



**TEXAS ADVOCACY PROJECT**  
All Texans should live safely in hope, not fear.  
**800.374.HOPE**

**TEXAS ADVOCACY PROJECT**

**PRO SE  
SEXUAL ASSAULT  
PROTECTIVE ORDER  
PACKET**

**ORIGINALLY FUNDED BY A GRANT FROM THE OFFICE OF THE  
TEXAS ATTORNEY GENERAL CRIME VICTIM SERVICES  
DIVISION. PRODUCED BY TEXAS ADVOCACY PROJECT IN  
COLLABORATION WITH THE TEXAS ASSOCIATION AGAINST  
SEXUAL ASSAULT (TAASA).**

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[www.TexasAdvocacyProject.org](http://www.TexasAdvocacyProject.org)

## DISCLAIMER

Although care has been taken to ensure the accuracy of the information and forms contained in this packet, neither Texas Advocacy Project, TAASA, nor the authors assume any liability in connections with any use of the information or forms contained herein. Thank you to staff from Texas Legal Services Center (TLSC) and Texas Association Against Sexual Assault (TASSA) for assistance editing the 2016 revisions of this packet. If you have any questions about this packet, please call Texas Advocacy Project at 1-800-374-HOPE for information.

A Protective Order has limitations. Some respondents may refuse to abide by the terms of a Protective Order. Please contact your local rape crisis center or women's shelter for assistance with planning for safety surrounding a Protective Order proceeding.

For additional counseling and support, the authors encourage anyone using this packet to contact their local rape crisis center or women's shelter for help and support, or call the Rape, Abuse, and Incest National Network ("RAINN") hotline at 1-800-656-HOPE. If you need the number to your local shelter, call Texas Advocacy Project.

# TABLE OF CONTENTS

General instructions for filling out the forms .....Section 1

Forms with guiding comments .....Section 2

1. Application for Sexual Assault Protective Order
2. Temporary Ex Parte Sexual Assault Protective Order and Show Cause Order
3. Order Extending Temporary Ex Parte Sexual Assault Protective Order
4. Sexual Assault Protective Order

Blank forms .....Section 3

1. Application for Sexual Assault Protective Order
2. Temporary Ex Parte Sexual Assault Protective Order and Show Cause Order
3. Order Extending Temporary Ex Parte Sexual Assault Protective Order
4. Sexual Assault Protective Order

Helpful Statutes .....Section 4



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**GENERAL INSTRUCTIONS**

**SECTION 1**

1-800-374-HOPE

[www.TexasAdvocacyProject.org](http://www.TexasAdvocacyProject.org)

## GENERAL INSTRUCTIONS

In this packet, you have copies of the following forms:

1. Application for Sexual Assault Protective Order;
2. Temporary Ex Parte Sexual Assault Protective Order and Show Cause Order;
3. Order Extending Temporary Ex Parte Sexual Assault Protective Order; and
4. Sexual Assault Protective Order.

PLEASE BE ADVISED THAT THIS PACKET IS AVAILABLE FOR FREE.

The first form, called Application for Sexual Assault Protective Order, asks you to explain what happened to you in detail. This section is what the judge will read to decide whether to grant your Protective Order. This first form is your chance to tell the judge what happened. Therefore, you should think carefully before you fill out that form.

In order to get a Sexual Assault Protective Order (the fifth form), you must show that there are reasonable grounds to believe that you are a victim of sexual assault as defined by Texas law.

The second and third forms will not always be necessary. **IT IS VERY IMPORTANT THAT YOU CAREFULLY REFER TO AND FOLLOW THE INSTRUCTIONS IN THE BOXES AT THE MARGIN OF ALL THE FORMS.**

Because you will need to give the judge a truthful and detailed description of what happened to you, the first form (Application for Sexual Assault Protective Order) may be especially upsetting. For additional counseling and support, the authors encourage anyone using this packet to contact their local Rape Crisis Center, local Women's Shelter, or Texas Advocacy Project at 1-800-374-HOPE (1-800-374-4673) for help and support. Or, call the Rape, Abuse, and Incest National Network ("RAINN") hotline at 1-800-656-HOPE (1-800-656-4673), which can put victims in touch with local resources. RAINN and Texas Advocacy Project also have Spanish-speaking operators.

Las líneas de Asistencia de la Red Nacional para Casos de Violación, Abuso e Incesto ("RAINN"), y del Proyecto de Apoyo Para Tejanos ("Texas Advocacy Project") también tienen operadoras que hablan español.

Write down what happened to you on scratch paper first, so that your final account of the violence is as clear and accurate as possible in the forms that will be presented to the court.

# PROTECTIVE ORDERS

## **What is a protective order?**

It is a court order that protects you from someone who has sexually assaulted you.

## **How can a protective order help me?**

It can order the offender to:

Not threaten or harass you or your family;

Not contact you or go near you, your children, other family relatives, your home, where you work, or your children's schools;

Not have a gun or license to carry a gun.

The police can arrest the offender for violating any of these orders.

## **Can I get a protective order?**

You can get a protective order if there are reasonable grounds to believe that you are a victim of sexual assault, even if you have not called the police or pressed charges.

## **How much does a protective order cost?**

Protective Orders are free if you apply for it yourself or through the prosecutor.

## **How do I ask for a protective order?**

Fill out the forms in this kit

--Application for Protective Order

--Respondent Information

--Temporary Ex Parte Protective Order and Show Cause Order

--Order Extending Temporary Ex Parte Sexual Assault Protective Order (if necessary)

--Protective Order

## **Who can ask for a protective order?**

The prosecutor, or the victim with or without a lawyer, can file a protective order. A victim has a constitutional right to ask for a protective order without a lawyer. A minor

victim (a person younger than 18), can file for one on their own OR with the help of a person over 18 (like a parent, school counselor or family friend).

## **What is sexual assault?**

Under Texas law, it is sexual assault if anyone, male or female, made you have sex by using force or threatening to hurt you or someone close to you.

Specifically, this can mean:

Someone put their penis, finger or other object in your vagina, anus or penis, by using force or harm;

Someone put their penis in your mouth by using force or threat of harm;

Someone put your penis or vagina in contact with the mouth, anus, penis or vagina of any other person, by using force or threat of harm.

It is also sexual assault if anyone ever made you do any of these things while you were unconscious, drunk or otherwise incapacitated.

Furthermore, it is sexual assault if any adult (a person older than 18) had sexual contact with you when you were under the age of 17.

## **Where do I file the forms?**

After you fill out the forms, take 2 copies of the forms with you to the courthouse. File them in the county where you or the other person lives. If you do not want the other person to know where you live, file them where the other person lives and do not put your address on the application or order.

**Can I get protection right away?**

The judge may give you a temporary order that protects you until your court hearing. This order is called a “Temporary Ex Parte Protective Order.” Be ready to testify at a hearing when you file your Application. If the court finds from the information contained in your application for a protective order that there is a clear and present danger of a sexual assault or other harm to the applicant, the court, without further notice to the alleged offender and without a hearing, may enter a temporary ex parte order for the protection of the applicant or any other member of the applicant's family or household.

**Do I have to go to court?**

Yes. Even if you get a Temporary Ex Parte Protective Order, you must go to the next hearing. It should be in about 2 weeks. The judge will decide if you should have protection and for how long. If you do not go, the Temporary Ex Parte Order will run out. A sexual assault protective order may remain in effect for the duration of the lives of the offender and victim, or for any shorter period stated in the order. If the length of time that the order will last is not specified in the protective order, the order lasts until the second anniversary of the date the order was issued.

**Will I have to see the other person in court?**

Yes. The law requires that the other person gets notice of the Protective Order hearing, and the person has a right to be at the hearing and tell their version of what happened. They may show up with a lawyer, without a lawyer, or not show up at all.

**How will the other person know about the protective order?**

You must have the other person “served” before the court hearing. This means that someone - not you - will give or “serve” the other person a copy of your application for a protective order and notify them of the next hearing. The clerk can arrange for law enforcement to serve the other person the court papers for FREE (for you).

**Need Help?**

In Section 2, there are detailed guiding comments for filling out each form. You can use the guiding comments to help you fill out the blank forms, a copy of which are in Section 3.

If you need more help, call your local crisis center or contact Texas Advocacy Project at 1-800-374-HOPE (1-800-374-4673).

Or, go to [www.TexasAdvocacyProject.org](http://www.TexasAdvocacyProject.org).



# GET READY FOR COURT

## **Don't miss your hearing!**

If you miss it, your Temporary Ex Parte Protective Order will run out and you will have to start from the beginning.

## **Get ready.**

Fill out the Sexual Assault Protective Order form before you go to court, and bring it with you.

Bring any evidence you have, like medical evidence, photographs of your injuries, or torn clothing. Also bring witnesses who know about the assault, like a neighbor, relative or police. The judge may ask them to testify.

If the Proof of Service (showing that the other person got notice of the hearing) was returned to you, file it with the clerk and bring a copy to court.

## **Get there 30 minutes early.**

Find the courtroom.

Go in and tell the clerk or officer that you are present.

Watch the other cases so you will know what to do.

When your name is called, go to the front of the courtroom.

## **What if I don't speak English?**

When you file your papers, tell the clerk that you will need an interpreter.

If a court interpreter is not available, bring someone to interpret for you. Do not ask a child, a protected person, or a witness to interpret for you.

## **What if I am deaf?**

When you file your papers, ask for an interpreter or other accommodation.

## **What if I am afraid?**

If you don't feel safe or want someone to go with you to the hearing, call your local rape crisis center or women's shelter, or contact Texas Advocacy Project at 1-800-374-HOPE (1-800-374-4673) to help find a shelter near you.

## **Practice what you want to say.**

Make a list of the orders you want and practice saying them. Do your best to be calm and stick to the facts. It is normal to get a little nervous. If you get nervous at the hearing, just read from the list you made. Use that list to see if the judge has made every order you asked for.

## **The judge may ask questions.**

When you talk to the judge, stand and always call him or her "Your Honor."

The other person or his/her lawyer may also ask you questions. Tell the truth. Speak slowly. Give complete answers. Be as calm as possible. Do not swear or yell.

If you don't understand, say, "I don't understand the question."

Speak only to the judge unless it is your turn to ask questions. When people are talking to the judge, wait for them to finish. Then you can ask questions about what they said.

