

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

CAUSE NO. _____

APPLICANT § IN THE _____
§
VS. §
§

RESPONDENT § OF _____ COUNTY, TEXAS
§

PROTECTIVE ORDER

1. APPLICANT (PROTECTED PERSON) *(Complete all entries below)*

*Name: _____

*County of Residence: _____

2. RESPONDENT (ORDER ISSUED AGAINST) *(Complete all entries below)*

*Name: _____

* County of Residence: _____

3. MINORS - FAMILY OR HOUSEHOLD MEMBERS (PROTECTED PERSONS)

Name

a. _____

b. _____

c. _____

d. _____

4. OTHER PROTECTED PERSONS

Name

a. _____

b. _____

c. _____

On this day, the Court heard the Applicant's Application for Protective Order filed in the above-referenced cause pursuant to Title 4, Family Code, or Chapter 7B, Code of Criminal Procedure.

The Court **FINDS** that the Respondent was provided with reasonable notice of the hearing and an opportunity to be heard.

I. APPEARANCES

(Mark all that apply)

Applicant: appeared in person did not appear Applicant's attorney:

Respondent: appeared in person did not appear Respondent's attorney:

II. FINDINGS AND ORDERS

(Mark all that apply)

After considering the application, evidence, and arguments of the parties, if any, the Court:

- (A) **FINDS** that family violence occurred. Therefore, the Court grants the application and issues this Protective Order against the Respondent.
- (B) **FINDS** that there is a presumption that family violence occurred because the Respondent was convicted of or placed on deferred adjudication community supervision for an offense under Title 5, Penal Code, for which the Court made an affirmative finding that family violence was involved, or for an offense under Title 6, Penal Code, that was committed against the child for whom this application was filed, and the Respondent's parental rights regarding the child have been terminated. Therefore, the Court grants the application and issues this Protective Order against the Respondent.
- (C) **FINDS** that the Respondent failed to appear after receiving service of the application and notice of the hearing. The Court further **FINDS** that proof of service was filed with the Court before the hearing. Therefore, the Court grants the application and issues this Protective Order by default against the Respondent.
- (D) **FINDS** that the parties reached an agreement with respect to this Protective Order. The Court further **FINDS** that the agreement does not require the Applicant to do or refrain from doing an act under Section 85.022, Family Code. Therefore, the Court approves the agreement without making a finding of family violence and issues this AGREED PROTECTIVE ORDER against the Respondent. The Court **FINDS** that the Order is in the best interest of the Applicant, the family or household, or a member of the family or household. The Court **FINDS** that the Respondent agreed did not agree to waive all post-order relief, including the right to appeal this Order and to file a motion for a new hearing or trial.
- (E) **FINDS** that the Respondent violated a Protective Order issued pursuant to Chapter 85, Family Code, by committing an act prohibited by the Order. The Court **FINDS** that the Protective Order was in effect at the time of the violation but expired thereafter. Therefore, the Court without making a finding of family violence grants the application and issues this Protective Order against the Respondent.
- (F) **FINDS** that there are reasonable grounds to believe the Respondent committed one or more of the following offenses(s) against the Applicant: Trafficking of Persons (Sec. 20A.02, Penal Code) Continuous Trafficking of Persons (Sec. 20A.03, Penal Code) Continuous Sexual Abuse of Young Child or Disabled Individual (Sec. 21.02, Penal Code), Indecency With a Child (Sec. 21.11, Penal Code) Sexual Assault (Sec. 22.011, Penal Code) Indecent Assault (Sec. 22.012, Penal Code) Aggravated Sexual Assault (Sec. 22.021, Penal Code) Stalking (Sec.

42.072, Penal Code) Compelling Prostitution (Sec. 43.05, Penal Code). Therefore, the Court grants the application and issues this Protective Order against the Respondent.
(Art. 7B.003, Code Crim. Proc.)

