
OFFICE OF COURT ADMINISTRATION

PROTECTIVE ORDER EFFICACY STUDY



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TABLE OF CONTENTS

◆

Introduction and Overview:	4
Methodology:.....	5
Historical Background and the Legal Framework for Protective Orders in Texas:	6
An Overview of the Legal Framework for Protective Orders in Texas.....	7
General Findings.....	8
An Overview of Statewide Data on Protective Orders.....	8
Types of Orders Issued	9
Where are Orders Issued?.....	10
Sub-Types of Protective Orders	11
Protective Order Length	12
Process Survey and Evaluation	12
Who Responded?	12
What is Working?	16
What is Not Working	17
A Closer Look at the Registry.....	17
A Closer Look at the Stakeholders.....	18
District and County Court at Law Judges.....	18
Requiring a Police Report	19
Recency of Violence Findings	19
Findings of Family Violence	19
Magistrates and MOEPS	20
MOEPs and Levels of Crime.....	20
MOEPS and Firearms.....	20
Kick Out Orders	21
District and County Attorneys	21
Applying for a Protective Order.....	22
Safety Planning and Service Referrals.....	22
Legal Aid Providers	23
Texas Council on Family Violence	23
Police, Dispatch, and Law Enforcement Data Professionals	23
Data Entry and Verification.....	24
The Brady Indicator	24
Law Enforcement Patrol and Investigation.....	25
Recommendations:	26

Office of Court Administration

Protective Order Efficacy Study

Introduction and Overview:

The issue of protective orders in the State of Texas is a complex legal, social, and policy matter of vital importance to those under their protection—as well as to the judges, law enforcement officers, and policy makers charged with enforcement. The legal framework surrounding the issuance and enforcement of protective orders in Texas stretches across 143 separate statutory provisions in six separate codes including the Texas Family Code, the Texas Code of Criminal Procedure, the Texas Penal Code, and the Texas Government Code. Additionally, there are provisions related to protective orders within sections of the Texas Administrative Code and the Texas Property Code.¹ In the Texas Family Code alone, there are 94 sections in 9 chapters.²

As part of [Senate Bill 48](#) passed during the 88th Regular Session of the Texas Legislature (2023), the Office of Court Administration (OCA) was charged with evaluating the efficacy of protective orders in Texas. Given the complex nature of resolving interpersonal violence and the social issues that drive the need for protective orders, the answer to that charge of how well protective orders protect depends entirely on where an individual stands in a complex and interrelated civil and, potentially, criminal process.

Judges want to see their orders carried out and enforced, law enforcement has an abiding interest in public safety and the effective arrest of violators, prosecutors need sound evidentiary foundations for their cases and for victims to be safe and able to testify against abusive partners, clerks need clear court records and data processes to accurately capture and record the court’s activity, and finally, persons under the protective order seek safety, and resolution to often complex and violent situations with partners, strangers, and family.

This report will outline the efforts by Texas courts, clerks, prosecutors, law enforcement agencies, legal aid providers, and advocacy groups to promote the effective and consistent enforcement of protective orders in Texas and will outline challenges to the current system and provide recommendations for further policy initiatives and research opportunities.

1 Tex. Fam. Code §§71.001-71.007; 81.001-81.011; 82.001-82.043; 83.001-83.007; 84.001-84.006; 85.001-85.065; 86.001-86.065; 87.001-87.004; 88.001-88.008; Tex. Crim. Proc. Arts 5.04-5.06; 7B.001-7B.008; 7B.051-7B.053; 7B.101-7B.104; 13.35; 13A.203; 14.03(c); 42.141; 56A.052; 56.403; 56.502(3); 17.292-17.294; Tex. Pen. Code §§25.07- 25.072.; Tex. Gov’t Code §§72.039; 72.151-72.158; 411.042(b)(6); 1Tex. Admin. Code §64.20(2022); 37 Tex. Admin. Code §§ 27.71-27.76 (1996); Tex. Prop. Code §92.016.

2 Tex. Fam. Code §§71.001-71.007; 81.001-81.011; 82.001-82.043; 83.001-83.007; 84.001-84.006; 85.001-85.065; 86.001-86.065; 87.001-87.004; 88.001-88.008.

Methodology:

To conduct this study, OCA adopted a multi-disciplinary approach, beginning with an in-depth review of all relevant statutes related to the issuance and enforcement of protective orders. That review provides the necessary framework for how the law intends for protective orders to be enforced, while providing the statutory framework to guide further research.

Next, the study team conducted a literature review of relevant academic and policy research related to the issue of efficacy and protective orders. That research proved both diverse and overly specific. When exploring the question of how effective protective orders actually are, academic research is often narrowly focused on a specific policy issue such as the impact of protective orders on gun violence, or how well protective orders serve to prevent mass shootings.³ When the research was not narrow in scope, it was often narrow in geography, focusing on singular counties or cities.⁴ Despite the limited scope of these articles and reports, the literature provided key guideposts and useful questions for the research team.

Following the literature review, the research team conducted an overview and deep dive into the [Protective Order Registry of Texas](#). Launched in 2020, the registry contains relevant data on the number of protective orders reported out of clerk's and magistrate's offices in 226 counties in Texas. That data is valuable to persons currently under protective orders and can be a valuable resource to law enforcement agencies as a copy of all issued protective orders are required to be entered by the responsible clerk.⁵

Following the review of that data, the OCA research team fielded a process survey of stakeholders across the Texas criminal justice system including judges, clerks, prosecutors, law enforcement agencies, legal aid providers, and family violence advocates. This survey is the first effort in Texas to coalesce all the relevant parties around the issues of what is working and what needs improvement with regards to protective orders in the state and should provide a sound foundation for further research into the efficacy of protective orders.

3 Wintemute, G., Frattaroli, S., Claire, B., Vittes, K., & Webster, D. (2014). Identifying Armed Respondents to Domestic Violence Restraining Orders and Recovering Their Firearms: Process Evaluation of an Initiative in California *American Journal of Public Health*, 104(2)

4 White, S., Scartz, C., & Bormann, J. (2022). Lessons from a Pandemic: The Georgia TPO Forum's Recommendations for Strengthening Protections Against Domestic Violence. *Family Law Quarterly*, 55(2).

5 Tex. Gov't Code §72.157

Historical Background and the Legal Framework for Protective Orders in Texas:

In broad terms there are three distinct types of protective orders currently used in Texas:

- Magistrate’s Order of Emergency Protection (MOEP)
- Temporary Ex Parte Protective Order (TEXPO)
- Permanent or Full Protective Order

Underneath the full protective order umbrella, Texas codes outline specific sub-types of protective order related to the offense the protected party is seeking relief from including:

- Family violence
- Human trafficking
- Sexual assault or abuse
- Stalking
- Bias or prejudice

Texas first enacted protective order legislation in 1983 for cases involving victims of family violence, which allowed victims of interfamily violence, including children, to apply for and receive protection from their abusers following a hearing. This first step is the foundation of the legal framework that currently governs the protective order process in Texas. It set initial time limits for full family violence protective orders at two years, and violations of those protective orders were classified as class B misdemeanors.

Texas next moved the needle on protective orders in 1995 by passing legislation authorizing those judges responsible for conducting magistrations to issue magistrate’s orders for emergency protection (MOEPs) in cases involving a family violence offense. The MOEP is issued only after an arrest while the offender is still in custody and is intended to bridge the gap between the commission of an offense involving family violence, and when the victim of that violence can apply for and receive protection under a full protective order. In contrast to the full protective order, this matter is codified under the Code of Criminal Procedure⁶ and grants authority to the magistrate to issue the MOEP at the request of the victim or victim’s guardian, a peace officer, or the state’s attorney. In addition, the magistrate may issue the order on its own motion.

In 1997, the legislature recodified the Family Code, and introduced the temporary ex parte order (TEXPO). The temporary ex parte order is a multifaceted legal tool. In Texas, it allows district or county-based judges to issue an immediate order, based upon an application provided by the victim, for 20 days and can be extended for additional 20-day periods if deemed necessary by the court. The intent of the TEXPO is to be a civil measure which allows a victim to seek immediate redress from the courts to prevent further abuse, interaction, harassment, or negative behavior from the respondent, without requiring a criminal charge or case, and provides the court of jurisdiction an opportunity to administer its dockets more effectively by scheduling hearings following the issuance of the ex parte order.

These three key legislative initiatives form the basic legal framework that upholds the legal basis for protective orders in the state of Texas. Over the last 20 years, the legislature has codified, reorganized, expanded, and strengthened that foundation by expanding eligibility of who can receive a MOEP or protective order to include victims of dating violence, sexual assault or abuse, indecent assault, indecency with a child, compelling prostitution, stalking, trafficking, or any offense motivated by prejudice or bias.

⁶ Tex. Crim. Proc. Art. 17.292.

In 2019, the legislature passed [Senate Bill 325, also known as Monica’s Law](#), which directed the Texas Office of Court Administration to design, build, and maintain the [Protective Order Registry of Texas \(PROTECT\)](#). The law was passed in honor of Monica Deming, who was murdered by an abusive ex-boyfriend in 2015. Unbeknownst to Monica, her murderer had been subject to two prior protective orders. Prior to the registry, only peace officers and law enforcement had access to reported protective orders in Texas through the Texas Crime Information Center (TCIC) and the Texas Law Enforcement Telecommunication System (TLETs). The registry now collects a digital copy of all protective orders reported into the registry and provides full access and viewable images of protective orders to courts, clerks, and other members of the justice community while also providing limited access and information to public users. With the express written consent of a protected party, the public can view limited information on the public website regarding a final protective order. That information is the cause number; issuing court; respondent’s information (full name, county of residence, birth year, and race or ethnicity); date issued; date served; and the date of expiration.⁷

During the 88th Legislative Session in 2023, the Texas legislature passed SB 48 to mandate the creation of standardized protective forms by OCA to be posted on the OCA website no later than June 1, 2024. During the process, OCA consulted with over 65 stakeholders from across the state. While the bill mandated that OCA create standardized forms and other materials necessary to “apply for, issue, deny, revise, rescind, serve, and enforce” protective orders and magistrate’s orders for emergency protection,⁸ applicants and the courts are only required to use the standardized application and orders. Failure to utilize the forms does not negatively impact validity and enforceability of the orders. Therefore, the forms are separated between mandated forms and discretionary forms. OCA is currently working on making the forms available in Spanish, and more forms will be added as needed.

An Overview of the Legal Framework for Protective Orders in Texas

As noted above, the legal framework undergirding protective orders is complex. The following is a brief and robust overview of the relevant sections of code and their provisions related to protective orders.

The Texas Family Code (TFC) Title IV provides the framework for applying for and issuing protective orders to prevent continuing acts of family violence. Ex Parte Protective Orders are temporary and can be enforced no more than 20 days per order (with the potential for extensions), or a final order of up to two years unless otherwise specified. Title IV provides that an individual may apply for a protective order: 1) without the representation of an attorney (pro se applicant); 2) by obtaining the services of a private attorney or legal aid attorney; or 3) through the district or county attorney. If a judge issues a protective order, it is forwarded by the clerk to law enforcement, either municipal or county, for entry into TCIC. Title IV also sets out parameters for duration, service, hearings, confidentiality, duties of law enforcement, modifications, and uniform interstate enforcement.

The Code of Criminal Procedure (CCP) provides some guidance regarding the duties of peace officers, prosecuting attorneys, and courts in addition to provisions for applying for and issuing protective orders for victims of sexual assault or abuse, indecent assault, stalking, trafficking, and crimes motivated by bias or prejudice. The CCP also establishes the venue for protective order offenses and authorizes peace officers to arrest, without a warrant, persons who violate protective orders and MOEPs. Art. 17.292 provides that a MOEP may be issued against alleged offenders arrested for the crimes of family violence, sexual assault, stalking, and human trafficking to prohibit further acts of violence, threats, harassment, and going to specific places, such as a victim’s residence, place of employment, and school or daycare facility. MOEPs are then forwarded to law enforcement in the same manner as protective orders.

7 Tex. Gov’t Code §72.154

8 Tex. Gov’t Code §72.039

Penal Code (PC) §§25.07-25.072 established the criminal offenses of violation of certain court orders or conditions of bond in a family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking case; violation of protective order preventing offense caused by bias or prejudice; and repeated violation of certain court orders or conditions of bond in a family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking case. These crimes can be charged as Class A misdemeanors (up to a \$4,000 fine and up to one year in county jail); State Jail Felonies (up to a \$10,000 fine and 180 days to two years in a state jail); and Third-Degree Felonies (up to a \$10,000 fine and 2 years to 10 years in state prison). The penalty range depends on several factors, including type of order violated, prior criminal history, type of violation, and whether there were repeated violations within a 12-month period.