## **What happens after the hearing?**

If the judge agrees you need protection, the judge will sign your Protective Order. Take your signed order to the clerk. Ask for copies of your order (or make extra copies), and keep one with you at all times. Give copies of your order to your employer, school, landlord, etc. If the other person violates the order, call the police and show them your order. They can arrest the other person for violating the order.



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**FORMS WITH GUIDING  
COMMENTS**

**SECTION 2**

1-800-374-HOPE

[www.TexasAdvocacyProject.org](http://www.TexasAdvocacyProject.org)

# Application for Sexual Assault Protective Order

Your name here: You are the "Applicant."

The clerk will fill out this part, as well as the boxes for "court" and "county" below.

CAUSE NO. \_\_\_\_\_

Applicant \_\_\_\_\_

§  
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IN THE \_\_\_\_\_ COURT

v.

The name of the person you want protection from goes here. This is the "Respondent."

OF

Respondent \_\_\_\_\_

\_\_\_\_\_ COUNTY, TEXAS

**APPLICATION FOR SEXUAL ASSAULT PROTECTIVE ORDER**

**I. PROTECTED PERSONS**

This Application for a Sexual Assault Protective Order is brought by \_\_\_\_\_

\_\_\_\_\_, acting:

individually

on behalf of the following persons:

Your name here. Check the 1st box if you are asking for the Order yourself, and the 2nd box if you are asking for the order for someone else, like a child, and fill in their name and relationship to you (such as, "daughter" or "son.")

whose relationship(s) to Applicant is as follows: \_\_\_\_\_

Applicant resides in: \_\_\_\_\_ County, Texas, OR

Respondent resides in: \_\_\_\_\_ County, Texas.

The county you live in. Or, if you are filing in the county the Respondent lives in, fill in the second line with that county name.

**II. RESTRICTED PERSONS**

"Respondent" is the person who sexually assaulted you. Write the Respondent's first and last name, home address, work address, phone numbers (if you have them), etc. If you know the Respondent has an attorney, fill in their name and address here, including the county.

Respondent's name is: \_\_\_\_\_

Respondent's address of residence is: \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_ County, Texas.

Respondent's address of employment is: \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_ County, Texas.

Respondent's telephone number is: \_\_\_\_\_ (home),  
\_\_\_\_\_ (work), and \_\_\_\_\_ (mobile).

Respondent's attorney's name is \_\_\_\_\_, and  
his/her address is \_\_\_\_\_,  
\_\_\_\_\_ County, Texas.

If you know that Respondent is home during certain hours, fill in that blank. The same applies if you know the Respondent is always at work at certain hours, or at any location routinely.

Respondent should be served with notice at (check one or more):

- home during the following hours: \_\_\_\_\_
- work during the following hours: \_\_\_\_\_
- other \_\_\_\_\_ during the following hours: \_\_\_\_\_

**III. RELATIONSHIP**

Applicant is the \_\_\_\_ victim of an offense under Texas Penal Code sections 20A.02(a)(3), (4), (7), or (8); 21.02, 21.11, 22.011, 22.021; or 43.05; or \_\_\_\_ is a prosecuting attorney acting on behalf of the victim.

Here, place an "X" if "victim of an offense" or "prosecuting attorney," as applicable.

(A) SEXUAL ASSAULT

As grounds for this Application for Sexual Assault Protective Order, Applicant will show that Respondent has engaged in the following act(s) constituting sexual assault:

Date(s) of incident(s): \_\_\_\_\_  
Place(s) of incident(s): \_\_\_\_\_  
Description of incident(s): \_\_\_\_\_

If you know the exact date the incident occurred, write it here. If you are unsure of the exact date, use a more general time frame (like "mid-July 2010" or "Summer 2011." For "place of incident," be as specific as you can, but *do not* guess. If you do not know, write "unknown."

Describe what happened when the Respondent sexually assaulted you, including force or threats. If you do not remember all of the incident, write down as much as you can about it and the events leading up to it.

**IMPORTANT: DO NOT WORRY IF YOU DID NOT TELL THE POLICE. That does not mean you cannot get a sexual assault protective order. It is one of many things that a judge may consider when deciding whether or not to issue your order.**

Did you report the incident(s) to the police?  YES  NO

If you did report the incident to the police, state all known information about the report (e.g. date, investigating officer, investigating agency):

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Did you undergo a forensic medical exam (e.g. a SAFE exam)?  YES  NO

If yes, describe the forensic medical exam (e.g. date, medical personnel, report identification information, etc.):

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Here, place an "X" next to "yes" if you received a medical exam to collect evidence for investigation into your sexual assault. This exam is often called a SAFE exam (sexual assault forensic exam).

Did you undergo any other medical treatment?  YES  NO

If yes, describe the medical treatment (e.g. date, medical personnel, etc.):

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Place an "X" next to "yes" if you received any medical care (i.e., seeing your own gynecologist) after the assault.

Were there any witnesses to the incident(s)?  YES  NO

If yes, list witness name(s) and contact information:

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Place an "X" next to "yes" if anyone saw or heard ANY part of the assault—before, during, or after, including people you contacted immediately afterward for help.

**(B) APPLICANT'S AGE**

Are you younger than 18 years of age?  YES  NO

**IV. REQUEST FOR PROTECTION**

Check this box if you want the court to order the Respondent to stop doing something that is not listed below, & explain what it is. (See next page for additional explanation.)

Based on the Conduct of Respondent as alleged above, Applicant asserts that there are reasonable grounds to believe that he or she is a victim of sexual assault as defined by Texas law.

Applicant requests the Court, after notice and hearing, to issue a Sexual Assault

Protective Order ordering the Respondent to take the following action as specified by the court necessary or appropriate to prevent or reduce the likelihood of future harm to the applicant or a member of Applicant’s family or household:

	<p><b>For example, you could ask that Respondent does not take the same bus as you during a certain period of time, or participate in any activity that you routinely do.</b></p>	
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Applicant requests the Court, after notice and hearing, to issue a Sexual Assault Protective Order prohibiting Respondent from:

- Communicating directly or indirectly with the Applicant or any member of the Applicant's family or household in a threatening or harassing manner
- For good cause, communicating in any way with the Applicant or any member of the Applicant's family or household except through attorney of record
- Going to or near the residence, place of employment or business, or child-care facility or school of the Applicant or any member of the Applicant's family or household
- Going within 200 yards of the following persons’ locations:

Check the boxes if you want Respondent to stop communicating with you in a threatening way; to stay away from any of the listed places; to stay away from you or any other family members at all times (and fill in the names of the people you want protected; to stay away from certain locations (list those locations).

<input type="checkbox"/>	←	_____’s Day Care(s),	
		ADDRESS	
		ADDRESS	
<input type="checkbox"/>		_____’s School (s),	
		ADDRESS	
		ADDRESS	
<input type="checkbox"/>		_____’s Place(s) of Employment or Business,	
		ADDRESS	
		ADDRESS	
		ADDRESS	

\_\_\_\_\_'s Residence(s)  
 \_\_\_\_\_  
 ADDRESS  
 \_\_\_\_\_  
 ADDRESS  
 \_\_\_\_\_  
 ADDRESS

Check these boxes if you do not want the Respondent stalking you or harassing you and the other people you want this Order to protect.

- Engaging in conduct directed specifically toward the Applicant or any member of the Applicant's family or household, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass the person
- Possessing a firearm, unless the alleged offender is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision
- Maintaining a license to carry a concealed handgun issued under Texas Government Code Section 411.177. Any license to carry a concealed handgun under Texas Government Code Section 411.177 is suspended

Check these boxes if you do not want the Respondent to possess a firearm or keep his/her license to carry a concealed handgun.

**V. REQUEST FOR CONFIDENTIALITY OF CERTAIN INFORMATION**

Applicant requests the court to order that the following information be excluded from the

Protective Order:

If you fill in these blanks, you are asking the court not to publicize your address, phone number, workplace address, or the location of your children's schools or day care sites.

\_\_\_\_\_’s address (except if disclosed as county of residence for jurisdictional purposes);  
 \_\_\_\_\_’s telephone number(s);  
 the location of \_\_\_\_\_’s place of employment or business;  
 \_\_\_\_\_’s child care or school;

Applicant requests that the court order the clerk to strike the confidential information from the public records of the court and if necessary make a confidential record of such information for the use only of the court.

**VI. IMMEDIATE ORDER SOUGHT**

The "Immediate Order Sought" section asks the court to include in any temporary order the same provisions that you want in your final order.

Applicant requests the Court to issue, without notice or hearing, a Temporary Ex Parte

Sexual Assault Protective Order prohibiting Respondent from:

- Communicating directly or indirectly with the Applicant or any member of the Applicant's family or household in a threatening or harassing manner

Check the box next to each thing you want Respondent to be stopped from doing.

Make sure what you choose here matches what you put in the Temporary Ex Parte Sexual Assault and your Final Sexual Assault Protective Order!



For good cause shown, communicating in any way with the Applicant or any member of the Applicant's family or household except through attorney of record

Going to or near the residence, place of employment or business, or child-care facility or school of the Applicant or any member of the Applicant's family or household

Going within 200 yards of the following persons' locations:

\_\_\_\_\_'s Day Care(s),

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_'s School (s),

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_'s Place(s) of Employment or Business,

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_'s Residence(s):

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

Engaging in conduct directed specifically toward the Applicant or any member of the Applicant's family or household, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass the person

Possessing a firearm, unless the alleged offender is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.

- Maintaining a license to carry a concealed handgun issued under Texas Government Code Section 411.177. Any license to carry a concealed handgun under Texas Government Code Section 411.177 is suspended.

Check the box next to each thing you want Respondent to be stopped from doing.

In support, see Affidavit in Support of Ex Parte Relief attached as Exhibit A.

If you would like a Temporary Ex Parte Protective Order, you should attach a short statement about what has happened to you explaining why there is clear and present danger of sexual assault or further harm to you. Use the form marked Exhibit A in this packet.

## VII. PRAYER

Applicant prays that citation and notice issue as required by law and that the Court enter the Protective Order(s) requested above. Applicant further prays that the Court immediately issue any Temporary Ex Parte Protective Order(s) requested above, in conformity with the allegations herein, prohibiting Respondent from the acts set forth above until a hearing can be held.

Applicant prays that a hearing be held no later than the time prescribed by law, and that upon notice and hearing the Court grant the relief requested; that the Court dispense with the necessity of a bond, and grant such other relief to which Applicant may be justly entitled.

Applicant also prays for general relief.

Respectfully Submitted,

Your signature goes here.

