

CAUSE NO. CC _____

Applicant

v.

Respondent

§
§
§
§
§
§
§

IN THE COUNTY COURT

AT LAW NO. 2 OF

HUNT COUNTY, TEXAS

PROTECTIVE ORDER

A COURT HEARING WAS HELD ON

DATE: _____ TIME: _____ AM PM

**SECTION 1
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 Applicant and Respondent are members of the same household. “Household” means a unit composed of persons living together in the same dwelling, without regard to whether they are related to each other. TEX. FAM. CODE § 71.005. “Member of a household” includes a person who previously lived in a household. TEX. FAM. CODE § 71.006
- The Applicant and Respondent are members of the same family. “Family” includes individuals related by consanguinity or affinity, as determined under §§ 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.
- The parties have agreed to the terms of this Protective Order.

Statutory grounds for the Protective Order have been established.

- 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.

**SECTION 2
APPEARANCES**

Applicant, _____:

- Appeared in person and announced ready.
- Appeared in person and by attorney, through the Hunt County Attorney’s Office, 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.

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.

SECTION 3
PROTECTED PEOPLE

The following people are protected by the terms of this Protective Order:

	NAME	COUNTY OF RESIDENCE
<input type="checkbox"/> Applicant:		
<input type="checkbox"/> Children:		
<input type="checkbox"/> Other Adults:		

A RECORD OF TESTIMONY

was made by the official court reporter of the Court.

was waived by the parties.

SECTION 4
PROTECTIVE ORDERS

To prevent family violence, the Court **ORDERS** the Respondent to obey all Orders marked with an X.

The Respondent must:

a. Not commit an act against any person named in SECTION 3 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.

b. Not communicate in a threatening or harassing manner with any person named in SECTION 3 above.

c. Not communicate a threat through any person to anyone named in SECTION 3 above.

d. Not communicate or attempt to communicate in any manner with:

Applicant Children Other Adults named in SECTION 3 above

The Respondent may communicate through _____.

Good cause exists for prohibiting the Respondent's direct communications.

e. Except to go to Court hearings or to exchange Children as authorized by court order, not go within 200 yards of the:

Applicant Children Other Adults named in SECTION 3 above

f. Not go within 200 yards of the Residence, workplace or school of the:

Applicant Children Other Adults named in SECTION 3 above

The addresses of the prohibited locations are:

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:

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 SECTION 3 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**.

(FAMILY VIOLENCE PREVENTION PROGRAM)

- j. 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 _____.
- k. 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:

- l. A counseling program recommended and conducted by the following social worker, family service agency, physician, psychologist, licensed therapist, or licensed professional counselor: _____
- m. 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.
- n. The Respondent must also follow these provisions to prevent family violence:

(PROPERTY ORDERS)

- o. The Court finds that the Residence located at _____,
 - 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: _____
 - 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.

(OTHER PROPERTY ORDERS)

- p. 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).

SECTION 5
SERVICE

This Protective Order

- 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.

SECTION 6
COPIES FORWARDED

The Clerk is **ORDERED** to forward copies of this Protective Order and accompanying Respondent Information Form to:

- Sheriff and Constable of _____ County, Texas
- Police Chief of the City of _____
- Children's child-care facility/schools listed above.
- Other: _____

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.

SECTION 7
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 in addition to the misdemeanor and felony offenses stated below.

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 _____ Time: _____ AM PM

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