Government Code (GC) §§ 72.151-72.158 mandates the creation of the protective order registry by OCA in 2020 and requires courts that issue any type of protective order or magistrate’s order for emergency protection to enter basic information along with applications and signed orders into the registry within 24 hours of issuance. In addition, the registry contains images of both applications and orders to facilitate more comprehensive investigation and enforcement. The statewide registry also provides limited public access to protective orders when the protected person has authorized access in writing. This access is subject to strict confidentiality standards to protect victims of family violence, stalking, sexual assault, and human trafficking. The Government Code also outlines the type of information required for inclusion in the Texas Crime Information Center (TCIC) and maintained by the Department of Public Safety’s Bureau of Identification and Records. Finally, the Government Code mandates the creation of standardized protective order forms by OCA and requires applicants and courts to use the forms during the protective order process. However, failure of courts to use the forms does not impact the validity or enforcement of the orders.

1 Texas Administrative Code (TAC) § 64.20 authorizes eligibility for protected persons to participate in the Address Confidentiality Program maintained by the Texas Office of the Attorney General. authorizes eligibility for protected persons to participate in the Address Confidentiality Program maintained by the Texas Office of the Attorney General. 37 Texas Administrative Code §§ 27.71-27.76 contain the rules for reporting protective order data to the Texas Crime Information Center, which is maintained by the Texas Department of Public Safety.

Texas Property Code § 92.016 grants victims of family violence the right to break a lease and avoid financial liability upon providing proof of the violence, including but not limited to a signed protective order or MOEP.

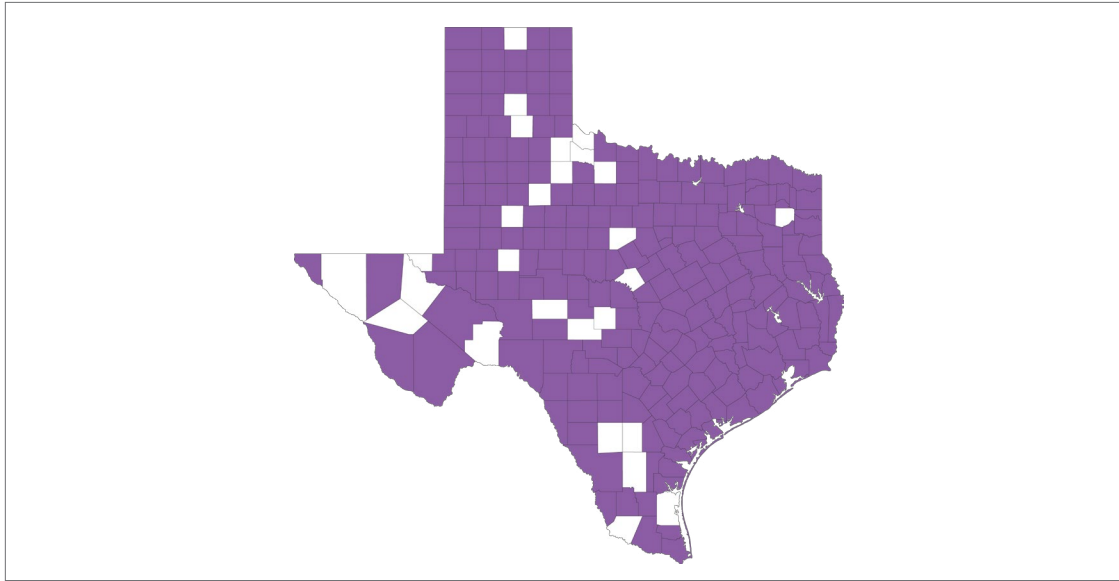
General Findings

An Overview of Statewide Data on Protective Orders

In 2016, the Office of Court Administration, under direction of the legislature, convened a task force and produced a report: [Recommendations for Collecting and Reporting Data Relating to Family Violence, Sexual Assault, Stalking, and Human Trafficking](#). That report outlines the significant challenges faced by the criminal justice system and its stakeholders when trying to aggregate and report statewide data, and identified key gaps in the data systems Texas uses to report criminal and court data. As part of the report, the task force recommended the creation and maintenance of the Protective Order Registry.⁹ The participation in the registry itself has been very successful. 226 counties have reported into the system, representing 89% of all counties in Texas. As part of this study, the research team analyzed over 100,000 reported protective orders reported into the registry since Fiscal Year (FY) 2021.

⁹ Piechowiak, K. A. F., Slayton, D., Garcia, A., Slayton, D., & Stites, A. (2016). *Recommendations for Collecting and Reporting Data Relating to Family Violence, Sexual Assault, Stalking, and Human Trafficking* (pp. 1–53) Texas Office of Court Administration.

Protective Orders Reported

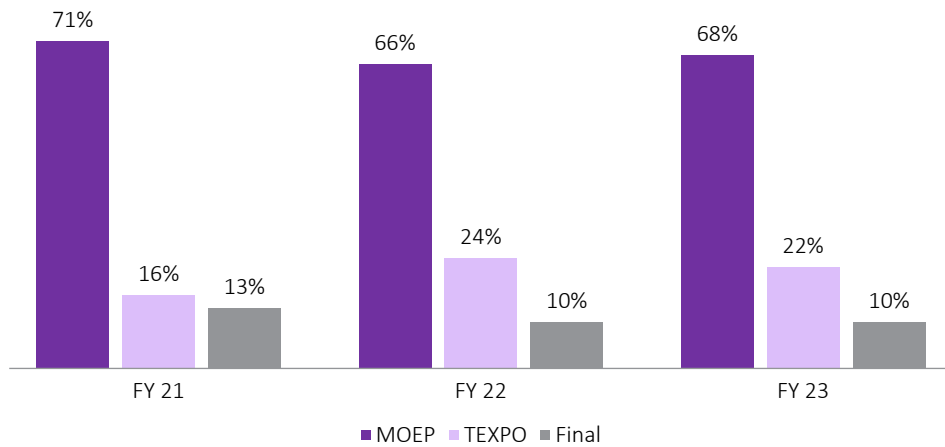


Map based on Longitude (generated) and Latitude (generated). Color shows count of Order Count. Details are shown for Counties.

Types of Orders Issued

From 2021-2023, courts across Texas have issued an estimated total of **162,497** MOEPs, TEXPOS, or final protective orders. Both district and county level judges can issue temporary ex parte and permanent protective orders. However, the bulk of the data and work produced is done at the magistrate level. In FY 2021, **71%** of the **49,942** protective orders reported into the Protective Order Registry were MOEPs. TEXPOS and final orders account for **16%** and **13%** of the reported protective orders respectively.

Types of PO issued by FY

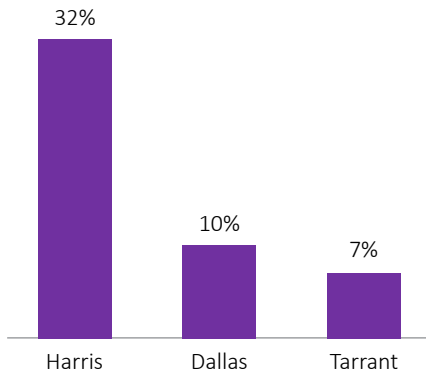


Where are Orders Issued?

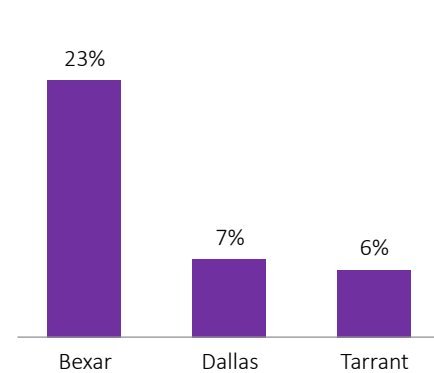
Harris County judges and magistrates have issued over 39,270 magistrates orders of emergency protection from FY2021-FY2023 accounting for 32% of the statewide total in that same timeframe.

From FY 2021-2023, Bexar County accounted for 23% of the total reported TEXPOS and 14% of final orders issued in the state.

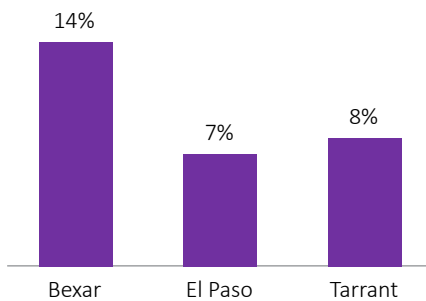
Top Three Counties (MOEPs)



Top Three Counties (TEXPO)



Top Three Counties (Final)

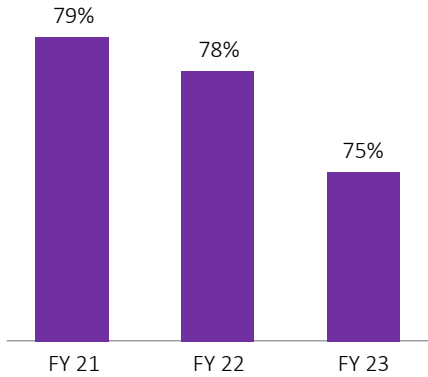


Successful Applications

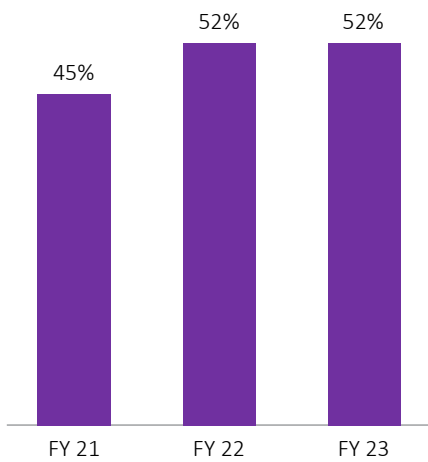
To receive a temporary ex parte or full protection order, an individual must apply before the court holding jurisdiction, often via an application submitted through the district or county clerk's offices. The protective order registry provides OCA the ability to analyze the total number of applications approved for each protective order type across the state.

In most instances, before receiving a final protective order, an applicant often receives a temporary ex-parte order and petitions the court to schedule a final protective order hearing. From FY 2021-2023, Texas approved **77%** of applications for a final protective order. Meaning, that once a hearing is set, most applicants were granted the relief sought from the court.

Percent of final protective orders issued by fiscal year



Percent of TEXPOs extended by FY



Given that most applicants may also first receive a temporary ex-parte order, the frequency in which a TEXPO is extended to provide ongoing protection while waiting for a final hearing is key to evaluating the overall health of the court processes related to protective orders.

In 2021, approximately 45% of TEXPO orders in the state of Texas received at least one extension. By 2023 that number had risen to 52.1%. Across all three years analyzed, on average, 50% of TEXPO Applications were extended at least once.

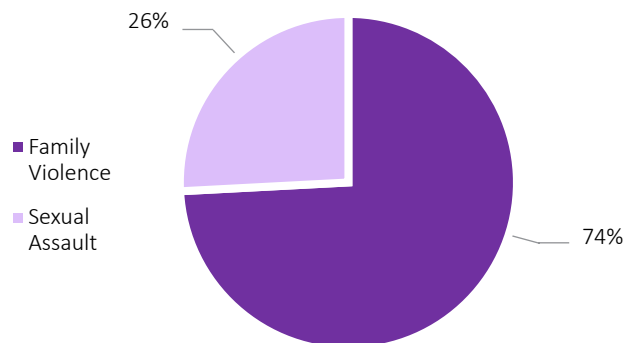
TEXPOS are set for no more than 20-day periods. In FY 23, an estimated 52% of TEXPOs were extended. However, on average, only one extension was required before an applicant was set for a final protective order hearing. This aligns with the finding that among TEXPO applicants, 93% resolved in less than 30 days—an indicator that the courts are moving TEXPOS through the process and providing for victims with final orders in an expeditious and efficient manner.

Sub-Types of Protective Orders

Since 1983, the Texas Legislature has expanded access to protective orders beyond the initial family violence protective order to include charges under sexual assault, trafficking, bias and prejudice, and stalking. The protective order registry tracks the type of protective orders issued under those subtypes.

