

Protective Order? Restraining Order? Peace Bond?

This handout explains the differences between protective orders, restraining orders, and peace bonds. There is often confusion between the three. Many people, including some in law enforcement, believe that the three terms mean the same thing. The terms do not mean the same thing. This handout summarizes the uses, benefits, and restrictions of each. For more information, read these Texas laws:

- Protective Order: Texas Family Code, chapters 82 through 85; Texas Code of Criminal Procedure 17.292; Texas Code of Criminal Procedure 7B.001-7B.104
- Restraining Order: Texas Rules of Civil Procedure, starting at 680
- Peace Bonds: Texas Code of Criminal Procedure, article 7

Which to Choose?

	PROTECTIVE ORDER (PO)	(TRO) TEMPORARY RESTRAINING ORDER	PEACE BOND
What is the situation?	You have been harmed by a family member or someone you dated, and you fear the abuser will harm you again. You were stalked, sexually assaulted, or a victim of human trafficking regardless of the relationship.	You already have a lawsuit filed and you want the court to order the other party not to harm you or your property.	Someone has threatened to harm you or your property, and you believe they will carry out the threats.
What does it do?	<ul style="list-style-type: none"> • Orders the abuser to stay away from you and your household, your home, your work, and your school. • Can order child support if the parties are parents of minor children and there are no orders for child support. • Can order under what circumstances the abuser can visit with any children you and the abuser have in common. • May suspend the abuser's right to carry a gun. 	Orders the other party in a lawsuit: <ul style="list-style-type: none"> • Not to threaten, harass, or harm you or your children. • Not to harm your property. • Not to engage in a specific act that will result in the irreparable harm or damage to your property. 	Orders the person making threats to deposit money with the court. The money will be lost if they commit the threatened crime.
Who can help?	Travis County Attorney's Office (512) 854-9415.	Your attorney can help you with the TRO. If not, you can file for a TRO yourself.	You can hire an attorney to help you or do it yourself.
Where do I file?	File in the clerk's office of the County Court or District Court.	File in the clerk's office where you filed your lawsuit.	Justice of the Peace court
How long does it last?	It depends on what happened. A PO usually lasts 2 years but can last for the duration of the victim's life.	14 days or until a hearing can be held with all parties having the opportunity to be heard by the judge, whichever is sooner. The judge will decide whether to continue the order in the form of a temporary order or injunction.	Up to one year.

About Protective Orders

What is a Protective Order?

A protective order is a civil court order that protects victims of family violence, stalking, or sexual assault. A protective order usually lasts for two years but can last up to the victim's lifetime depending on the grounds for the protective order. If the abuser violates the protective order they can be arrested.

What can a Protective Order do?

- Order the abuser to stay away from you, your house, your work, and your school.
- Order the abuser to stay away from family members named in your application.
- Order the abuser not to call or harass you.
- Order child support and visitation if the abuser and the victim have minor children together and there is no existing order for child support or visitation.
- Sometimes, it may suspend the abuser's right to carry a gun.

A Protective Order is not bullet proof!

A Protective Order is only made of paper. It cannot stop fists or weapons. A Protective Order does not offer 24-hour police protection. It can't protect you from someone who doesn't think about consequences or care about being arrested.

To keep yourself safe, speak to a domestic violence counselor about making a safety plan. Do this even if the judge gives you a Protective Order. You can read about safety plans on the National Domestic Violence Hotline website (www.TheHotline.org), here www.thehotline.org/create-a-domestic-violence-safety-plan/.

How can I apply for a Protective Order?

You can apply for a protective order if the abuser:

- has physically harmed you, or tried to physically harm you; and
- is a member of your household or someone you have dated; and
- will likely hurt you again.

You can also apply for a protective order if you are the victim of a sexual assault, stalking, or human trafficking.

Where to get help in Travis County?

- Travis County Attorney Office -- 512-854-9415, www.traviscountytx.gov/county-attorney/family-violence/protective-order
- Texas Rio Grande Legal Aid -- 512-374-2700, www.trla.org/domestic-violence-family-law
- Texas Advocacy Project -- 800-374-HOPE, <https://www.texasadvocacyproject.org/>
- Texas Legal Services Center-apply online at <https://www.tlsc.org/help>

About protective orders, *continued*:

	Emergency Protective Order (EPO)	Temporary Ex-Parte Protective Order (TXPO)	Protective Order (PO)
How do I get this type of protective order?	<p>A magistrate (type of judge) may issue an EPO depending on the arresting offense.</p> <p>A magistrate must order an EPO if the abuser was arrested for family violence and the victim suffered serious bodily injury or the offender used or displayed a weapon. A Magistrate issues EPOs at the abuser's first appearance in front of the magistrate after arrest.</p>	<p>You have to apply for a Protective Order.</p> <p>In the application for a Protective Order, you can ask that the judge grant an TXPO to cover you until you can have a hearing to determine if the judge will grant a PO to last at least 2 years.</p>	<p>You have to apply for a Protective Order.</p>
How long does it last?	Up to 90 days	Up to 14 days	2 years to lifetime
Who issues the Protective Order?	Municipal Court after the abuser is arrested.	A district or county court judge. The TXPO may be granted when an application for a protective order is filed, and the court believes you are in danger.	A district or county court judge.
How is it enforced?	Arrest when violated.	<p>A civil contempt lawsuit.</p> <p>May include a "kick-out" order that orders the abuser to vacate the home <i>but only if the violence occurred within the last 30 days and the applicant and abuser lived together in the last 30 days.</i></p> <p>NOT enforceable by arrest!</p>	<p>By arrest when violated.</p> <p>Some provisions may be enforced by civil contempt lawsuit.</p>

About Restraining Orders

What is a TRO or Temporary Restraining Order?

A temporary restraining order is a civil court order that preserves property and protects parties who already have a lawsuit filed, including lawsuits for divorce.

What can a TRO do?

It orders a party not to do certain things.

- Order the other lawsuit party not to harm your property.
- Order the other lawsuit party not to harass, threaten, or harm you or your children.

A TRO cannot:

- Kick your spouse out of the home your spouse lives in.
- Order the other lawsuit party not to spend money for reasonable or necessary living expenses.
- Make orders that keep the other lawsuit party from doing his or her job.
- Order temporary custody of a child.

How can I apply for a TRO?

You can apply for a restraining order if you have filed a civil lawsuit, like divorce, custody, or modification of custody. You apply by including a motion in your petition (the form that starts a civil lawsuit) or by filing a separate motion with the court after the petition has been filed.

Isn't there an automatic TRO?

In Travis County, by local rule, all family law cases like divorce, paternity, child custody or support have a TRO that goes into effect as soon as a case is filed. In these cases, all parties are ordered not to destroy marital property, disconnect utilities, or do things that might harass the other party or harm the children.

If you want a TRO in a family law case, make sure you're asking the court to order something that isn't already ordered by the local rule called the Standing Order Regarding Children, Property and Conduct of the Parties. You can see a copy on the Travis County civil district court website.

There are 3 main types of Restraining Orders:

	<i>(TRO) Temporary Restraining Order</i>	<i>Temporary Injunction</i>	<i>Permanent Injunction</i>
How long does it last?	Up to 14 days	Until the final order by court	Until further orders by court
Who issues it?	Associate or District judge	Associate or District judge	Associate or District judge
How is it enforced?	A civil lawsuit called "Contempt of court"	A civil lawsuit called "Contempt of court"	A civil lawsuit called "Contempt of court"
Notice to Opposing Party?	Notice is not required, but is preferred	Notice and hearing are required	Notice and hearing required

About Peace Bonds

What is a “Peace Bond?”

A peace bond is a court order designed to keep the peace by protecting someone who has been threatened, but not harmed. When a judge issues the Peace Bond, the judge is ordering the person who made the threats to deposit money with the court. If the person who made the threats commits the threatened criminal action, then the deposited money will NOT be returned to the person. Instead, the court will give the deposited money (the bond) to the state.

What can a Peace Bond do?

A peace bond warns someone not to break the law. If the person breaks the law, then they will face criminal charges and lose the money (the bond) deposited with the court.

Peace Bonds are not bullet proof!

A Peace Bond is only made of paper. It cannot stop fists or weapons. A Peace Bond does not offer 24-hour police protection. It can't protect you from someone who doesn't think about consequences or who doesn't care about being arrested or losing the bond money.

If you fear for your safety, speak to a domestic violence counselor about making a Safety Plan. You can read about safety plans on the National Domestic Violence Hotline website www.thehotline.org/create-a-domestic-violence-safety-plan/.

How can I apply for a Peace Bond?

You can apply for a peace bond if someone has threatened to harm you or your property. You apply for a Peace Bond by filing a Peace Bond Application and Statement of Offense by Complaining Party with a Justice of the Peace.

If the crime has already happened, a criminal complaint should be filed with the police or sheriff, instead of a Peace Bond.

How long will it last?

Up to 1 year

Who issues a peace bond?

Justices of the Peace.

How is it enforced?

- Loss of bond money.
- Possible arrest for criminal action.

Do you need to give the other person notice?

Yes, it is required. Usually, the court provides notice to the other person.

There are 5 Justices of the Peace in Travis County

Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5
4717 Heflin Lane, Suite 107, Austin, TX 78721 (512) 854-7700	10409 Burnet Road, Suite 108 Austin TX 78758 (512) 854-4545	8656-B West Highway 71, Austin, TX 78735 (512) 854-6763	4011 McKinney Falls Parkway, suite 1200, Austin, TX 78744 512-854-9479	Courthouse Suite 112 1000 Guadalupe, Austin, TX 78701 (512) 854-9049