



FORT SAM HOUSTON LEGAL ASSISTANCE OFFICE **DOMESTIC VIOLENCE VICTIM INFORMATION SHEET**

I. PROTECTIVE ORDERS

A. What Is A Protective Order? A protective order is a civil court order that is issued to prevent continuing acts or threats of family violence.

B. How Is Violence Defined? An act by one family member or member of a household against another member that is intended to cause:

- a. Physical harm;
- b. Bodily injury;
- c. Assault; or
- d. Sexual assault.

(Docs not include defensive measures to protect oneself)

C. Who May File An Application For Protection? Generally, the victim and offender must be related by blood or marriage, live together, previously lived together, or have a child together. More specifically the following individuals may apply for a protective order:

- a. Any adult member of a family or household to protect themselves or any other member;
- b. Adult member of a dating relationship;
- c. Any adult to protect a child from family violence;
- d. Prosecuting Attorney; or
- e. Department of Protective and Regulatory Services.

D. Where Do I File For A Protective Order? An application may be filed in the county where the applicant resides or the offender resides. There are no minimum residency requirements.

E. Is There A Fee For Filing For A Protective Order? An applicant may not be charged any fees in connection with the filing, serving, or entering of a protective order or other related services. However, the court will require the party against who the order is rendered to pay all related fees and expenses, including attorney fees, unless the party can show good cause or indigence.

F. Can I Receive Immediate Protection? A temporary ex parte order requests an immediate temporary protective order.

- a. Application must contain (1) a detailed description of the facts and circumstances about the alleged family violence and the need for immediate protection and (2) a signature under oath that the facts contained in the application are true.
- b. The court must find that the facts contained in the application demonstrate a clear and present danger of family violence.

- c. The court will enter a temporary ex parte order for the protection of the applicant or any other member of the family or household without notice to the offender or a hearing.
- d. The temporary ex-parte order may direct a respondent to do or refrain from doing specified acts.
- e. Temporary ex-parte orders are valid for the time specified – not to exceed 20 days. This may be extended for additional 20 day periods.

G. What Is The Procedure For Filing For A Protective Order?

- a. Go to the Bexar County Family Justice Center located within the University Health System-Downtown at 527 Leona, San Antonio, Texas 78207. Telephone 210-208-6800.
- b. Bring any police reports and information on where to serve the offending party.
- c. A victim's advocate will interview you about your case, assist you in filling out the correct forms, and recommend shelters and agencies to assist you.
- d. The court will set a hearing date no later than 14 days after the application for a protective order is filed. (Remember temporary ex-parte orders may be used for immediate protection).
- e. The respondent will be served with notice of the application for a protective order.
- f. At the hearing, in order for a protective order to be granted, the court must find that family violence has occurred and family violence is likely to occur in the future.
- g. You will both be given time to tell the judge what happened. You will be allowed to present any evidence or witnesses that you brought with you.
- h. If a protective order is issued, you will both be provided a copy. Keep a copy of the protective order with you at all times.

H. Can My Information Be Kept Confidential? You may request that the court exclude from a protective order the address and telephone number of your home, temporary residence, place of employment, and school or child care facilities.

I. What Protection May I Receive From A Protective Order? A protective order may:

- a. Prohibit further family violence;
- b. Prohibit communication directly or indirectly with the protected parties;
- c. Prohibit the possession of a firearm;
- d. Prohibit traveling near the residence, employment or school of the protected family members;
- e. Prohibit removing a child who is a member of the household from the possession of the applicant;
- f. Prohibit transferring, encumbering, or disposing of property that is mutually owned or leased by the parties;
- g. Direct a vacate of the family home and grant exclusive possession of a residence to one party;
- h. Require support for the applicant and child;
- i. Award use and possession of specific property, such as a vehicle, if it is jointly owned or leased; or
- j. Require completion of a battering intervention and prevention course or counseling.

J. How Long Is A Protective Order Valid? A protective order is valid for the stated period, not to exceed two years.

K What If The Protective Order Is Violated? Call the Police Immediately

- a. Violators of ex-parte orders may be punished for contempt of court with a fine up to \$500 and/or 6 months in jail. Violators of protective orders only may receive a fine up to \$4,000 and/or jail for up to one year.

II. PREPARATION CAN MAKE THE DIFFERENCE

A. Have An Escape Plan.

- a. Know in advance a place you can go that is safe for you and your children. Consider friends, family, hotels, or a shelter for battered women.
- b. Practice how you will get there. Use an excuse to get out of the house that will not alarm your partner. Once outside drive or walk quickly to a phone or to a safe location.
- c. Prepare how you will care for your children. If they are at home, teach your children to go to a neighbor's house to ask for help and call the police. If you have left the children in the house or at school, go back with police to pick up the children.

B. Keep Important Phone Numbers Handy. Many domestic violence agencies provide victims with donated cell phones that are programmed to dial 911 in case of emergencies.

Other important numbers include:

- a. Police – 911;
- b. Bexar County Battered Women Shelter - 733-8810 (They also have a legal advisor there to help you);
- c. San Antonio Police Department Victim's Advocate - 207-2141;
- d. National Domestic Violence Hotline – 1-800-799-SAFE (7233);
- e. Family Violence Legal Line – 1-800-374-HOPE
- f. Taxi cab numbers, phone numbers of trusted friends and family.

C. Keep A Bag Of Necessities In Case You Need To Leave In A Hurry.

- a. Keep copies of important papers including social security cards for you and your children, legal papers, food stamps, driver's license, children's birth certificates, medical records, or deeds or leases to your house or apartment.
- b. Keep some essential medication separate for you and your children.
- c. If possible, put some money or a credit card in the bag.
- d. Keep an extra house and car key.
- e. Keep a set of clothing for you and your children.

D. Know How To Protect Yourself. Even after you have left the home or received a protective order it is important to protect yourself in your daily activities. Remember, although helpful, a protective order is a piece of paper and can't stop immediate violence.

- a. Vary your route to work, day care, the store etc.
- b. Change the times you travel work, go to the bank, or pick up the children.
- c. Change locks on doors.
- d. Carry a cell phone at all times.
- e. Carry a copy of your protective order with you at all times.
- f. Notify your children's school and day care of the protective order if it requires the offender to stay away from the child.
- g. Inform your employer of the protective order and ask that they screen your phone calls.
- h. Keep evidence of all violence: take pictures of bruises, cuts or injuries; keep torn or blood stained clothing; keep a list of witness. This will be very important for your hearing.