Since 2021, an estimated 96% of all MOEPs, 84% of all TEXPOs, and 74% of all final protective orders were for protection of individuals seeking redress from family violence. Twenty-six percent of all final protective orders issued were for sexual assault.

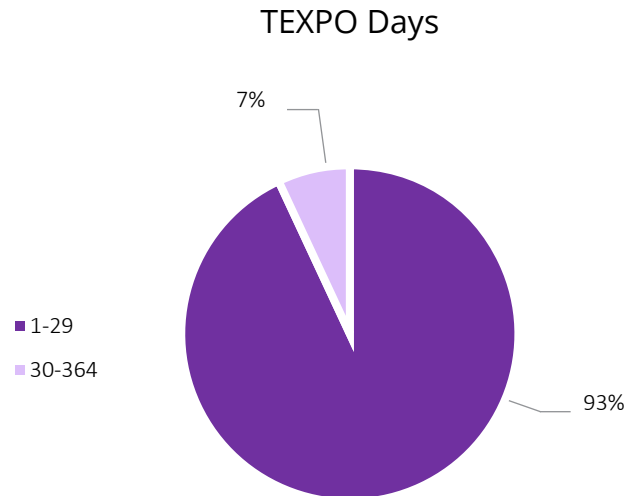
Final PO Subtypes



Protective Order Length

The protective order registry also collects and aggregates data on the average length of each type of protective order. Magistrates across the state are issuing MOEPs for an average of 61 days, with 68% of reported MOEPs being set for a term of 60-89 days.

Temporary ex parte orders are statutorily required to be no longer than 20 days and require service to the respondent within that time frame in order to set a hearing for the final protective order. However, if service is not completed during that period or due to other circumstances, the court can extend the TEXPO for additional 20-day periods upon request by the applicant or on the court's own motion. An estimated 93% percent of TEXPOS are set for 1-29 days, with 7% set for 30-364 days. That seven percent represents the cases reported into the protective order registry in which an individual was forced to seek an extension of the temporary ex parte order with the court.



Process Survey and Evaluation

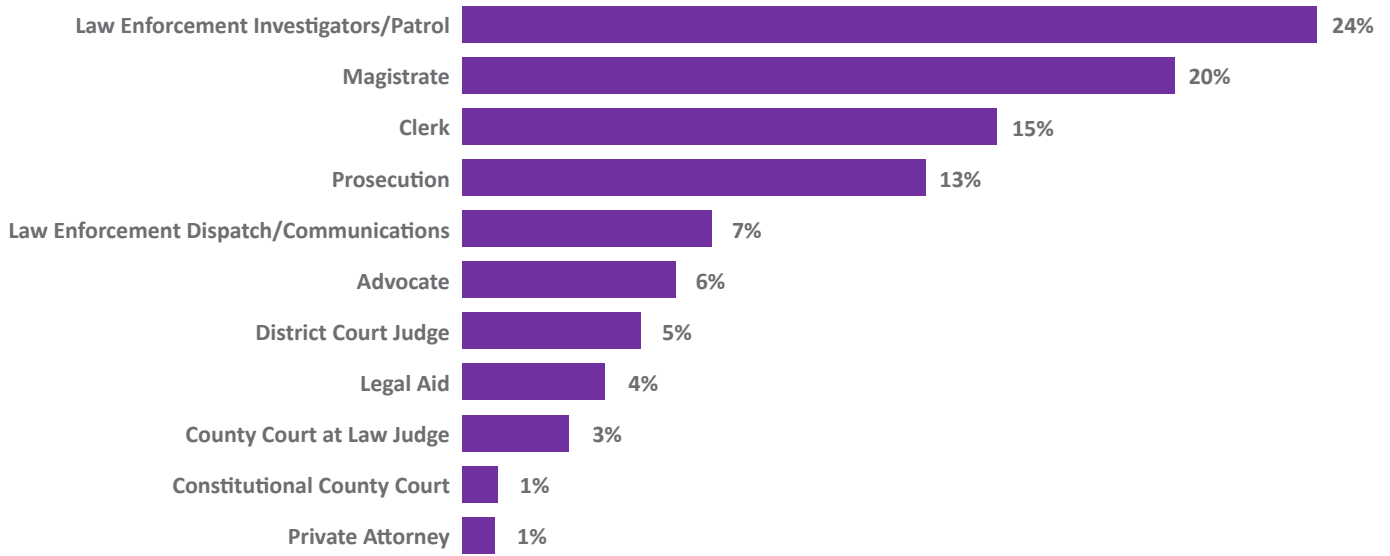
As a final part of the research, the OCA study team conducted a wide-reaching survey of over 10,000 justice system stakeholders including judges, district and county clerks, prosecutors, law enforcement officers, law enforcement dispatch and data entry staff, legal aid and private attorneys, and non-profit advocates like the Texas Council on Family Violence and local service providers.

The survey focused on the process of moving a protective order from application, to reporting, and enforcement, by asking stakeholders to answer key questions relating to their roles outlined in statute. This included questions related to how judges administer and make findings, how data entry clerks handle missing data on forms, and how well prosecutors are able to provide wrap-around safety services to applicants seeking a protective order.

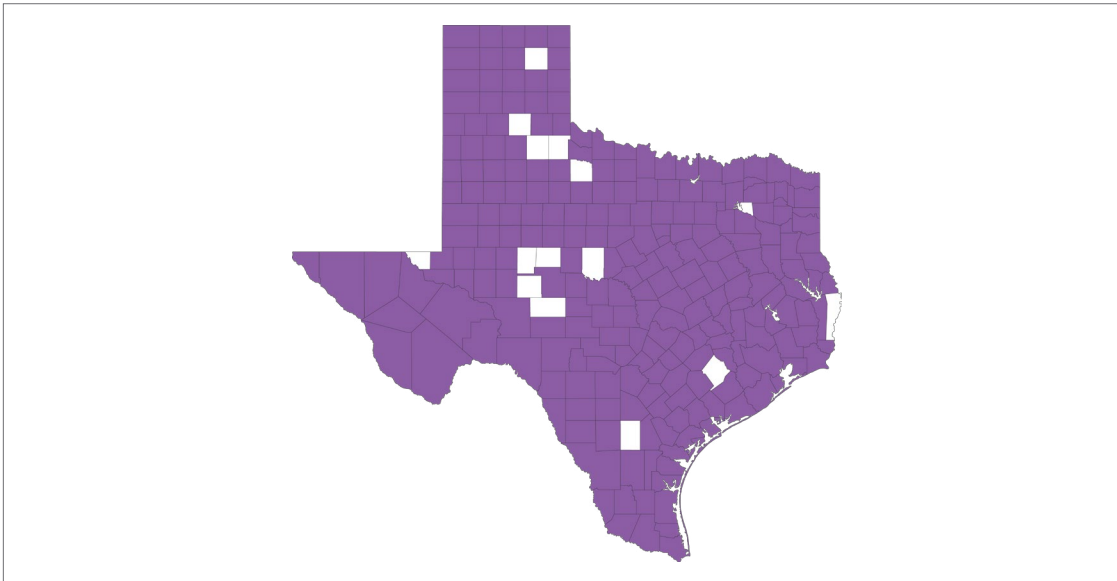
Who Responded?

The survey received over 1,200 total responses, with 24% of the responses coming from law enforcement, 20% from magistrates, 15% from district and county clerks, and 13% out of district and county attorneys' offices.

Respondent Rate by Role



Responses to Survey



Map based on Longitude (generated) and Latitude (generated). Color shows count of Order Count. Details are shown for Counties.

The research team initially asked each stakeholder group the same set of questions, to set a baseline of how well each group coordinates with other stakeholder groups around protective orders.

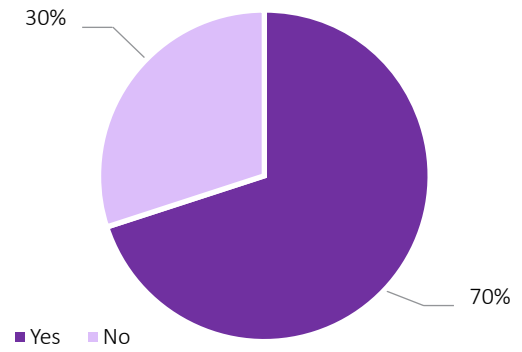
Seventy percent of respondents indicated that they worked with other justice system stakeholders to ensure accurate reporting of protective orders.

Sixty two percent of stakeholders said they communicated with other stakeholders about issues relating to protective orders. In terms of reporting and collaboration, 65% of respondents reported knowing their own process either extremely well or very well, and 40% responded knowing other agencies reporting process either extremely well or very well.

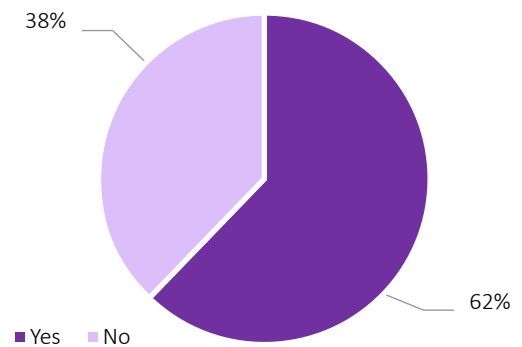
Having stakeholders understand how their reporting fits into a large system is key to the effective use of protective orders. Judges and courts need good information to make decisions, prosecutors need evidentiary data to support victims and move cases, law enforcement agencies have both a criminal reporting requirement and a need for up-to-date information regarding protective orders from the courts in order to protect survivors, their families, and the community at large.

High levels of understanding about how reporting flows across the criminal justice system corresponds to high levels of coordination and cooperation. If each stakeholder is aware of the roles of other stakeholders, cooperation becomes easier.

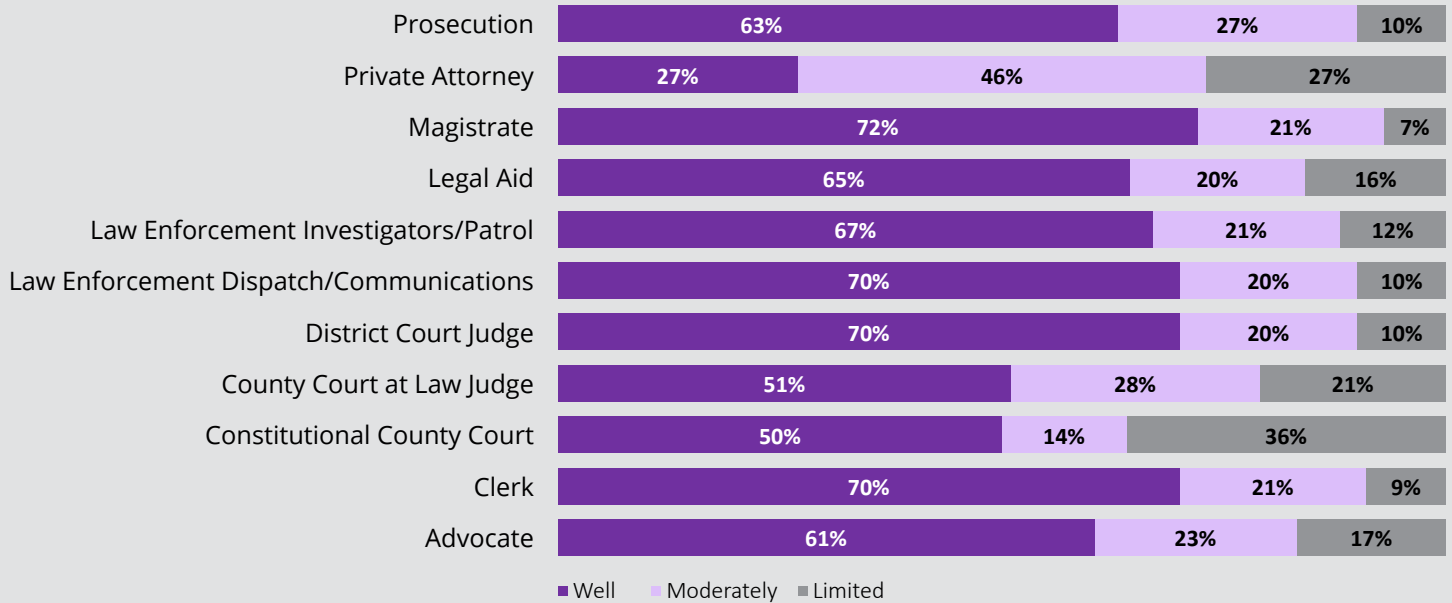
Ensures Accurate Reporting with Stakeholders