\_\_\_\_\_  
Applicant

Exhibit A is necessary IF you are requesting a Temporary Ex Parte Protective Order. It should be a short statement about what has happened to you to explaining why there is clear and present danger of sexual assault or further harm to you. You can write out your statement any way you like, but we have included some prompts here that may or may not be helpful to you.

**EXHIBIT A**

Write your name here

**AFFIDAVIT IN SUPPORT OF EX PARTE RELIEF**

I, \_\_\_\_\_ am the Applicant for a Protective Order in the above styled and numbered cause of action. I am over the age of eighteen years and competent to make this affidavit. Every statement herein is true and correct and is a detailed description of the facts and circumstances concerning sexual assault or abuse and the need for an immediate protective order.

Date(s) of incident(s): \_\_\_\_\_

Place(s) of incident(s): \_\_\_\_\_

Description of incident(s):

\_\_\_\_\_  
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\_\_\_\_\_

**Attach additional pages if needed**

If you did report the incident to the police, state all known information about the report (e.g. date, investigating officer, investigating agency):

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If you underwent a forensic medical exam (e.g. a SAFE exam), describe the exam (e.g. date, medical personnel, report identification information, etc.):

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If underwent any other medical treatment, describe the medical treatment (e.g. date, medical personnel, etc.):

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**VIII. VERIFICATION**

**STATE OF TEXAS**

§

**COUNTY OF \_\_\_\_\_**

§

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Before me, the undersigned authority, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared \_\_\_\_\_, the Applicant in the above Application for Sexual Assault Protective Order. After being duly sworn, Applicant stated upon oath that Applicant is over 18 and otherwise qualified to make this oath, that Applicant has read the foregoing Application for Sexual Assault Protective Order, that Applicant has personal knowledge of the facts stated in the Application, and the facts and circumstances stated in the Application are true to the best of Applicant’s knowledge and belief.

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Applicant

Subscribed and sworn to before me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**If you want to ask for a Temporary Ex Parte Protective Order, you will need to take your application to a notary. You can find notaries in courthouses, mail centers, and banks, among other places.**

**Use THIS form if you are older than 18. If you are younger than 18, use the form on the next page, because you cannot have a document notarized if you are a minor.**

Notary Public in and for the State of Texas

My Commission Expires:

\_\_\_\_\_  
DATE

**VIII. VERIFICATION**

**STATE OF TEXAS**

§

**COUNTY OF \_\_\_\_\_**

§

§

“I, \_\_\_\_\_, wish that a sexual assault protective order be filed on my behalf against \_\_\_\_\_. I have personal knowledge of the facts stated in the Application, and the facts and circumstances stated in the Application are true to the best of my knowledge and belief.

Furthermore, under Tex. Code Crim. Proc. art. 7A.035 (2011), in a hearing on an application for a protective order under this chapter, a statement that is made by a child younger than 14 years of age who is the victim of an offense under Section 21.02, 21.11, 22.011, or 22.021, Penal Code, and that describes the offense committed against the child is admissible as evidence in the same manner that a child's statement regarding alleged abuse against the child is admissible under Section 104.006, Family Code, in a suit affecting the parent-child relationship.

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Applicant

**If you want to ask for a Temporary Ex Parte Protective Order, you would usually need to take your application to a notary. But use THIS form if you are younger than 18. If you are older than 18, use the form on the prior page.**

Temporary Ex Parte  
Sexual Assault  
Protective Order and  
Show Cause Order

This order is temporary and designed to protect you until you can get a hearing on the full, Final Order.

The same instructions on the Application for Sexual Assault Protective Order apply to most of the Temporary Ex Parte protective order.

CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
Applicant § IN THE \_\_\_\_\_ COURT  
v. §  
Respondent § OF  
§ \_\_\_\_\_ COUNTY, TEXAS  
§

**TEMPORARY EX PARTE SEXUAL ASSAULT PROTECTIVE ORDER  
AND SHOW CAUSE ORDER**

Your name here.

On this day the Application of \_\_\_\_\_ for a Temporary Ex Parte Sexual Assault Protective Order was presented to the Court. The Court, having considered the pleadings, written and sworn proof, and testimony, finds that Applicant is entitled to the relief requested.

**I. FINDINGS OF THE COURT**

The granting of this ORDER is based upon the following findings of the Court:

That there is a clear and present danger that a sexual assault or other harm will be committed by Respondent before a full hearing can be held regarding Applicant's request for a Protective Order.

That Applicant and/or other members of the Applicant's family or household who are affected by this suit will suffer immediate and irreparable injury, loss, or damage for which there is no adequate remedy at law unless Respondent is immediately prohibited from the acts set forth below.

**II. RESTRICTED PERSONS**

IT IS ORDERED that the Clerk of this Court issue a TEMPORARY EX PARTE SEXUAL ASSAULT PROTECTIVE ORDER immediately prohibiting Respondent, \_\_\_\_\_ from:

The name of the person who sexually assaulted you goes here.

- Communicating directly or indirectly with the Applicant or any member of the Applicant's family or household in a threatening or harassing manner
- For good cause shown, communicating in any way with the Applicant or any member of the Applicant's family or household except through attorney of record
- Going to or near the residence, place of employment or business, or child-care facility school of the Applicant or any member of the Applicant's family or household

This set of checkboxes should match exactly what you filled out in the Application for Sexual Assault Protective Order. Refer to that form and MAKE SURE they match!



Going within 200 yards of the following persons' locations:

\_\_\_\_\_ 's Day Care(s),

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_ 's School (s),

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_ 's Place(s) of Employment or Business,

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_ 's Residence(s):

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

- Engaging in conduct directed specifically toward the Applicant or any member of the Applicant's family or household, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass the person
- Possessing a firearm, unless the alleged offender is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.
- Maintaining a license to carry a concealed handgun issued under Texas Government Code Section 411.177. Any license to carry a concealed handgun under Texas Government Code Section 411.177 is suspended.

**III. EXPIRATION DATE**

These TEMPORARY EX PARTE SEXUAL ASSAULT PROTECTIVE ORDERS shall be effective immediately and are binding on the Respondent and shall continue in full force and effect until the \_\_\_\_\_ day after the date that the order is signed by the Judge or further order of the Court.

Leave this blank. It is for the judge to fill in.

The name of the county where you filed the Application goes here.

**IV. HEARING**

IT IS FURTHER ORDERED that the Clerk shall issue notice ordering Respondent to appear, and Respondent is hereby ordered to appear, before this court in the \_\_\_\_\_

County Courthouse at \_\_\_\_\_  
The address of the courthouse in the county where you are filing this Application goes here.

\_\_\_\_\_, Texas on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.m. to show cause why during the pendency of this case:

The TEMPORARY EX PARTE SEXUAL ASSAULT PROTECTIVE ORDER granted herein should not be made into a final Protective Order; and

Any further orders deemed necessary and equitable should not be entered by the Court.

The judge or judge's assistant will fill these blanks with the date and time for when your final hearing is set. BE SURE THESE BLANKS GET FILLED IN BEFORE YOU LEAVE THE COURTHOUSE!

**WARNING**

A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$500 OR BY CONFINEMENT IN JAIL FOR AS LONG AS SIX MONTHS, OR BOTH. NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER. IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.m.

The judge will fill these blanks these blanks and sign. BE SURE THESE BLANKS GET FILLED IN BEFORE YOU LEAVE THE COURTHOUSE!

\_\_\_\_\_  
JUDGE PRESIDING

Order Extending  
Temporary Ex Parte  
Sexual Assault  
Protective Order

This form is only needed if you already have a temporary ex parte sexual assault protective order in place and need it extended. This most often happens when the final hearing has been rescheduled because the Respondent has not been served with notice of the hearing.

CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
Applicant § IN THE \_\_\_\_\_ COURT  
v. §  
\_\_\_\_\_  
Respondent § OF  
§ \_\_\_\_\_ COUNTY, TEXAS  
§

Write the date of the hearing to extend the temporary order here.

**ORDER EXTENDING TEMPORARY EX PARTE  
SEXUAL ASSAULT PROTECTIVE ORDER**

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, came to be heard Applicant's Request for Extension of the Temporary Ex Parte Sexual Assault Protective Order prohibiting Respondent, \_\_\_\_\_, from the acts set forth in the Temporary Ex Parte Sexual Assault Protective Order and Show Cause Order previously entered in this case, and the Court finds that said Temporary Ex Parte Sexual Assault Protective Order should be extended.

Write the name of the Respondent here.

**I. FINDINGS**

The granting of this ORDER is based upon the following findings of the Court: That there is a clear and present danger that a sexual assault or other harm will be committed by Respondent before a full hearing can be held regarding Applicant's request for a Protective Order.

That Applicant and/or other members of the Applicant's family or household who are affected by this suit will suffer immediate and irreparable injury, loss, or damage for which there is no adequate remedy at law unless Respondent is immediately prohibited from the acts set forth below.

**II. RESTRICTED PERSONS**

IT IS ORDERED that the Clerk of this Court issue An extension of the TEMPORARY EX PARTE SEXUAL ASSAULT PROTECTIVE ORDER immediately prohibiting Respondent

Write the name of the Respondent here.

- Communicating directly or indirectly with the Applicant or any member of the Applicant's family or household in a threatening or harassing manner
- For good cause shown, communicating in any way with the Applicant or any member of the Applicant's family or household except through attorney of record

Look at the Temporary Ex Parte Order and fill out the EXACT SAME information in the blanks and checkboxes below.

Going to or near the residence, place of employment or business, or child-care facility or school of the Applicant or any member of the Applicant's family or household

Going within 200 yards of the following persons' locations:

\_\_\_\_\_ 's Day Care(s),

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_ 's School (s),

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_ 's Place(s) of Employment or Business,

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_ 's Residence(s):

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

Engaging in conduct directed specifically toward the Applicant or any member of the Applicant's family or household, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass the person

Possessing a firearm, unless the alleged offender is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.

Maintaining a license to carry a concealed handgun issued under Texas Government

Code Section 411.177. Any license to carry a concealed handgun under Texas Government Code Section 411.177 is suspended

**III. EXPIRATION DATE**

These TEMPORARY EX PARTE SEXUAL ASSAULT PROTECTIVE ORDERS shall be effective immediately and are binding on the Respondent and shall continue in full force and effect until the \_\_\_\_\_ day after the date that the order is signed by the Judge or further order of the Court.

The judge will fill in this line. Leave it blank for now.

