITLE IV-D AGENCY IN CONNECTION WITH A CHILD SUPPORT CASE?

YES _____ NO _____

IF YES, PLEASE PROVIDE AGENCY CASE NUMBER FOR EACH OPEN CASE:

**YOU MUST PROVIDE A COPY OF ANY COURT ORDERS AFFECTING YOU,
 THE CHILD/CHILDREN, OR THE RESPONDENT**

WHO HAS POSSESSION OF THE CHILD/CHILDREN AT THIS TIME? _____

DO YOU BELIEVE THE CHILD/CHILDREN COULD BE HARMED BY THE RESPONDENT?

YES _____ NO _____

HAS THE RESPONDENT THREATENED OR ABUSED THE CHILD/CHILDREN IN THE PAST?

YES _____ NO _____

HAS A POLICE REPORT BEEN FILED? YES _____ NO _____

IF SO, CASE NUMBER _____ AGENCY _____

PLEASE PROVIDE A COPY OF THE POLICE REPORT TO OUR OFFICE IF AVAILABLE.

IS CHILD PROTECTIVE SERVICES (CPS) CURRENTLY INVOLVED WITH YOU, YOUR CHILDREN, OR RESPONDENT?

YES _____ NO _____

IF SO, DO YOU HAVE CUSTODY OF YOUR CHILD(REN)? YES _____ NO _____

IS THERE A CHILD SAFETY PLAN IN PLACE WHICH ALLOWS SOMEONE ELSE TO HAVE PHYSICAL CUSTODY OF YOUR CHILD(REN)?

YES _____ NO _____

IS THERE A CHILD SAFETY PLAN IN PLACE WHICH PREVENTS THE RESPONDENT FROM HAVING ACCESS TO OR CUSTODY OF YOUR CHILDREN?

YES _____ NO _____

WHAT IS YOUR CPS WORKER'S NAME AND PHONE NUMBER?

WHY IS CPS INVOLVED? _____

DID CPS ASK OR RECOMMEND THAT YOU APPLY FOR A PROTECTIVE ORDER?

YES _____ NO _____

PERSONS WHO HAVE ACTUALLY SEEN FAMILY VIOLENCE OR HEARD THREATS OF FAMILY VIOLENCE WHO WILL BE WILLING TO TESTIFY:

Name Address Telephone

Name Address Telephone

Name Address Telephone

PROCEED TO NEXT PAGE

DESCRIBE WHY YOU BELIEVE FAMILY VIOLENCE OR THREATS OF FAMILY VIOLENCE ARE LIKELY TO OCCUR IN THE FUTURE.

WHAT FAMILY VIOLENCE OR THREATS OF FAMILY VIOLENCE MAY THE RESPONDENT CLAIM YOU COMMITTED?

LIST ANY POSSIBLE WITNESSES THE RESPONDENT MAY CALL TO TESTIFY ON HIS/HER BEHALF?

Name	Address	Telephone
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Name	Address	Telephone
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Name	Address	Telephone
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Name	Address	Telephone
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