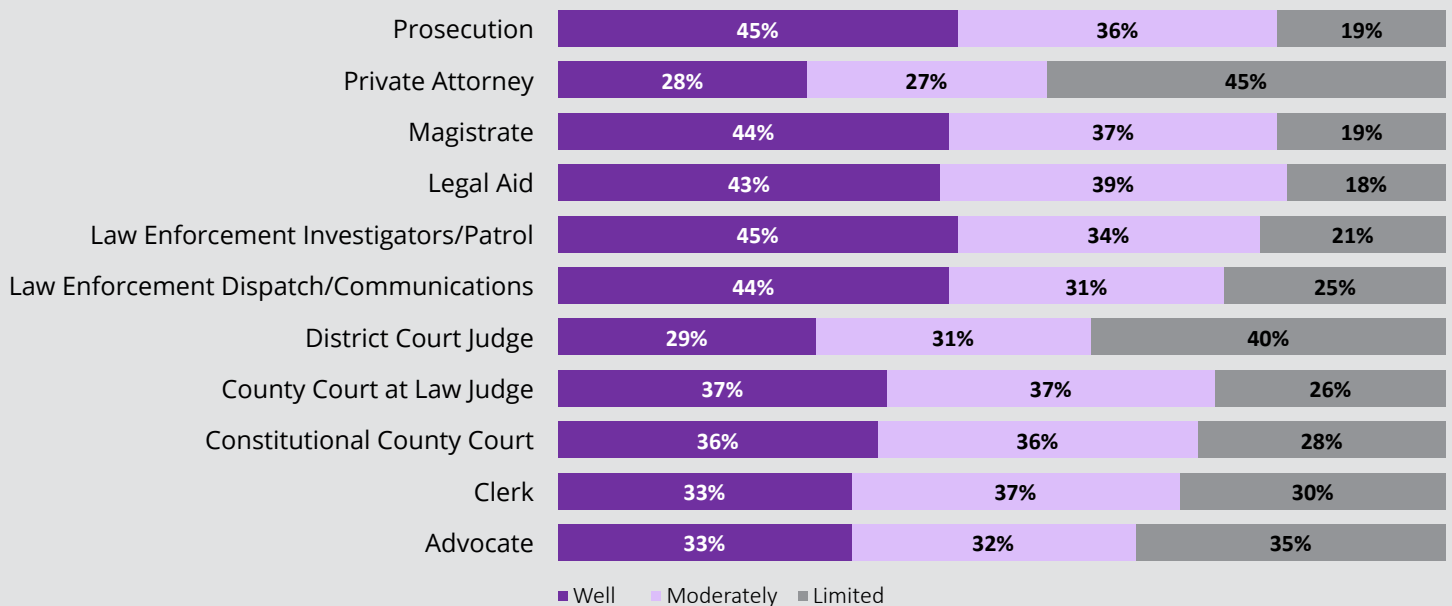
Communicates Issues with Stakeholders



How well do you understand your agency's role in the reporting process?



How well do you understand other agency's roles in the reporting process?



What is Working?

What's working with Protective Orders	
Accurate communication between the state's prosecutor, law enforcement, and my office (Magistrate). Timely receipt and delivery of the pertinent information between all stakeholders.	Cases in our court are promptly relayed to the coordinator and schedule for hearings.
An avenue to arrest when a violation occurs	Countywide uniformity of Order; process for bench-exchanging magistrates
Can easily obtain to protect victims	Giving people peace of mind

Next, as part of the analysis, the research team asked every stakeholder group one specific question: 'What is working with protective orders?' Each stakeholder was given 500 words to answer the question.

During analysis four themes emerged from the responses:

- The system in my county works well.
- I have good communication with other justice system partners in the process.
- The process to move the documents and information is working.
- I have the data I need and know where to get it when I don't.

These answers reflect positive movements on prior initiatives by the Office of Court Administration to improve reporting via the protective order registry and provide support to clerks and courts around protective order reporting and the need to engage local partners around the process.

More broadly, the answers reflect a sentiment that each stakeholder group surveyed believes the other stakeholders in the criminal justice system that their justice systems partners are working with them in good faith, towards a common goal. Positive responses about law enforcement came from judges, advocacy groups, prosecutors, and clerks. The same is true in the reverse.



What is Not Working

What's NOT working with Protective Orders	
<p>Although an order may be issued frequently, we find the defendant has never been served with the Order which causes obvious problems at times of enforcement.</p>	<p>Although not a big issue, education of Applicants on processes and procedures would benefit the community. Not a detailed explanation, but a general idea of what the process looks like</p>
<p>CHL data is not always communicated by L.E. L.E./ Detention staffs are not reliable in communicating or collecting accurate offender and victim information. This either requires judicial staff to search for things like zip codes, school contacts, etc., which is investigatory but necessary for efficiency. Hearings on violations are also hit or miss on getting notice of the violation in other jurisdictions. L.E. wants a TCIC form which we may or may not have that information.</p>	<p>-Data needed for entry is incorrect, missing or does not match the wording on the actual Protective Order. -The Protective Order conditions that are preset in the TLETS system do not match the condition wording in the order signed by the judge or partially match which confuses/slow down entry process. -Court clerk's office does not know what agency holds jurisdiction over the victims address or does not want to notify an out of state agency when they are the jurisdiction responsible for entry.</p>
<p>Delayed issuance of service of citation by the clerks within the court. Ex. In a super rush where respondent is incarcerated, issuance of service has occasionally been delayed and service was unable to be executed. Once service is executed and entered into CTS, returns are not always timely filed by the constable with the district clerk.</p>	<p>Issues entering is the data from the officer, deputy or judges' office, the form is not correctly filled out or lacking the respondents or the victim's information to enter. its process its very time consuming and lengthy due to supplements, the addresses of the respondent have become an issue due to homeless subjs w/no address or the residents occupy the same location and does not provide an alternate address when the EPO specifically states no contact, subjs violate the EPO themselves.</p>

Respondents were then given an opportunity to tell the research team what is not working with protective orders. And as is typical with research, similar themes emerged as to what is not working with PO orders.

Again, during the analysis there were four common themes that emerged:

- The system is too complex.
- The forms are out of date or confusing.
- I don't have the data or information I need.
- Communication is lacking.

Given the diverse structure of municipal and county governments in Texas, the duality of the responses is unsurprising. There is no standardized process for how data, forms, or the administrative work of enforcing a protective order is to be accomplished. The legislative framework largely provides overarching legal and administrative directives and relies on local governments and stakeholders to carry out the task.

A Closer Look at the Registry

Even within a county system, the unique nature of criminal justice issues can lead to divergent outcomes in process. As part of the analysis, the research team took a closer look at individual cases in the registry for clues as to how the

process of enforcing a protective order works on the ground.

When reviewing specific cases within the registry, a common trend emerged within counties. Even in cases where there are similar outcomes, there are variances in the actual reporting. For instance, a respondent to a protective order may be subject to multiple protective orders from multiple—or a single—applicants. In the registry, one of those protective orders may be reported publicly through the registry, while the others are kept private. Those variations could reflect a change in the process between applicants, they could reflect a change of heart by a single applicant, or they could simply be capturing a variation in local administrative processes between the clerks and the courts.

Another note, the registry only collects data on reported protective orders. It does not currently make linkages to any criminal cases that may be ongoing and related to that protective order. Such information may be useful to law enforcement and other county stakeholders.

A Closer Look at the Stakeholders

As a final part of the study, the research team asked each stakeholder group a set of process questions that reflect their mandated roles as defined in the respective code. These questions revolve largely around processing and moving a protective order through the system, from judge, to clerk, to law enforcement dispatch and data analysts, to patrol officers and investigators, to prosecutors, to advocates, and legal aide. The answers outlined here reflect the complexity of the system and the myriad of different ways a protective order gets enforced in Texas.

District and County Court at Law Judges

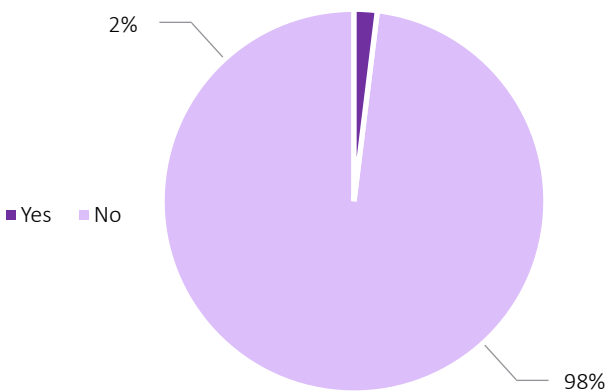
In Texas, district court judges primarily hold jurisdiction over protective order cases involving temporary ex parte and final protective orders. County court-at-law judges as well as some constitutional county court judges are also provisioned to hear those cases, but that is both rare and determined by counties.

Judges were asked questions related specifically to hearings and the outcomes of cases as required under the statute.

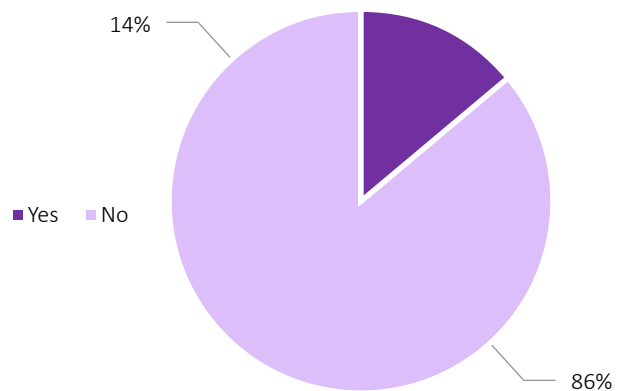
Requiring a Police Report

Temporary ex parte and final protective orders are civil matters. They may be tied in with an ongoing criminal matter, but the application itself is civil. In some instances, judges may ask for a police report to be filed along with the order. Texas law does not require a police report in order to file a protective order, such decisions are discretionary and up to local policy.

District Court requires a police report in order to issue a protective order



CCL requires a police report to issue a protective order



Ninety-eight percent of district court judges responded that they did not require a police report in order to issue a protective order, and 86% of county court at law judges reported practicing the same.

Recency of Violence Findings

Absent a police report that indicates potential criminal behavior or violence, some judges may require that an applicant prove that a violent incident has occurred on a case-by-case basis. This puts onus on the applicant to prove the validity of the claim against the respondent.

Forty-seven percent of district court judges and 86% of county court at law judges require some recency of violence finding to issue a protective order. However, the definition of recency is relative to each judge and often circumstantial to the case.

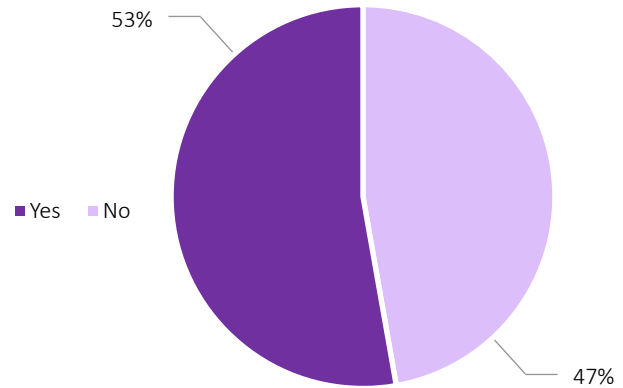
Judges’ determination of recency ranges from merely requiring a history of violence, to within 30 days of the temporary ex parte application, to within 2-5 months of the filing of the application. Much is up to the discretion of individual judges to weigh the application on a case-by-case basis. This is often aided when the case is tied to an ongoing criminal matter and supported by the local prosecutors, but there is no set standard for determining what a recent violent act is.

Findings of Family Violence

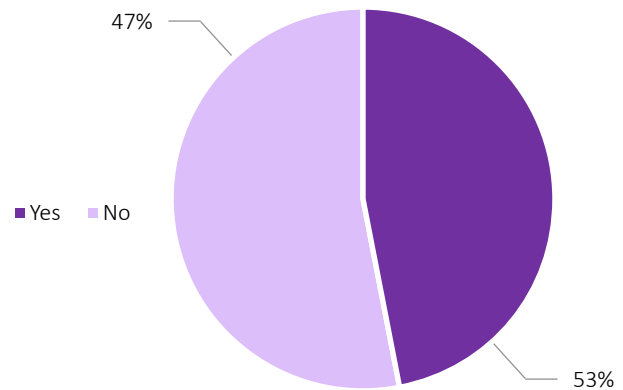
To issue a temporary ex parte order, judges are required to find that there is a clear and present danger of family violence based upon information contained in the application. While the statute states that a judge shall find that family violence occurred in order to issue the final protective order, the parties may agree to the protective order in writing. Such agreements usually do not include a finding of family violence. The judge can approve such an agreement and the order is still valid and enforceable without the family violence finding. Absent such an agreement, the family violence finding is included on a final protective order if the order is contested before the court. Judges were asked if they made a finding of family violence in all family violence protective order cases.

