

## FREQUENTLY ASKED QUESTIONS ABOUT PROTECTIVE ORDERS

### 1. How do I get an Emergency Protective Order?

A Magistrate's Emergency Protective Order can only be issued if the Respondent has been arrested for family violence or dating violence and a request for the Emergency Protective Order has been made by the arresting agency or the victim and is at the discretion of the magistrate. The Respondent must come before the magistrate at the county jail to have his/her bond set. At that time the magistrate will advise the Respondent that an Emergency Protective Order is in effect and that he/she cannot have any contact with the victim for up to 61 days but not less than 31 days after the Protective Order is issued. The Magistrate's Emergency Protective Order is enforceable by arrest during this period.

### **THERE ARE NO ORDERS AVAILABLE THROUGH THE COUNTY ATTORNEY'S OFFICE THAT GO INTO EFFECT IMMEDIATELY**

### 2. How long does it take for my paperwork to be processed?

After the County Attorney's Office has typed and filed your Application for Protective Order, it is filed with the County or District Clerk's Office. Due to the volume of documents their offices receive, it could take approximately two days for the County Attorney's Office to receive a filing number for your application. Once the application has been given a filing number, the Temporary Ex Parte Order is sent to the judge's office, and the court coordinator will set your protective order for hearing. Due to the volume of paperwork sent to the court coordinator, it could take approximately two days for a hearing to be set and the paperwork to be sent back to the County Attorney's Office. By law, your court date must be within 14 days of the day your Temporary Ex Parte Order was filed. Therefore, it will take approximately 4-5 days to process your paperwork and an additional 14 days before your court date. Keep in mind, these are estimates. The total time for processing and setting your protective order hearing could be less than the above estimate.

### 3. If I file for a Protective Order through the Johnson County Attorney's Office, when will my Protective Order go into effect?

The County Attorney's Office will file an Application for Protective Order and a Temporary Ex Parte Order on your behalf. The Temporary Ex Parte Order is NOT ENFORCEABLE BY ARREST unless the Temporary Ex Parte Order has been served on the person. It is a temporary order and will only serve as proof that you have begun proceedings to keep the Respondent away from you. Your Protective Order will go into effect after the Respondent has been served, you have appeared in court to testify as to why you need a Protective Order, and the Judge issues the Protective Order. If a Protective Order is issued it may be valid for up to two years and is enforceable by arrest.

### 4. When will the Respondent be served?

After your paperwork has been filed and set for hearing, it is forwarded to the Constables' Office. The Constable handling your paperwork will attempt to serve the Respondent as quickly as possible; however, the Constable is also attempting to serve dozens of other citations, notices, etc. and your paperwork is one of many documents he is responsible for so there is no way to determine exactly when the Respondent will be served.

### 5. What if the Respondent doesn't get served?

If the Respondent has not been served by your court date, your hearing will be reset, and you will be mailed notice of the new court date. During that time the Constables will continue to attempt service on the Respondent.

### 6. Do I have to pay a filing fee?

As the applicant, you do not have to pay a fee for your Application for Protective Order. The Respondent will be charged a fee which includes the filing fee, service fee and clerk's fees. The Respondent will be required to pay this fee within 60 days of the date of the Protective Order hearing. It is important to remember that the person you are filing against may also file against you. The County Attorney's Office is not responsible for defending you in such an action and will not defend you in such an action.

**COUNTY ATTORNEY'S OFFICE  
VICTIM ASSISTANCE/PROTECTIVE ORDER UNIT  
caopounit@johnsoncountytexas.org  
817-556-6334**

**JOHNSON COUNTY FAMILY CRISIS CENTER**  
(For counseling or Women's Shelter)  
Office 817-558-7171 24 Hour Crisis Hotline 1-800-848-3206  
info@familycrisisjc.org