The judge or judge's assistant will fill these blanks with the date and time for when your final hearing is set. BE SURE THESE BLANKS GET FILLED IN BEFORE YOU LEAVE THE COURTHOUSE!

**IV. HEARING**

IT IS FURTHER ORDERED that the Clerk shall issue notice ordering Respondent to appear, and Respondent is hereby ordered to appear, before this court in the \_\_\_\_\_ County Courthouse at \_\_\_\_\_, \_\_\_\_\_, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_.m., to show cause why during the pendency of this case:

The TEMPORARY EX PARTE SEXUAL ASSAULT PROTECTIVE ORDER granted herein should not be made into a final Protective Order; and

Any further orders deemed necessary and equitable should not be entered by the Court.

**WARNING**

A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$500 OR BY CONFINEMENT IN JAIL FOR AS LONG AS SIX MONTHS, OR BOTH. NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER. IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_.m.

The judge will fill these blanks these blanks and sign. BE SURE THESE BLANKS GET FILLED IN BEFORE YOU LEAVE THE COURTHOUSE!

\_\_\_\_\_  
JUDGE PRESIDING

# Sexual Assault Protective Order

This is the actual order for your Sexual Assault Protective order. It can last for your lifetime or that of the Respondent. The information here should be identical to the information in the previous forms. Most of the information on this form will be identical to what you filled out in your Application for Sexual Assault Protective Order, so it will be useful to keep a copy of your completed Application handy as you fill out this form.

CAUSE NO. \_\_\_\_\_

Applicant \_\_\_\_\_ § IN THE \_\_\_\_\_ COURT  
v. \_\_\_\_\_ §  
Respondent \_\_\_\_\_ § \_\_\_\_\_ COUNTY, TEXAS

**SEXUAL ASSAULT PROTECTIVE ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Court heard the Application of \_\_\_\_\_ for a Sexual Assault Protective Order.

Fill in the date of your hearing here.

**I. PROTECTED PERSONS**

Applicant, \_\_\_\_\_ appeared in person and announced ready.

**II. RESTRICTED PERSONS**

Respondent, \_\_\_\_\_:

- Although duly cited, did not appear and wholly made default
- Appeared in person and announced ready
- Appeared in person and by attorney and announced ready

Do not check any of the boxes at the left until you are at the hearing. You will not know for sure if the Respondent will show up until the date of the hearing. If Respondent does not show up, check the top box; if Respondent shows up without a lawyer, check the middle box, and if Respondent shows up with a lawyer, check the bottom box.

**IV. JURISDICTION**

The Court, having considered the pleadings and having heard the evidence and arguments, finds that all necessary prerequisites of the law have been legally satisfied and that this Court has jurisdiction over the parties and subject matter of this cause.

**V. RECORD**

- The making of a record of testimony was:
- waived by the parties with the consent of the Court; or
  - duly taken by the court reporter for this Court., \_\_\_\_\_

DO NOT CHECK ANY OF THE BOXES TO THE LEFT UNTIL YOU ARE AT THE HEARING. You will have the option to have a court reporter write down everything that is said—for free. It is usually a good idea to have a record made. However, if you, the judge, and Respondent agree that a court reporter will not write down everything said, check the top box. If you do decide to have a record made, tell the judge, and check the second box. Fill in the court reporter's name in the blank.



Do not check any of the boxes below until you are at the hearing. If the Respondent agrees to the protective order, check the top box. If the Respondent does NOT agree and the judge holds a hearing, check the second box.

VI. FINDINGS

The Court finds that

- checkbox the parties have agreed to this Protective Order
checkbox there are reasonable grounds to believe that the Applicant is the victim of a sexual assault

IT IS ORDERED that Respondent is prohibited from:

Once again, look at your Application for Sexual Assault Protective Order (the first form you filled out). Check exactly the same boxes and fill out exactly the same information from the Application.

- checkbox Communicating directly or indirectly with the Applicant or any member of the Applicant's family or household in a threatening or harassing manner
checkbox For good cause shown, communicating in any way with the Applicant or any member of the Applicant's family or household except through attorney of record
checkbox Going to or near the residence, place of employment or business, or child-care facility or school of the Applicant or any member of the Applicant's family or household
checkbox Going within 200 yards of the following persons' locations:

checkbox \_\_\_\_\_'s Day Care(s),
ADDRESS

checkbox \_\_\_\_\_'s School (s),
ADDRESS
ADDRESS

checkbox \_\_\_\_\_'s School (s),
ADDRESS
ADDRESS

checkbox \_\_\_\_\_'s Place(s) of Employment or Business,
ADDRESS
ADDRESS

\_\_\_\_\_ 's Residence(s):

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

- Engaging in conduct directed specifically toward the Applicant or any member of the Applicant's family or household, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass the person
- Possessing a firearm, unless the alleged offender is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision
- Maintaining a license to carry a concealed handgun issued under Texas Government Code Section 411.177. Any license to carry a concealed handgun under Texas Government Code Section 411.177 is suspended

IT IS ORDERED that Respondent take the following action as specified by the court necessary or appropriate to prevent or reduce the likelihood of future harm to the applicant or a member of Applicant's family or household: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VII. SERVICE**

Do not check either of the boxes in the "Service" section until you are at the hearing. Check the top box if Respondent comes to the hearing, but the bottom box otherwise.

This Order:

- was served on Respondent in open court
- shall be personally served upon Respondent in the same manner as a writ of injunction.

THE CLERK IS ORDERED to send a copy of this order to the Chief of Police or any law enforcement agency where the Applicant resides.

- THE CLERK IS ALSO ORDERED to send a copy to the child care facility or school.



Check this box if you requested that the Respondent stay away from your child's or children's day care or school. Make sure you give the Clerk of the court the name of any place you need the Order sent to.

WARNING

A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$500 OR BY CONFINEMENT IN JAIL FOR AS LONG AS SIX MONTHS, OR BOTH.

NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER.

IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION.

A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR, OR BOTH. AN ACT THAT RESULTS IN A SEPARATE OFFENSE MAY BE PROSECUTED AS A SEPARATE OFFENSE IN ADDITION TO A VIOLATION OF THIS ORDER.

The Judge, not you, will check these boxes or fill out the expiration date. Make sure the judge fills out this part before you leave the courthouse!

VII. EXPIRATION DATE

This Sexual Assault Protective Order shall continue in full force and effect:

- for the duration of the lives of the offender and victim OR
- until the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.



If on the day the protective order is set to expire, the person who is subject to the protective order is confined or imprisoned, or the protective order will expire no later than the first anniversary of the date the person is released from confinement or imprisonment, the period for which the order is effective is extended, and the order expires on:

- The first anniversary of the date the person is released from confinement or imprisonment, if the person was sentenced to confinement or imprisonment for more than five years.
- The second anniversary of the date the person is released from confinement or imprisonment, if the person was sentenced to confinement or imprisonment for five years or less.

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ o'clock \_\_.m.

Leave these parts blank. The judge will fill in the date and time and sign his or her name here.

JUDGE PRESIDING

**RECEIPT ACKNOWLEDGED**

I hereby acknowledge that I have received a copy of this Sexual Assault Protective Order.

\_\_\_\_\_  
Respondent

The Respondent will sign here to show he or she received the order.

**AGREED ORDER** Approved as to form and content:

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Applicant

This section is only to be filled out if you and the Respondent agree to the Protective Order. If you do, then both of you sign your names.



**TEXAS ADVOCACY PROJECT**

All Texans should live safely in hope, not fear.

**800.374.HOPE**

**PRO SE  
SEXUAL ASSAULT  
PROTECTIVE ORDER PACKET**

**BLANK FORMS**

**SECTION 3**

1-800-374-HOPE

[www.TexasAdvocacyProject.org](http://www.TexasAdvocacyProject.org)

# Application for Sexual Assault Protective Order

CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
Applicant § IN THE \_\_\_\_\_ COURT  
v. §  
\_\_\_\_\_  
Respondent § \_\_\_\_\_ COUNTY, TEXAS

**APPLICATION FOR SEXUAL ASSAULT PROTECTIVE ORDER**

**I. PROTECTED PERSONS**

This Application for a Sexual Assault Protective Order is brought by \_\_\_\_\_, acting:

- individually
- on behalf of the following persons:

\_\_\_\_\_  
\_\_\_\_\_

whose relationship(s) to Applicant is as follows: \_\_\_\_\_

Applicant resides in: \_\_\_\_\_ County, Texas, OR

Respondent resides in: \_\_\_\_\_ County, Texas.

**II. RESTRICTED PERSONS**

Respondent's name is: \_\_\_\_\_.

Respondent's address of residence is: \_\_\_\_\_

\_\_\_\_\_, \_\_\_\_\_ County, Texas.

Respondent's address of employment is: \_\_\_\_\_

\_\_\_\_\_, \_\_\_\_\_ County, Texas.

Respondent's telephone number is: \_\_\_\_\_ (home),

\_\_\_\_\_ (work), and \_\_\_\_\_ (mobile).

Respondent's attorney's name is \_\_\_\_\_, and

his/her address is \_\_\_\_\_,

\_\_\_\_\_ County, Texas.

Respondent should be served with notice at (check one or more):

- home during the following hours:\_\_\_\_\_
- work during the following hours:\_\_\_\_\_
- other \_\_\_\_\_ during the following hours:  
\_\_\_\_\_

**III. RELATIONSHIP**

Applicant is \_\_\_ the victim of an offense under Texas Penal Code sections 20A.02(a)(3), (4), (7), or (8); 21.02, 21.11, 22.011, 22.021; or 43.05; or is \_\_\_ a prosecuting attorney acting on behalf of the victim.

**(A) SEXUAL ASSAULT**

As grounds for this Application for Sexual Assault Protective Order, Applicant would show that Respondent has engaged in the following act(s) constituting sexual assault:

Date(s) of incident(s): \_\_\_\_\_

Place(s) of incident(s): \_\_\_\_\_

Description of incident(s):

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Did you report the incident(s) to the police?     YES         NO

If you did report the incident to the police, state all known information about the report (e.g. date, investigating officer, investigating agency):

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Did you undergo a forensic medical exam (e.g. a SAFE exam)?     YES         NO

If yes, describe the forensic medical exam (e.g. date, medical personnel, report identification information, etc.): \_\_\_\_\_

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Did you undergo any other medical treatment?     YES         NO

If yes, describe the medical treatment (e.g. date, medical personnel, etc.):

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Were there any witnesses to the incident(s)?         YES         NO

If yes, list witness name(s) and contact information:

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**(B) APPLICANT'S AGE**

Are you younger than 18 years of age?         YES         NO

**IV. REQUEST FOR PROTECTION**

Based on the Conduct of Respondent as alleged above, Applicant asserts that there are reasonable grounds to believe that he or she is a victim of sexual assault as defined by Texas law.

