

On 2012, the Texas Department of Public Safety reported that 188,992 incidents of family violence were reported to law enforcement. Nueces County had 4,651 incidents of family violence. Protective Orders are important in ending family violence. Its purpose is to:

- Deter future violence
- Stipulate appropriate and inappropriate behavior and
- Reinforce beliefs that family violence is wrong and needs to be stopped

The following guidelines will assist you in the process of obtaining a Protective Order at the County Attorney's Office.

#### **WHAT IS A PROTECTIVE ORDER?**

A Protective Order is a legal document signed by a District Court Judge after a hearing that may prohibit the offender from:

- Committing further acts of violence
- Harassing or threatening the victim, either directly or indirectly by communicating the threat through another person
- Going to or near a school or day-care center that a child protected under the order attends
- Going within 200 yards of application
- Going near victim's residence or place of work
- Possessing a firearm or ammunition
- Harming, threatening, or interfering with care, custody or control of pet, companion animal or assistance animal

#### **WHERE DO I FILE FOR THIS TYPE OF ORDER?**

You may file an application for a Protective Order at the County Attorney's Office, Family Protective Order Unit, located at the Nueces County Courthouse, 901 Leopard, Room 207. The telephone number is 361-888-0391. The office is open Monday through Friday from 8:00 a.m. until 5:00 p.m., however is closed from 12:00 noon until 1:00 p.m.

#### **WHO CAN FILE FOR THIS TYPE OF ORDER?**

- Spouse
- Ex-spouse
- Member or former member of household
- Guardian
- Have child together
- Relative by affinity (marriage)
- Relative by consanguinity (blood)
- Next friend of a minor
- Prosecuting attorney
- Representative of the Department of Family and Protective Services
- Persons who have or have had a continuing social relationship of a romantic or intimate nature
- Person in marriage or dating relationship with individual with whom actor is or was in a dating relationship or marriage
- Victim of sexual assault, stalking, or trafficking

### **HOW TO APPLY**

You are required to complete an application form giving information on yourself as a victim, and information on the abuser. An advocate can assist if needed. You may also be referred to other agencies, including the District Attorney's Office to file charges for a criminal offense.

### **WHAT INFORMATION IS NEEDED?**

In order to provide you with a Protective Order, the following is needed:

- A police report of any incident within the last thirty (30) days from application date. An advocate can provide assistance if the police report needs to be obtained from the law enforcement agency.
- A statement describing the incidents of violence that have occurred will be obtained from you. (This is included in your application.)
- A current address of the abuser (Respondent)
- Any photos of injuries
- Current picture identification or driver's license

### **PROTECTIVE ORDER PROCEDURE**

Upon you calling or appearing in person, application will be provided and a date will be scheduled for an interview. After the interview, an attorney will review the application. Once the application for Protective Order is accepted for filing, all documentation will be prepared. There will be two hearings in which you will be present. They are:

- EX-PARTE HEARING – only the Judge, Attorney, and Applicant (you) are present
- FINAL HEARING – generally 14 days later. All parties are present. (Applicant, Attorney for Applicant, Respondent, Attorney for Respondent, and Judge)
- If respondent is served, a final Order may be entered without his/her presence.

### **HOW LONG DOES A PROTECTIVE ORDER LAST?**

An Ex-Parte Order is in effect for 20 days. A final Protective Order (after the final hearing) may last up to two (2) years from the date issued or more in certain circumstances.

### **WHAT IF THE RESPONDENT VIOLATES THE ORDER?**

If the Respondent violates an Ex-Parte or Final Protective Order he/she may be punished for contempt of court by a fine up to \$500.00 or jail up to six (6) months, or both. A violation of the Order by commission of an act prohibited by the order may be punishable by a fine up to \$4000.00 up to one year, or both. An act resulting in family violence may be prosecuted as a separate criminal offense. A criminal case may be filed with the District Attorney. The District Attorney's office is located in the Nueces County Courthouse, 901 Leopard, Room 206. For more information you may contact them at 361-888-0410.