

BURNET COUNTY ATTORNEY'S OFFICE

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PLEASE FILL IN ALL INFORMATION

**PROTECTIVE
ORDER PACKET**

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Frequently Asked Questions About Protective Orders

What is a Protective Order?

A Protective Order is a court order that protects you from a person in your family or household who has been violent toward you or threatened to commit violence toward you.

How can a Protective Order help me?

A Protective Order 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 members, your home, your place of employment, or your children's school or daycare
- Not possess a gun or a license to carry a gun.

What happens if the other person violates a protective order?

A Protective Order is criminally enforceable, so law enforcement is able to arrest the other person for violating the order.

Can I get a Protective Order?

You are eligible to get a Protective Order if all three of following conditions are met

- Someone has physically hurt you or threatened to hurt you; and
- You have or had a close relationship with that person (e.g. you were married, dating, living together, have a child together, or are related by blood or marriage; and
- You believe violence is likely to occur again in the near future.

Can I get a protection right away?

The Judge may give you a temporary order that protects you until a formal court hearing is conducted. This order is called a *Temporary Ex-Parte Protective Order*. In some cases, the Judge may order the other person to leave the home right away. If you want this to happen, you must make a specific request that you want the other person to be excluded from your home, and you must 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 attend the court hearing. This hearing usually takes place within 14 days after the temporary order is signed. At this hearing, the Judge will decide whether to grant you a *Final Protective Order* and decide how long it will be effective. If you do not attend this hearing, the temporary order will expire and case may be dismissed.

How much does it cost to get a Protective Order?

The Burnet County Attorney's Office will provide you with the necessary legal services free of charge to you.

How do I ask the Court for a Protective Order?

First, contact the Burnet County Attorney's Office. You will meet with a Victim Advocate and this person will help you fill out the required paperwork and present your case to the Judge.

Application for Protective Order

Applicant Information:

Full Name: _____ Maiden _____

Mailing Address: _____

Physical Address: _____

City: _____, _____ County _____, Texas, Zip _____

Home Phone No. ____-____-____ Work Phone No. ____-____-____ Other No. ____-____-____

Email Address: _____

Driver's License No. _____ S.S. No. ____-____-____ D.O.B. _____

Employer: _____

Employer's Address: _____

Hours at work: _____ a.m. / p.m. to _____ a.m. / p.m. S M T W T F S
(circle one) (circle one) (circle all that apply)

Relationship to Respondent: Living Together Spouse Ex-Spouse Other: _____
(circle one or fill in other)

Have you ever had a protective order? Yes or No If Yes, Where? _____

Month/Year it was filed: _____ Respondents Name: _____

Child(ren) Involved:

1.) First Name: _____ Middle: _____ Last: _____

D.O.B. _____ Male _____ Female _____

Does this child reside with you at all times? **Yes No** If No: Who has custody? _____

Child's Address *if different* from yours: Street _____

City: _____, _____ County _____, Texas, Zip _____

School / Daycare Name: _____

Address: _____

City: _____, _____ County _____, Texas, Zip _____

2.) First Name: _____ Middle: _____ Last: _____

D.O.B. _____ Male _____ Female _____

Does this child reside with you at all times? **Yes No** If No: Who has custody? _____

Child's Address *if different* from yours: Street _____

City: _____, _____ County _____, Texas, Zip _____

School / Daycare Name: _____

Address: _____

City: _____, _____ County _____, Texas, Zip _____

3.) First Name: _____ Middle: _____ Last: _____
D.O.B. _____ Male _____ Female _____
Does this child reside with you at all times? **Yes** **No** If No: Who has custody? _____
Child's Address *if different* from yours: Street _____
City: _____, _____ County _____, Texas, Zip _____
School / Daycare Name: _____
Address: _____
City: _____, _____ County _____, Texas, Zip _____

Pet(s) Information:

Dog Cat Other: _____ Breed: _____ Age: _____
Name of Pet: _____ Coloring/Markings: _____

Dog Cat Other: _____ Breed: _____ Age: _____
Name of Pet: _____ Coloring/Markings: _____

Dog Cat Other: _____ Breed: _____ Age: _____
Name of Pet: _____ Coloring/Markings: _____

Respondent Information:

Full Name: _____ Nick Name: _____

Mailing Address: _____

****Physical Address: _____

City: _____, _____ County _____, Texas, Zip _____

Home Phone No. ____ - ____ - ____ **Work Phone No.** ____ - ____ - ____ **Other No.** ____ - ____ - ____

D.O.B. _____ Place of Birth: _____ I.D.No. _____ State of _____

Drivers License No. _____ State of _____ S.S. No. ____ - ____ - ____

Employer: _____ Monthly Income: \$ _____

Employer's Address: _____

Hours at work: _____ a.m. / p.m. to _____ a.m. / p.m. S M T W T F S

(circle one) (circle one) (circle all that apply)

Race: _____ Skin Tone: _____ Hair: _____

Scars, Moles, Tattoos, Etc. _____

Eyes: _____ Height: ____ ft ____ in. Weight: _____ lbs.

Respondent's Vehicle Information:

License Plate # _____ L.P. State _____ L. P. Yr. Expires: _____

Vehicle I.D.# _____ Year: _____ Make: _____

Model: _____ Style: _____ Color: _____

Other Vehicles/Transportation: _____

Has Respondent ever been arrested or convicted of a crime? If yes, explain: _____

Is Respondent currently on Probation or Parole? **Yes** **No** If yes, where? _____

Probation or Parole Officer's Name: _____

Is there a history of drug and/or alcohol? **Yes** **No**

If yes, explain: _____

Do you plan to file for a divorce? **Yes** **No** If yes, when? _____

Do you have an attorney? **Yes** **No** If yes, name of attorney: _____

Have you applied for Legal Aid? **Yes** **No** If yes, when? _____

Other comments: _____

*** * * * * Please Read and Initial Below * * * * ***

I, _____, Applicant, do certify that on ___ day of _____, 20___, have read and understand the following:

_____ A Protective Order is a civil, legal action which I am requesting the Burnet County Attorney to bring against Respondent.

_____ The Burnet County Attorney's Office is *not* going to settle property or other disputes, but is *only* going to request those things which are necessary to protect me and my household from future harm by Respondent, excluding Respondent from residence and other named addresses.

_____ A Temporary Protective Order will be requested to protect me until the hearing. No orders are effective until the Respondent is served with notice of this action. If I cannot provide a good address for service, the Burnet County Attorney's Office will not be able to proceed with obtaining a Protective Order on my behalf.

_____ At the hearing we may be able to enter into an Agreed Protective Order, which will make testifying at the hearing unnecessary. Both Respondent and I will be bound by terms of the Agreement or any other court order entered as a result of the filing of this lawsuit.

_____ The statements I make in this application and attached narrative or to the Judge are sworn to, and the Texas Penal code, §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 this Application and the attached narrative, which is hereby incorporated by reference; 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 Burnet County agencies assisting me in this action.

_____ I will be required to come to court on my hearing date and my failure to appear may result in any of the following:

- A. The application may be dismissed.
- B. An order with which I may not agree could be entered in my absence.
- C. I may be subpoenaed or brought to court by a deputy upon issuance of a writ of attachment.

_____ I understand that the State of Texas is filing this action based on my own sworn affidavit and that I am a witness in this case. I agree to testify in this matter if called upon, even if I no longer wish to pursue the protective order at any time.

_____ I understand that a Protective Order will be effective for two (2) years.

**THE STATE OF TEXAS
COUNTY OF BURNET**

BEFORE ME, _____, the undersigned Notary Public in and for the State of Texas, on this day personally appeared _____, who after being duly and properly sworn to tell the truth, under penalty of perjury, made the following statement of facts and circumstances, saying:

My name is _____. I currently reside at _____, in Burnet County, Texas. I do hereby request the Burnet County Attorney's Office to seek, in my behalf, a Family Violence Protective Order against the following named individual: _____.

My relationship to the Respondent is _____.

I _____, am _____ years old and my date of birth is _____.

I live at _____ in Burnet County, Texas.

I am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to the Burnet County Attorney's Office. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my free will, for whatever purpose it may serve. Nobody has mistreated, threatened, or forced me in any way to make this statement, and nobody gave me anything or promised me anything to make this statement. I have completed _____ years of formal education and can read and write the English language.