Out of the responding district court judges, 64% said they made a finding of family violence in all cases, and 53% of county court at law judges said the same. On its face, this data tells us very little, but it does warrant further

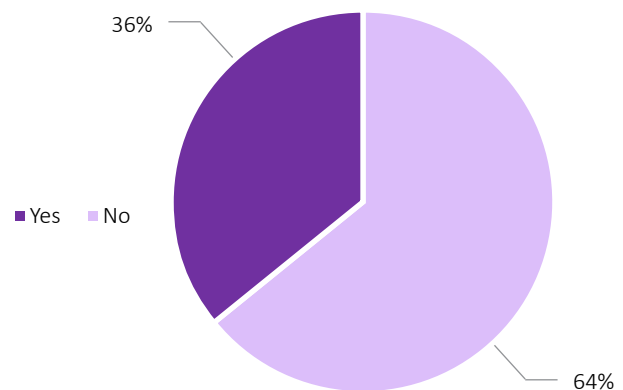
District Court requires a “recency” of violence to issue a protective order



CCL Judge makes a finding of family violence in all family violence cases



District Court Judge makes a finding of family violence in all family violence protective order cases



research. A high rate of family violence findings implies that many judges are hearing contested protective order cases between an applicant and a respondent. Such matters place a strain on the court’s time, as contested hearings are time consuming and require coordination between applicants, victims, respondents, and potentially prosecutor’s offices. Equally as important, they place a strain on applicants and victims, as they are required to confront abusers in person and prove their case.

Magistrates and MOEPS

Magistrate’s orders of emergency protection stand apart as a criminal matter. They are a useful tool for the state’s magistrates to provide protection to victims of crime and grant both victims and respondents the opportunity to resolve their issues via the justice system. Across the state, 84% of MOEPs are set for between 60-89 days, a much greater length of time than the standard 20 days for a TEXPO.

Magistrates were asked a set of questions relating to the general terms of the MOEPS and what sorts of protections are offered in their respective jurisdictions.

MOEPs and Levels of Crime

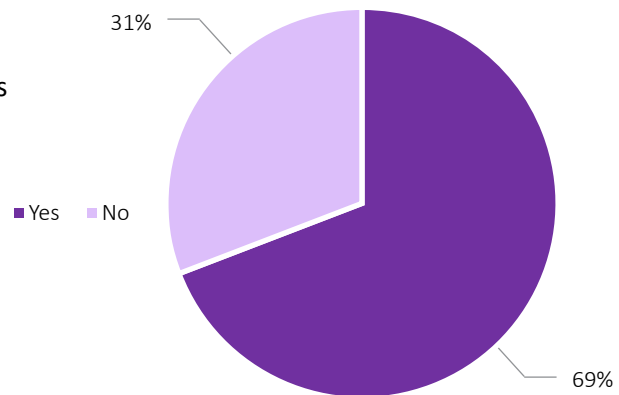
Magistrates in the state were first asked if they issue MOEPs for all levels of crime. Magistrates are required to issue a MOEP after arrest for a family violence offense which caused serious bodily injury to the victim; or if a deadly weapon was used or exhibited during the commission of an assault. However, magistrates also hold broad discretion in providing MOEPs for all levels of family violence, sexual assault or abuse, indecent assault, stalking, and trafficking and setting the terms and conditions for those orders including provisions for firearm prohibition and kick out orders.

Among magistrates responding to the survey, 69% issue MOEPs for all levels of crime, and almost all the magistrates surveyed prohibit the respondent from owning or possessing a firearm for the duration of the order (96%).

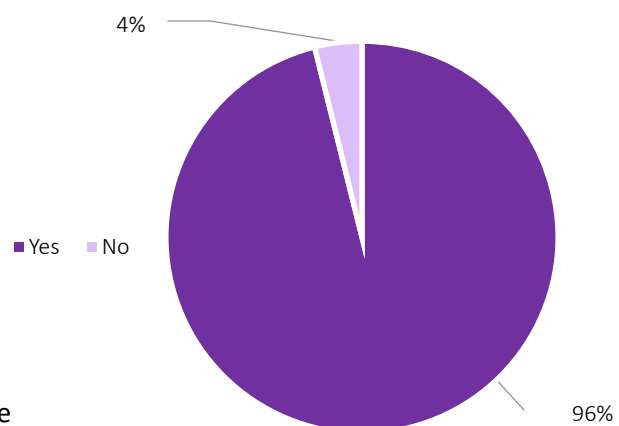
MOEPS and Firearms

One issue to note regarding firearms. While a magistrate may prohibit firearm possession in a MOEP, such a prohibition is not required by state statute. However, firearm possession is prohibited by any person subject to a protective order or TEXPO (other than a peace officer, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.) According to Tex. Pen. Code § 46.04(c), a person commits an offense if the person possesses a firearm after receiving notice of the order and before expiration of the order. But there are no set state-wide standards, protocols, or procedures to ensure that the person subject to a protective order actually surrenders their firearms. In other words, law

Magistrate issues MOEPs for all levels of crime



Magistrate issues MOEPs that prohibit firearms



enforcement is not required to ensure that a respondent hand over their firearms as part of a protective order, and many jurisdictions lack a process and the resources to ensure that all respondents are complying with the conditions of the order.

Kick Out Orders

Magistrates have broad discretion regarding the maintenance of public safety, and the safety of victims of violent crime when issuing MOEPS. For example, a MOEP can prohibit the defendant from committing further violence; communicating with protected parties in a threatening or harassing manner; communicating with protected parties at all if magistrate finds good cause; tracking or following a protected party; possessing a firearm; and going to or near a protected party’s residence, place of employment, school, or childcare facility. If the defendant and protected party share a residence and the magistrate orders the defendant to not go to the residence, the MOEP becomes a de facto “kick out order”.¹⁰

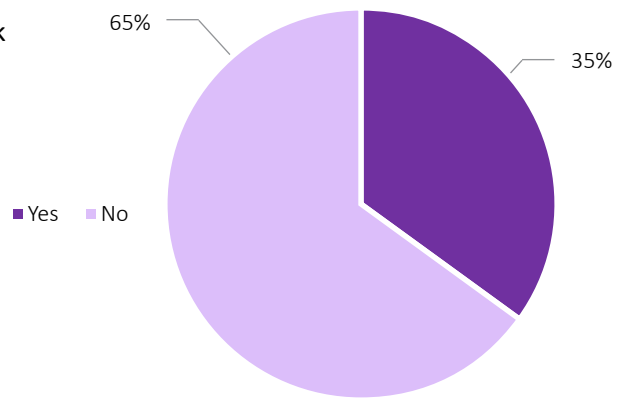
Only 35% of magistrates include kick out orders in their MOEPs, reflecting a diversity of process and procedure. Some magistrates may be unaware of the authority or may be hesitant to force a respondent in a difficult situation out of housing, but further investigation to ensure that magistrates are wielding appropriate authority is required.

District and County Attorneys

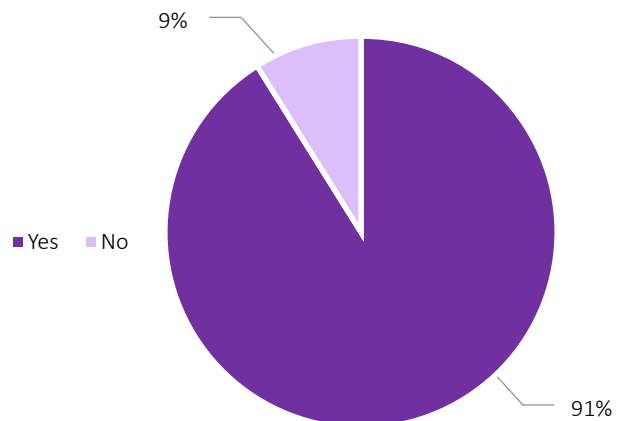
Judge and prosecutors across the state often share a symbiotic relationship. It is in the interest of the courts to see cases resolved in a timely and orderly manner, while providing swift provisions of justice. It is in the interest of prosecutors to see their cases upheld, and to ensure that public safety is maintained. In the realm of protective orders, prosecutors walk a difficult road. They are charged with upholding the interests of the state and ensuring the rights of victims of violent crime. But protective orders are civil, and criminal cases complex. Where those two overlap, prosecutors are often charged with ensuring the safety of victims and of witnesses, coping with trauma both direct and vicarious, and ensuring a civil process moves forward so that a criminal case can also proceed. Success in balancing these interests depends strongly on the available resources.

Prosecutors were asked a series of questions relating to the support their offices provide when applicants seek a protective order, including support when filing the application for a protective order, to safety concerns, and to the types of protective order violations their offices have pursued.

Do your MOEPs include “Kick Out” Orders if requirements are met?



Does your agency assist with sexual assault protective order applications?



¹⁰ Tex. Crim. Proc. Art. 17.292(c)(1-5)

Applying for a Protective Order

Almost all prosecutors surveyed (**91%**) supported victims and applicants in applying for a protective order. A majority of respondents did so without requiring a police report (**61%**).

The high number of prosecutors willing to file a temporary ex parte or final protective order application implies that many District Attorney and County Attorney offices are willing to support the applicants outside of a standing criminal case. In other words, Texas' district attorneys are going above and beyond the resolution of the state's criminal caseload and supporting the victims of violent crime with a service.

Safety Planning and Service Referrals

Eighty-seven percent of prosecutors surveyed said they provided applicants with safety planning support and services.

The level of assistance that prosecutors provide is incredibly resource dependent. District and County Attorneys' offices are statutorily required to have a Victim Assistance Coordinator.¹¹ These coordinators are often plugged into the local advocacy program network and statewide coalitions like the Texas Council on Family Violence and the Texas Association Against Sexual Assault. These organizations provide support for the service providers who assist victims of domestic and sexual violence as well as maintain a directory of programs across the state.

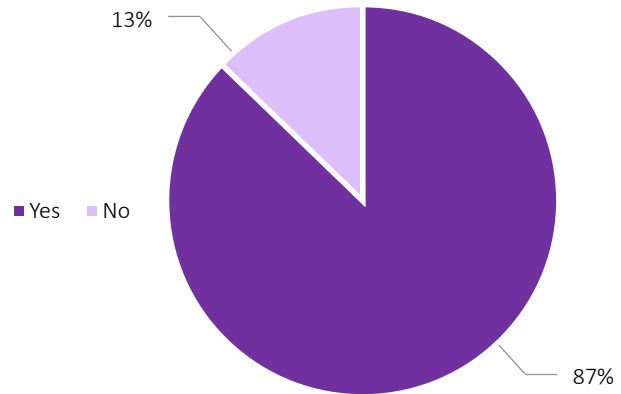
In larger counties, some prosecutor's offices have access to local victims' and local women's shelters that can provide wrap around services including support for victims and their families in accessing counseling, housing, moving assistance, and privacy protections from their abusers.

Of the 13% of prosecutors that did not provide their applicants with a safety plan, a majority were from counties with less than 100,000 population. Some served counties like Kinney, with population of less than 4,000 residents and were tasked with also providing prosecutorial services to Terrell and Val Verde counties.

Applicants seeking protective orders in rural counties face a resource challenge. Many of these counties simply do not have the services of larger more urban locations. Their prosecutors and district attorneys are shared across cluster courts. They often have to travel miles, or cross county lines, to access a clerk's office and file an application. Such challenges are not uncommon and reflect trends across the United States relating to the ongoing deep resource divide between urban and rural counties.¹²

When rural counties lack the resources or funds to properly take up and support applicants in pursuing a protective order, that gap is largely filled by local or regional legal aid organizations.

Agency provides applicants with safety planning and service referrals



¹¹ Tex. Crim. Proc. Art. 56.04.

¹² Hawkins, N. (n.d.). Perspectives on Civil Protective Orders in Domestic Violence Cases: The Rural and Urban Divide *National Institute of Justice Journal*, 266, 4–8.

