

**RECOMMENDATIONS FOR  
COLLECTING AND REPORTING  
DATA RELATING TO  
FAMILY VIOLENCE, SEXUAL  
ASSAULT, STALKING, AND HUMAN  
TRAFFICKING**

AS DIRECTED BY HB 2455,  
84<sup>TH</sup> LEGISLATURE

A REPORT BY THE TASK FORCE TO PROMOTE  
UNIFORMITY IN COLLECTION AND REPORTING  
OF INFORMATION ON FAMILY VIOLENCE, SEXUAL  
ASSAULT, STALKING, AND HUMAN TRAFFICKING

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## EXECUTIVE SUMMARY

House Bill 2455 was passed in 2015 during the 84<sup>th</sup> Legislature to create a task force to promote uniformity in the collection and reporting of data surrounding family violence, sexual assault, stalking, and human trafficking. The Task Force was charged with developing policy recommendations and best practice guidelines for the uniform collection and reporting of information relating to family violence, sexual assault, stalking, and human trafficking and the implementation of dating violence training and awareness education in public schools under Texas Education Code §37.0831.

This is an important and timely charge. The insidious nature of family violence, sexual assault, stalking, and human trafficking crimes has led to their gross underreporting, which results in the availability of limited information upon which policy decisions can be made. In addition to the limited data currently collected in the areas of family violence, sexual assault, stalking and human trafficking, the opportunities for data analysis are hampered by a lack of common definitions and nomenclature, an overall lack of data integrity, and a lack of data accessibility and sharing.

The overriding purpose of data collection and reporting is to support data-driven decision making in prevention, training, technical assistance, and criminal justice system response efforts. Reliable and accessible data is necessary to inform the efficient deployment of limited funding, training, and safety resources to aid affected families, victims, and communities.

The Task Force established four workgroups to identify data-related research issues and develop recommendations to address them. These workgroups are as follows: Criminal Law and Procedure, Dating Violence, Human Trafficking, and Protective Orders. While some of the Task Force's recommendations can be implemented within existing systems and protocols, others will require the identification of an implementing entity (or entities) and the investment of resources, in some cases significant, devoted to capacity building and infrastructure enhancement at both the local and state level.

### Summary Recommendations

#### **Criminal Law and Procedure**

- **Enhancement of Family Violence Misdemeanor Cases** — Model plea forms, protocols, and training should be developed by judicial training organizations to provide prosecutors the information needed to enhance family violence misdemeanors to 3<sup>rd</sup> degree felonies. In addition, Code of Criminal Procedure Art. 45 should be amended to require the personal appearance of offenders in family violence offenses.
- **Case Outcomes for Sexual Assault Complaints** — Law enforcement and prosecution agencies should be required to collect and report new categories of data concerning

sexual assault case outcomes. In addition, the Texas Judicial Council should collect case-level data and should expand its monthly court activity reporting requirements to capture more detailed information on cases, such as indictment and disposition on each count in a case.

- **Conditions of Bond** — Legislation should be passed to mandate that conditions of bond in cases involving family violence, sexual assault, and human trafficking be entered into the Texas Crime Information Center (TCIC) database as a stand-alone record, instead of being attached to protective order records. The Texas Department of Public Safety should be required to update the existing TCIC database, forms, and procedures to support such a change.

### Dating Violence

- **Prevalence of Dating Violence** — The Texas Department of Public Safety should be required to revise its Uniform Crime Report forms and database so that they can capture information relating to dating relationships in order to help officials more accurately track dating violence incidents reported to police. In addition, the Texas Education Agency should consider collecting data on dating violence.
- **Dating Violence Policy Implementation** — Consideration should be given to granting rule-making authority for the Texas Education Agency to adopt rules to provide school districts with guidance, training, and a process for tracking the implementation of all components of TEC §37.0831.

### Human Trafficking

- **Human Trafficking Incidents, Victims and Offenders** — A pilot data tracking project should be developed to track human trafficking-related cases around the state. The project should include urban and rural jurisdictions engaged in human trafficking initiatives. In addition, incident-based reporting, which allows for more than one crime type per incident to be reported, should be reviewed to determine if it would be an effective method to link human trafficking cases across data sets.

### Protective Orders

- **Collection and Entry of Protective Order Data into the Texas Crime Information Center** — Mandatory, uniform protective order reporting protocols should be developed to ensure that the Texas Crime Information Center (TCIC) protective order data entry form is completed and submitted with the protective order application. A mandatory, uniform first page and data entry forms should be used by all agencies and courts. The Department of Public Safety (DPS) TCIC Data Entry Form, TCIC database, and any associated system

should be modified to collect the types of protective orders issued. DPS' Crime Records Service should compile and publish annually the number of protective orders by type entered into TCIC by county.

- **Court Activity Data** — The civil case information sheet and eFiling case categories should be modified to collect the type of protective order requested. The Texas Judicial Council's District and County Court Monthly Reports and corresponding database should be modified to collect protective order data that differentiates protective order by type, in the same categories recommended to be collected by the Texas Crime Information Center data entry form.
- **Confidentiality of Applicant's Information** — Texas Family Code (TFC) §85.007 should be amended to allow for the release of the identifying information exclusively to law enforcement to facilitate accurate data entry into the Texas Crime Information Center (TCIC) database. Orders granting a request for confidentiality should include language instructing clerks that the information shall be released to law enforcement for entry into TCIC. In addition, requirements in the TFC §82.041(10) requiring that an applicant for a protective order include their address on the application should be eliminated as a way of promoting an applicant's safety.
- **Automatic Extensions of Protective Orders** — A process needs to be identified for law enforcement to determine an offender's incarceration release date for the purpose of updating the Texas Crime Information Center database. In addition, protocols for courts need to be established to update existing orders and send notification to law enforcement and victims.

The Task Force strongly urges the consideration of the recommendations in this report. The Task Force believes that, if implemented, these recommendations can improve the accuracy, completeness, and availability of data on these issues, which could lead to improved responses in cases involving family violence, dating violence, sexual assault, stalking, and human trafficking.

## INTRODUCTION

Crimes involving family violence, dating violence, sexual assault, stalking, and human trafficking occur every day, both behind closed doors and in plain sight. Data collection and reporting, which are needed to inform planning, policy development, and the allocation of limited resources, are widely regarded as inconsistent and incomplete in this area. This impedes the timely and effective response to these crimes.

The practices used to collect and report data vary widely among the thousands of state and local agencies in Texas responsible for data collection in the areas of family violence, dating violence, sexual assault, stalking, and human trafficking. The Task Force to Promote Uniformity in the Collection and Reporting of Information on Family Violence, Sexual Assault, Stalking, and Human Trafficking, herein referred to as the Task Force, was established during the 84<sup>th</sup> Legislature by House Bill (HB) 2455 in response to concerns about data quality and reporting practices. Accordingly, the Task Force was charged with providing recommendations to improve the collection and reporting of data to efficiently deploy funding, training, and safety resources to aid affected families and victims.