- (G) **FINDS** that the Respondent's conviction or placement on deferred adjudication community supervision for the offense(s) marked below constitutes reasonable grounds to believe the Applicant is the victim of sexual assault or abuse, indecent assault, stalking, or trafficking. Therefore, the Court grants the application and issues this Protective Order against Respondent.
- Trafficking of Persons (Sec. 20A.02, Penal Code) Continuous Trafficking of Persons (Sec. 20A.03, Penal Code) Continuous Sexual Abuse of Young Child or Disabled Individual (Sec. 21.02, Penal Code) Indecency With a Child (Sec. 21.11, Penal Code) Sexual Assault (Sec. 22.011, Penal Code) Indecent Assault (Sec. 22.012, Penal Code) Aggravated Sexual Assault (Sec. 22.021, Penal Code) Stalking (Sec. 42.072, Penal Code) Compelling Prostitution (Sec. 43.05, Penal Code) . (Art. 7B.003, Code Crim. Proc.)

III. RELATIONSHIP OF PARTIES

(Mark all that apply)

The Court **FINDS** that the Applicant and the Respondent are related in the following manner:

- | | |
|--|---|
| <input type="checkbox"/> No relationship | <input type="checkbox"/> Relatives |
| <input type="checkbox"/> Current or former spouses | <input type="checkbox"/> Parent-child relationship |
| <input type="checkbox"/> Current or former dating partners | <input type="checkbox"/> Foster parent-foster child relationship |
| <input type="checkbox"/> Are or were members of the same family or household | <input type="checkbox"/> Applicant is married to or dating Respondent's former spouse or dating partner |
| <input type="checkbox"/> Parents of the same child(ren) | |

IV. CONDITIONS AND TERMS OF ORDER

(Mark all that apply)

The Court **FINDS** that the following conditions and terms are necessary or appropriate to prevent or reduce the likelihood of family violence or future harm to a person protected by this Order or a member of the family or household of a person protected by this Order. The Court **ORDERS** the Respondent to obey all entries marked below. The **Respondent must**:

- (A) **NOT** commit further acts of family violence against Applicant or any member of the Applicant's family or household (including acts intended to result in physical harm, bodily injury, assault or sexual assault, or threats reasonably placing a person in fear of physical harm, bodily injury, assault or sexual assault). (TCIC Form PCO-01)
- (B) **NOT** communicate in any manner with a person protected by this Order or a member of the family or household of a person protected by this Order, except through a protected person's attorney or a person appointed by the Court. The name of the attorney or person appointed by the Court is: _____
The Court **FINDS** that good cause exists to prohibit direct communication from the Respondent. (TCIC Form PCO-08)
- (C) **NOT** communicate in a threatening or harassing manner, directly or indirectly, with a person protected by this Order or a member of the family or household of a person protected by this Order. (TCIC Form PCO-05)
- (D) **NOT** communicate a threat through any person to a person protected by this Order or a member of the family or household of a person protected by this Order. (TCIC Form PCO-05)
- (E) **NOT** go within _____ yards of a person protected by this Order or a member of the family or household of a person protected by this Order, except as authorized by this Order. (TCIC Form PCO-08)

- (F) **NOT** go to or within _____ yards of the residence or place of employment/business of a person protected by this Order or a member of the family or household of a person protected by this Order. (TCIC Form PCO-04) The addresses of the prohibited locations are: *(Mark one)*
- CONFIDENTIAL BY ORDER OF THIS COURT.** The Court **ORDERS** the clerk to strike the addresses and telephone numbers, if provided, from the public court records of the Court and maintain a confidential record of the information for use only by the Court or law enforcement for the purpose of entering the information required by Section 411.042(b)(6), Government Code, into the statewide law enforcement information system maintained by the Texas Department of Public Safety.
- DISCLOSED AS FOLLOWS:** *(Enter the addresses below)*
 Residence: _____
 Place of Employment/Business: _____
- (G) **NOT** go to or within _____ yards of the child-care facility or school of a person protected by this Order or a member of the family or household of a person protected by this Order. (TCIC Form PCO-04) The addresses of the prohibited locations are: *(Mark one)*
- CONFIDENTIAL BY ORDER OF THIS COURT.** The Court **ORDERS** the clerk to strike the addresses and telephone numbers, if provided, from the public court records of the Court and maintain a confidential record of the information for use only by the Court or law enforcement for the purpose of entering the information required by Section 411.042(b)(6), Government Code, into the statewide law enforcement information system maintained by the Texas Department of Public Safety.
- DISCLOSED AS FOLLOWS:** *(Enter the addresses below)*
 Child-care facility: _____
 School: _____
- (H) **NOT** engage in conduct that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass when that conduct is directed specifically toward a person protected by this Order or a member of the family or household of a person protected by this Order, including not following or causing another to follow a protected person or member. (TCIC Form PCO-01)
- (I) **NOT** take, harm, threaten, or interfere with the care, custody, or control of the following pet, companion animal, or assistance animal, _____
 (TCIC Form PCO-08) *(Enter the name and/or description of the pet or animal)*
- (J) **NOT** transfer, encumber, or otherwise dispose of property mutually owned or leased by the parties, except when done so in the ordinary course of business. (TCIC Form PCO-08)
- (K) **NOT** track or monitor the personal property or a motor vehicle in the possession a person protected by this Order or a member of the family or household of a person protected by this Order, without the person's effective consent, including by not tracking or monitoring the person with a tracking device or application or by physically following the person. (TCIC Form PCO-01)
- (L) **NOT** own, possess, buy or attempt to buy, receive or attempt to receive, or in any other way obtain possession, ownership, or control of a firearm, firearm parts, 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. (TCIC Form PCO-07)
- (M) **NOT** attempt to prevent or dissuade a protected person from attending a hearing, testifying, or making a report to any law enforcement agency or another person.
 (TCIC Form PCO-08)
- (N) The Respondent is ordered to enroll in, pay costs for, and enter the program checked below no later than ____ / ____ / ____ and complete the program by ____ / ____ / _____. *(Mark one)* (TCIC Form PCO-08)
- 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:

