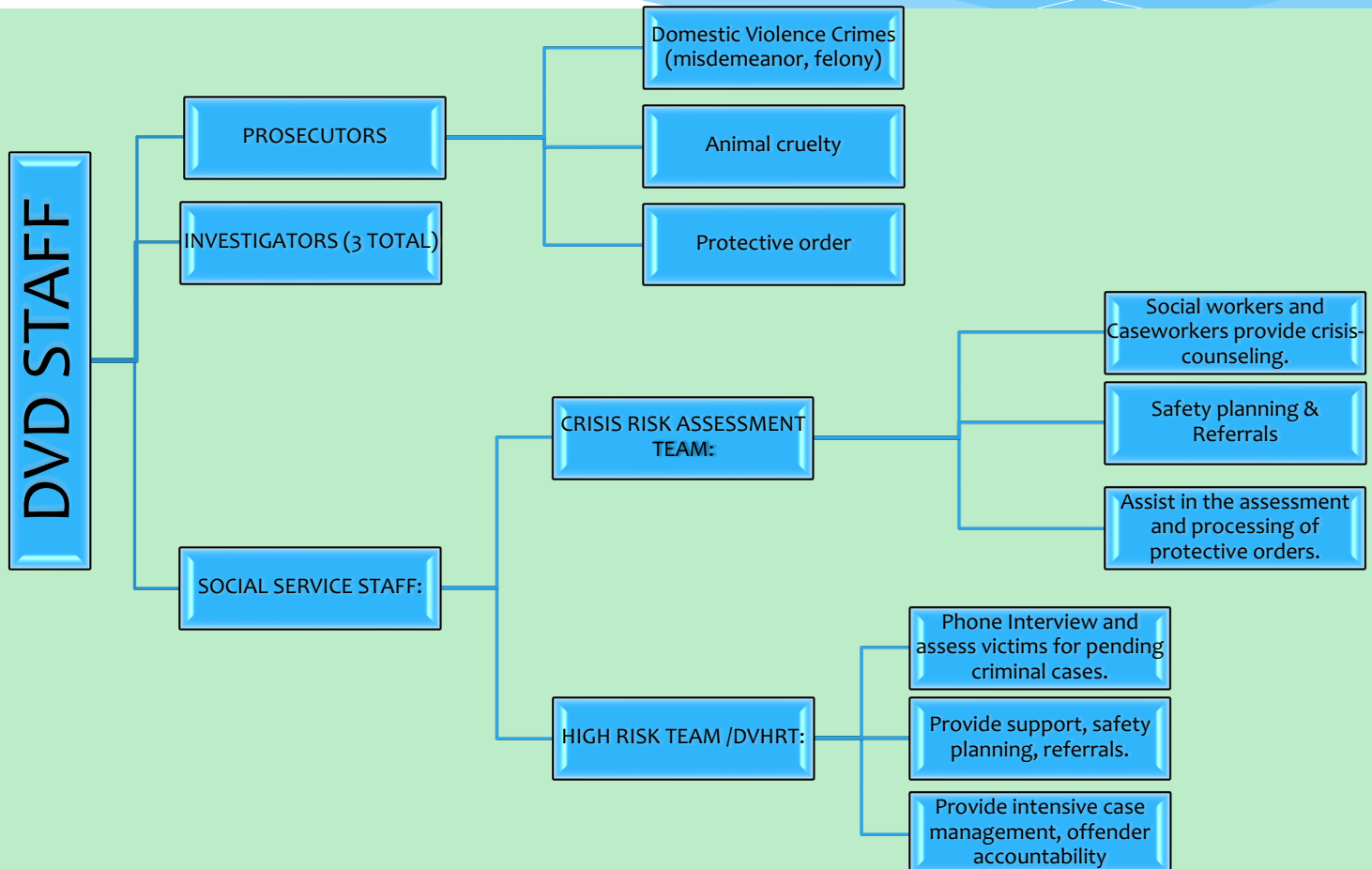




PROTECTIVE ORDERS and the CRIMINAL JUSTICE SYSTEM

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Harris County District Attorney's Office
Domestic Violence Division

DOMESTIC VIOLENCE DIVISION (DVD) STAFF



PROTECTIVE ORDERS

Civil Lawsuit,
filed in family
court.