TO BE ENTITLED TO A PROTECTIVE ORDER, YOU MUST HAVE BEEN THE SUBJECT OF FAMILY VIOLENCE OR DATING VIOLENCE, AND YOU MUST BELIEVE THAT FAMILY VIOLENCE IS LIKELY TO OCCUR IN THE FUTURE. CHECK THE APPLICABLE PARAGRAPH AND THEN STATE ALL FACTS TO SUPPORT YOUR ALLEGATIONS.

- A member of my family or household has committed the act(s) listed in Exhibit A and such act(s) was intended or resulted in physical harm, bodily injury, assault or sexual assault.
- A member of my family or household has committed the act(s) listed in Exhibit A and such act(s) is a threat that reasonably places me in fear of imminent physical harm, bodily injury, assault or sexual assault.
- I believe that family violence is likely to occur in the future, my belief is based on facts listed in Exhibit A.
- Reasonable grounds to believe that **sexual assault** has occurred.
- Reasonable grounds to believe that **Human Trafficking** has occurred.
- Reasonable grounds to believe that **stalking** has occurred.

() I request my Residential Employment Both address(s) be **CONFIDENTIAL**

() I request that the Court issue an order excluding Respondent from our residence located at _____, Burnet County, Texas.

I presently reside at that address or have resided there within 30 days before the date the application was filed; Respondent has committed family violence against a member of the household; and there is a clear and present danger that Respondent is likely to commit family violence against a member of the household. The facts and circumstances requiring the exclusion of the Respondent from the residence are as follows: (i.e. state why applicant should have exclusive possession of the household).

_____.

() I understand that the funds of the County of Burnet, Texas, will be expended to secure this Protective Order.

() I request that Respondent be charged a reasonable attorney fee to reimburse these costs.

() I understand that once a Protective Order has been granted, the Burnet County Attorney's policy is that the Burnet County Attorney's Office will not be able to represent me in filing a Motion to Dismiss the Protective Order or to modify the Protective Order to reduce or eliminate the protections granted.

"I AM AWARE THAT IT IS THE POLICY OF THE STATE OF TEXAS TO PROMOTE THE AMICABLE AND NONJUDICIAL SETTLEMENT OF DISPUTES INVOLVING CHILDREN AND FAMILIES. I AM AWARE OF ALTERNATIVE DISPUTE RESOLUTION METHODS INCLUDING MEDIATION. WHILE I RECOGNIZE THAT ALTERNATIVE DISPUTE RESOLUTION IS AN ALTERNATIVE TO, AND NOT A SUBSTITUTE FOR A TRIAL, AND THAT THIS CASE MAY BE IN GOOD FAITH RESOLVED WITH CONTESTED ISSUES BY ALTERNATIVE DISPUTE RESOLUTION WITHOUT THE NECESSITY OF COURT INTERVENTION."

These statements and the facts set out in Application for a Protective Order are true and correct and I have personal knowledge of them.

AFFIANT

SUBSCRIBED AND SWORN before me on this the _____ day of _____, 20____.

Notary Public, State of Texas

PROTECTIVE ORDERS

Data Entry Form for TEXAS CRIME INFORMATION CENTER (TCIC)

The intent of this form is to aid court clerks with the collecting and providing to local law enforcement agencies pertinent information regarding protective orders for the purpose of entry into TCIC.

To be filled out by Criminal Justice/Law Enforcement Official:

ORI: _____ (check one) PROTECTIVE ORDER: _____ EMERGENCY PROTECTIVE ORDER: _____

OCA: _____ PROTECTIVE ORDER NO: _____ COURT IDENTIFIER: _____

ISSUE DATE: _____ DATE OF EXPIRATION: _____ DATE OF DISMISSAL: _____

*** RESPONDENT INFORMATION ***

Items in ALL UPPERCASE LETTERS must be answered to allow entry into TCIC.