This report contains a description of the Task Force’s work, provides important background on the data collection and reporting issues in each area and offers recommendations. A list of key programs and resources (**Appendix A**), relevant forms, and model templates are included as appendices to this report.

## TASK FORCE

Recognizing the limitations of current data collection and reporting practices related to family violence, sexual assault, stalking, and human trafficking, the 84<sup>th</sup> Legislature passed HB 2455 in 2015 to establish a task force to promote uniformity in the collection and reporting of information about these incidents. The bill specifically sought to “provide for an accurate and uniform system of gathering and reporting data to efficiently deploy funding, training, and safety resources to aid affected families and victims.”

### Charge

HB 2455 established the Task Force, provided for its membership, and charged it with the following duties:

- Solicit and receive reports and testimony from individuals, state and local agencies, community-based organizations, and other public and private organizations.
- Develop policy recommendations and best practice guidelines for the uniform collection and reporting of information relating to
  - Family violence, sexual assault, stalking, and human trafficking; and

- The implementation of dating violence training and awareness education in public schools under Texas Education Code §37.0831.
- Submit a report to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the appropriate standing committees of the Legislature by September 1, 2016.

## Membership

HB 2455 provided that the Director of the Texas Office of Court Administration (OCA) appoint one member from OCA as the presiding officer. OCA Administrative Director David Slayton appointed OCA's Domestic Violence Training Attorney Kimberly Piechowiak as presiding officer of the Task Force. Task Force members represented entities as provided for in HB 2455. Ultimately, thirty-four members representing 21 state and local agencies were appointed to the Task Force.

## Activities

Prior to the first Task Force meeting, a steering committee met to identify baseline data gaps, potential strategies, and additional Task Force members. Workgroups were then created to investigate current practices, identify obstacles, and propose recommendations for improvement in the following four areas: criminal law and procedure, dating violence, human trafficking, and protective orders. In addition to the meeting of the steering committee, there were three meetings of the full Task Force. Each workgroup met several times.

In their workgroup roles, Task Force members identified relevant background information needed to contextualize the issues, identified relevant statutes and policies to be considered, and suggested key programs and initiatives for inclusion in the report.

- The Criminal Law and Procedure workgroup focused on data gaps related to the adjudication processes, specifically the enhancement of family violence misdemeanor cases, case outcomes for sexual assault complaints, and conditions of bond.
- The Dating Violence workgroup focused on data gaps related to the prevalence of dating violence and on the implementation of dating violence policies in schools.
- The Human Trafficking workgroup focused on data gaps related to human trafficking incidents, victims, and offenders.
- The Protective Order workgroup focused on data gaps in the protective order information collected and entered into the Texas Crime Information Center database, including an issue regarding the confidentiality of an applicant's information, gaps in court activity data related to the issuance of protective orders, and gaps in the data needed to automatically extend a protective order.

While most of the recommendations include reference to the agencies or organizations which may be best suited to implement them, Task Force members realize that implementation efforts may require additional resources and the involvement of more than one entity.

## CRIMINAL LAW and PROCEDURE

### Background

The collection, reporting, and sharing of crime statistics is a common and important practice among local and state agencies. In some cases, reporting is required by statute or rule, in others it may be based on common practice. Statewide, crime data are gathered by the Texas Department of Public Safety (DPS), and the Texas Office of Court Administration (OCA) collects statistical data from all Texas courts. There are thousands of local agencies that collect and report crime data, many with their own data or case management system.

The use of data about the incidence of crimes and the court processes used to address them is essential to promoting victim safety, offender accountability, victims' rights, and to ensuring that resources are being invested in a way that promotes the health and safety of individuals and the well-being of communities.

### Texas Statutes

The statutes below are relevant to the Task Force's review of data collection and reporting related practices in the area of criminal law and procedure.

**Texas Penal Code (TPC) §22.01** divides misdemeanor assaults into three basic offenses: Assault-Bodily Injury (Class A), Assault-Threats (Class C), and Assault-Physical Contact (Class C). An Assault-Bodily Injury offense can be enhanced to a 3<sup>rd</sup> degree felony if the victim's relationship with the defendant is that of a family or household member as defined in Texas Family Code (TFC) §§71.0021(b), 71.003, or 71.005, and the defendant has been previously convicted of one of the above offenses.

**Texas Family Code §71.004** defines "Family Violence" as (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself; (2) abuse, as that term is defined by TFC §261.001(1)(C), (E), (G), (H), (I), (J), and (K), by a member of a family or household toward a child of the family or household; or (3) dating violence, as that term is defined by TFC §71.0021.

**Texas Family Code §71.0021(b)** provides that a "dating relationship" is defined as a relationship between people who have or have had "continuing relationship of a romantic or intimate nature." The determining factors of which are: the length of the relationship; the nature of the

relationship; and the frequency and type of interaction between the persons involved in the relationship.

**Texas Family Code §71.003** defines “family” as including people who are related by consanguinity or affinity, as determined under Texas Government Code (TGC) §§573.022 and 573.024, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.

**Texas Family Code §71.005** provides that a “household” refers to persons “living in the same dwelling, without regard to whether they are related to each other,” including a person who previously lived in the household.

**Code of Criminal Procedure (CCP) Art. 17.292** provides that after arrest for an offense involving family violence, trafficking, sexual assault, or stalking, a magistrate may (or shall in certain circumstances) issue an order of emergency protection to prohibit further violence, threats, and going to or near certain places listed in the order. This order can last anywhere from 31 to 91 days.

**Code of Criminal Procedure Art. 42.013** requires the court to make an affirmative finding of family violence, if, after the trial of an offense under TPC Title 5 (Offenses Against the Person), it finds that the offense involved family violence, as defined in TFC §71.004.

**Code of Criminal Procedure Chapter 7A** provides that victims of sexual assault or abuse, stalking, or trafficking may apply for a protective order without regard to the relationship with the alleged offender.

**Texas Penal Code §22.011** provides that the offense of Sexual Assault ensues when an offender commits specified sexual acts against another person without their consent, or a child between the ages of 14 and 17 years of age.

**Texas Penal Code §22.021** provides that, during the commission of the sexual assault, certain factors will increase the offense to Aggravated Sexual Assault, such as serious bodily injury or attempted murder; placing the victim in fear of serious bodily injury, attempted murder, or kidnapping of themselves or others; presence of a deadly weapon; acting in concert with another; use of a drug such as rohypnol; or the victim is younger than 14 years old, elderly, or disabled.

**Code of Criminal Procedure §27.14 (b)-(d)** allows defendants to enter pleas in fine-only misdemeanor cases by mail or using the court’s online website. This includes Class C family violence cases.

**Texas Penal Code §25.07** provides that it is a Class A misdemeanor to violate protective orders, magistrate’s orders of emergency protection, or bond conditions set in cases of family violence,

sexual assault or abuse, stalking, or trafficking; and that are related to victim or community safety.

