**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**

• You are afraid that person may hurt you again, **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 or stalked, even if you do not have a close relationship with the person who sexually assaulted or stalked 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

**texaslawhelp.org**.

**How much does a Protective Order cost?**

It is free for you.

**How do I ask for a Protective Order?**

Contact the Sherman County Attorney’s Office at 806-366-2270 or in person at 701 N 3rd Street Stratford TX 79084

**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

you 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** or ask the court clerk for a copy.

**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.

**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.

**GET READY FOR COURT**

**Get ready.**

• Fill out a Protective Order before you go to court and bring it with you

• Bring any evidence you have, like photographs, medical records, or torn clothing. Also bring witnesses who know

about the violence, like a neighbor, relative, or police. The judge may ask them to testify.

• If you had a Protective Order in the past, bring a copy of it.

• Bring proof of your and the other person’s income and expenses, like bills, paycheck stubs, bank accounts, and

tax returns.

• If the Proof of Service was returned to you, file it with the clerk and bring a copy to court. Proof of Service is a

document that shows when and where the other person was given a copy of your Application for Protective Order.

**Practice what you want to say.**

Make a list of the orders you want and practice saying them out loud. Do not take more than 3 minutes to say

what you want. If you get nervous, just read from your application list. Use that list to see if the judge has made every order you asked for.

**Get there 30 minutes early.**

1. Find the courtroom.

2. When the courtroom opens, go in and tell the clerk or officer that you are present.

3. Watch the cases before yours so you will know what to do.

4. When your name is called, go to the front of the courtroom.

**The judge may ask questions.**

The other person or his/her lawyer may also ask you questions. Tell the truth. Speak slowly. Give complete

answers. If you don’t understand the question, say, “I don’t understand the question.” Speak only to the judge unless it is your turn to ask questions. When other people are talking to the judge, wait for them to finish. Then you can ask questions about what they said.

**What if I don’t speak English?**

When you first file your application, tell the clerk you will need an interpreter. Ask the clerk for free

interpretation services. If a court interpreter is not available, bring someone to interpret for you. Do not ask a child, a protected person, or a witness to interpret for you.

**What if I need child support or visitation**

**orders?**

Call the Family Violence Legal Line before you go to court: **800-374-HOPE(4673)**

**What if I am afraid?**

If you don’t feel safe, call your local family crisis center or the National Domestic Violence Hotline:

**800-799-SAFE(7233)**

**What happens after the hearing?**

If the judge agrees you need protection, they will sign your Protective Order. Take your signed order to the

court clerk. Ask for a certified copy of your order and keep it with you at all times. Make sure copies of your order are sent to your children's daycare, babysitter, school, and to the other person's staff judge advocate at Joint Force

Headquarters or the provost marshal of the military installation to which they are assigned. If the other

person violates the order, call the police and show them your order.

*Although you may file these forms without having a lawyer, you are encouraged to get a lawyer to help you in this process.*

*Your county or district attorney or legal aid office may be able to help you for free. The State Bar of Texas may also be able to refer you to a lawyer if you call* ***800-252-9690****.*

**Need help?**

If you are in danger, call the police: **911**

Or call the Family Violence Legal Line:

**800-374-HOPE(4673)**

Or go to: **www.texaslawhelp.org**

**MAKE A SAFETY PLAN**

*A safety plan can help keep you and your children safe.*

*Ask a domestic violence counselor to help you with your*

*plan.*

**During an attack**

When an attack starts, try to escape. Leave your home and take your children, ***no matter what time it is*!**

• Go to a friend’s house or to a domestic violence shelter. Call 800-799-SAFE(7233) to find a shelter near you.

• Defend and protect yourself. Later, take photos of any injuries.

• Call for help. Scream as loud and long as you can.

• Stay close to a door or window so you can get out if you need to.

• Stay away from the bathroom, kitchen, and weapons.