Legal Aid Providers

Organizations like the [Texas Rio Grande Legal Aid](#) are a key resource for underserved communities in Texas, often offering free or low-cost legal advice or referrals to low-income individuals and court users. Generally focusing their limited resources and efforts on criminal cases, many around the state also provide support to applicants seeking protective orders. Not dissimilar to the services provided by prosecutor's offices.

Of all legal aid providers surveyed, 96% provide support to applicants for protective orders and 78% do not require an active criminal case to file the protective order for the applicant.

Like prosecutor's offices, 96% of legal aid providers offered safety planning services to applicants of protective orders. Again, the depth of assistance these organizations can provide is limited by what resources are available.

It is important to note that legal aid offices and other legal assistance agencies suffer from the same lack of resources that can plague prosecutorial efforts. Legal aid offices often provide low-cost criminal representation and tie into larger system that provide for public defense, which often places them in direct conflict with the same prosecutors seeking to support the enforcement of protective orders. However, it should be noted that despite this inherently adversarial relationship, both groups do continue to work together to support the effective provision of protective orders in Texas.

Texas Council on Family Violence

As part of the research, the Office of Court Administration contacted the [Texas Council on Family Violence](#) (TCFV) to conduct outreach to their members as well as other local organizations that work to provide services and limited legal counseling to victims of domestic violence. The research team asked similar questions of TCFV, and their partners similar questions related to those asked of prosecutors and legal aid.

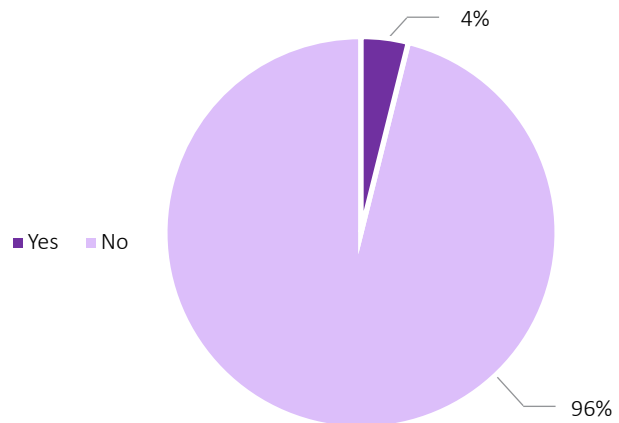
Among those surveyed, 87% of TCFV partners reported providing support to applicants seeking a protective order and 93% of those surveyed provided safety and support services to victims of domestic violence, and those seeking a protective order.

Police, Dispatch, and Law Enforcement Data Professionals

Law enforcement agencies, officers, dispatch, and data clerks form the lynchpin for the effective enforcement of protective orders in the state. Absent their involvement and dedication, there would be little enforcement of the process at the end that matters most - the protection of the applicant from further harm by the respondent.

OCA surveyed both law enforcement officers and dispatchers/data entry professionals about their roles in enforcement and challenges they face in coordinating orders from the courts and data from the clerks.

Does your agency require an active criminal case to apply for a protective order?



Data Entry and Verification

Of the dispatchers and data entry professionals surveyed for this report, 95% reported a written procedure to ensure that all relevant protective order data is entered into TCIC.

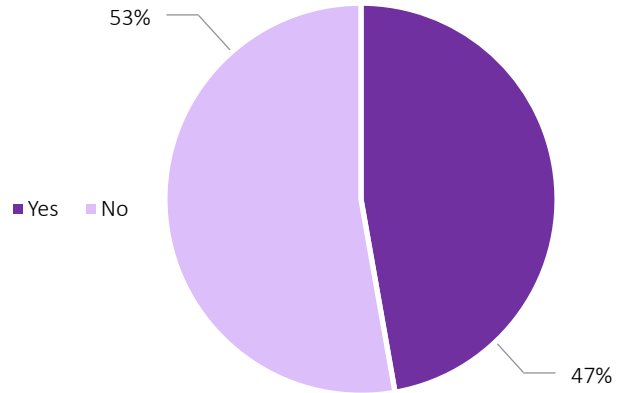
When asked if the agency accepts incomplete TCIC data entry forms from clerks and magistrates, 53% reported that they did not accept incomplete forms. But, from that same group 85% reported that they did research to complete the form.

The Brady Indicator

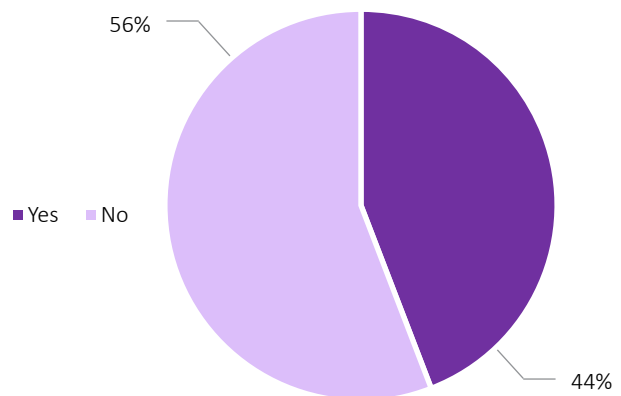
When data entry personnel were asked if their agency included the Brady indicator when entering protective order information into TCIC, 56% reported that they did not. The Brady Handgun Violence Prevention Act of 1993 requires Federal Firearm Licensees to conduct background checks on prospective firearms buyers and other transferees. Such checks are performed by contacting the National Instant Criminal Check System (NICS) to determine whether a buyer is prohibited by federal law to possess a firearm. There are several circumstances which would prohibit a person from possessing a firearm. These criteria are known as “Brady Indicators” and are required to be reported to NICS by law enforcement agencies.¹³ In Texas, information regarding eligibility for firearm possession is entered into TCIC which electronically feeds the information to NICS. One of the criteria which disqualifies a person from firearms possession is someone who is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner. Qualifying orders in Texas include only final orders issued after notice and an opportunity to be heard. Anecdotally, many data entry personnel have indicated that if there is no information regarding Brady on the TCIC form when it arrives from the court, they are instructed to enter “unknown” for the Brady indicator.

When taken as a whole, these stats bely the difficult nature of data sharing in the criminal justice system in Texas. Data gaps exist between law enforcement and the courts. Forms often do not align, data points that are useful and valid to the courts have little bearing for law enforcement, and clerks are pulled in multiple directions with heavy workloads.

Do you accept incomplete TCIC forms?

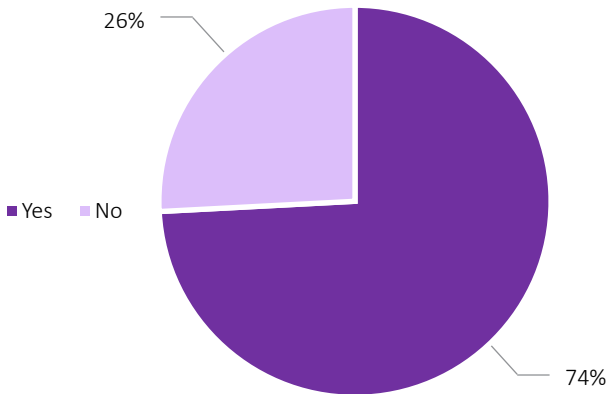


Does your agency make a Brady Record Determination?

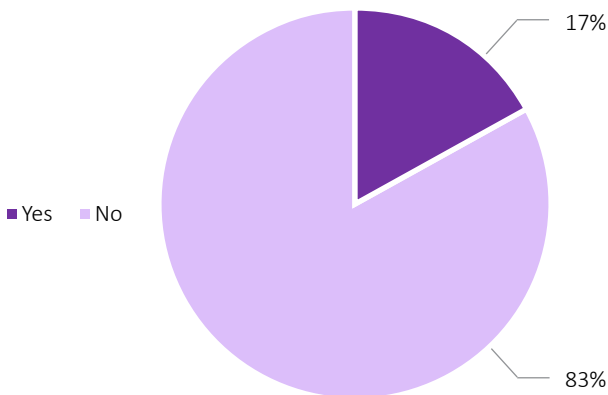


¹³ 18 U.S.C. §922 (g)(8)

Do you arrest for violations of PO that happen outside your presence if you have PC?



Do you arrest protected parties who violate the protective order?



Law Enforcement Patrol and Investigation

Law enforcement officers, patrol, and investigative divisions are the enforcement arm of the protective order process in Texas. Yet, law enforcement is tasked with carrying out a multitude of roles and duties to ensure public safety, of which, enforcing protective orders is but one. Constables may be tasked with ensuring civil service of temporary ex parte orders, while also performing traffic control duties. Patrol officers are the leading edge of most law enforcement efforts and must rely on limited information to make quick decisions in dangerous situations.

Municipal and County Criminal Investigative Divisions are tasked with providing legally sufficient evidence of major crimes, many of them violent, while also being responsive to the safety of the victims of violent crime and the enforcement of protective efforts led by prosecutor’s offices.

The research team approached law enforcement patrol from the same perspective as other agencies. Officers were asked rudimentary questions related to their statutorily defined roles in the process.

Of all officers surveyed, 74% report conducting an arrest related to the violation of a protective order based upon probable cause, even when the respondent was not present.

In effect, this stat implies that police officers are engaging with protected parties and ensuring that reported violations are investigated and acted upon by law enforcement in Texas.

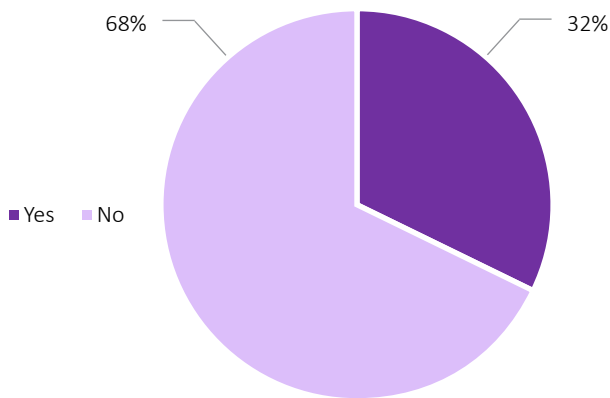
Protected Parties

Eighty-three percent of law enforcement officers reported that they did not arrest the protected parties of a protective order for violation of that protective order. Based upon this statistic, it can be ascertained that law enforcement officers are aware of the legal rights and protections of persons under a protective order.

Serving TEXPOS

Finally, officers were asked if they fulfilled service of protective order applications or temporary ex parte orders. As a civil matter, temporary ex parte and final orders must be served under civil rules. However, unlike other civil matters they cannot be served by public citation. Therefore, an officer of the law, often a Constable, must serve the documents on the respondent in order for any temporary ex parte order to be enforceable, or to hold the respondent responsible for appearing for the hearing on the final order.

Does your agency serve unserved exparte orders?



Only 32% of police officers surveyed reported conducting civil service on a respondent. This largely has to do with a lack of information. Patrol officers may not receive complete criminal histories on patrol and may not know whether an individual has a protective order against them, let alone if they require service.

Moreover, local policies may prohibit law enforcement from serving warrants as part of their duties. Many may not even know if they are legally allowed to conduct such service. And finally, many may simply not want to, as just another added task that is not relevant to their role.

Recommendations:

Conduct More Research

The issue of protective orders and their efficacy is a complex one, involving the whole of the criminal justice system, local partners, and members of the public. It is inherently tied to larger social issues including stalking, domestic and family violence, and the enforcement of legal orders by law enforcement.

While conducting this study, OCA partnered with the Texas Council on Family Violence in an attempt to reach victims and applicants currently under a protective order in a manner that was both ethically sound and minimally invasive to their clients. We fielded the same questions to their advocacy partners: What is working with protective orders, and what is not. We received no responses.

People under protective orders, and those facing domestic violence more broadly, are often challenged by intersecting issues including housing insecurity, low wage potential, financial struggles, and lack of access to resources.¹⁴ This is often compounded in rural areas, that are significantly resource deprived or a long way from an urban center.¹⁵ It is important to note that the majority of the violent acts that form the basis for most protective orders are also the ones that are notoriously most underreported to law enforcement. This violence leads to victims' legitimate fears of retaliation by their abusers. The Bureau of Justice Statistics reports that from 2006 to 2015, 44% of nonfatal domestic violence victimizations went unreported.¹⁶ The stated reasons for not reporting include privacy, protection of the abuser, and fear of reprisal. In addition, there are many tactics (in addition to physical and sexual violence) employed by abusers to not only maintain

14 Busch-Armendariz, N. B., Cook Heffron, L., & Bohman, T. (2011). Statewide Prevalence of Intimate Partner Violence in Texas *Institute on Domestic Violence and Sexual Assault*.