**Texas Government Code (TGC) §411.042** was amended in 2013 to mandate that the DPS' Bureau of Identification and Records "collect information concerning the number and nature of protective orders and all other pertinent information about all persons on active protective orders, including pertinent information about persons subject to conditions of bond imposed for the protection of the victim in any family violence, sexual assault or abuse, or stalking case."

## Data Collection and Reporting Issues and Recommendations

Improved identification, collection, and tracking of data related to criminal law and procedure is crucial to understanding the scope of family violence and sexual assault, to better investigate and prosecute cases, to better allocate funding and services to victims, and to develop appropriate prevention strategies and programs.

The Criminal Law and Procedure Workgroup identified three areas in which data collection and reporting practices appear inadequate: enhancement of family violence misdemeanor cases; case outcomes for sexual assault complaints; and conditions of bond.

### Enhancement of Family Violence Misdemeanor Cases

While summary statistics can be useful for allocating funding and other resources, the collection and reporting of case-level data is critical to providing safety to victims and communities and holding offenders accountable for their crimes. Pursuant to TPC §22.01, misdemeanor family violence convictions can be used to enhance subsequent Class A misdemeanor family violence cases to 3<sup>rd</sup> degree felonies. However, proof of a finding of family violence pursuant to CCP Art. 42.013 and evidence linking the defendant to the conviction (such as a thumbprint taken at the time of plea or judgment) is required to prove up the prior conviction. If this proof is missing from a record, the prior conviction cannot be used to enhance a case.

Currently, many municipal and justice courts do not admonish defendants regarding the many consequences of a family violence conviction on various rights, including those pertaining to firearms, immigration status, and the possible enhancement of future family violence charges. CCP Art. 27.14 (b)-(d) provides that defendants may enter pleas in fine-only misdemeanor cases by mail or using the court's website. This includes Class C family violence cases. However, by permitting the acceptance of pleas by mail or online, the court is denied the opportunity to obtain the data, signatures, and thumbprints needed for future family violence cases to be enhanced according to state law. See **Appendix B** for forms used in the San Antonio Municipal Court that contain these important elements. Currently, CCP Art. 38.33 requires that the fingerprint of a person convicted of a Class A misdemeanor or a felony be placed on the judgment or docket sheet. This identification information is necessary for the enhancement of future offenses;

however, it is not currently required for Class B and Class C misdemeanors. The retention of these documents is affected by the presence of the fingerprint. Under the retention schedules for district and county courts, certain documents containing a fingerprint must be retained for 20 years after final judgment, but criminal records in municipal and justice courts are governed by a much shorter retention schedule.

### *Recommendations*

- Model plea forms should be developed by judicial training organizations that include admonishments, stipulation to the family relationship, and judgments that document the defendant's relevant identifying information. The use of these forms, in addition to obtaining the defendant's thumbprint, would enable the collection of data required for the enhancement of future offenses.
- Judicial training organizations such as the Texas Municipal Courts Education Center, the Texas Justice Courts Training Center, Texas Center for the Judiciary, and the Texas Association of Counties should include model forms in their forms books and provide training on their applicability and use.
- Court records and forms should be maintained in such a way that certified copies of the forms can be provided for the purpose of enhancement of future family violence cases.
- CCP Chapter 45 should be amended to require personal appearance in family violence offenses, similar to such requirements in CCP Art. 45.0215 for juvenile and minor alcohol cases.
- CCP Art. 38.33 should be amended to require the fingerprint of a defendant convicted of or placed on deferred disposition for a family violence offense.
- Local Schedule LC, the retention schedule for records of justice and municipal courts, should be amended in Texas Administrative Code Title 13 Part 1 §7.125 to provide for a longer retention period for those records with fingerprints, similar to the language provided in local schedule CC used for county courts.

### *Case Outcomes for Sexual Assault Complaints*

Research consistently indicates that sexual assault is among the least reported and prosecuted crimes, both in Texas and nationally.<sup>1</sup> Sexual assault victims frequently base the decision not to make a criminal complaint on an expectation that the criminal justice system will be ineffective, re-traumatizing or both.<sup>2</sup> Each year, far more victims seek assistance from Texas' sexual assault

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<sup>1</sup> Busch-Armendariz, N., et al., *Health and Well-Being: Texas Statewide Sexual Assault Prevalence*, U of Texas Inst. on Domestic Violence & Sexual Assault, August 2015, <https://utexas.app.box.com/s/tklreu3gg0up754b599rr37bbf7jefdk>. See also Black, M., et al., *National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report*, Centers for Disease Control and Prevention, 2011, [https://www.cdc.gov/violenceprevention/pdf/nisvs\\_report2010-a.pdf](https://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf).

<sup>2</sup> Dept. of Justice, Office of Justice Programs, *Victimizations Not Reported to the Police, 2006-2010*, August 2012, <http://www.bjs.gov/content/pub/pdf/vnrrp0610.pdf>.

programs and other health and social service providers than from law enforcement agencies. For example, 45,045 sexual assault survivors were served by Texas sexual assault programs during FY 2014,<sup>3</sup> while 18,756 incidents of sexual assault were reported to all Texas law enforcement agencies during 2014.<sup>4</sup>

To improve the criminal justice response to sexual assault, and to increase public confidence in that response, it is crucial for policymakers to understand when, why, and how often reported sexual assaults result in successful prosecution. As one recent study found, it is important in sexual assault cases to "create standardized reporting practices so that official records can be used both to monitor the progression of cases and to better understand how our criminal justice system operates and functions."<sup>5</sup>

However, current data collection practices in Texas do not result in the capture of important categories of case-outcome information necessary to answer these questions. Although DPS collects data on criminal complaints for sex offenses, including the numbers of complaints received by law enforcement agencies and jurisdictions in which those complaints are received, several data gaps render the information on the outcome of those complaints incomplete and, therefore, the data are of limited utility. Examples of missing data include:

- How often law enforcement agencies refer sexual assault cases to district attorneys' offices;
- How often and why investigative agencies close or classify sexual assault cases as inactive without referral;
- How often district attorneys' offices decline to prosecute sexual assault cases following referral from law enforcement agencies;
- The frequency with which offenses initially investigated as sexual assaults are ultimately prosecuted under statutes other than TPC §§22.011 or 22.021;
- How often district and county attorneys' offices file applications for civil protective orders on behalf of sexual assault survivors pursuant to CCP, Chapter 7A; and
- The number of applications for civil protective orders filed in Texas courts pursuant to CCP, Chapter 7A, separate from those filed pursuant to TFC, Title IV.

### Recommendations

- Legislation should be passed requiring law enforcement and prosecution agencies to collect and report the following data. While there is currently no state agency that receives and maintains prosecution statistics, the Criminal Justice Division of the Office of the Governor

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<sup>3</sup> Office of the Texas Attorney General, *Crime Victim Services Division Advancing with Change: Annual Report, 2014*, [https://www.texasattorneygeneral.gov/files/cvs/cvs\\_annual2014.pdf](https://www.texasattorneygeneral.gov/files/cvs/cvs_annual2014.pdf).

