

# PROTECTIVE ORDERS: FAQ

## What is a Protective Order?

A court order that protects you from someone who has been violent or threatened to be violent. Violence can include sexual assault.

## How can a Protective Order help me?

It can order the other person to:

- Not hurt or threaten you
- Not contact you or go near you, your children, other family relatives, your pets, 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**
- Either you, your spouse or dating partner has a close relationship with the person who hurt you (close relationships include: marriage, close relatives, dating or living together, have a child together.)

You can also get a Protective Order if you have had a Protective Order against the other person in the past and the other person violated the parts of that order designed to protect you.

You can also get a Protective Order if you have been sexually assaulted, stalked, or trafficked even if you do not have a close relationship with the person who committed these crimes against you. For more information about this kind of Protective Order, contact the Texas Advocacy Project, Inc. at **800-374-HOPE**(4673) or the Texas Association Against Sexual Assault at **512-474-7190**. You may find forms for a sexual assault or stalking Protective Order at <https://www.txcourts.gov/forms/>.

## How much does a Protective Order cost?

It is free for you.

## How do I ask for a Protective Order?

Fill out the following forms found in this kit:

- Application for Protective Order
- *Either* an Affidavit *or* Declaration (see below)
- Temporary Ex Parte Protective Order
- Protective Order
- TCIC Protective Order Data Entry Form

## Do I use the Affidavit or Declaration form?

Your Application must include only **one** of these forms:

### Affidavit

**OR**

### Declaration

If you want your Date of Birth and Address kept confidential. **MUST** be signed in front of a notary.

Date of Birth and Address will be public information (not confidential.) Does **NOT** have to be signed in front of a notary.

## Where do I file the forms?

After you fill out the forms, make two copies and take them all to the courthouse. You may file the forms in one of three places: the county where you live, the county in which the other person lives, or any Texas county in which the violence occurred. *\*If you have a divorce or custody case pending against the other person, file the forms in the same county as the case or the county where you live.*

## What if I live or have children with the other person?

The judge can make orders about who gets to use the house, apartment, or car. The judge can also make other orders like protection of pets, child custody, child support, visitation, and spousal support.

## Can I get protection right away?

The judge may give you a 'Temporary Ex Parte Protective Order,' which is a temporary order that protects you until your court hearing. Please note: If you do not receive a court document entitled "Temporary Ex Parte Protective Order" that is signed by a judge after you apply, you do **NOT** have a Protective Order yet. You must go to your hearing and ask the judge for a Protective Order.

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

## 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, and that is when the judge will decide if you get a Protective Order and for how long. If you do not go, the Temporary Ex Parte Protective Order may end.

Read *Get Ready for Court*. You can find this at: [www.texaslawhelp.org/protectiveorderkit](http://www.texaslawhelp.org/protectiveorderkit) or ask the court clerk for a copy.

## How will the other person know about the Protective Order?

You must have the other person "served" **before** the court hearing. This means a law enforcement officer --not you-- will "serve" the other person a copy of your application. The clerk can arrange for law enforcement to serve the other person for **FREE**.

Please note: When the other person receives your application, they will also receive a copy of your signed Affidavit or Declaration. If the other person is in the military, a copy of your application and Affidavit or Declaration will also be sent to the officials on base.

## How long will the Protective Order last?

In most cases, a Protective Order will last up to 2 years. There are some situations where a court can issue an order that lasts longer than 2 years.

**Need help?** There is an instruction sheet for each form, but if you need more help, contact: the Family Violence Legal Line at **800-374-HOPE(4673)** or go to [www.texaslawhelp.org](http://www.texaslawhelp.org)