_____ The Respondent is ordered to comply with any recommendation or referral for additional or alternate counseling within _____ days of the recommendation. The Respondent is further 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. If applicable, the Respondent must follow these instructions with respect to notifying the Court of the Respondent's completion of the program:

If no such Battering Intervention and Prevention Program is available, then a counseling program recommended and conducted by the following social worker, family service agency, physician, psychologist, licensed therapist, or licensed professional counselor who has completed family violence intervention training that the Community Justice Assistance Division of the Texas Department of Criminal Justice has approved: _____

_____ The Respondent is ordered to comply with any recommendation or referral for additional or alternate counseling within _____ days of the recommendation. The Respondent is further 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. If applicable, the Respondent must follow these instructions with respect to notifying the Court of the Respondent's completion of the program:

- (O) Other condition or term: _____
- (P) Other condition or term: _____
- (Q) Other condition or term: _____
- (R) Other condition or term: _____

V. ORDERS REGARDING SEPARATION OF WIRELESS TELEPHONE SERVICE ACCOUNT

(Mark the box if the Court wants to separate the wireless telephone service account)

The Court **FINDS** that the Applicant, and/or a child in the Applicant's care or custody is/are the primary user(s) of one or more wireless telephone number(s) associated with the Respondent's wireless telephone service account. As requested by the Applicant or alleged victim, the Court **ORDERS** the separation of the following wireless telephone numbers from the Respondent's wireless telephone service account. (TCIC Form PCO-08):

- _____ Applicant's/Victim's phone number child's phone number
- _____ Applicant's/Victim's phone number child's phone number
- _____ Applicant's/Victim's phone number child's phone number

(Sheet may be attached with additional numbers)

The Court issued a separate order directing the Respondent's wireless telephone service provider to separate and transfer the account to _____ Please see attached Order for Separation of Wireless Telephone Service Account.

The Court **ORDERS** the Respondent to pay the costs associated with transferring the account and any outstanding balance.

BY ORDER OF THIS COURT, the telephone numbers of persons protected by this Order are **CONFIDENTIAL** and **shall not be released to the Respondent**. The Court **ORDERS** the clerk of the court to strike the telephone numbers from the public records of the Court and maintain a confidential record of the numbers for use only by the Court or law enforcement for the purpose of entering the information required by Section 411.042(b)(6), Gov't Code, into the statewide law enforcement information system maintained by the Texas Department of Public Safety.

VI. COSTS

(Mark the appropriate box)

- The Court **ORDERS** the Respondent to pay the \$16 protective order fee, the standard fees charged by the clerk of the court in a general civil proceeding for the cost of serving this Order, the costs of court, and all other fees, charges, or expenses incurred in connection with the application and this Order.
- The Court **WAIVES** all costs and fees incurred in connection with the application and this Order because the Respondent is indigent or good cause exists to waive the costs and fees.
- The Court **ORDERS** the Respondent to pay the following costs and fees:

- The Court **ORDERS** the Respondent to pay attorney fees in the amount of \$_____. *(The Court must consider the Respondent's income and ability to pay before assessing attorney fees. Sec. 81.005, Family Code)*

VII. ADDITIONAL / SPECIAL ORDERS

(Mark one)

- (A) None are entered.
- (B) The Court enters the following **ADDITIONAL OR SPECIAL ORDERS**: _____

VIII. WARNINGS

A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$500.00 OR BY CONFINEMENT IN JAIL FOR AS LONG AS SIX MONTHS, OR BOTH.