**Be ready to leave**

Leaving is the most dangerous time. Thinking about your safety plan before an attack will help you when the

time comes.

• Practice your escape. Know which doors, windows, elevator, or stairs are best. Practice with your children if

they are old enough.

• Have a safe place to go in an emergency. Memorize their phone number.

• Keep a cell phone or calling card with you always so you can call in an emergency.

• Ask a neighbor or co-worker to call the police if they hear or see abuse.

• Get rid of guns and weapons in your house.

• Teach your children how to dial 911 to get help in an emergency.

• Have a safety plan for your children when you can’t be with them. Teach them this plan.

• Have a “code word” to use with your children, family, friends, and neighbors. Ask them to call the police when

you say that word.

• Keep a bag ready with clothes and extra keys for your house and car. Hide it in a place you can get to quickly or

leave it at a friend’s house.

• Get your own post office box so you can safely get checks and mail.

• Open your own checking or savings account and try to get a credit card in your name.

• Put important things in a safe place where you can get them easily, such as your:

• Medicines

• Driver’s license, ID, social security card

• Cash, check book, credit cards

• Legal papers, important phone numbers

• Make plans for any pets.

• Review your safety plan a lot and make changes if

needed.

**Be safe with technology**

• Get a new email address.

• Change your passwords and PIN numbers often.

• Search your name online to see if your phone numbers or address are listed.

• If you have social media, “de-friend” the other person or make a new page.

• Use a computer that the other person doesn’t know about like at a library or friend’s house.

• Get a cell phone that the other person doesn’t know about. Call the domestic violence shelter and ask if they can give you a donated cell phone: **800-799-SAFE(7233)**.

• Save emergency phone numbers with a made up name in your cell phone. For example, save the domestic violence shelter in your phone as “Angie.”

**Be safe when you live on your own**

• Change the locks on your door as soon as you can.

• Put locks on all doors and windows.

• Ask your phone company for an unlisted number. (Sometimes this is free.) Don’t call the other person from your phone. Screen all calls.

• If you move, don’t tell the other person where you live.

• Give your children’s schools and daycare a list of who is allowed to pick them up.

• Tell your neighbors and landlord that the other person no longer lives with you. Ask them to call the police if they

see the other person near your home.

• Take care of yourself by asking for what you need and going to a support group.

• If you have to see the other person, meet in a public place and bring someone with you.

• If you are thinking of going back to the other person, talk to someone you trust first.

• Be safe at work by asking your co-workers to call the police if they see the other person at your job. Bring a picture of the other person to work.

• Take a different way home and to work. Go to different

stores and places -- change your routine.

• If you drive, park where there is a lot of light.

• Have someone walk with you to your car or to the bus

stop.

**Be safe with a Protective Order**

• Always keep your Protective Order with you and call the police if the other person violates it.

• Give copies of your Protective Order to your family, friends, neighbors, school, and daycare.

• If you need to get property from your home, you can request that a police officer go with you for safety.

**Important resources**

**Police and Emergencies**: 911

**National Domestic Violence (DV) Hotline**

1-800-799-SAFE (7233)

1-800-787-3224 (TTY) for the Deaf

Online chat: www.thehotline.org

**Texas Council on Family Violence**

1-800-525-1978

To find a legal advocate near you, go to: **www.tcfv.org**

**2-2-1 Texas**

221 or 877-541-7905

**Child and Elderly Abuse/Neglect**

1-800-252-5400

**Rape Abuse & Incest National Network**

1-800-656-HOPE (4673)

**Texas Family Violence—Legal Line**

1-800-374-HOPE (4673)

**National Dating Violence Helpline**

866-331-9474

www.loveisrespect.org

**Lawyer Referral Service**

1-800-252-9690

**Child Support Office**

1-800-252-8014

**Crime Victim’s Compensation**

1-800-983-9933

**Remember to keep these papers in a safe place**

**where the other person can’t find them!**