

Protective Orders

What is a protective order?

It is a court order that protects you from someone who has been violent or threatened to be violent.

How can a protective order help me?

It can order the other person to:

- Not hurt you or threaten to hurt you
- Not contact you or go near you, your children, other family relatives, 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**
- You have a close relationship with that person (you were or are married, dating or living together, have a child together or are close relatives), **and**
- You are afraid that person may hurt you again.

How much does it cost?

It is free for you.

How do I ask for a protective order?

Fill out the forms in this kit:

- Application for Protective Order
- Temporary Ex Parte Protective Order
- Protective Order
- Respondent Information



Where do I file the forms?

After you fill out the forms, take the forms with 2 copies to the courthouse. File them in the county where you or the other person lives. But if you have a divorce or custody case pending against the other person, file the forms in that same county or the county where you live.

What if the other person and I live together or have children together?

The judge can make orders about who gets to use the house, apartment or car.

The judge can also make other orders, like child custody, child support, visitation, and spousal support.

Can I get protection right away?

The judge may give you a temporary order that protects you until your court hearing. This order is called a "Temporary Ex Parte Protective Order".

In some cases, the judge orders the other person to leave the home right away. If you want this, you should ask the judge. Be ready to testify at a hearing when you file your Application.

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. The judge will decide if you should have protection and for how long. If you do not go, the Temporary Ex Parte Protective Order may end.

Read *Get Ready for Court* in this kit. Or get it from the court clerk or from:

www.texaslawhelp.org/protectiveorderkit

How will the other person know about the protective order?

You must have the other person "served" **before** the court hearing. This means someone—not you—will serve the other person a copy of your application for a protective order.

The clerk can arrange for law enforcement to serve the other person the court papers for FREE (for you).

Need help?

There is an instruction sheet for each form. But, if you need more help, contact:

Family Violence Legal Line: **800-374-HOPE**

Or, go to:

www.texaslawhelp.org/protectiveorderkit

Get Ready for Court



Don't miss your hearing!

If you miss it, your Temporary Ex Parte Protective Order may end and you will have to start from the beginning.

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, torn clothing. Also bring witnesses who know about the violence, like a neighbor, relative or police. The judge may ask them to testify.
- Bring proof of your and the other person's income and expenses, like bills, paycheck stubs, bank accounts, tax returns.
- If the Proof of Service was returned to you, file it with the clerk and bring a copy to court.

Get there 30 minutes early.

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

What if I don't speak English?

When you file your papers, tell the clerk you will need an interpreter.

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 file your papers, 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**

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**

Practice what you want to say.

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

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

The judge may ask questions.

The other person or his or her lawyer may also ask you questions. Tell the truth. Speak slowly. Give complete answers.

If you don't understand, say, "I don't understand the question."

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

What happens after the hearing?

If the judge agrees you need protection, the judge will sign your Protective Order.

Take your signed order to the court clerk. Ask for copies of your order (or make extra copies) and keep one with you at all times.

Give copies of your order to your children's day care, babysitter, or school. 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 Family Violence Legal Line:
800-374-HOPE

Or go to:

www.texaslawhelp.org/protectiveorderkit

PERSONAL SAFETY PLANNING

Information provided by Texas RioGrande Legal Aid

SAFETY DURING AN EXPLOSIVE INCIDENT

- If there is an argument, try to be in a place that has an exit. Avoid the bathroom, kitchen or any room that may contain weapons.
- Practice how to get out safely. Know what doors, windows, elevators, stairwells, or fire escapes you would use.
- Keep purse and car keys readily available.
- Identify a friend or neighbor you can tell about the violence and ask them to call 911 if they hear a disturbance coming from your house.
- Arrange a code word to alert your children, friends and family that you need help.
- Plan where you will go if you have to leave home & a back-up place (even if you don't think you are going to need it).
- In a dangerous situation, appease the abuser if possible to keep him or her calm. You have the right to protect yourself until you are out of danger.

Remember: You don't deserve to be hit or threatened!

SAFETY FOR YOUR CHILDREN

- Talk to your children about a safety plan when you are not with them.
- Tell your children's school and/or daycare who has permission to pick up the children.
- Teach your children how to dial 911 for police and fire assistance.
- Practice your escape plan with the children, if appropriate.

