

TYPE OF ORDER AND WHAT IT DOES	WHERE DO I APPLY FOR THIS TYPE OF ORDER?	WHO CAN APPLY FOR THIS TYPE OF ORDER?	APPEARANCE	HOW LONG DOES THE ORDER LAST?
<p><u>PROTECTIVE ORDER</u> (Title 4 of the Texas Family Code)</p> <p>A Protective Order may PROHIBIT the offender from:</p> <ul style="list-style-type: none"> • Committing further acts of family violence. • Going to or near the residences or places of employments or business • Communicating a threat directly or indirectly through another person in a harassing manner • Going to or near a school or daycare center that a child protected under the order attends • Possessing a firearm or ammunition 	<p>County Attorney's Office</p> <p>Brooks County Courthouse 100 E. Miller St, Room 103 1st floor Falfurrias, Texas 78355 361-325-5604 Ext 159, 160</p> <p><u>WILL NOT ACCEPT APPLICATIONS RESULTING OUT OF MUTUAL COMBAT</u></p>	<ul style="list-style-type: none"> • Spouse • Ex-Spouse • Guardian • Have Children Together • Relative by Blood • Relative by Marriage • Member of Household • Next Friend of a Minor • Person who Have or Have Had a Dating Relationship • ANY victim of a Sexual assault • Prosecuting Attorney <p>MUST file a police report AND file charges with the proper Law Enforcement Agency.</p>	<ul style="list-style-type: none"> • Generally 14 days after the judge signs the Ex-Parte order. • ALL parties PRESENT (Applicant, Attorney for Applicant, Respondent, Attorney for Respondent and Judge) • Respondents MUST be served in order for the office to go forward with protective order. • If the Respondent is served, a two-year order may be entered without his/her presence. 	<ul style="list-style-type: none"> • Order lasts up to TWO years. • Person who violates order may be punished for contempt of court by a fine of as much as \$500 or confinement in jail for as long as six months, or both. • Violation by commission of an act prohibited by the order may be punishable by a fine of as much \$4000 or 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 an act is prosecuted as a separate felony offense, it is punishable by confinement in prison for at least two years.
<p><u>MAGISTRATE EMERGENCY ORDER FOR PROTECTION</u> (CH. Article 17.292 TCCP)</p>	<p>Justice of the Peace/Magistrate</p> <p>Perpetrator had to be arrested for an ASSAULT and placed on HOLD to be served with order before being released.</p>	<p>Same person as in PROTECTIVE ORDER, but additionally, a stalking victim can file; and Magistrate on their own motion can issue Emergency Order for Protection.</p>	<p>At the Respondent's appearance before the Magistrate.</p> <p>Magistrate explains the order and effects of non-compliance.</p>	<p>Up to 91 days if a weapon is involved. Up to 61 days, but not less than 31 days after the date of issuance.</p> <p>VIOLATION: File as misdemeanor offense with Falfurrias Police Department.</p>
<p><u>RESTRAINING ORDER</u> (CH. Chap. 6 of the Texas Family Code & Section 65.011 Civil Practice & Remedies Code)</p>	<p>A Private Attorney</p> <p>Usually filed in a divorce petition and/or Suit Affecting Parent-Child Relationship (SAPCR)</p>	<p>Anyone</p>	<p>All Parties Present</p>	<p>Permanent/until further court order. VIOLATION: File Civil Contempt Action</p>
<p><u>PEACE BONDS</u> (Chap 7 of the Texas Code of Criminal Procedure) Offenses against "the person" or "properties" are about to be committed or threatened (THREATS ONLY)</p>	<p>Justice Of the Peace</p>	<p>Person who was threatened</p> <p>Per JP procedures: MUST file a police report AND file charges with the proper Law Enforcement Agency.</p>	<p>All parties present. Per JP procedures: Both parties are summoned and Hearing is scheduled. Judge may fine the Defendant (or both) up to \$500 After hearing case.</p>	<p>Up to 1 year or until there is a violation, whichever is sooner.</p> <p>VIOLATION: Bond is forfeited. If there is no violation, money is refunded.</p>