<sup>4</sup> Texas Department of Public Safety, *The Texas Crime Report for 2014*, <http://dps.texas.gov/crimereports/14/citCh7.pdf>.

<sup>5</sup> Bennett, S., et al., "Pathways to Justice: Adult Female Sexual Assault Case Attrition in the Criminal Justice System." *Sexual Assault Report*, Vol. 19, No. 6, July/August 2016.

may be suitable for this purpose because it administers Texas's federal STOP grant awards and distributes funds to law enforcement and prosecutors' offices.

- For each prosecutorial district or law enforcement jurisdiction, the number of sexual assault cases forwarded to district attorneys' offices by investigating agencies;
  - For each law enforcement jurisdiction, the number of sexual assault cases closed or classified as inactive by an investigating agency without referral to a district attorney's office, including the reasons for those closures or classifications;
  - The total number of sexual assault cases declined for prosecution by district attorneys' offices, including the numbers of those dismissed subsequent to an indictment and those declined without submission to a grand jury; and
  - The number of sexual assault cases forwarded by an investigative agency to a district attorney's office that are ultimately prosecuted under a statute other than TPC §§22.011 or 22.021.
- The Judicial Council should mandate case-level reporting of court activity and should expand the monthly court activity reporting framework to capture more detailed information on cases, such as indictment and disposition on each count in a case.

#### Conditions of Bond

A magistrate imposes conditions of bond at an alleged offender's first court appearance. The victim may not be present at this hearing and may be unaware of the conditions of bond. The victim may even be unaware that conditions exist. Most conditions of bond contain a "stay away" provision, which requires that the alleged offender avoid contact with victims post-arrest. Because the conditions are only valid until the case is adjudicated, the immediate and consistent enforcement of these conditions is critical. Under TPC §25.07, it is a Class A misdemeanor to violate bond conditions set in cases of family violence, sexual assault or abuse, stalking or trafficking that are related to victim or community safety. However, enforcement of such a provision is extremely difficult when law enforcement cannot access bond condition information in an efficient and timely manner.

To address the issue of available information on conditions of bond related to protective orders, Senate Bill (SB) 893 was passed in 2013 by the 83<sup>rd</sup> Legislature, amending TGC §411.042 to mandate that DPS' Bureau of Identification and Records "collect information concerning the number and nature of protective orders and all other pertinent information about all persons on active protective orders, including pertinent information about persons subject to conditions of bond imposed for the protective of the victim in any family violence, sexual assault or abuse, or stalking case."

The Texas Crime Information Center (TCIC) provides immediate access for law enforcement agencies throughout the state to data regarding the stolen status of property and the wanted, missing, sex offender, or protective order status of persons. TCIC directly connects to the National Crime Information Center (NCIC), which is checked as part of the National Instant Criminal

Background Check System (NICS). NICS is used to determine eligibility of persons to receive or purchase firearms. This process is imperative for victim, officer and community safety. Currently, bond conditions are entered into the “Miscellaneous” field of the protective order record in the TCIC database. This field, the contents of which are not searchable, has a maximum of 500 characters and also typically contains non-bond condition information related to the protective order. This limitation places law enforcement data entry personnel in the position of having to choose which terms to include and which to leave out of the record. Bond conditions are currently only entered into TCIC if there is also a protective order; therefore, some bond conditions are not accessible to law enforcement at all.

In application, SB 893 did not address the issue of accessible information for law enforcement on conditions of bond in its entirety and, as a result, victims, officers, and the community remain at risk while offenders are not held accountable. Law enforcement officers cannot enforce protective orders or bond conditions that they cannot verify, and victims cannot inform officers since there is no requirement for the victim to be notified of bond conditions.

### *Recommendations*

- Legislation should be passed to mandate that conditions of bond in cases involving family violence, sexual assault, and human trafficking be entered into the Texas Crime Information Center (TCIC) as a stand-alone record, instead of being attached to protective order records. The Texas Department of Public Safety should be required to update the existing TCIC database, forms, and procedures to support such a change.
- OCA should work with its justice partners to develop a model bond conditions form to capture the bond conditions set by the judge. The form should be structured to facilitate the timely entry of conditions into TCIC.

## DATING VIOLENCE

### Background

Nationally, one in three students reports some form of teen dating abuse.<sup>6</sup> According to 2013 data from the Centers for Disease Control (CDC) Youth Risk Behavior Surveillance System, nearly ten percent of Texas high school students experienced physical dating violence in the year prior to taking the survey. In addition, more than 11 percent of Texas high school students experienced sexual dating violence (including kissing, touching, or being physically forced to have sexual intercourse when they did not want to).<sup>7</sup> Teen dating violence victimization is related to adverse health outcomes in young adulthood: depression and anxiety; tobacco, drug and alcohol use; and

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<sup>6</sup> Davis, A., *Interpersonal and Physical Dating Violence among Teens*, National Council on Crime and Delinquency, September 2008, [http://www.nccdglobal.org/sites/default/files/publication\\_pdf/focus-dating-violence.pdf](http://www.nccdglobal.org/sites/default/files/publication_pdf/focus-dating-violence.pdf)

<sup>7</sup> Center for Disease Control and Prevention, *High School Youth Risk Behavior Survey: Texas, 2013*, <https://nccd.cdc.gov/youthonline/app/Results.aspx?LID=TX>.

adult interpersonal violence victimization.<sup>8</sup> These statistics reveal a need for a response to dating violence in communities and schools as well as prevention efforts to build safer communities.

As a result of the tragic death of Ortralla Mosley, who was stabbed by her former boyfriend in a hallway at Reagan High School in Austin, HB 121 was passed in 2007 by the 80<sup>th</sup> Legislature. This bill created Texas Education Code §37.0831, making Texas one of the first of 22 states in the nation to establish a school-based response to dating violence.<sup>9</sup> The implementation of dating violence policies by local school districts, however, has been inconsistent. While some school districts report the existence of a dating violence policy and provide training and awareness initiatives about the policy, many districts do not. According to a 2013 report issued by Sam Houston State University, 65 percent of Texas school districts do not have dating violence awareness information, as statutorily required, readily available for students and parents.<sup>10</sup>

## Texas Statutes

In 2001, Texas began strengthening its response to dating violence by amending the Texas Family Code (TFC) to specifically include dating violence in the definition of family violence. This amended definition of family violence has permitted victims of dating violence to seek protective orders, which allows the enhancement of applicable criminal charges pursuant to the Texas Penal Code. The following statutes are relevant to the Task Force's review of data collection and reporting related practices in the area of dating violence.

**Code of Criminal Procedure (CCP) Art. 5.05** provides that law enforcement and judicial officers shall protect victims of family violence from harm. The expanded definition of family violence means that dating violence victims are recipients of protection available under law. Art. 5.05 subsections (a) and (e) also mandate that any peace officer who investigates a family violence incident or responds to a call that may involve family violence is to provide information to the Texas Department of Public Safety (DPS) using the Uniform Crime Report (UCR) - 10 form.