Must prove
relationship.*

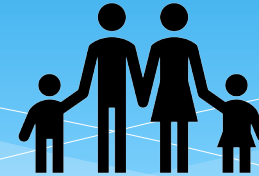
Must prove
family
violence is
likely to
occur in the
future.*

Can be filed by:
*Harris County DA's Office –
Domestic Violence Division
*Legal aid agency
*Private attorney, by lawyer
in legal aid agency, or
*Pro-se.

Must prove
family
violence
occurred.*

If violated,
the
Respondent
can be
arrested by
police.

QUALIFYING RELATIONSHIPS for FAMILY VIOLENCE PROTECTIVE ORDERS



* FAMILY MEMBERS:

- * Related by Blood
- * Related by Marriage
- * Former Spouses (divorced)
- * Parents of the same child

* HOUSEHOLD MEMBERS:

- * Includes those who previously lived in the same household

* DATING RELATIONSHIPS:

- * Previously dated

* DUE TO PREVIOUS RELATIONSHIP:

- * The violence occurred because of the family relationship the parties had with a third person (the ex-girlfriend, ex-spouse, etc...)

* NO PENDING OR PREVIOUS LITIGATION

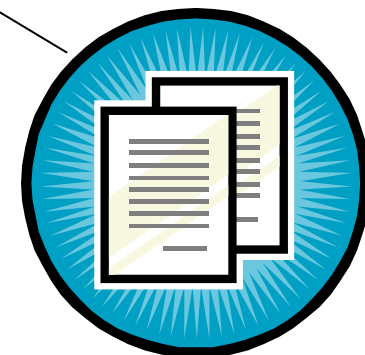
- * There can be no previous or pending litigation between the parties in Harris county (includes custody, child support or divorces).

PROTECTIVE ORDERS CONTINUED....

- * Obtained in civil court
- * One of the parties must be a resident of Harris County or the family violence incident must have occurred in Harris County
- * Must prove that family violence has occurred and is likely to occur in the future
- * Duration usually up to 2 years, however, duration can be increased or permanent in some cases.
- * **GOOD IN ALL 50 STATES!**
- * Must have:
 - * Judge's signature
 - * Criminal warnings
 - * Indicates defendant had notice to appear

**Protective orders can
increase victim's safety.**

-National Institute of Justice Research



TYPES OF FAMILY VIOLENCE PROTECTIVE ORDERS

- * No Contact Protective Order:
 - * Usually issued when no children are involved and/or there has been serious previous violence.
 - * Prohibits ANY contact except through the protected person's attorney of record or a person appointed by the court.
- * Restrictive Protective Order:
 - * Usually issued when there is a reason for contact; children.
 - * Allows communication as long as it is not threatening or harassing.

PROTECTIVE ORDERS CONTINUED....