**TEXAS STATE BAR REFERRAL**  
(To find an attorney in your area)  
1-800-252-9690  
www.texasbar.com/selfservice.

**NATIONAL DOMESTIC VIOLENCE HOTLINE**  
1-800-799-SAFE (7233)  
<https://www.thehotline.org/here-for-you/>

**LEGAL HOTLINE NUMBERS**  
(To answer legal questions)  
1-800-622-2520  
<https://texaslawhelp.org/>

NAME: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

**PLEASE ANSWER THE FOLLOWING QUESTIONS TO SEE IF YOU  
QUALIFY FOR A PROTECTIVE ORDER:**

1. ARE YOU FILING AGAINST SOMEONE THAT IS A FAMILY MEMBER, FORMER FAMILY MEMBER, SOMEONE YOU ARE LIVING WITH OR HAVE LIVED WITH AT SOME POINT IN TIME OR A PERSON WHO IS A BIOLOGICAL PARENT OF ANY CHILDREN YOU MAY HAVE?

YES \_\_\_\_\_ NO \_\_\_\_\_

2. HAS THE PERSON YOU ARE FILING AGAINST COMMITTED FAMILY VIOLENCE AGAINST YOU AND/OR YOUR MINOR CHILD/CHILDREN OR THREATENED TO COMMIT FAMILY VIOLENCE AGAINST YOU AND/OR YOUR MINOR CHILD/CHILDREN?

("Family Violence" means: an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself, or abuse by a member of a family or household toward a child of the family or household or dating violence.)

YES \_\_\_\_\_ NO \_\_\_\_\_

3. ARE YOU FILING AGAINST SOMEONE WITH WHOM YOU HAVE HAD A DATING RELATIONSHIP?

("Dating Relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:

1. The length of the relationship;
2. The nature of the relationship; and
3. The frequency and type of interaction between the persons involved in the relationship.

A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "Dating Relationship.")

YES \_\_\_\_\_ NO \_\_\_\_\_

4. HAS THE PERSON YOU ARE FILING AGAINST COMMITTED "DATING VIOLENCE" AGAINST YOU?

("Dating Violence" means an act, other than a defensive measure to protect oneself, by an actor that is committed against a victim with whom the actor has or has had a dating relationship or because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage and is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.)

YES \_\_\_\_\_ NO \_\_\_\_\_

5. ARE YOU FILING AGAINST SOMEONE WHO IS OR HAS BEEN IN A DATING RELATIONSHIP OR MARRIAGE WITH A PERSON TO WHOM YOU WERE MARRIED TO OR HAD A DATING RELATIONSHIP?

YES \_\_\_\_\_ NO \_\_\_\_\_

6. ARE YOU FILING AGAINST SOMEONE THAT COMMITTED THE OFFENSE OF TRAFFICKING, CONTINUOUS TRAFFICKING OF PERSONS, CONTINUOUS SEXUAL ABUSE OF A YOUNG CHILD OR DISABLED INDIVIDUAL, INDECENCY WITH A CHILD, SEXUAL ASSAULT, INDECENT ASSAULT, AGGRAVATED SEXUAL ASSAULT, STALKING, OR COMPELLING PROSTITUTION AND YOU ARE THE VICTIM, OR THE PARENT OR GUARDIAN OF A CHILD YOUNGER THAN 18 YEARS OF AGE OR AN ADULT WARD WHO IS A VICTIM OF SAID OFFENSE?

YES \_\_\_\_\_ NO \_\_\_\_\_

**If you answered "YES" to questions 1 through 2 OR questions 3 through 6, you **MAY** qualify for filing an application for a protective order through the County Attorney's Office. Our office is located in the Guinn Justice Center, 204 South Buffalo Avenue, Fourth Floor, Suite 411, Cleburne, Texas, 76033, and is open Monday through Friday from 8:00 a.m. to 5:00 p.m. with the exception of the lunch hour from 12:00 noon to 1:00 p.m.**

**If you **CANNOT** answer "YES" to questions 1 through 2 OR 3 through 6, you **DO NOT** qualify for a protective order through the Johnson County Attorney's Office; however, you may be able to file some other type of legal action through a private attorney.**