**Texas Education Code (TEC) §37.0831** requires that all school districts in Texas have a dating violence policy that must include a definition of dating violence inclusive of the components outlined in Texas Family Code §71.0021, and must address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators, counseling for affected students, and awareness education for students and parents.

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<sup>8</sup> Exner-Cortens, D., et al., *Longitudinal Associations Between Teen Dating Violence Victimization and Adverse Health Outcomes*, Pediatrics, Volume 131, No. 1, January 2013, <http://pediatrics.aappublications.org/content/pediatrics/131/1/71.full.pdf>.

<sup>9</sup> National Conference of State Legislatures, *Teen Dating Violence*, November 2015, <http://www.ncsl.org/research/health/teen-dating-violence.aspx>.

<sup>10</sup> Bouffard, L., et al., *Texas School Districts' Implementation of Teen Dating Violence Legislation*, Sam Houston State University Crime Victims' Institute, February 2013, <http://dev.cicenter.org/files/cvi/TDVforWeb.pdf>.

## Data Collection and Reporting Issues and Recommendations

Improved identification, collection, and tracking of data related to dating violence is needed to increase awareness of and understand the scope of dating violence, to support better investigation and prosecution efforts of cases, to aid in decisions about allocating funding and services to victims, and to develop appropriate prevention strategies and programs.

The Dating Violence Workgroup identified two areas on the issue of dating violence with either limited or non-existent data collection and sharing practices: the prevalence of dating violence, both in the community and in schools; and dating violence policy implementation in schools.

### Prevalence of Dating Violence

Data on the prevalence of dating violence in Texas is difficult to locate and, in many instances, nonexistent. Pursuant to the CCP Art. 5.05 (a) and (e), any peace officer who investigates a family violence incident or responds to a call that may involve family violence is required to provide information to DPS using the Uniform Crime Report (UCR) - 10 form. However, the UCR-10 form does not include fields to document dating violence, despite the expansion in 2001 of the definition of family violence to include dating violence. See **Appendix C** for the current UCR form.

The Public Education Information Management System (PEIMS) is the repository for all data requested and received by the Texas Education Agency (TEA), including student demographic and academic performance, personnel, financial, and organizational information. PEIMS also includes data categories outlined in TEC §37.006 regarding student removal for conduct. This data repository offers a logical source for maintaining information on dating violence occurring on school campuses. However, TEC §37.006 does not specifically include dating violence because it is grouped with other behaviors, such as bullying and harassment. Data on protective orders, school-based alternatives to protective orders, and school health referrals are also unavailable, which creates a gap in the understanding of the extent and impact of dating violence occurring on school grounds and at school-sponsored activities.

### Recommendations

- Require DPS to update its UCR database and UCR-10 form to include dating violence as defined in TFC §71.0021 by adding “victim was dating partner” and “victim was former dating partner” to the list of applicable relationships of victim to alleged offender.
- Amend applicable statutes in the TEC to provide for data collection on incidents involving physical and sexual dating violence that lead to a student’s placement in a Disciplinary Alternative Education Program or other school-based responses to violence.
- Provide rule-making authority for TEA to:
  - Determine what data school districts must collect and consider the feasibility of a process to implement the collection of data on dating violence as a separate measure under Freedom from Harassment and report it as such to PEIMS.

- Determine the process for school districts to collect data on dating violence protective orders and school-based alternatives involving students.
- Consider ancillary sources and systems to track and support responses to dating violence such as school guidance and health centers.

### Dating Violence Policy Implementation

The Texas Association for School Boards has developed dating violence policy guidance and model dating violence policies, within their Freedom from Harassment model policies, for school districts. Significantly, there is no mandate for any entity to collect information on the required dating violence policies related to TEC §37.0831. The collection of this information could spur an evidence-based approach to addressing the implementation of dating violence policy across Texas.

### Recommendations

- Provide rule-making authority for TEA to adopt rules to provide school districts with guidance, training, and a process for tracking the implementation of all components of TEC §37.0831. The tracked components should include:
  - Dating violence policy development;
  - Procedures to address safety planning, enforcement of protective orders and school-based alternatives to protective orders;
  - Training for teachers and administrators;
  - Counseling for affected students; and
  - Awareness/prevention education for students and parents.
- Compliance with TEC §37.0831 should be monitored. A sample compliance assessment tool is provided in **Appendix D**.
- Emergency Operations Plans, which, pursuant to TEC §37.108, are required of all districts to assign responsibilities, actions, and other necessary considerations in the event of an emergency, should include dating violence responses.
- The feasibility of school districts' participation in the CDC's Youth Risk Behavior Surveillance System survey should be investigated along with additional research to fully assess rates of physical and sexual dating violence and related risk factors among high school students in Texas.
- The newly-created position of Campus Behavior Coordinator, which is designated to implement the functions outlined in TEC Chapter 37 Subchapter A, should be explored as a possible participant in implementing dating violence provisions.
- Institutions of higher education should be studied as models for data collection, policy implementation, and comprehensive responses that may be adapted to suit the needs of school districts.

- The Legislature should establish a time-limited, expert working group to support TEA in implementing TEC §37.0831, thereby ensuring best practices for dating violence response and prevention in Texas schools.

## HUMAN TRAFFICKING

### Background

Human trafficking, often referred to as modern-day slavery, occurs when someone is exploited in a labor setting or the commercial sex industry. Human trafficking impacts people across the globe of every age, race, gender, sexual orientation, ethnicity, religion and nationality. This crime is perpetrated in urban centers, small towns and rural areas across Texas. In fact, in 2015, approximately one out of every 12 calls to the National Human Trafficking Hotline came from Texas, second only to California.<sup>11</sup>

The federal law outlawing human trafficking was enacted in 2000 with the Trafficking Victims Protection Act.<sup>12</sup> Texas adopted its first Trafficking of Persons statute in 2003, but it was not until 2011, after significant changes were made to the statute, that state prosecutions substantially increased.

The “traffic” in human trafficking means “to transport, entice, recruit, harbor, provide or otherwise obtain a person by any means” and does not necessarily entail the movement of a person across state or international borders. The offense of trafficking of persons involves knowingly “trafficking” someone for the purpose of having them engage in forced labor or services or sexual conduct. Forced labor or services is defined as “labor or services, other than labor or services that constitute sexual conduct, that are performed or provided by another person and obtained through an actor’s use of force, fraud or coercion.” Finally, a child in relation to trafficking means “a person younger than 18 years of age.”

Many victims of human trafficking, be they men, women, or transgender, adults or children, citizens or foreign-born, are likely to be vulnerable or marginalized in some way. Victims may be homeless, have experienced early childhood sexual abuse, have run away from their homes, suffer from drug addictions, have a criminal record or lack legal immigration status. In 2012, 67 percent of children reported missing to the National Center for Missing & Exploited Children who were identified as child sex trafficking victims were in the care of social services or the foster care system.<sup>13</sup> These vulnerabilities increase the likelihood that an individual will be recruited by a

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<sup>11</sup>National Human Trafficking Resource Center, *Texas State Report*, April 2016, <http://traffickingresourcecenter.org/resources/nhtrc-2015-texas-state-report>.