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 § 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.

IF A PERSON SUBJECT TO A PROTECTIVE ORDER IS RELEASED FROM CONFINEMENT OR IMPRISONMENT FOLLOWING THE DATE THE ORDER WOULD HAVE EXPIRED, OR IF THE ORDER WOULD HAVE EXPIRED NOT LATER THAN THE FIRST ANNIVERSARY OF THE DATE THE PERSON IS RELEASED FROM CONFINEMENT OR IMPRISONMENT, THE ORDER IS AUTOMATICALLY EXTENDED TO EXPIRE ON:

- (1) THE FIRST ANNIVERSARY OF THE DATE THE PERSON IS RELEASED, IF THE PERSON WAS SENTENCED TO CONFINEMENT OR IMPRISONMENT FOR A TERM OF MORE THAN FIVE YEARS; OR
- (2) THE SECOND ANNIVERSARY OF THE DATE THE PERSON IS RELEASED, IF THE PERSON WAS SENTENCED TO CONFINEMENT OR IMPRISONMENT FOR A TERM OF FIVE YEARS OR LESS.

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. *(Applies to Orders issued under Title 4, Family Code)*

IF THIS ORDER IS GRANTED PURSUANT CHAPTER 7B, CODE OF CRIMINAL PROCEDURE, 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 A SEPARATE OFFENSE MAY BE PROSECUTED AS A SEPARATE OFFENSE IN ADDITION TO A VIOLATION OF THIS ORDER. *(Applies to Orders issued under Subchapter A, Chapter 7B, Code of Criminal Procedure)*

POSSESSION OF A FIREARM OR AMMUNITION WHILE THIS PROTECTIVE ORDER IS IN EFFECT MAY SUBJECT THE 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 FIREARM FOR THE DURATION OF THIS ORDER.

INTERSTATE VIOLATION OF THIS ORDER MAY SUBJECT YOU TO FEDERAL CRIMINAL PENALTIES. THIS PROTECTIVE ORDER IS ENFORCEABLE IN ALL FIFTY STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, AND U.S. TERRITORIES.

IX. WRITTEN ADMONITION ON INELIGIBILITY TO POSSESS FIREARM OR AMMUNITION

In accordance with 1 Texas Administrative Code §176.1, the Court hereby admonishes you of the following:

1. You are, by entry of this Order or Judgment, ineligible under Texas law to possess a firearm or ammunition.
2. Beginning now, if you possess a firearm or ammunition it could lead to charges against you. If you have questions about how long you will be ineligible to possess a firearm or ammunition, you should consult an attorney.
3. Under Texas Penal Code §46.01(3):
 - a. "Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.
 - b. "Firearm" does not include a firearm that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by Penal Code Chapter 46 and that is (1) an antique or curio firearm manufactured before 1899 or (2) a replica of an antique or curio firearm manufactured before 1899 but only if the replica does not use rim fire or center fire ammunition.

For more information about the laws that make you ineligible to possess a firearm or ammunition, or for more information on how long your ineligibility to possess a firearm or ammunition lasts, the Court recommends you contact an attorney. For your reference, you may wish to consult the statutes listed below, which may or may not apply to your circumstances:

- Code of Criminal Procedure Article 17.295—Magistrate’s Order for Emergency Protection
- Code of Criminal Procedure Article 27.14(e)(1)—Plea of Guilty or Nolo Contendere in Misdemeanor
- Code of Criminal Procedure Article 42.0131—Notice for Persons Convicted of Misdemeanors Involving Family Violence
- Penal Code §46.02—Unlawful Carrying Weapons
- Penal Code §46.04—Unlawful Possession of Firearm
- Penal Code §25.07—Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case
- Family Code §85.026—Warning on Protective Order

X. SUSPENSION OF LICENSE TO CARRY A HANDGUN

The Respondent’s license to carry a handgun is **SUSPENDED** for the duration of this Order, and the Respondent is prohibited from obtaining a license to carry a handgun while subject to this Order. This provision does not apply if the Respondent is a peace officer, as defined by §1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.