15 Hawkins, N. (n.d.). Perspectives on Civil Protective Orders in Domestic Violence Cases: The Rural and Urban Divide *National Institute of Justice Journal*, 266, 4–8.

16 Reaves, B. A., (2017). U.S. Department of Justice, Bureau of Justice Statistics. *Special Report: Police Response to Domestic Violence, 2006-2015*. NCJ250231.

power and control over their victims, but also to dissuade victims from seeking help from anyone, including the justice system. These strategies are part of the Power and Control Wheel created by the Domestic Abuse Intervention Project (DAIP) in 1984 in Duluth, MN and include the following:

- Economic abuse
- Coercion and threats
- Intimidation
- Emotional abuse
- Isolation
- Minimizing, denying, and blaming
- Using children
- Male privilege¹⁷

Regardless of system barriers or data gaps, the reality is that many survivors who have endured the above insidious techniques and actual violence will avoid accessing the court system for protective orders due to very real safety concerns for themselves and their loved ones.

In order to effectively reach the people that protective orders are intended to protect, and therefore the best arbiters of how well protective orders are working in the State of Texas, OCA is recommending more in-depth research involving those under protective orders be conducted by a vetted and established research institution.

Moreover, there have been a number of institutional and policy changes impacting processes at the local level including the provision of a set of mandatory standardized forms. Since the use of standardized forms created by OCA was recently mandated as of June 1, 2024, the impact of these forms has not been evaluated yet. The aim of this research would be to:

- Evaluate the how well the system works for those currently under protective orders by conducting quantitative and qualitative research with a partner research institution.
- Evaluating law enforcement data from local law enforcement agencies related to ongoing criminal matters to ensure accurate reporting of violations and police policy.
- Interviewing people currently under protective orders in an ethically and methodologically robust way, to ensure that voices are heard, and issues are raised.
- Evaluate the impacts of the recently released Standardized Protective Order on several issues including:
 - Ease of successfully applying for and receiving a MOEP, TEXPO, or Final Order.
 - Impacts on reporting by courts, clerks, and law enforcement agency.
 - Ease of sharing information and completing necessary data checks for accurate reporting.

Continue to Fill Data Gaps

In the 2016 report, the taskforce identified several gaps in the criminal justice system in Texas, where data was not readily being collected, aggregated, and disseminated across justice system partners.¹⁸ The report outlined a common phenomenon known as data siloing. Data siloing occurs in organizations and systems that collect similar data but use different and non-integrated systems to collect that data. This often hinders collaboration and stymies efforts to achieve consistent coherent reporting of relevant or key information.

17 Kippert, A. (2021). What are the Power and Control Wheels?, <https://www.domesticshelters.org/articles/identifying-abuse/what-are-the-power-and-control-wheels>.

18 Piechowiak, K. A. F., Slayton, D., Garcia, A., Slayton, D., & Stites, A. (2016). *Recommendations for Collecting and Reporting Data Relating to Family Violence, Sexual Assault, Stalking, and Human Trafficking* (pp. 1–53) Texas Office of Court Administration.

In the Texas criminal justice system, this is typified in the relationship between the courts and law enforcement, and further exemplified here. The Protective Order Registry collects information on the offense types of every protective order in the registry. These offense types align with the relevant penal and criminal codes.

At the start of the project, the research team hoped to collaborate with our partners at the Department of Public Safety in hopes of validating the offense code data in the registry against the reported protective order data collected and reported through TCIC. However, because that data is from TCIC and thereby sensitive and relating to ongoing criminal matters and is collected in a system related to, but not actually a part of court data, we could not reliably vet our data against an external source.

On the surface, clerks report data on protective orders to both law enforcement and OCA. In terms of law enforcement, they report it via the TCIC Form (See appendix). For OCA, the clerks report into the protective order registry and manually enter the information from the order and provide a digital copy. Because clerks are reporting into different systems, mostly manually, the impact on the quality of the data for both ends is compounded. We can verify that the data in the registry is sound. And the data in TCIC is equally robust. But when compared against each other, a discrepancy is inevitable as the two sources are siloed.

This issue, in itself, is a larger systemic matter that stretches across the criminal justice system. Not only in Texas, but into other states and the federal system. Data is not always created equally. In order to remedy these issues, the following activities are recommended:

Expand Registry to include and link protective orders to criminal cases.

This will also provide more information to users of the registry relating to linkages between the civil matter of the protective order, and any ongoing criminal matters related to the case. And provide statewide agency's a larger view into the linkages between civil and criminal matters in the state.

Encourage linking the data provided in the registry to the Texas Law Enforcement Telecommunications System (TLETS).

Throughout the study, law enforcement officers touted the utility of protective orders in fulfilling probable cause requirements when making arrests for violations. The OCA proposes coordinating with the Department of Public Safety to incorporate the Registry Data into TLETS to provide law enforcement agencies with greater information resources, including a digital copy of all protective orders entered into the registry.

Such efforts have already been undertaken in California, where the California Courts Protective Order Registry is incorporated into the California Law Enforcement Telecommunications System (CLETS) providing law enforcement and justice system stakeholders the ability to:

- View order data and images at California superior courts;
- Access data and order images 24/7 through a secure web-based interface;
- Search orders by name, case number, and other criteria;
- Facilitate protective order sharing between courts;
- Automate submission to the California Restraining and Protective Order System (CARPOS) through CLETS; and
- Provide shared access to law enforcement agencies.¹⁹

OCA recommends collaborating further with our partners at DPS to evaluate the feasibility of including this information and sharing it with local law enforcement partners.

¹⁹ See Appendix B: FACT SHEET California Courts Protective Order Registry

Continue to provide avenues to standardize procedures and ensure ongoing collaboration.

On June 1, 2024, the Office of Court Administration formally published its [Standardized Protective Order Forms](#). These forms provide a standard set of forms and instructions to be used by all courts issuing protective orders across the state. They reflect a significant first step in supporting the consistent and fair application of justice across the state, allowing applicants and court users alike to access an organized and standard form.

However, Texas is a land of divergent and varying processes. What works in one county, may not work the same way in another. Ultimately, the effective provision and enforcement of protective orders is a local issue with broad impact for the state itself. In order to more effectively support the enforcement of protective orders statewide agencies can support local partners by:

- **Standardizing reporting procedures and forms where possible.**
- **Encouraging local cooperation between law enforcement, prosecutors' offices, and the courts.**
- **Supporting and providing mediation related to jurisdictional questions surrounding protective orders.**
- **Providing resources to local agencies to support the provision of safety planning for those under protective orders, most especially in those cases where the protective order is tied into an ongoing criminal matter.**
- **Supporting local non-governmental organizations and legal aid divisions with resources to fill in gaps for rural communities.**
- **Encouraging good faith cooperation between stakeholders with differing priorities but overlapping goals, such as the protection of individuals under protective orders.**

Summary and Conclusions:

In a 2020 study of from Georgia, a key take-away regarding the efficacy of protective orders is that coordination and collaboration at the local level is key to ensuring the efficacy of protective orders.²⁰ Such coordination is common throughout Texas, even among groups with apparently diverging interests.

Despite plenty of opportunity, and an open forum for complaint, most stakeholder groups reported high levels of coordination and understanding with other stakeholder groups. Most reported knowing where to go to find missing information. Among dispatchers and law enforcement individuals, 85% reported they conducted additional research to fill in gaps, with 34% checking TCIC and with the court of jurisdiction for original research, and another 16% checking the registry as part of their research.

Coordination and collaboration continue to be the means by which local agencies, stakeholders, and victims seek and uphold protective orders. In order to continue to improve those efforts, the state should continue to leverage available resources and technology to provide for greater cooperation and coordination, while easing the administrative burdens of reporting and cooperation via forms improvement, standardization, and lowering the barriers to data sharing amongst partner agencies and local stakeholders.

²⁰ White, S., Scartz, C., & Bormann, J. (2020). Lessons from a Pandemic: The Georgia TPO Forum's Recommendations for Strengthening Protections Against Domestic Violence. *Family Law Quarterly*, 55(2).

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Appendix B:



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FACT SHEET

May 2022

California Courts Protective Order Registry

The California Courts Protective Order Registry (CCPOR), currently deployed to 46 counties and 14 tribal courts, is a statewide restraining order system that provides more complete, accessible information to judicial officers, court personnel, and law enforcement. By promoting victim safety and perpetrator accountability, CCPOR supports the California judicial branch's strategic plan Goal IV, Quality of Justice and Service to the Public.

Project History

The CCPOR program resulted from a recommendation to the Judicial Council submitted by the Domestic Violence Practice and Procedure Task Force to provide a statewide protective order registry. The registry contains up-to-date information, including order images, that is readily available to judges and law enforcement in the participating counties. In February 2008, the Judicial Council approved the recommendation and the CCPOR program was initiated by the Judicial Council Information Technology Services Office.

The Domestic Violence Practice and Procedure Task Force also sought to enhance and improve court access to the California Law Enforcement Telecommunications System (CLETS), an information system managed by the California Department of Justice. As the largest statewide database of protective orders, CLETS is essential for safeguarding both victims of violence and law enforcement officers in the field. Current law requires that all protective orders be entered into CLETS within one business day of issuance. One important goal of CCPOR is to ensure timely and accurate entry of these important orders into the CLETS system.

Goals of CCPOR

To address the task force recommendations, CCPOR has three primary goals:

- Provide the trial courts in all 58 California counties access to CCPOR, enhancing the capability of bench officers to make more informed decisions and avoid issuing conflicting orders;
- Improve public safety and the safety of law enforcement officers by providing access to full text (images), and accurate, complete, and up-to-date order information; and
- Automate exchange of information between the courts and CLETS.

Two key components of CCPOR are the ability to enter and upload protective order data into the system and to search and retrieve that data, including electronic images of court orders. Viewing these electronic images is particularly valuable because this allows users to view special conditions and notes added by judges that may not be available through CLETS. Once information has been entered into CCPOR, it can be automatically transmitted to CLETS.

Key Features

CCPOR provides the capability to:

- View order data and images at California superior courts;
- Access data and order images 24/7 through a secure web-based interface;
- Search orders by name, case number, and other criteria;
- Facilitate protective order sharing between courts;
- Automate submission to the California Restraining and Protective Order System (CARPOS) through CLETS; and
- Provide shared access to law enforcement agencies.

Orders that will be captured in the registry include:

- Civil Harassment Restraining Orders
- Criminal Protective Orders
- Domestic Violence Restraining Orders
- Elder Abuse Restraining Orders
- Emergency Protective Orders
- Gun Violence Restraining Orders
- Juvenile Restraining Orders
- Other Protective Orders
- Civil Protective Orders from Canada that are registered in California
- Out-of-State Domestic Violence Restraining Orders that are registered in California
- School Violence Prevention Orders
- Workplace Violence Orders

Use of Enterprise Technology

Design, development, and deployment of CCPOR was accelerated by reusing key technologies, including the Integrated Services Backbone (ISB), and the existing connection to CLETS. Taking advantage of these tools and systems reduces costs, improves service delivery, and provides better management and administration of the system.

Development & Deployment Timeline

September 2008-June 2010: Design and development of initial system.

April-December 2010: On-board 19 counties: Amador, Calaveras, El Dorado, Fresno, Humboldt, Inyo, Kern, Kings, Lake, Marin, Placer, Plumas, Riverside, San Benito, Santa Clara, Santa Cruz, Tulare, Tuolumne, and Ventura.

April-June 2011: On-board Butte County.

April 2011-Current: Tribal Court Access - Hoopa Valley, Northern California Intertribal Court System (serving the following tribes: Cahto Tribe of the Lafayette Rancheria, Coyote Valley Band of Pomo Indians, Hopland Band of Pomo Indians, and Manchester Point arena Band of Pomo Indians) Shingle Springs Rancheria, Quechan, Washoe, Yurok, and Smith River Rancheria Tribal Courts.

September 2012-June 2013: On-board 12 new counties: Merced, Lassen, Tehama, Mendocino, Glenn, Sutter, Solano, San Joaquin, San Luis Obispo, Imperial, Yuba, and Del Norte.

April 2014-December 2014; With CA DOJ Grant funding: On-board a minimum of 8 new counties, San Francisco, Napa, Madera, Nevada, Sierra, Trinity, Shasta, and Modoc Superior Courts and their Justice Partners.