Applicant requests the Court, after notice and hearing, to issue a Sexual Assault

Protective Order ordering the Respondent to take the following action as specified by the court necessary or appropriate to prevent or reduce the likelihood of future harm to the applicant or a member of Applicant's family or household:

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Applicant requests the Court, after notice and hearing, to issue a Sexual Assault Protective Order prohibiting Respondent from:

- Communicating directly or indirectly with the Applicant or any member of the Applicant's family or household in a threatening or harassing manner
- For good cause, communicating in any way with the Applicant or any member of the Applicant's family or household except through attorney of record
- Going to or near the residence, place of employment or business, or child-care facility or school of the Applicant or any member of the Applicant's family or household
- Going within 200 yards of the following persons' locations:

\_\_\_\_\_'s Day Care(s),

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_'s School (s),

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_'s Place(s) of Employment or Business,

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_'s Residence(s):

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

- Engaging in conduct directed specifically toward the Applicant or any member of the Applicant's family or household, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass the person
- Possessing a firearm, unless the alleged offender is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision
- Maintaining a license to carry a concealed handgun issued under Texas Government Code Section 411.177. Any license to carry a concealed handgun under Texas Government Code Section 411.177 is suspended

#### **V. REQUEST FOR CONFIDENTIALITY OF CERTAIN INFORMATION**

Applicant requests the court to order that the following information be excluded from the Protective Order:

\_\_\_\_\_’s address (except if disclosed as county of residence for jurisdictional purposes);

\_\_\_\_\_’s telephone number(s);

the location of \_\_\_\_\_’s place of employment or business;

\_\_\_\_\_’s child care or school;

Applicant requests that the court order the clerk to strike the confidential information from the public records of the court and if necessary make a confidential record of such information for the use only of the court.

#### **VI. IMMEDIATE ORDER SOUGHT**

Applicant requests the Court to issue, without notice or hearing, a temporary Ex Parte Sexual Assault Protective Order prohibiting Respondent from:

- Communicating directly or indirectly with the Applicant or any member of the Applicant's family or household in a threatening or harassing manner

For good cause shown, communicating in any way with the Applicant or any member of the Applicant's family or household except through attorney of record

Going to or near the residence, place of employment or business, or child-care facility or school of the Applicant or any member of the Applicant's family or household

Going within 200 yards of the following persons' locations:

\_\_\_\_\_'s Day Care(s),

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_'s School (s),

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_'s Place(s) of Employment or Business,

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_'s Residence(s):

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

Engaging in conduct directed specifically toward the Applicant or any member of the Applicant's family or household, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass the person

Possessing a firearm, unless the alleged offender is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.

- Maintaining a license to carry a concealed handgun issued under Texas Government Code Section 411.177. Any license to carry a concealed handgun under Texas Government Code Section 411.177 is suspended.

In support, see Affidavit in Support of Ex Parte Relief attached as Exhibit A.

## **VII. PRAYER**

Applicant prays that citation and notice issue as required by law and that the Court enter the Protective Order(s) requested above. Applicant further prays that the Court immediately issue any Temporary Ex Parte Protective Order(s) requested above, in conformity with the allegations herein, prohibiting Respondent from the acts set forth above until a hearing can be held.

Applicant prays that a hearing be held no later than the time prescribed by law, and that upon notice and hearing the Court grant the relief requested; that the Court dispense with the necessity of a bond, and grant such other relief to which Applicant may be justly entitled.

Applicant also prays for general relief.

Respectfully Submitted,

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Applicant



If you did report the incident to the police, state all known information about the report (e.g. date, investigating officer, investigating agency):

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If you underwent a forensic medical exam (e.g. a SAFE exam), describe the exam (e.g. date, medical personnel, report identification information, etc.):

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If underwent any other medical treatment, describe the medical treatment (e.g. date, medical personnel, etc.):

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**VIII. VERIFICATION**

**STATE OF TEXAS**

§

**COUNTY OF** \_\_\_\_\_

§

§

Before me, the undersigned authority, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared \_\_\_\_\_, the Applicant in the above Application for Sexual Assault Protective Order. After being duly sworn, Applicant stated upon oath that Applicant is over 18 and otherwise qualified to make this oath, that Applicant has read the foregoing Application for Sexual Assault Protective Order, that Applicant has personal knowledge of the facts stated in the Application, and the facts and circumstances stated in the Application are true to the best of Applicant’s knowledge and belief.

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Applicant

Subscribed and sworn to before me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary Public in and for the State of Texas

My Commission Expires:

\_\_\_\_\_  
DATE



**VIII. VERIFICATION**

**STATE OF TEXAS**

§

**COUNTY OF \_\_\_\_\_**

§

§

“I, \_\_\_\_\_, wish that a sexual assault protective order be filed on my behalf against \_\_\_\_\_. I have personal knowledge of the facts stated in the Application, and the facts and circumstances stated in the Application are true to the best of my knowledge and belief.

Furthermore, under Tex. Code Crim. Proc. art. 7A.035 (2011), in a hearing on an application for a protective order under this chapter, a statement that is made by a child younger than 14 years of age who is the victim of an offense under Section 21.02, 21.11, 22.011, or 22.021, Penal Code, and that describes the offense committed against the child is admissible as evidence in the same manner that a child's statement regarding alleged abuse against the child is admissible under Section 104.006, Family Code, in a suit affecting the parent-child relationship.

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Applicant

Temporary Ex Parte  
Sexual Assault  
Protective Order and  
Show Cause Order

CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
**Applicant**

§  
§  
§  
v. §  
§  
§  
**Respondent** § \_\_\_\_\_

**IN THE \_\_\_\_\_ COURT**

**OF**

**\_\_\_\_\_ COUNTY, TEXAS**

**TEMPORARY EX PARTE SEXUAL ASSAULT PROTECTIVE ORDER**  
**AND SHOW CAUSE ORDER**

On this day the Application of \_\_\_\_\_ for a Temporary Ex Parte Sexual Assault Protective Order was presented to the Court. The Court, having considered the pleadings, written and sworn proof, and testimony, finds that Applicant is entitled to the relief requested.

**I. FINDINGS OF THE COURT**

The granting of this ORDER is based upon the following findings of the Court:

That there is a clear and present danger that a sexual assault or other harm will be committed by Respondent before a full hearing can be held regarding Applicant’s request for a Protective Order.

That Applicant and/or other members of the Applicant’s family or household who are affected by this suit will suffer immediate and irreparable injury, loss, or damage for which there is no adequate remedy at law unless Respondent is immediately prohibited from the acts set forth below.

**II. RESTRICTED PERSONS**

IT IS ORDERED that the Clerk of this Court issue a TEMPORARY EX PARTE SEXUAL ASSAULT PROTECTIVE ORDER immediately prohibiting Respondent,

\_\_\_\_\_ from:

- Communicating directly or indirectly with the Applicant or any member of the Applicant's family or household in a threatening or harassing manner
- For good cause shown, communicating in any way with the Applicant or any member of the Applicant's family or household except through attorney of record
- Going to or near the residence, place of employment or business, or child-care facility or school of the Applicant or any member of the Applicant's family or household

Going within 200 yards of the following persons' locations:

\_\_\_\_\_ 's Day Care(s),

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_ 's School (s),

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_ 's Place(s) of Employment or Business,

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_ 's Residence(s):

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

- Engaging in conduct directed specifically toward the Applicant or any member of the Applicant's family or household, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass the person
- Possessing a firearm, unless the alleged offender is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision
- Maintaining a license to carry a concealed handgun issued under Texas Government Code Section 411.177. Any license to carry a concealed handgun under Texas Government Code Section 411.177 is suspended

**III. EXPIRATION DATE**

These TEMPORARY EX PARTE SEXUAL ASSAULT PROTECTIVE ORDERS shall be effective immediately and are binding on the Respondent and shall continue in full force and effect until the \_\_\_\_\_ day after the date that the order is signed by the Judge or further order of the Court.

**IV. HEARING**

IT IS FURTHER ORDERED that the Clerk shall issue notice ordering Respondent to appear, and Respondent is hereby ordered to appear, before this court in the \_\_\_\_\_ County Courthouse at \_\_\_\_\_, Texas on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m. to show cause why during the pendency of this case:

The TEMPORARY EX PARTE SEXUAL ASSAULT PROTECTIVE ORDER granted herein should not be made into a final Protective Order; and

Any further orders deemed necessary and equitable should not be entered by the Court.

**WARNING**

A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$500 OR BY CONFINEMENT IN JAIL FOR AS LONG AS SIX MONTHS, OR BOTH. NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER. IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION.

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m.

\_\_\_\_\_  
JUDGE PRESIDING

# Order Extending Temporary Ex Parte Sexual Assault Protective Order

CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
Applicant § IN THE \_\_\_\_\_ COURT  
§  
§  
v. § OF  
§  
\_\_\_\_\_  
Respondent § \_\_\_\_\_ COUNTY, TEXAS

**ORDER EXTENDING TEMPORARY EX PARTE  
SEXUAL ASSAULT PROTECTIVE ORDER**

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, came to be heard Applicant’s Request for Extension of the Temporary Ex Parte Sexual Assault Protective Order prohibiting Respondent, \_\_\_\_\_, from the acts set forth in the Temporary Ex Parte Sexual Assault Protective Order and Show Cause Order previously entered in this case, and the Court finds that said Temporary Ex Parte Sexual Assault Protective Order should be extended.

**I. FINDINGS**

The granting of this ORDER is based upon the following findings of the Court: That there is a clear and present danger that a sexual assault or other harm will be committed by Respondent before a full hearing can be held regarding Applicant’s request for a Protective Order.

That Applicant and/or other members of the Applicant’s family or household who are affected by this suit will suffer immediate and irreparable injury, loss, or damage for which there is no adequate remedy at law unless Respondent is immediately prohibited from the acts set forth below.

