



# Protective Orders

## Facts & Information

### What is a Protective Order?

If your spouse or partner has become physically violent towards you or your family or threatened you with physical harm you can apply for a court order to keep your abuser away from you. This order is called a Protective Order ("PO"). There are different kinds of PO's for victims of domestic abuse, dating violence, sexual assault, stalking and human trafficking. A PO orders an abuser:

- not to hurt, threaten, or harass your children, either directly or through another person
- to stay away from you, your family, your home, workplace, & children's daycare/school
- not to carry a gun, even with a license

With a PO, the judge can also:

- order payment of child support & medical support
- set terms & conditions for visitation with the children, if any
- order the abuser to attend anger management classes/abuse treatment programs
- order drug testing
- order the abuser out of the home ("kick out order")

### How do I get a PO?

There are several ways to apply:

- Contact your local prosecutor's office
- Contact your local family violence shelter
- Contact your local legal aid office
- Hire a private attorney
- Complete the do-it-yourself PO Kit available from [www.texaslawhelp.org](http://www.texaslawhelp.org). (Trying to get a restraining order without an attorney should be your last resort.)

### What must I show to get a PO?

You must be able to show a history or pattern of violence from your abuser and likelihood that violence will continue in the future. Some considerations:

- Family violence includes intimate partner violence
- Call the police when an incident occurs.
- Don't delay in applying for a PO. Apply right after the incident. Waiting will reduce your chances of getting a PO because the threat of imminent danger has passed
- Document incidences of abuse. Photograph injuries, save threatening voicemails, texts, & emails.



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### How long does a PO last?

It depends on the type of abuse (stalking, dating violence, sexual assault, family violence); the seriousness of the harm, if children were present, if an arrest was made, past violence, the likelihood of future violence, & other factors. POs for family violence usually last two years, but can be for any duration, including for life. Sexual assault POs usually last for life.

### What happens if someone violates a PO?

If you violate a PO, you will be arrested & can be charged with a crime. Multiple violations can result in felony charges.

### MYTHS About Protective Orders

**Myth 1:** Restraining orders and protective orders are -essentially the same thing.

Nope. Restraining orders, as referred to within the context of the Texas Family Code, are actually either temporary restraining orders (TROs) or injunctions. Violations of these prohibitions are not criminally enforceable, nor do they automatically give rise to a criminal investigation.

A protective order *does* provide a more immediate remedy for the injured party by way of the criminal offense Violation of Protective Order, which can be enhanced to a felony depending on the circumstances.

**Myth 2:** A victim who is still in a relationship with, still -living with, or married to her abuser cannot request a PO.

Wrong, wrong, wrong. An adult member of a dating relationship or marriage may file for a protective order. With regard to family violence under §71.004(3), an application for a protective order to protect the applicant may be filed by a member of the dating relationship, regardless of whether the member is an adult or a child.

**Myth 3:** Victims who have never reported abuse to police (or who have no proof of abuse) cannot get a protective order.

Not necessarily. While corroborating evidence is not required, working with the applicant may help identify other sources of evidence, such as social media, text messages, emails, and voicemail messages.

**Myth 4:** Someone can get a protective order only if the abuser has been physically -violent.

Not true. The definitions of both "family violence" and "dating violence" include threats that reasonably place the applicant "in fear of imminent physical harm, bodily injury, assault, or sexual assault." Stalking occurs when a respondent engages in behaviors towards a victim who feels reasonable fear of bodily injury or death to self or to a family or household member or damage to property because of those actions. Victims are encouraged to seek help before the abuser physically harms them, and the code ensures that these victims are not penalized for "getting away."

-Information from TexasLawHelp.org (retrieved in 2016)