Protective Orders

To provide a civil legal remedy for victims of family violence.

Requirements
Protective orders exist to provide a civil legal remedy for victims of family violence. The Scurry County Attorney’s Office assists those seeking protection through the issuance of a protective order.

Not everyone qualifies for a protective order. There are particular requirements that must be met and steps that must be taken to seek a protective order on your behalf.

* You or the abuser must be a resident of Scurry County.
* You must not have an open criminal file with the Scurry Attorney’s Office. Having an open criminal file creates a conflict of interest for the Protective Order Department in seeking your protective order.
* You must not currently be involved in a divorce or any kind of suit affecting the parent-child relationship with the abuser. If you are married and currently seeking a divorce, a protective order should be sought through your Divorce proceedings.
* You must be able to show that family violence has occurred. This means that the abuser has acted in a way intending to cause physical harm, bodily injury, assault or sexual assault against the victim. A threat that reasonably places the victim in fear of imminent harm may also be considered.
* You must be willing to come in and submit an affidavit regarding the circumstances surrounding your need for a protective order.
* You will be required to attend a hearing before the court where the basis for your application will be presented to the judge.
* You will be required to attend additional court hearings, as necessary, to testify against the abuser with the abuser present in the Courtroom and you may be subject to cross examination by the abuser or their Attorney.
* You must be able to provide the Scurry County Attorney’s Office with an address where the abuser can be reached. For a protective order to be pursued, the abuser must be served with notice of the hearing date.
* Child support and child custody cannot be pursued by the Scurry County Attorney’s office. You must do that on your own or through an Attorney of your choice.

**Will the Protective Order go into effect immediately?**Once an Application for a Protective Order is filed, the applicant can request that the Court issue a temporary ex parte (without notice to abuser) protective order that is effective for 20 days.  If the Court finds that there is a clear and present danger of family violence based on the applicant’s affidavit and/or testimony, a temporary protective order may be issued until a final court hearing on the matter can be held.

**How long will it take to obtain a Final Protective Order?**A hearing will be scheduled to occur within two weeks of filing an application for a protective order.  You are required to have at least one preparation appointment with our office and at least one court appearance.  You must be willing to testify against the abuser in open court.  You must be willing and have the ability to commit to these appearances.

**What if I do not want to go through all the time and effort to get a protective order, or do not think I will qualify, what else can I do to protect myself?**
There are several options that give some of the same protections found in a protective order:

* Eviction – See your local Justice of the Peace.
* Trespass Warning – See your local law enforcement (Police Department or Sheriff’s Office).
* Attorney General – Establish custody and visitation, and child support.
* Law Library– Get help filing out common family law forms.
* DFPS website/hotline – Report suspected child abuse.