**II. RESTRICTED PERSONS**

IT IS ORDERED that the Clerk of this Court issue an extension of the TEMPORARY EX PARTE SEXUAL ASSAULT PROTECTIVE ORDER immediately prohibiting Respondent, \_\_\_\_\_ from:

- Communicating directly or indirectly with the Applicant or any member of the Applicant's family or household in a threatening or harassing manner
- For good cause shown, communicating in any way with the Applicant or any member of the Applicant's family or household except through attorney of record

Going to or near the residence, place of employment or business, or child-care facility or school of the Applicant or any member of the Applicant's family or household

Going within 200 yards of the following persons' locations:

\_\_\_\_\_'s Day Care(s),

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_'s School (s),

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_'s Place(s) of Employment or Business,

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_'s Residence(s):

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

Engaging in conduct directed specifically toward the Applicant or any member of the Applicant's family or household, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass the person

Possessing a firearm, unless the alleged offender is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision

Maintaining a license to carry a concealed handgun issued under Texas Government



Code Section 411.177. Any license to carry a concealed handgun under Texas Government Code Section 411.177 is suspended

**III. EXPIRATION DATE**

These TEMPORARY EX PARTE SEXUAL ASSAULT PROTECTIVE ORDERS shall be effective immediately and are binding on the Respondent and shall continue in full force and effect until the \_\_\_\_ day after the date that the order is signed by the Judge or further order of the Court.

**IV. HEARING**

IT IS FURTHER ORDERED that the Clerk shall issue notice ordering Respondent to appear, and Respondent is hereby ordered to appear, before this court in the \_\_\_\_\_ County Courthouse at \_\_\_\_\_, \_\_\_\_\_, Texas, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ o'clock \_\_.m., to show cause why during the pendency of this case:

The TEMPORARY EX PARTE SEXUAL ASSAULT PROTECTIVE ORDER granted herein should not be made into a final Protective Order; and

Any further orders deemed necessary and equitable should not be entered by the Court.

**WARNING**

A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$500 OR BY CONFINEMENT IN JAIL FOR AS LONG AS SIX MONTHS, OR BOTH. NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER. IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION.

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ o'clock \_\_.m.

\_\_\_\_\_  
JUDGE PRESIDING

# Sexual Assault Protective Order

CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
Applicant § IN THE \_\_\_\_\_ COURT  
v. §  
\_\_\_\_\_  
Respondent § \_\_\_\_\_ COUNTY, TEXAS

**SEXUAL ASSAULT PROTECTIVE ORDER**

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Court heard the Application of \_\_\_\_\_ for a Sexual Assault Protective Order.

**I. PROTECTED PERSONS**

Applicant, \_\_\_\_\_ appeared in person and announced ready.

**II. RESTRICTED PERSONS**

Respondent, \_\_\_\_\_:

- Although duly cited, did not appear and wholly made default
- Appeared in person and announced ready
- Appeared in person and by attorney and announced ready

**IV. JURISDICTION**

The Court, having considered the pleadings and having heard the evidence and arguments, finds that all necessary prerequisites of the law have been legally satisfied and that this Court has jurisdiction over the parties and subject matter of this cause.

**V. RECORD**

The making of a record of testimony was:

- waived by the parties with the consent of the Court; or
- duly taken by the court reporter for this Court., \_\_\_\_\_.

**VI. FINDINGS**

The Court finds that

- the parties have agreed to this Protective Order
- there are reasonable grounds to believe that the Applicant is the victim of a sexual assault

IT IS ORDERED that Respondent is prohibited from:

- Communicating directly or indirectly with the Applicant or any member of the Applicant's family or household in a threatening or harassing manner
- For good cause shown, communicating in any way with the Applicant or any member of the Applicant's family or household except through attorney of record
- Going to or near the residence, place of employment or business, or child-care facility or school of the Applicant or any member of the Applicant's family or household
- Going within 200 yards of the following persons' locations:

- \_\_\_\_\_'s Day Care(s),  
\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

- \_\_\_\_\_'s School (s),  
\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

- \_\_\_\_\_'s School (s),  
\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

- \_\_\_\_\_'s Place(s) of Employment or Business,  
\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_ 's Residence(s):

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

- Engaging in conduct directed specifically toward the Applicant or any member of the Applicant's family or household, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass the person
- Possessing a firearm, unless the alleged offender is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision
- Maintaining a license to carry a concealed handgun issued under Texas Government Code Section 411.177. Any license to carry a concealed handgun under Texas Government Code Section 411.177 is suspended

IT IS ORDERED that Respondent to take the following action as specified by the court necessary or appropriate to prevent or reduce the likelihood of future harm to the applicant or a member of Applicant's family or household: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VII. SERVICE**

This Order:

- was served on Respondent in open court
- shall be personally served upon Respondent in the same manner as a writ of injunction.

THE CLERK IS ORDERED to send a copy of this order to the Chief of Police or any law enforcement agency where the Applicant resides.

- THE CLERK IS ALSO ORDERED to send a copy to the child care facility or school.

WARNING

A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$500 OR BY CONFINEMENT IN JAIL FOR AS LONG AS SIX MONTHS, OR BOTH.

NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER.

IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION.

A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR, OR BOTH. AN ACT THAT RESULTS IN A SEPARATE OFFENSE MAY BE PROSECUTED AS A SEPARATE OFFENSE IN ADDITION TO A VIOLATION OF THIS ORDER.

**VII. EXPIRATION DATE**

This Sexual Assault Protective Order shall continue in full force and effect:

- for the duration of the lives of the offender and victim or
- until the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

If on the day the protective order is set to expire, the person who is subject to the protective order is confined or imprisoned, or the protective order will expire no later than the first anniversary of the date the person is released from confinement or imprisonment, the period for which the order is effective is extended, and the order expires on:

- The first anniversary of the date the person is released from confinement or imprisonment, if the person was sentenced to confinement or imprisonment for more than five years.
- The second anniversary of the date the person is released from confinement or imprisonment, if the person was sentenced to confinement or imprisonment for five years or less.

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_.m.

\_\_\_\_\_  
JUDGE PRESIDING

**RECEIPT ACKNOWLEDGED**

I hereby acknowledge that I have received a copy of this Sexual Assault Protective Order.

\_\_\_\_\_  
Respondent

**AGREED ORDER** Approved as to form and content:

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Applicant

## Respondent Information for Protective Orders

If the Court grants you a Protective Order, then fill out this form and file it with the clerk. Unless otherwise noted, fill in information below for the **Respondent**. If you do not know the information requested, leave that section blank. Please try to provide, at a minimum, the Respondent's name, date of birth, sex, height, weight, eye color, hair color, and race. Law enforcement needs this information to serve (give) the Respondent with the Protective Order and enter the Respondent's information into the statewide law enforcement database (TCIC).

If the Court does not grant you a Protective Order, then do not fill out this form.

**Respondent's Name:** \_\_\_\_\_

Alias (Nickname): \_\_\_\_\_

**Respondent's Relationship to Applicant:** \_\_\_\_\_

Respondent's Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

County: \_\_\_\_\_ Email Address: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

SSN (last 3#) # \_\_\_\_\_ Identification Number/State: \_\_\_\_\_ / \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Driver's License Number/State: \_\_\_\_\_ / \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Other Identification Number: \_\_\_\_\_

**Respondent** \_\_\_ is \_\_\_ is not on active duty with the military

Sex: \_\_\_ M \_\_\_ F Height: \_\_\_ ft \_\_\_ in Weight: \_\_\_\_\_ lbs

### Race

American Indian or  
Alaskan Native (I)  
 Asian Pac. Islander(A)  
 Black (B)  
 White (W)  
 Unknown (All other  
non-whites) (U)  
Other: \_\_\_\_\_  
\_\_\_\_\_

### Eye color

Black (BLK)  
 Blue (BLU)  
 Brown (BRO)  
 Gray (GRY)  
 Green (GRN)  
 Hazel (HAZ)  
 Maroon (MAR)  
 Pink (PNK)  
 Multicolored (MUL)  
 Unknown (XXX)  
Other \_\_\_\_\_  
\_\_\_\_\_

### Hair color

Black (BLK)  
 Blond or Strawberry  
(BLN)  
 Brown (BRO)  
 Gray or partially gray  
(GRY)  
 Red or Auburn (RED)  
 White (WHI)  
 Sandy (SDY)  
 Completely Bald or  
Unknown (xxx)  
Other (style/length):  
\_\_\_\_\_  
\_\_\_\_\_

### Skin

Albino (ALB)  
 Black (BLK)  
 Dark (DRK)  
 Dark Brown (DBR)  
 Fair (FAR)  
 Light (LGT)  
 Light Brown (LBR)  
 Medium (MED)  
 Medium Brown (MBR)  
 Olive (OLV)  
 Ruddy (RUD)  
 Sallow (SAL)  
 Yellow (YEL)  
 Unknown (XXX)  
Other \_\_\_\_\_

### Ethnicity

Hispanic (H)  
 Non-Hispanic (N)  
 Unknown (U)

### Other Identifying Information (Check all that apply to the Respondent and describe)

<input type="checkbox"/> Glasses _____	<input type="checkbox"/> Tattoos _____	<input type="checkbox"/> Drug/Alcohol Use _____
<input type="checkbox"/> Beard _____	<input type="checkbox"/> Scars _____	<input type="checkbox"/> Weapons _____
<input type="checkbox"/> Moustache _____	<input type="checkbox"/> Markings _____	<input type="checkbox"/> Other _____
<input type="checkbox"/> Missing front teeth _____	<input type="checkbox"/> Piercings _____	<input type="checkbox"/> Other _____
<input type="checkbox"/> Bald _____	<input type="checkbox"/> Mental Health Condition _____	



**Respondent's Vehicle Information:** Vehicle ID # (VIN): \_\_\_\_\_ Year: \_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_

Color: \_\_\_\_\_ License Plate #: \_\_\_\_\_ State: \_\_\_\_\_ License Plate Year of Expiration: \_\_\_\_\_

**Respondent's Employment Information** (name of employer): \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Hours/Dept: \_\_\_\_\_ Supervisor: \_\_\_\_\_

**Respondent's Attorney** (Name): \_\_\_\_\_ Phone: \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Other people who may have information to help find Respondent:**

**Name:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Relationship:** \_\_\_\_\_

**Other Information:** \_\_\_\_\_

**Name:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Relationship:** \_\_\_\_\_

**Other Information:** \_\_\_\_\_

**\*\*\*Protected Person Information\*\*\***

*(Use additional pages if necessary)*

**Name of Protected Person:** \_\_\_\_\_

**Sex:** \_ M \_ F **Date of Birth:** \_\_\_\_\_ **SSN (last 3#)** \_\_\_\_\_ **County:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Race:** \_ Indian \_ Asian \_ Black \_ White \_ Unknown **Ethnicity:** \_ Hispanic \_ Non-Hispanic \_ Unknown

**Employment Information** (name of employer): \_\_\_\_\_

**Address:** \_\_\_\_\_ **City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Employment Information** (name of employer): \_\_\_\_\_

**Address:** \_\_\_\_\_ **City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**\*\*\*Protected Child Information\*\*\***

*(Use additional pages if necessary)*

**Name of Protected Child:** \_\_\_\_\_

**Sex:** \_ M \_ F **Date of Birth:** \_\_\_\_\_ **Daycare or School Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Race:** \_ Indian \_ Asian \_ Black \_ White \_ Unknown **Ethnicity:** \_ Hispanic \_ Non-Hispanic \_ Unknown

**Name of Protected Child:** \_\_\_\_\_

**Sex:** \_ M \_ F **Date of Birth:** \_\_\_\_\_ **Daycare or School Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Race:** \_ Indian \_ Asian \_ Black \_ White \_ Unknown **Ethnicity:** \_ Hispanic \_ Non-Hispanic \_ Unknown



**TEXAS ADVOCACY PROJECT**

All Texans should live safely in hope, not fear.

