**What is the difference between non- suit, vacate, and dissolve?**

|  |  |  |
| --- | --- | --- |
| **Non-Suit** | **Motion to Vacate** | **Dissolve** |
| when the applicant files a notice with the court and other parties (respondent) that they no longer wish to pursue the case.***(There has not been a hearing or ruling yet)*** | To set aside or annul a previous judgment or order. Any individual affected by a ***temporary ex parte*** order may file a motion at any time to vacate the order. | A motion to dissolve the order would eliminate the order and do away with any legal significance that it might have a period. ***(After a ruling is made after the hearing)*** |

**What is a “motion to modify”?**

* A motion is a request for the Judge to make a legal ruling. A motion to modify is a request for the Judge to modify (change) an existing court order.

**Where can I find a process server?’**

* Your local constable precinct (i.e., Precinct 4, precinct 8, etc.). On the precinct website there is a section for a “civil process” division that provides that service. You’ll find the phone number for that division, so that you can contact them. The fee is typically around $75 for service.
* Substituted service by court order: If attempts to serve the respondent in person or by certified mail have failed, you may ask the judge for permission to serve the respondent in another way. ***(Rule 106)***

**What is a Rule 106, and what do I need in order to get one?**

* Rule 106 involves the ways in which you can serve someone (in person, certified mail). *If personal service is not practical\*,* the court may authorize other methods such as leaving a copy with someone over sixteen at the location listed on the petition, or by other means—social media, email etc.).
	+ \*Please note that this can be used only **AFTER 3 attempts** to serve the respondent at their home or work address. Submit an affidavit of attempted service to the courts. (Ask your chosen process server for information on how to do so.)

**Am I able to get a Protective Order for my child with a Custody Case Pending?**

* Yes, as long as you’re able to prove that family violence has occurred and is likely to occur again.

**What is a Title 5 and 6 in the Texas Penal Code?**

* Title 5 in Texas Penal Code is for “Offenses Against the Person.” Such as: criminal homicide, kidnapping or unlawful restraint, human trafficking, sexual and physical assaults.
* Title 6 in Texas Penal Code is in regard to “culpability” or responsibility for fault or wrong. A person must “intentionally, knowingly, recklessly, or with criminal negligence engages” in the offense

**When will I receive my protective order once it is granted?**

* If you do not receive it the same day as your hearing, expect to receive it via mail in approximately 10 days. If you do not receive it after that timeframe, feel free to contact the attorney/agency that represented you. If you’re pro se, you can contact the court via phone (713-274-4680) or email (280Late@justex.net)

**How can I use the protective order to protect myself?**

* Report violations to the police. Ask if they will pursue charges or investigate it. If you have evidence of the violation, please give it to the police when you file the report.
* Have a copy of the protective order with you at all times (a physical or electronic copy). So, you can present it to the police when filing a report.
* Give a copy to individuals at the protected locations listed on the protective order (school, work, leasing office at apartment complex, or landlord.) Inform people at these locations about what to do if they see the Respondent at that location.
* If you need to break your lease because of the domestic violence, you’ll need to provide a written *(you’re encouraged to send it via email—with read receipts, or certified mail)* 30-day notice to vacate to your landlord/property manager. You can include a copy of the protective order. *(Texas Council on Family Violence has a template you can use).*

**Where is the protective order valid?**

* Anywhere is in the United States. You are encouraged to have a physical or electronic copy with you at all times while it is in effect.

**Can I move to an address not listed in the protective order?**

* Yes, please contact the attorney/agency that represented you in protective order court. A change of address form needs to be completed, and submitted to the courts. If this address is confidential, please mark it as such on the form.

**Can I renew the protective order?**

* Yes, you can renew if there’s been at least one violation by the Respondent while it was in effect (that’s why reporting violations to the police is important). Contact a legal services provider approximately 6-8 weeks before your protective order expires to start the renewal process.