<sup>12</sup>22 U.S. Code §7101, 2000.

<sup>13</sup> U.S. Representatives Committee on Ways and Means Subcommittee on Human Resources, Testimony of John D. Ryan: *Protecting Vulnerable Children: Preventing and Addressing Sex Trafficking of Youth in Foster Care*, October 2013, [http://waysandmeans.house.gov/UploadedFiles/John\\_Ryan\\_Testimony\\_HR102313.pdf](http://waysandmeans.house.gov/UploadedFiles/John_Ryan_Testimony_HR102313.pdf).

trafficker, and they may work as barriers to individuals seeking help or being identified as victims by the criminal justice or social service systems.

Both adult and child victims of sex trafficking are often arrested for prostitution charges during the time they are being trafficked. Texas Penal Code §43.02(d) provides that an individual engaged in prostitution as a result of being trafficked or being compelled into prostitution is entitled to use the trafficking or compelling as an affirmative defense to the prostitution charges. At this time, the defense is limited to prostitution charges and does not include other crimes that individuals may have been forced to commit during the period of time in which they were trafficked.

The Legislature has also granted victims of human trafficking or compelled prostitution the ability to sue their traffickers for actual damages, other damages, court costs and attorney's fees. Victims are also entitled to apply for protective orders against their traffickers, and violations of the protective orders or of attendant bond conditions can result in up to 3<sup>rd</sup> degree felony penalties for the violators. In addition, juvenile courts are allowed to defer adjudication of guilt for trafficking victims charged with juvenile offenses and, upon request, place the child in a specialty trafficking court designed to supply intensive court supervision, trauma-informed care and a specialized treatment plan. After the successful completion of such a program, the court will dismiss with prejudice the child's pending case.

## Texas Statutes

In 2010, the Texas Supreme Court determined that children under the age of 14 could not be adjudicated under the Texas Juvenile Justice Code for the crime of prostitution.<sup>14</sup> However, children between 14 and 16 years of age still can be. Children at or over the age of 17 are considered adults for the purposes of committing offenses, including prostitution, but remain children for purposes of protection under the human trafficking statute. In 2011, the Texas Legislature revised the trafficking statute, along with other relevant portions of the Texas Penal Code (TPC) and the Code of Criminal Procedure (CCP) by bringing child sex trafficking into alignment with other Texas statutes and those statutory provisions allowing for prosecution of child sexual abuse. The statutes below are relevant to the Task Force's review of data collection and reporting related practices in the area of human trafficking.

**Texas Penal Code §20A.02** divides trafficking into four offenses: adult labor trafficking, adult sex trafficking, child labor trafficking, and child sex trafficking. In each of these categories, a person can be prosecuted for trafficking: if the person knowingly makes the victim engage in the forced labor, services or sexual conduct; if the person knowingly receives a benefit from participating in a venture that involves trafficking another, including receiving labor or services the person knows

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<sup>14</sup> *In re B.W.*, 313 S.W.3d 818, 826 (Tex. 2010).

are forced labor or services; or, in the case of sex trafficking, if the person knowingly engages in sexual conduct with a trafficked person.

Adult labor trafficking, adult sex trafficking and child labor trafficking all require the trafficker to use force, fraud, or coercion to cause the victim to engage in the sexual conduct or the forced labor. Child sex trafficking does not require force, fraud or coercion. Instead, an individual just has to knowingly obtain a child by any means and, by any means, cause them to engage in or become the victim of any of the child sexual abuse offenses detailed in TPC Chapters 21 and 22. A child can be persuaded, bribed, cajoled, tricked, romanced, promised, etc. by the trafficker. Traffickers are legally responsible for the crime regardless of whether it appears that the child agreed to engage in the conduct. Child sex and labor trafficking constitute offenses regardless of whether the defendant knew the age of the child at the time he or she committed the offense.

**Texas Penal Code §20A.03** models the offense of Continuous Trafficking of Persons after Continuous Sexual Abuse of a Young Child, which can be used to prosecute the sex and labor trafficking of both adult and child victims. Continuous trafficking requires two or more instances of trafficking in a period of 30 days or more, which can be two or more instances of trafficking of one person that occurs over 30 days or more, or it can be multiple victims who are trafficked once or more than once over at least 30 days. It can include a mix of sex and labor trafficking as well as trafficking situations in which both adults and children are victims of the same trafficker. It is intended to cover longer term, ongoing situations; allows for a date range rather than a single date; and is designed to be inclusive of conduct that occurred in more than one county.

**Texas Civil Practice and Remedies Code Chapter 140[A]** was established in 2013 and grants the Office of the Attorney General exclusive jurisdiction to file civil racketeering charges in the relevant district court against a person who commits trafficking of persons for financial gain where any element of the offense occurs in more than one county or is facilitated by communications between counties. Upon a finding for the state, the court can then assess up to \$250,000 in fines per count, levy temporary and permanent injunctions, order divestment of direct or indirect interests in an enterprise, require disgorgement of ill-gotten gains, prohibit future engagement in a similar endeavor, mandate dissolution or reorganization of an enterprise and assess the fees, expenses, costs, and damages related to the conduct.

## Data Collection and Reporting Issues and Recommendations

Improved identification, collection, and tracking of data related to human trafficking is crucial to understanding the scope of human trafficking in Texas in order to better investigate and prosecute cases of human trafficking, to better allocate funding and services to victims and survivors, and to develop appropriate prevention activities. The Human Trafficking Workgroup identified data collection and reporting improvements in the area of human trafficking incidents, victims, and offenders.

## Human Trafficking Incidents, Victims, and Offenders

The dynamics of human trafficking itself lead to gaps in data. Those who are exploited through sex trafficking or labor trafficking often do not self-identify and report the crime to authorities. Victims may not disclose if they are concurrently involved in illicit activities or have a legal status that makes them reluctant to seek or accept help. Furthermore, given the risk factors and marginalization that many victims experience, they may have lost trust in the systems designed to assist and protect them. Data collection and reporting are further hampered by the fact that human trafficking crimes often co-occur with, or are misidentified as, other crimes.

Multiple federal and state agencies and national non-governmental organizations collect data related to human trafficking. These include, but are not limited to, the Federal Bureau of Investigation, U.S. Department of Homeland Security, U.S. Department of Health and Human Services, Texas Department of Family and Protective Services (DFPS), Texas Department of Public Safety (DPS), Polaris Project's National Human Trafficking Resource Center, and the National Center for Missing and Exploited Children. While none of these agencies collect data that reveal the full scope of human trafficking in Texas, they do provide useful data points to increase understanding of the information currently collected about the crime. Unfortunately, some of these data are difficult to access and few mechanisms exist for data sharing between sources. In addition, there is little uniformity of existing data due to the challenges associated with data collection across multiple justice system agencies. For example, there is no standard mechanism with which to track prosecution and court activities that occur between arrest and disposition. In sum, no statewide process exists to identify and track cases from the time of initial identification or reporting through the conclusion of prosecution.

