

TYPE OF ORDER	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 employment or business • Communicating a threat directly or indirectly through another person in a harassing manner • Going to or near a school or day-care center that a child protected under the order attends. • Possessing a firearm or ammunition 	<p>COUNTY ATTORNEY'S OFFICE</p> <p>Family Protective Order Unit Nueces County Courthouse 901 Leopard, Room 207, 2nd Floor Corpus Christi, Texas 78401 (361) 888-0391</p>	<ul style="list-style-type: none"> • Spouse • Ex-Spouse • Guardian • Have Child Together • Relative by Consanguinity • Relative by Affinity • Member of household • Former member of household • Next Friend of a Minor • Persons Who Have or Have Had a Dating Relationship • ANY victim of a sexual assault • Prosecuting Attorney 	<p>Generally 14 days after judge signs Ex-Parte order.</p> <p>ALL parties PRESENT (Applicant, Attorney for Applicant, Respondent, Attorney for Respondent, and Judge)</p> <p>Respondent MUST be served in order for office to go forward with protective order.</p> <p>If Respondent is served, a two-year order may be entered without his/her presence.</p>	<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 as \$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 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 Texas Code of Criminal Procedure)</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 released.</p> <p>A private attorney. [Usually filed in a divorce petition and / or Suit Affecting Parent-Child Relationship (SAPCR)]</p> <p>Justice of the Peace.</p>	<p>Same person as in PROTECTIVE ORDER, <u>but additionally</u>, a stalking victim can file; and Magistrate on their own motion can issue Emergency Order for Protection.</p> <p>ANYONE</p>	<p>At the Respondent's appearance before the Magistrate.</p> <p>Magistrate explains the order and effects of non-compliance.</p> <p>ALL PARTIES PRESENT</p>	<p>Up to 91 days if <i>weapon</i> involved. Up to 61 days, but not less than 31 days after the date of issuance.</p> <p>VIOLATION: File as misdemeanor offense with Corpus Christi Police Department.</p> <p>Permanent / until further court order.</p> <p>VIOLATION: File Civil Contempt Action</p>
<p><u>RESTRAINING ORDER</u> (CH. Chap 6 of the Texas Family Code & Section 65.011 Civil Practice & Remedies Code)</p> <p>PEACE BOND (Chap 7 of the Texas Code of Criminal Procedure)</p> <p>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 Corpus Christi Police Department</p>	<p>ALL PARTIES PRESENT.</p> <p>Per JP procedures: Both parties are summoned <i>and</i> Hearing is scheduled. Judge may fine 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 no violation, money is refunded.</p>