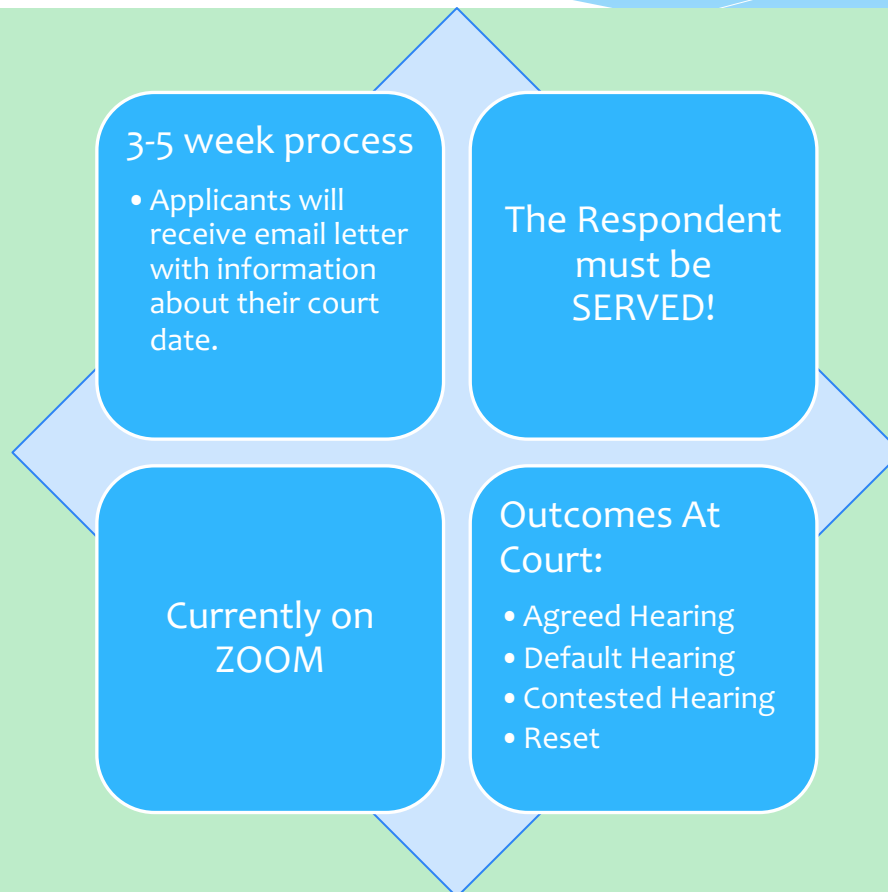
Protective Orders for Stalking

- No relationship required
- History of stalking behavior

Protective Orders for Sexual Assault

- No relationship required
- Can be one incident

PROTECTIVE ORDER COURT



Magistrates Order of Emergency Protection (MOEP)



- * Effective when Defendant goes before a judge or magistrate
- * Good for 61 or 91 days from the date it was granted.
- * **NO CONTACT ORDER** – condition of Defendant's BOND.

DIVORCE / CUSTODY

Lawsuit filed in family court.

Who can file?

Legal aid
attorney

Private
attorney

Pro-se

What can be requested?

Supervised,
restricted or no
visitation.

Civil
restraining
orders
(don't spend money,
don't come to certain
places, etc., often
mutual).

How are they enforced?

Civil
enforcement –
must go back
to the court
and file a
contempt.



Cultural Outreach Program

Establish a schedule for a HCDA – DVD licensed social worker or domestic violence trained caseworker to co-locate at Partner agencies to educate victims on services provided by HCDA – DVD.



Provide direct victim services i.e. applying for a protective order, safety planning (with a protective order), and education/support through the criminal justice system.



Train existing employees from these Partner agencies to identify protective order qualifications and provide appropriate referrals to HCDA-DVD or other agencies to meet the victim's needs.

Cultural Outreach Program

PRESCREEN

Cultural Outreach Program Protective Order PRESCREEN 2018

- Does the Applicant or the Respondent live in Harris County?
 - Or did an incident of violence occur in Harris County (for example: Applicant and Respondent live in Fort Bend County but the Respondent assaulted Applicant while at a party in Harris County?)
- Is there a qualifying relationship between the Applicant and the Respondent?
 - Family Members
 - Related by blood
 - Related by marriage
 - Former spouses (divorced or pending divorce)
 - Parents of the same child
 - Household Members
 - Includes those who previously lived in the same household
 - Dating Relationships
 - Previously dated
 - Due to Previous Relationship
 - The violence occurred because of the family relationship the parties had with a third person (the ex-girlfriend, ex-spouse, etc.)
- Has family violence occurred recently?
 - Notes:
- Has family violence occurred in the past?
 - Notes:
- Is this protective order based on STALKING behaviors OR SEXUAL ASSAULT?
- Are there past or pending litigation in Harris County?

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