

## Protective Orders (Issued in Court)

A protective order is a civil court order issued to prevent continuing acts of family violence, sexual assault, human trafficking or stalking.

Family violence (sometimes called Domestic Violence) is basically defined as (1) any act by one member of a family or household intended to physically harm another member, (2) a serious threat of physical harm, or (3) the abuse of a child.

Family includes blood relatives or relatives by marriage, former spouses, parents (married or not) of the same child, foster parents and foster children, or any member or former member of a household (people living in the same house, related or not).

A protective order may prohibit the offender from:

- committing further acts of family violence, sexual assault, human trafficking or stalking
- harassing or threatening the victim, either directly or indirectly by communicating the threat through another person
- going to or near a school or day-care center of a child protected under the order attends

In some situations, a protective order may also include orders to: prohibit transfer or disposal of property, establish possession and visitation of a child, pay child or spousal support for a period not to exceed one year, attend mandatory counseling, vacate the residence or other specified property, if certain conditions are met. These additional provisions are not criminally enforceable. A person who violates them is not immediately arrested, but may be taken to civil court, found in contempt, fined and jailed.

If the court finds that family violence, sexual assault, human trafficking or stalking has occurred and is likely to occur again, a court may render a protective order. The court must determine on a case-by-case basis whether a protective order is warranted.

You can apply for a protective order through the district or county attorney, a private attorney, or through a legal aid service program. The application must be filed in the county in which you or the offender lives. There are no minimum time limits to establish residency, and protective orders are available in every county in Texas.

The information on this page is **NOT** to be interpreted as legal advice. For more information visit the following:

- See Protective Order: Texas Family Code, chapters 82 through 85.
- Office of the Attorney General of Texas:  
<https://www.texasattorneygeneral.gov/cvs/protective-orders>
- Protective Order Kit from the Office of the Attorney General of Texas:  
[https://www.texasattorneygeneral.gov/files/cvs/protectivekit\\_dv.pdf](https://www.texasattorneygeneral.gov/files/cvs/protectivekit_dv.pdf)

Which to Choose?	Protective Order	Temporary Restraining Order	Peace Bond
What is the situation?	You have been harmed by a family member or someone you dated, and you fear the abuser will harm you again.	You already have a lawsuit filed and you want the court to order the other party not to harm you or your property.	Someone has threatened to harm you or your property, and you believe she or he will carry out the threats.
What does it do?	Orders the abuser to stay away from you and your household, your home, your work and your school. May suspend the abuser's right to carry a gun.	Orders the other party in a lawsuit not to harm your property, or to threaten, harass, or harm you or your children.	Orders the person making threats to deposit money with the court, which will be lost if he or she commits the threatened crime.
Who can help?	Harris County District Attorney's Office (713) 755-5888	Your attorney can help you with TRO. If not, you can file for a TRO yourself.	You can hire an attorney to help you or do it yourself.
Where do I file the paperwork?	District Clerk's Office	File in the office where you filed your lawsuit.	Justice of the Peace Court in the precinct where you live.
How long does it last?	Up to 2 years.	Until your lawsuit ends.	Up to one year.

There are 3 main types of Protective Orders Type	How Long Does it Last	Who issues the Protective Order	How is it enforced?
Protective Order	2 Years	A district or county court judge.	By arrest when violated Some provisions may be enforced by civil contempt law suit
Temporary Ex-Parte Protective Order (TXPO)	Up to 14 days	A district or county court judge. The Protective Order may be granted when an application for a protective order is filed, and the court believes you are in danger.	A civil contempt law suit. May include a "kick out" Order that orders the abuser to vacate the home, but only if the violence occurred within the last 30 days and the applicant and abuser lived together in the last 30 days.
Emergency Protective Order (EPO)	Up to 90 Days	Municipal Court after the abuser is arrested.	Arrest when violated.