NAME OF RESPONDENT: _____ SEX: (circle one) M F

RACE: (circle one) Indian Asian Black White Unknown Ethnicity: (circle one) Hispanic Non-Hispanic Unknown

Place of Birth: _____ CTZ: _____ DATE OF BIRTH: _____ HEIGHT: _____ WEIGHT: _____

Skin: (circle one) Albino Black Dark Dk Brown Fair Light Lt Brown Medium Med Brown Olive Ruddy Sallow Yellow Unknown

EYE COLOR: (circle one) Black Blue Brown Gray Green Hazel Maroon Pink Multi-Colored Unknown

HAIR COLOR: (circle one) Black Blond Brown Gray Red White Sandy Bald Unknown

Scars, Marks and/or Tattoos: (please describe in detail): _____

Caution and Medical Conditions: (circle all that apply) 00 – Armed and Dangerous 05—Violent Tendencies 10—Martial Arts Expert
15—Explosive Expertise 20—Known to abuse drugs 25—Escape risk 30—Sexually violent predator 50—Heart condition
55—Alcoholic 60—Allergies 65—Epilepsy 70—Suicidal 80—Medication Required 85—Hemophiliac 90—Diabetic 01--Other

PROTECTION ORDER CONTIONS (PCO): (circle all that apply)

01—Respondent is restrained from assaulting, threatening, abusing, harassing, following, interfering with or stalking the protected person and/or child of the protected person.

02—Respondent may not threaten a member of the protected person's family/household.

03—The protected person is granted exclusive possession of the residence/household.

04—Respondent is required to stay away from the residence, property, school or place of employment of the protected person or other family or household member.

05—Respondent is restrained from making any communication with the protected person including, but not limited to, personal, written, or phone contact, or their employers, employees or fellow workers, or other whom the communication would be likely to cause annoyance or alarm.

06—Respondent is awarded temporary custody of the children named.

07—Respondent is prohibited from possessing and/or purchasing a firearm or other weapon.

08—See miscellaneous field for comments regards terms and conditions of the protection order.

09—The protected person is awarded temporary exclusive custody o the child(ren) named.

BRADY RECORD INDICATOR (BRD): N—Respondent is NOT disqualified Y—Respondent is disqualified U--Unknown

RELATIONSHIP TO PROTECTED PERSON: _____

(PLEASE INCLUDE THE FOLLOWING NUMERIC IDENTIFIERS, IF AVAILABLE):

Texas I.D. No: _____ Misc I.D. No: _____ Social Security No: _____

Driver's License No: _____ Driver's License State: _____ Date of Expiration: _____

Respondent's Address:

STREET: _____ CITY: _____ STATE: _____ ZIP: _____ COUNTY: _____

Respondent's Vehicle Information:

License Plate No: _____ L.P. State: _____ L.P. Year Of Expiration: _____ L.P. Type: _____

Vehicle I.D. #: _____ Year: _____ Make: _____ Model: _____ Style: _____ Color: _____

***** PROTECTED PERSON INFORMATION *****

NAME OF PROTECTED PERSON: _____ SEX: (circle one) M F

RACE: (circle one) Indian Asian Black White Unknown Ethnicity: (circle one) Hispanic Non-Hispanic Unknown

DATE OF BIRTH: _____ SOCIAL SECURITY NO. (PSN): _____

Street: _____ City: _____ State: _____ Zip: _____ COUNTY: _____

Protected Person Employment Information: (use additional pages if necessary)

Place of Employment Name: _____ Address: _____

_____ City: _____ State: _____ Zip: _____

Place of Employment Name: _____ Address: _____

_____ City: _____ State: _____ Zip: _____

***** PROTECTED CHILD INFORMATION *****

(Use additional pages if necessary)

Name of Protected Child: _____ Sex: (circle one) M F

Race: (circle one) Indian Asian Black White Unknown Ethnicity: (circle one) Hispanic Non-Hispanic Unknown

Date of Birth: _____ Child Care or School Facility Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Name of Protected Child: _____ Sex: (circle one) M F

Race: (circle one) Indian Asian Black White Unknown Ethnicity: (circle one) Hispanic Non-Hispanic Unknown

Date of Birth: _____ Child Care or School Facility Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Name of Protected Child: _____ Sex: (circle one) M F

Race: (circle one) Indian Asian Black White Unknown Ethnicity: (circle one) Hispanic Non-Hispanic Unknown

Date of Birth: _____ Child Care or School Facility Name: _____

Address: _____ City: _____ State: _____ Zip: _____

To be filled out by Criminal Justice/Law Enforcement Official:

SID #: _____ FBI #: _____ FPC: _____ MNU: _____