As the result of the data collection and sharing challenges, the prevalence of human trafficking is largely unknown, and estimating the scope of the crime is methodologically challenging. Empirically-grounded prevalence data is limited for both sex trafficking and labor trafficking. Among the most conservative representations of the scope of human trafficking are statistics for reported cases and reported outreach by victims and witnesses. That is, existing information focuses almost exclusively on identified cases, leaving little understanding of cases that are not identified or formally reported. There are several reasons that the rates of investigation and prosecution of human trafficking cases may be underreported, including lack of precedent and case law; victim reluctance to testify; lack of institutional infrastructure; and lack of training for investigators and prosecutors on how to investigate and litigate human trafficking cases.<sup>15</sup> Human trafficking cases may also ultimately proceed through the criminal justice system under charges other than human trafficking or may not proceed after an initial report.

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<sup>15</sup> Farrell, A., et al., *Identifying Challenges to Improve the Investigation and Prosecution of State and Local Human Trafficking Cases*, 2012, submitted to National Institute of Justice, Washington, DC, <https://www.ncjrs.gov/pdffiles1/nij/grants/238795.pdf>.

## Recommendations

- A pilot data tracking project should be developed to track human trafficking-related cases around the state. Select county or city law enforcement agencies should track the number of human trafficking-related or potential human trafficking cases referred to them or uncovered by their agencies. Such an effort should include the gender and number of victims, gender and number of traffickers, and whether the case involved foreign-born or domestic, and adult or minor victims and traffickers. The type of trafficking case should also be recorded (sex trafficking, labor trafficking or both).

Furthermore, the pilot should include collection of the number of human trafficking-related cases sent to the District Attorney's office and under which offenses or charges. District Attorney's offices would maintain data on the number of trafficking cases referred in, the number of human trafficking-related cases accepted for prosecution (and under which charges or offenses), and the number of cases with an end resolution of human trafficking. These data should be submitted annually. Select pilot sites should include urban and rural areas already engaged in human trafficking initiatives (for example, San Antonio, Dallas, Houston, Fort Worth, El Paso, Waco, Lubbock, Corpus Christi, and the Human Trafficking and Transnational/Organized Crime Section of the Office of the Attorney General). The pilot project should proceed for at least one biennium and a process should be developed to evaluate its feasibility, effectiveness and opportunities for revision and replication.

- DFPS should continue to build mechanisms with which to track possible human trafficking cases that are identified through intake and/or are identified among the current population of children in the state's custody.
- Incident-Based Reporting, which allows for more than one crime type per incident to be reported, should be reviewed by DPS to determine if it would be an effective method to link human trafficking cases across data sets.
- The Judicial Council should mandate case-level reporting of court activity and should expand the monthly court activity reporting framework to capture more detailed information on cases, such as indictment and disposition on each count in a case.
- The feasibility of collecting information statewide on the victim and survivor service delivery systems, including educational, medical, mental health, crime victim and social services should be evaluated by the Statewide Human Trafficking Mapping Project for Texas.

## PROTECTIVE ORDERS

### Background

A protective order is an important part of a safety plan to prevent further violence and can, among other things, prohibit the respondent from committing family violence; communicating in a threatening or harassing manner with a family or household member, or communicating at

all in some cases; going near a victim's residence and place of employment; going near identified childcare and school facilities; stalking; and possessing a firearm.

There are three types of protective orders in Texas: temporary ex parte protective order, final protective order, and Magistrate's Order for Emergency Protection (MOEP). A temporary ex parte order is an immediate order of protection issued in a civil district or county court, based upon an application by the victim. Its goal is to stop the abuser from engaging in abusive, threatening, or harassing behavior, and from contacting the victim in any way. It is intended to protect the victim from further abuse or family violence until a full court hearing for a Final Protective Order is held. After such a hearing, the court can issue a final protective order, which is also meant to stop the abuser from engaging in abusive, threatening or harassing behavior, and from contacting the victim in any way. It is intended to protect the victim and his/her children from further abuse and violence for a longer period of time. This order typically lasts up to two years, but can last up to a lifetime in certain circumstances.

A MOEP is a court order issued at a criminal defendant's first appearance before a magistrate after arrest for an offense involving family violence, sexual assault, human trafficking, or stalking. In contrast to the temporary ex parte and permanent protective orders, which require an application by the victim, the magistrate may issue an order for emergency protection on the magistrate's own motion or on the request of the victim of the offense, the guardian of the victim, a peace officer, or the attorney representing the state. A MOEP is issued to stop the abuser from engaging in abusive, threatening, or harassing behavior, and from going to certain locations, such as a victim's residence, place of employment, or child's school. It is intended to protect the victim from further abuse or violence and lasts from 31 to 91 days.

Texas has more than 2,700 trial courts that may be involved in the protective order process. While both district and county-level courts can issue temporary ex parte and permanent protective orders, most of these types of protective orders are issued by district courts. The majority of MOEPs are issued by justice and municipal courts. Due to the large number of actors and agencies in the protective order process, there is potential for problems in the complete and accurate reporting of protective orders.

Statistical data on Texas protective orders issued are collected by OCA, and DPS collects case level records on protective orders in the Texas Crime Information Center (TCIC). However, due to different definitions and incomplete reporting, opportunities to analyze protective order data to ensure that orders are entered into TCIC are limited. This limitation prevents the identification of issues regarding the entry of protective order records into TCIC, which ultimately impacts law enforcement's ability to enforce orders. For example, if a court issues 25 protective orders, but only five are entered into TCIC; there is a gap in the protective order process that can have a direct impact on victim, officer, and community safety. Complete and accurate TCIC entry is also critical for enforcement of the orders pursuant to the Full Faith and Credit provisions of the Violence Against Women Act, which allows all valid Texas protective orders to be enforced in

every other state and territory. TCIC feeds into the National Crime Information Center database, which allows responding peace officers across the country to verify the existence and terms of the order, to aid enforcement.

## Texas Statutes

The following Texas statutes relate to the Task Force's recommendations related to protective orders.

**Texas Family Code (TFC) Title IV** provides that protective orders are civil orders that are issued to prevent continuing acts of family violence, sexual assault or abuse, stalking, and human trafficking. Ex Parte Protective Orders are temporary and can be no more than 20 days per order, or a final order of up to 2 years unless otherwise specified. TFC 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.

**Texas Family Code §85.007** provides a confidentiality provision that allows courts to exclude the address and telephone number of the person protected by the order, as well as their place of employment and any child-care facility or school of a child protected by the order. If an order of confidentiality is issued under TFC §85.007, such information is available for use by the court only. By statute, local law enforcement (the police department or the sheriff's office) is charged with entry of protective order information into the TCIC within three days of its receipt. The protective order and the identifying information must be forwarded to the appropriate local law enforcement agency no later than the next business after the order was issued. If the address and telephone number of those persons protected by the order are not made available to law enforcement for entry into TCIC due to a court order under TFC §85.007, the ability of law enforcement to enforce those orders and protect the applicant is compromised, thereby endangering victims, officers, and the community.