**800.374.HOPE**

**PRO SE  
SEXUAL ASSAULT  
PROTECTIVE ORDER PACKET**

**HELPFUL STATUTES**

**SECTION 4**

1-800-374-HOPE

[www.TexasAdvocacyProject.org](http://www.TexasAdvocacyProject.org)

CODE OF CRIMINAL PROCEDURE  
TITLE 1. CODE OF CRIMINAL PROCEDURE  
CHAPTER 7A. PROTECTIVE ORDER FOR VICTIMS OF SEXUAL ASSAULT OR  
ABUSE, STALKING, OR TRAFFICKING

*[civil. process]*

**Art. 7A.01. APPLICATION FOR PROTECTIVE ORDER.** (a) The following persons may file an application for a protective order under this chapter without regard to the relationship between the applicant and the alleged offender:

(1) a person who is the victim of an offense under Section 21.02, 21.11, 22.011, 22.021, or 42.072, Penal Code;

(2) a person who is the victim of an offense under Section 20A.02 or 43.05, Penal Code;

(3) a parent or guardian acting on behalf of a person younger than 17 years of age who is the victim of an offense listed in Subdivision (1);

(4) a parent or guardian acting on behalf of a person younger than 18 years of age who is the victim of an offense listed in Subdivision (2); or

(5) a prosecuting attorney acting on behalf of a person described by Subdivision (1) or (2).

(b) An application for a protective order under this chapter may be filed in:

(1) a district court, juvenile court having the jurisdiction of a district court, statutory county court, or constitutional county court in:

(A) the county in which the applicant resides;

(B) the county in which the alleged offender resides; or

(C) any county in which an element of the alleged offense occurred; or

(2) any court with jurisdiction over a protective order under Title 4, Family Code, involving the same parties named in the application.

Added by Acts 2003, 7Bth Leg., ch. 836, Sec. 1, eff. Sept. 1, 2003.  
Amended by:

Acts 2007, Both Leg., R.S., Ch. 593 (H.B. ), Sec. 3.05, eff. September 1, 2007.

Acts 2007, Both Leg., R.S., Ch. BB2 (H.B. 1988), Sec. 1, eff. September 1, 2007.

Acts 2011, B2nd Leg., R.S., Ch. 1 (S.B. ), Sec. 2.02, eff. September 1, 2011.

Acts 2011, B2nd Leg., R.S., Ch. 135 (S.B. 250), Sec. 2, eff. September 1, 2011.

Acts 2013, B3rd Leg., R.S., Ch. 520 (S.B. 357), Sec. 2, eff. September 1, 2013.

Acts 2013, B3rd Leg., R.S., Ch. 1252 (H.B. ), Sec. 2, eff. September 1, 2013.

**Art. 7A.02. TEMPORARY EX PARTE ORDER.** If the court finds from the information contained in an application for a protective order that there is a clear and present danger of sexual assault or abuse, stalking, trafficking, or other harm to the applicant, the court, without further notice to the alleged offender and without a hearing, may enter a temporary ex parte order for the protection of the applicant or any other member of the applicant's family or household.

Added by Acts 2003, 7Bth Leg., ch. 836, Sec. 1, eff. Sept. 1, 2003.  
Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 135 (S.B. 250), Sec. 3, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1252 (H.B. §\_), Sec. 3, eff. September 1, 2013.

Art. 7A.03. REQUIRED FINDINGS ; ISSUANCE OF PROTECTIVE ORDER.

(a) At the close of a hearing on an application for a protective order under this chapter, the court shall find whether there are reasonable grounds to believe that the applicant is the victim of sexual assault or abuse, stalking, or trafficking.

(b) If the court makes a finding described by Subsection (a), the court shall issue a protective order that includes a statement of the required findings.

Added by Acts 2003, 78th Leg., ch. 836, Sec. 1, eff. Sept. 1, 2003.  
Amended by :

Acts 2007, 80th Leg., R.S., Ch. 882 (H.B. 1988), Sec. 2, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 135 (S.B. 250), Sec. 4, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 238 (H.B. 649), Sec. 1, eff. September 1, 2011.

Reenacted and amended by Acts 2013, 83rd Leg., R.S., Ch. 520 (S.B. 357), Sec. 3, eff. September 1, 2013.

Reenacted and amended by Acts 2013, 83rd Leg., R.S., Ch. 1252 (H.B. §\_), Sec. 4, eff. September 1, 2013.

Art. 7A.035. HEARSAY STATEMENT OF CHILD VICTIM. In a hearing on an application for a protective order under this chapter, a statement that is made by a child younger than 14 years of age who is the victim of an offense under Section 21.02, 21.11, 22.011, or 22.021, Penal Code, and that describes the offense committed against the child is admissible as evidence in the same manner that a child's statement regarding alleged abuse against the child is admissible under Section 104.006, Family Code, in a suit affecting the parent-child relationship.

Added by Acts 2011, 82nd Leg., R.S., Ch. 981 (H.B. 1721), Sec. 2, eff. September 1, 2011.

Art. 7A.04. APPLICATION OF OTHER LAW. To the extent applicable, except as otherwise provided by this chapter, Title 4, Family Code, applies to a protective order issued under this chapter.

Added by Acts 2003, 78th Leg., ch. 836, Sec. 1, eff. Sept. 1, 2003.

Art. 7A.05. CONDITIONS SPECIFIED BY ORDER. (a) In a protective order issued under this chapter, the court may :

(1) order the alleged offender to take action as specified by the court that the court determines is necessary or appropriate to prevent or reduce the likelihood of future harm to the applicant or a member of the applicant's family or household; or

(2) prohibit the alleged offender from:

(A) communicating :

(i) directly or indirectly with the applicant or any member of the applicant's family or household in a threatening or harassing manner ; or

(ii) in any manner with the applicant or any member of the applicant's family or household except through the applicant's attorney or a person appointed by the court, if the court finds good cause for the prohibition ;

(B) going to or near the residence, place of employment or business, or child-care facility or school of the applicant or any member of the applicant's family or household;

(C) engaging in conduct directed specifically toward the applicant or any member of the applicant's family or household, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass the person; and

(D) possessing a firearm, unless the alleged offender is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.

(b) In an order under Subsection (a)(2)(B), the court shall specifically describe each prohibited location and the minimum distance from the location, if any, that the alleged offender must maintain. This subsection does not apply to an order with respect to which the court has received a request to maintain confidentiality of information revealing the locations.

(c) In a protective order, the court may suspend a license to carry a concealed handgun issued under Section 411.177, Government Code, that is held by the alleged offender.

Added by Acts 2003, 78th Leg., ch. 836, Sec. 1, eff. Sept. 1, 2003.  
Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 520 (S.B. 357), Sec. 4, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 760 (S.B. 893), Sec. 2, eff. September 1, 2013.

Art. 7A.06. WARNING ON PROTECTIVE ORDER. (a) Each protective order issued under this chapter, including a temporary ex parte order, must contain the following prominently displayed statements in boldfaced type, capital letters, or underlined:

"A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$500 OR BY CONFINEMENT IN JAIL FOR AS LONG AS SIX MONTHS, OR BOTH."

"NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER."

"IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION."

(b) Each protective order issued under this chapter, except for a temporary ex parte order, must contain the following prominently displayed statement in boldfaced type, capital letters, or underlined:

"A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR, OR BOTH. AN ACT THAT RESULTS IN A SEPARATE OFFENSE MAY BE PROSECUTED AS A SEPARATE OFFENSE IN ADDITION TO A VIOLATION OF THIS ORDER."

Added by Acts 2003, 78th Leg., ch. 836, Sec. 1, eff. Sept. 1, 2003.

Art. 7A.07. DURATION OF PROTECTIVE ORDER. (a) A protective order issued under Article 7A.03 may be effective for the duration of the lives of the offender and victim or for any shorter period stated in the order. If a period is not stated in the order, the

order is effective until the second anniversary of the date the order was issued.

(b) The following persons may file at any time an application with the court to rescind the protective order :

(1) a victim of an offense listed in Article 7A.01(a)(1) who is 17 years of age or older or a parent or guardian acting on behalf of a victim who is younger than 17 years of age; or

(2) a victim of an offense listed in Article 7A.01(a)(2) or a parent or guardian acting on behalf of a victim who is younger than 18 years of age.

(c) If a person who is the subject of a protective order issued under Article 7A.03 is confined or imprisoned on the date the protective order is due to expire under Subsection (a), the period for which the order is effective is extended, and the order expires on the first anniversary of the date the person is released from confinement or imprisonment.

(d) To the extent of any conflict with Section 85.025, Family Code, this article prevails.

Added by Acts 2007, 80th Leg., R.S., Ch. 882 (H.B. 1988), Sec. 3, eff. September 1, 2007.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 238 (H.B. 649), Sec. 2, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1252 (H.B. ), Sec. 5, eff. September 1, 2013.