January 2015-June 2015; With CA DOJ Grant funding: On-board 3 new counties, Monterey, Sonoma, and Mariposa Superior Courts and their Justice Partners.

December 2015-January 2016; Implemented new Gun Violence Protective Order forms and associated logic.

August 2017-September 2018; With VOCA grant funding: On-board 4 new counties, Mono, Alpine, and Yolo Superior Courts and their Justice Partners.

2022 and Future –

Modernize CCPOR, including moving CCPOR into cloud hosting and incorporating new user administration and identity management capabilities.

Connect CCPOR with court’s records systems, eliminating the need for duplicate entry.

On-board remaining courts.

California Courts Protective Order Registry

Page 4 of 4

Project Awards

Winner - 2011 Best of California Award
Best Application Serving an Agency's Business Needs
Center for Digital Government

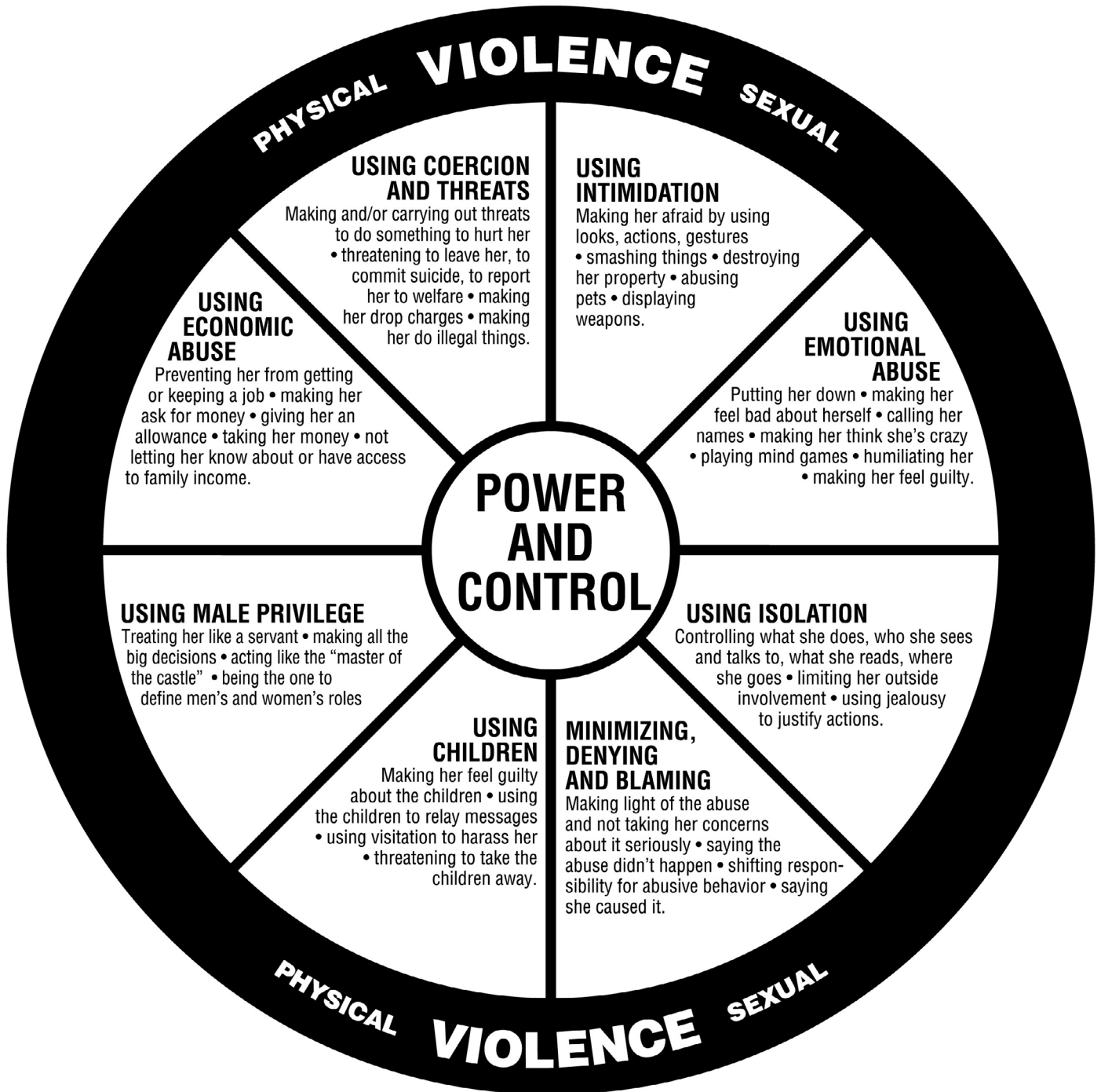
Winner - 2011 National Digital Government Achievement Award Government-to-government Category
Center for Digital Government

Finalist - 2011 Recognition Awards for Outstanding Achievement in the Field of Information Technology in State Government
Data Information and Knowledge Management
National Association of State Chief Information Officers

Additional resources:

Guidelines and Recommended Practices for Improving the Administration of Justice in Domestic Violence Cases: Final Report of the Domestic Violence Practice and Procedure Task Force,
www.courts.ca.gov/xbcr/cc/dvpp_rec_guidelines.pdf

Appendix C: Power and Control Wheel



Appendix D: TCIC Data Sheet

INITIAL TCIC

MODIFICATION OF PREVIOUS FORM

_____ of _____ pages

**Data Entry Form for
TEXAS CRIME INFORMATION CENTER (TCIC)
PROTECTIVE ORDERS**

(includes family violence, sexual assault, stalking, trafficking, hate crimes, magistrate's order for emergency protection, and ex parte protective orders)

The intent of this form is to aid court clerks with the collecting and providing to local law enforcement agencies pertinent information regarding protective orders for the purpose of entry into TCIC.

To be filled out by Criminal Justice/Law Enforcement Official: ORI: _____ OCA: _____

PROTECTIVE ORDER NO: _____

COURT IDENTIFIER: _____

ISSUE DATE: _____

DATE OF EXPIRATION: _____

DATE OF DISMISSAL: _____

TYPE OF PROTECTIVE ORDER:
(check all that apply)

- | | | |
|--|--|-----------------------------------|
| <input type="checkbox"/> Family Violence | <input type="checkbox"/> Sexual Assault | <input type="checkbox"/> Stalking |
| <input type="checkbox"/> Trafficking | <input type="checkbox"/> Hate Crimes | |
| <input type="checkbox"/> Ex Parte | <input type="checkbox"/> Magistrate's Order for Emergency Protection | |
| <input type="checkbox"/> FINAL | <input type="checkbox"/> LIFETIME | |

***** RESPONDENT INFORMATION *****

Items in ALL UPPERCASE LETTERS must be answered to allow entry into TCIC.

NAME OF RESPONDENT: _____

SEX: (circle one) M F

RACE: (circle one) Indian Asian Black White Unknown

Ethnicity: (circle one) Hispanic Non-Hispanic Unknown

Place of Birth: _____ CTZ: _____

DATE OF BIRTH: _____

HEIGHT: _____

WEIGHT: _____

Skin: (circle one) Albino Black Dark Dk Brown Fair Light Lt Brown Medium Med Brown Olive Ruddy Sallow Yellow

EYE COLOR: _____ **HAIR COLOR:** _____

Scars, Marks and/or Tattoos: (please describe in detail): _____

RELATIONSHIP TO PROTECTED PERSON:

(PLEASE INCLUDE THE FOLLOWING NUMERIC IDENTIFIERS, IF AVAILABLE):

Texas I.D. No: Driver's _____

Misc I.D. No: _____

Social Security No: _____

License No: _____

Driver's License State: _____

Date of Expiration: _____

Respondent's Address:

STREET: _____

CITY: _____

STATE: _____

ZIP: _____

COUNTY: _____

Respondent's Vehicle Information:

License Plate No: _____

L.P. State: _____

L.P. Year Of Expiration: _____

L.P. Type: _____

Vehicle I.D. #: _____

Year: _____

Make: _____

Model: _____

Style: _____

Color: _____

List weapons known to be owned by or accessible to the respondent: _____

Officer Safety Concerns: (circle all that apply) 00 – Armed and Dangerous 05—Violent Tendencies 10—Martial Arts Expert 15—Explosive Expertise 20—Known to abuse drugs 25—Escape risk 30—Sexually violent predator 50—Heart condition 55—Alcoholic 60—Allergies 65—Epilepsy 70—Suicidal 80—Medication Required 85—Hemophilic 90—Diabetic 01—Other

PROTECTIVE ORDER CONDITIONS (PCO): (circle all that apply)

01—Respondent is restrained from assaulting, threatening, abusing, harassing, following, interfering with or stalking the protected person and/or child of the protected person.

02—Respondent may not threaten a member of the protected person's family/household.

03—The protected person is granted exclusive possession of the residence/household.

04—Respondent is required to stay away from the residence, property, school or place of employment of the protected person or other family or household member.

05—Respondent is restrained from making any communication with the protected person including, but not limited to, personal, written, or phone contact, or their employers, employees or fellow workers, or other whom the communication would be likely to cause annoyance or alarm.

06—Respondent is awarded temporary custody of the children named.

07—Respondent is prohibited from possessing and/or purchasing a firearm or other weapon.

08—See miscellaneous field for comments regarding terms and conditions of the protection order.

09—The protected person is awarded temporary exclusive custody of the child(ren) named.

BRADY DISQUALIFIERS: (Pursuant to 18 U.S.C. 922(g)(8), a "yes" response to all three Brady questions disqualifies the subject from purchasing or possessing any firearms, including a rifle, pistol, revolver, or ammunition.)

Does Order protect an intimate partner or child(ren)?

YES

NO

Did subject have opportunity to participate in hearing regarding Order?

YES

NO

Does Order find subject a credible threat or explicitly prohibit physical force?

YES

NO

PROTECTIVE ORDER DATA ENTRY FORM-TCIC

RESPONDENT'S NAME _____

INITIAL TCIC

MODIFICATION OF PREVIOUS FORM

_____ of _____ pages

*** PROTECTED PERSON INFORMATION *** (use additional pages if necessary)

NAME OF PROTECTED PERSON: SEX: (circle one) M F
 RACE: (circle one) Indian Asian Black White Unknown Ethnicity: (circle one) Hispanic Non-Hispanic Unknown
 DATE OF BIRTH: SOCIAL SECURITY NO. (PSN):
 Street: City: State: Zip: COUNTY: _____
 Place of Employment Name: Address:
 City: State: Zip:
 Place of Employment Name: Address:
 City: State: Zip:

NAME OF OTHER PROTECTED PERSON: SEX: (circle one) M F
 RACE: (circle one) Indian Asian Black White Unknown Ethnicity: (circle one) Hispanic Non-Hispanic Unknown
 DATE OF BIRTH: SOCIAL SECURITY NO. (PSN):
 Street: City: State: Zip: COUNTY:
 Place of Employment Name: Address:
 City: State: Zip:
 Place of Employment Name: Address:
 City: State: Zip:

*** PROTECTED CHILD INFORMATION *** (Use additional pages if necessary)

Name of Protected Child: Sex: (circle one) M F
 Race: (circle one) Indian Asian Black White Unknown Ethnicity: (circle one) Hispanic Non-Hispanic Unknown
 Date of Birth: Child Care or School Facility Name:
 Address: City: State: Zip:

Name of Protected Child: Sex: (circle one) M F
 Race: (circle one) Indian Asian Black White Unknown Ethnicity: (circle one) Hispanic Non-Hispanic Unknown
 Date of Birth: Child Care or School Facility Name:
 Address: City: State: Zip:

Name of Protected Child: Sex: (circle one) M F
 Race: (circle one) Indian Asian Black White Unknown Ethnicity: (circle one) Hispanic Non-Hispanic Unknown
 Date of Birth: Child Care or School Facility Name:
 Address: City: State: Zip:

Name of Protected Child: Sex: (circle one) M F
 Race: (circle one) Indian Asian Black White Unknown Ethnicity: (circle one) Hispanic Non-Hispanic Unknown
 Date of Birth: Child Care or School Facility Name:
 Address: City: State: Zip:

Name of Protected Child: Sex: (circle one) M F
 Race: (circle one) Indian Asian Black White Unknown Ethnicity: (circle one) Hispanic Non-Hispanic Unknown
 Date of Birth: Child Care or School Facility Name:
 Address: City: State: Zip:

OFFICE OF COURT ADMINISTRATION - PROTECTIVE ORDER EFFICACY STUDY



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