XI. FINDINGS IN COMPLIANCE WITH FEDERAL LAW

(Mark the box only if the three conditions listed below are true)

The Court finds that the Respondent is **DISQUALIFIED** from possessing a firearm pursuant to federal law because:

1. the Applicant and the Respondent are spouses or former spouses, share a child in common, and/or live together or have lived together in an intimate relationship;
2. the Respondent has received actual notice of the hearing pertaining to this order, and was given an opportunity to participate; **and**
3. this order restrains the Respondent from harassing, stalking, or threatening the Applicant or child of the Applicant.

XII. CONFIDENTIALITY OF INFORMATION

BY ORDER OF THIS COURT, the address, county of residence and telephone number of persons protected by this Order and the address and telephone number of the place of employment or business, child-care facility or school of a person protected by this Order are **CONFIDENTIAL**. The Court **ORDERS** the clerk of the court to strike this information from the public records of the Court and maintain a confidential record of the information for use only by the Court or law enforcement for the purpose of entering the information required by Section 411.042(b)(6), Gov’t Code, into the statewide law enforcement information system maintained by the Texas Department of Public Safety.

The Court designates the following person as the person to receive on a protected person’s behalf notices and other documents related to this Order.

Name: _____
 Address: _____

XIII. ORDERS TO THE CLERK OF THE COURT

If this Order suspends the Respondent’s license to carry a handgun, the Clerk shall send a certified copy

of this Order, by certified mail, return receipt requested, to the **Handgun Licensing Program** at the **TEXAS DEPARTMENT OF PUBLIC SAFETY**.

THE COURT ORDERS the clerk of the court to enter both the Protective Order and the Application for Protective Order into the Protective Order Registry within 24 hours after the court issues this Order.

XIV. ORDER REGARDING LAW ENFORCEMENT ASSISTANCE

If this Order excludes the Respondent from the residence, and the Applicant or the person granted possession of the residence requests assistance, the Court **ORDERS** the Sheriff, Constable, or Chief of Police to provide a law enforcement officer to:

1. accompany the Applicant, or the person granted possession of the residence, to the residence covered by this Order;
2. inform the Respondent that the Court has ordered the Respondent excluded from the residence;
3. protect the Applicant and other protected person(s), if any, while the Applicant and protected person(s) take possession of the residence, and the Respondent takes possession of the Respondent's necessary personal property; and
4. if the Respondent refuses to vacate the residence, remove the Respondent from the residence and arrest the Respondent for violating this Order.

XV. DURATION OF PROTECTIVE ORDER

(Mark a duration time (A, B, or C) then follow the instructions therein)

- (A) This Order expires on / / .
(This date cannot exceed two years from the date this Order is signed)
- (B) This Order expires on / / , which date is more than two years from the date this Order is signed because the Court **FINDS** that: *(Mark the appropriate box)*
- The Respondent caused serious bodily injury to the Applicant or a member of the Applicant's family or household.
 - The Respondent was the subject of two or more previous protective orders protecting the Applicant and both of those orders contained findings that the Respondent committed family violence.
 - The Respondent committed an act constituting a felony offense involving family violence against the Applicant or a member of the Applicant's family or household, regardless of whether the Respondent has been charged with or convicted of the offense.
- (C) The Court issues this Order under Art. 7B.003, Code of Criminal Procedure. **THEREFORE**, this Order is effective: *(Mark the appropriate box)*
- Until / / . *(Enter any period shorter than the duration of the parties' lives)*
 - For the duration of the Respondent's and the Applicant's lives.
 - The duration of the Respondent's and the Applicant's lives because the Respondent was convicted of or placed on deferred adjudication community supervision for an offense listed in Article 7B.001(a)(1), Code of Criminal Procedure, specifically: *(Enter the offense name and statute)*
_____, and
is required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender.

DATE ENTERED BY JUDGE: _____

(This is the date the Order or Motion is granted)

DATE SIGNED BY JUDGE: _____

(This the is the date the judge signs the Order)

PRESIDING JUDGE'S SIGNATURE

PRESIDING JUDGE'S PRINTED NAME