#### Texas Family Code

#### Sec. 81.002. NO FEE FOR APPLICANT.

An applicant for a protective order or an attorney representing an applicant may not be assessed a fee, cost, charge, or expense by a district or county clerk of the court or a sheriff, constable, or other public official or employee in connection with the filing, serving, or entering of a protective order or for any other service described by this subsection, including:

- (1) a fee to dismiss, modify, or withdraw a protective order;
- (2) a fee for certifying copies;
- (3) a fee for comparing copies to originals;
- (4) a court reporter fee;
- (5) a judicial fund fee;
- (6) a fee for any other service related to a protective order; or
- (7) a fee to transfer a protective order.

#### Sec. 85.007. CONFIDENTIALITY OF CERTAIN INFORMATION. (a)

On request by a person protected by an order or member of the family or household of a person protected by an order, the court may exclude from a protective order the address and telephone number of:

- (1) a person protected by the order, in which case the order shall state the county in which the person resides;
- (2) the place of employment or business of a person protected by the order; or
- (3) the child-care facility or school a child protected by the order attends or in which the child resides.

(b) On granting a request for confidentiality under this section, the court shall order the clerk to:

- (1) strike the information described by Subsection (a) from the public records of the court; and
- (2) maintain a confidential record of the information for use only by the court.

#### **Texas Penal Code**

**Sec. 42.072. STALKING.** (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

(1) constitutes an offense under Section 42.07, or that the actor knows or reasonably should know the other person will regard as threatening:

- (A) bodily injury or death for the other person;
- (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
- (C) that an offense will be committed against the other person's property;

(2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and

(3) would cause a reasonable person to:

- (A) fear bodily injury or death for himself or herself;
- (B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
- (C) fear that an offense will be committed against the person's property; or
- (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:

- (1) the laws of another state;
- (2) the laws of a federally recognized Indian tribe;
- (3) the laws of a territory of the United States; or
- (4) federal law.

(c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.

(d) In this section:

(1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.

(2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code.

Added by Acts 1997, 75th Leg., ch. 1, Sec. 1, eff. Jan. 28, 1997. Amended by Acts 1999, 76th Leg., ch. 62, Sec. 15.02(e), eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1222, Sec. 2, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 591 (S.B. 82), Sec. 1, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1278 (H.B. 1606), Sec. 2, eff. September 1, 2013.

Sec. 21.02. CONTINUOUS SEXUAL ABUSE OF YOUNG CHILD OR CHILDREN. (a) In this section, "child" has the meaning assigned by Section 22.011(c).

(b) A person commits an offense if:

(1) during a period that is 30 or more days in duration, the persop commits two or more acts of sexual abuse, regardless of whether the acts of sexual abuse are committed against one or more victims; and

(2) at the time of the commission of each of the acts of sexual abuse, the actor is 17 years of age or older and the victim is a child younger than 14 years of age.

(c) For purposes of this section, "act of sexual abuse" means any act that is a violation of one or more of the following penal laws:



(1) aggravated kidnapping under Section 20.04(a)(4), if the actor committed the offense with the intent to violate or abuse the victim sexually;

(2) indecency with a child under Section 21.11(a)(1), if the actor committed the offense in a manner other than by touching, including touching through clothing, the breast of a child;

(3) sexual assault under Section 22.011;

(4) aggravated sexual assault under Section 22.021;

(5) burglary under Section 30.02, if the offense is punishable under Subsection (d) of that section and the actor committed the offense with the intent to commit an offense listed in Subdivisions (1)-(4);

(6) sexual performance by a child under Section 43.25;

(7) trafficking of persons under Section 20A.02(a)(7) or (8); and

(8) compelling prostitution under Section 43.05(a)(2).

(d) If a jury is the trier of fact, members of the jury are not required to agree unanimously on which specific acts of sexual abuse were committed by the defendant or the exact date when those acts were committed. The jury must agree unanimously that the defendant, during a period that is 30 or more days in duration, committed two or more acts of sexual abuse.

(e) A defendant may not be convicted in the same criminal action of an offense listed under Subsection (c) the victim of which is the same victim as a victim of the offense alleged under Subsection (b) unless the offense listed in Subsection (c):

(1) is charged in the alternative;

(2) occurred outside the period in which the offense alleged under Subsection (b) was committed; or

(3) is considered by the trier of fact to be a lesser included offense of the offense alleged under Subsection (b).

(f) A defendant may not be charged with more than one count under Subsection (b) if all of the specific acts of sexual abuse that are alleged to have been committed are alleged to have been committed against a single victim.

(g) It is an affirmative defense to prosecution under this section that the actor:

(1) was not more than five years older than:

(A) the victim of the offense, if the offense is alleged to have been committed against only one victim; or

(B) the youngest victim of the offense, if the offense is alleged to have been committed against more than one victim;

(2) did not use duress, force, or a threat against a victim at the time of the commission of any of the acts of sexual abuse alleged as an element of the offense; and

(3) at the time of the commission of any of the acts of sexual abuse alleged as an element of the offense:

(A) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or

(B) was not a person who under Chapter 62 had a reportable conviction or adjudication for an offense under this section or an act of sexual abuse as described by Subsection (c).

(h) An offense under this section is a felony of the first degree, punishable by imprisonment in the Texas Department of Criminal Justice for life, or for any term of not more than 99 years or less than 25 years.

**Sec. 21.11. INDECENCY WITH A CHILD.** (a) A person commits an offense if, with a child younger than 17 years of age, whether the child is of the same or opposite sex, the person:

(1) engages in sexual contact with the child or causes the child to engage in sexual contact; or

(2) with intent to arouse or gratify the sexual desire of any person:

(A) exposes the person's anus or any part of the person's genitals, knowing the child is present; or

(B) causes the child to expose the child's anus or any part of the child's genitals.

(b) It is an affirmative defense to prosecution under this section that the actor:

(1) was not more than three years older than the victim and of the opposite sex;

(2) did not use duress, force, or a threat against the victim at the time of the offense; and

(3) at the time of the offense:

(A) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or

(B) was not a person who under Chapter 62 had a reportable conviction or adjudication for an offense under this section.

(b-1) It is an affirmative defense to prosecution under this section that the actor was the spouse of the child at the time of the offense.

(c) In this section, "sexual contact" means the following acts, if committed with the intent to arouse or gratify the sexual desire of any person :

(1) any touching by a person, including touching through clothing, of the anus, breast, or any part of the genitals of a child; or

(2) any touching of any part of the body of a child, including touching through clothing, with the anus, breast, or any part of the genitals of a person.

(d) An offense under Subsection (a)(1) is a felony of the second degree and an offense under Subsection (a)(2) is a felony of the third degree.

**Texas Penal Sec. 22.011. SEXUAL ASSAULT.** (a) A person commits an offense if the person:

(1) intentionally or knowingly:

(A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;

(B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or

(C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

(2) intentionally or knowingly:

(A) causes the penetration of the anus or sexual organ of a child by any means;

(B) causes the penetration of the mouth of a child by the sexual organ of the actor;

(C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;

(D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or

(E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

(b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:

(1) the actor compels the other person to submit or participate by the use of physical force or violence;

(2) the actor compels the other person to submit or participate by threatening to use force or violence against the

other person, and the other person believes that the actor has the present ability to execute the threat;

(3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;

(4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;

(5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;

(6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;

(7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;

(8) the actor is a public servant who coerces the other person to submit or participate;

(9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;

(10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or

(11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code.

(c) In this section:

(1) "Child" means a person younger than 17 years of age.

(2) "Spouse" means a person who is legally married to another.

(3) "Health care services provider" means:

(A) a physician licensed under Subtitle B, Title 3, Occupations Code;

(B) a chiropractor licensed under Chapter 201, Occupations Code;

(C) a physical therapist licensed under Chapter 453, Occupations Code;

(D) a physician assistant licensed under Chapter 204, Occupations Code; or

(E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.

(4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:

(A) licensed social worker as defined by Section 505.002, Occupations Code;

(B) chemical dependency counselor as defined by Section 504.001, Occupations Code;

(C) licensed professional counselor as defined by Section 503.002, Occupations Code;

(D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code;

(E) member of the clergy;

(F) psychologist offering psychological services as defined by Section 501.003, Occupations Code; or

(G) special officer for mental health assignment certified under Section 1701.404, Occupations Code.

(5) "Employee of a facility" means a person who is an employee of a facility defined by Section 250.001, Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer.

(d) It is a defense to prosecution under Subsection (a)(2) that the conduct consisted of medical care for the child and did not include any contact between the anus or sexual organ of the child and the mouth, anus, or sexual organ of the actor or a thirdparty.

(e) It is an affirmative defense to prosecution under Subsection (a)(2):

(1) that the actor was the spouse of the child at the time of the offense; or

(2) that:

(A) the actor was not more than three years older than the victim and at the time of the offense:

(i) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or

(ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and

(B) the victim:

(i) was a child of 14 years of age or older; and

(ii) was not a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01.

(f) An offense under this section is a felony of the second degree, except that an offense under this section is a felony of the first degree if the victim was a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01.

Sec. 22.021. AGGRAVATED SEXUAL ASSAULT. (a) A person commits an offense:

(1) if the person:

(A) intentionally or knowingly:

(i) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;

(ii) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or

(iii) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

(B) intentionally or knowingly:

(i) causes the penetration of the anus or sexual organ of a child by any means;

(ii) causes the penetration of the mouth of a child by the sexual organ of the actor;

(iii) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;

(iv) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or

(v) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and

(2) if:

(A) the person:

(i} causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode;

(ii} by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person;

(iii} by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person;

(iv} uses or exhibits a deadly weapon in the course of the same criminal episode;

(v} acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or

(vi} administers or provides flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to the victim of the offense with the intent of facilitating the commission of the offense;

(B} the victim is younger than 14 years of age;  
or

(C} the victim is an elderly individual or a disabled individual.

(b} In this section:

(1) "Child" has the meaning assigned by Section 22.011(c).

(2) "Elderly individual" has the meaning assigned by Section 22.04(c).

(3) "Disabled individual" means a person older than 13 years of age who by reason of age or physical or mental disease, defect, or injury is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self.

(c) An aggravated sexual assault under this section is without the consent of the other person if the aggravated sexual assault occurs under the same circumstances listed in Section 22.011(b).

(d} The defense provided by Section 22.011(d} applies to this section.

(e} An offense under this section is a felony of the first degree.

{f) The minimum term of imprisonment for an offense under this section is increased to 25 years if:

(1) the victim of the offense is younger than six years of age at the time the offense is committed; or

(2) the victim of the offense is younger than 14 years of age at the time the offense is committed and the actor commits the offense in a manner described by Subsection (a) (2) (A) .