SAFETY WHEN YOU ARE PREPARING TO LEAVE

- Abusers are more violent when they believe that the person they have abused is leaving the relationship. This is the time to be most cautious.
- Get your own post office box so that you can receive checks and mail.
- Open a checking or savings account in your own name at a different bank and try to get a credit card in your own name, to increase your independence.
- Leave money, an extra set of keys, copies of important papers, extra clothes and medicine with someone you can trust so you can leave quickly.
- Keep change for phone calls on you at all times. Using a calling card is not safe!
- You can seek shelter and help by calling 1-800-799-SAFE. Figure out who would be able to let you stay with them or lend you some money.
- If you have pets, make arrangements for them to be cared for in a safe place.
- Review your personal safety plan often.

SAFETY AND YOUR EMOTIONAL HEALTH

- The experience of being battered and verbally degraded by partners is usually exhausting and emotionally draining.
- If you are thinking about going back to your abusive partner, talk to someone you trust about your options.
- Have positive thoughts about yourself and be assertive about what you need.
- Plan to attend a support group.
- If you have to communicate with your partner, take someone with you for moral support & meet in a public place.

SAFETY IN THE HOME

- Use different banks, grocery stores and shopping malls. Shop at hours different from those you used when residing with the abuser. Change your routine!
- If you stay in your home:
 - Change the locks. Buy additional locks for the windows, and don't forget the patio door.
 - Tell your neighbors that the batterer no longer lives there, and to call the police if they see the batterer near your home.
 - Screen your calls.
- If you move:
 - Never call the abuser from your home, or tell them where you live.
 - Request an unlisted number from the phone company.

MORE ABOUT PERSONAL SAFETY PLANNING

SAFETY AT WORK OR IN PUBLIC

- Carefully decide who you will inform at work about your situation.
- Inform your supervisor, building security officers, and/or co-workers of your situation. If possible, provide them with a photograph of your abuser.
- Arrange to have someone screen your calls, whether it is the receptionist, voicemail or a co-worker.
- Have a safety plan to use when you leave work:
 - Ask someone to escort you to and from your vehicle or bus.
 - Park in a secure, well-lit area.
 - Use a variety of routes to come and go from home.
 - Think of what you would do if something happened on the way home.
 - Avoid isolated roads.

CHECKLIST: ITEMS TO TAKE WITH YOU

IDENTIFICATION

- Driver's license
- Birth Certificate
- Children's birth certificates
- Social Security cards
- Welfare Card
- Health Insurance/HMO cards
- Work permits / Green Cards
- Income Tax / IRA's
- Passport / Visa
- Divorce and custody papers
- Marriage license
- Mortgage / Loan payment books

FINANCIAL

- Money/Credit/ATM cards (in your name)
- Checking/ Savings account books

LEGAL PAPERS

- Protective Order
- Lease, rental agreement, house deed
- Car registration and insurance papers
- Health and life insurance papers
- Medical records for your family
- School/vaccination records

OTHER

- Medications
- House, car, and office keys
- Jewelry
- Address book
- Pictures of you, children & abuser
- Sentimental items
- Change of clothes
- Children's favorite toys/blankets
- Toiletries/diapers

**REMEMBER: DON'T RISK YOUR LIFE OR YOUR CHILDREN'S LIVES FOR ANY OF THESE ITEMS.
MATERIAL THINGS ARE REPLACEABLE... LIVES ARE NOT!!**

IMPORTANT PHONE NUMBERS

POLICE & SHERIFF:

Emergencies 911

HOTLINES:

First Call for Help 1-800-HELP-555
National DV Hotline 1-800-799-SAFE
Suicide Prevention 1-800-SUICIDE
Child & Elderly Abuse 1-800-252-5400
Rape Abuse & Incest National Network
1-800-656-HOPE

LEGAL SERVICES:

Women's Advocacy Project 1-800-374-HOPE
Lawyer Referral Service 1-877-9TEXBAR

COUNSELING & SUPPORT SERVICES:

TX Council on Family Violence 1-800-525-1978
Child Support Division 1-800-252-8014
Crime Victim's Compensation 1-800-983-9933

SAFETY WITH A PROTECTIVE ORDER

- If you or your children have been threatened or assaulted, you can request a Protective Order from the County Attorney.
- Always keep your protective order with you. Call the police if your abuser violates the Protective Order.
- Give copies of the order to family members, friends, schools and neighbors.