**Texas Family Code §§85.007, 85.025(a-1) and 85.025(c)** provides that while the standard duration of a Texas protective order is two years, it can be ordered for up to the lifetime of the parties if: the court finds that family violence has occurred and is likely to occur in the future and the respondent either caused serious bodily injury to the applicant, or the respondent was the subject of two or more previous protective orders issued on behalf of the applicant. However, if the respondent is incarcerated at the time or released from confinement within one year of the date on which the order was set to expire, the order is automatically extended. The order will not expire for an additional one year after the respondent is released if the respondent received a sentence of more than five years, and for two years from the respondent's date of release if they were sentenced to five years or less.

**Code of Criminal Procedure (CCP) Article 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.

## Data Collection and Reporting Issues and Recommendations

Improved identification, collection, and tracking of data related to protective orders is essential to identifying issues within the protective order process, to better allocate funding and services to victims, and to develop appropriate prevention activities. The Protective Order Workgroup identified four areas with insufficient data collection and reporting practices: data collection and entry into TCIC; court activity data; confidentiality of applicant’s information; and automatic extensions of protective orders.

### Data Collection and Entry into TCIC

The Texas Department of Public Safety administers TCIC. Many people in many agencies across the state collect and enter protective order information pursuant to widely varied locally-promulgated procedures and protocols, resulting in the inconsistent collection and entry of data. These inconsistencies do not allow for accurate information and statistics regarding family violence, sexual assault, and stalking to be gathered. Collecting and reporting accurate protective order data is important for victim and officer safety, as well as for identifying training, services, or other resources that might be needed.

Information collected on the applicant is needed to process the protective order and to distribute the order to the law enforcement agencies in the area of protection. The applicant or attorney must provide a data collection sheet with personal information on the applicant along with the current address for law enforcement. See **Appendix E** for an example. The data sheet is reported to be an issue and cause for processing delay when it does not accompany the application or order. The clerk may be forced to wait days to receive the information needed to provide to law enforcement, daycares, and schools. There is no statute that mandates when the data sheet is to be completed by the applicant or attorney

After a protective order is issued by the court, the protective order and data entry form are forwarded to law enforcement. Law enforcement staff must then decipher handwritten information, locate missing information, and verify information. Because the orders and data entry form are not standardized, the lack of consistent format can prolong processing time and lead to inaccurate data entry. Further, enforcement of such orders is impaired if the document is not recognizable as a protective order.

The Protective Order Kit approved by the Supreme Court of Texas includes a recognizable protective order first page (**Appendix F**), on which specific information such as expiration date,

names of the parties, respondent identifiers, findings, and basic terms of the order are provided. However, these forms are not mandated for use by applicants and courts, which results in the use of different formats depending on local rules and custom. These variances impede enforcement of the orders pursuant to the Full Faith and Credit provisions of the Violence Against Women Act.

In addition to the lack of consistent use of the TCIC Data Entry Form, the existing form does not delineate the different types of orders available in Texas. The form also lacks certain information that would benefit law enforcement's efforts to ensure officer and victim safety. Finally, DPS does not currently publish protective order statistics, which makes analysis difficult.

### *Recommendations*

- Mandatory, uniform protective order reporting protocols should be developed by representatives from DPS, OCA, the State Bar, and Texas Council on Family Violence to ensure that the TCIC protective order data entry form is completed and submitted with the protective order application and other required documentation. Suggested procedures include:
  - Applicants and/or counsel in civil protective orders should be required to include the basic information required for entry into TCIC at the time the application is filed and confirm that it remains valid at the time the order is filed.
  - For a Magistrate's Order of Emergency Protection, the requesting party (usually the arresting officer) should be required to collect all data entry information as part of the request, along with the probable cause statement and all relevant criminal history reports.
- A mandatory, uniform protective order first page and TCIC Data Entry Form should be used by all agencies and courts. This may be accomplished by:
  - A legislative mandate that the first page in the Protective Order Toolkit be used for every type of protective order allowed in Texas.
  - A legislative mandate that DPS' "Data Entry Form for Texas Crime Information Center (TCIC)" be used to collect data for entry of the protective order into TCIC.
- The TCIC Data Entry Form and the TCIC database should be modified to capture new data elements to differentiate among the types of Protective Orders available under Texas Law. These types are:
  - Texas Family Code, Title IV
    - Ch. 83 - Temporary Ex Parte Order
    - Ch. 85 - Protective Order
  - Code of Criminal Procedure
    - Art. 6.08 Hate Crimes (PO Prohibiting Offense Caused by Bias or Prejudice)

- Art. 7A.01 Sexual Assault or Abuse Protective Order, Stalking Protective Order, and Trafficking Protective Order
    - Art. 17.292 Magistrate’s Order for Emergency Protection
  - Military Protective Orders
- The TCIC Data Entry Form and corresponding data entry fields should be amended to add a field that can be used to indicate whether the alleged offender has a history of using weapons and a field to indicate if the alleged offender has a history of diagnosed mental illness.
- DPS’ Crime Records Service should compile annually the number of protective orders by type entered into TCIC by county. DPS should coordinate with OCA to develop this report so that the number of protective orders entered into TCIC can be compared with the number of protective orders issued reported to OCA. The resulting report should be posted on DPS’ website.

### Court Activity Data

The civil case information sheet (**Appendix G**), required by Rule 78a of the Texas Rules of Civil Procedure, must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate or mental health case. The protective order application is listed on the form under Other Family Law, however, the type of protective order is not collected. The civil case information sheet is used for data collection for statistical and administrative purposes. Clerks use the information provided on the civil case information sheet to help categorize cases, which impacts the data reported in the Judicial Council Monthly Report. In addition, eFiling case categories do not differentiate protective order type.

Texas Government Code §71.035(b) and Texas Administrative Code Chapter 171 require submission of court activity reports each month to the Texas Judicial Council. The Judicial Council Trial Court Activity Reports, submitted to OCA, collect statistics on court activity including the issuance of protective orders. The information collected on protective orders does not specify protective orders by type. This lack of specificity makes it difficult to accurately determine the number of protective orders issued by type in Texas courts and to accurately compare protective order activity among jurisdictions.

### Recommendations

- The civil case information sheet should be modified by the Texas Supreme Court, and eFiling case categories should be modified by the Judicial Committee on Information Technology to designate the type of protective order requested.
- The Texas Judicial Council’s District and County Court Monthly Reports and the associated database should be modified to collect protective order data that differentiates by protective order type, in the same categories recommended to be collected by the TCIC data entry form (excluding military protective order, which cannot be issued by a state court). This recommendation could be accomplished by implementing the recommendation, also

provided in other sections of this report, that the Judicial Council should mandate case-level reporting of court activity and should expand the monthly court activity reporting framework.

- OCA should coordinate with DPS to produce statistical reports that can be used to compare the number of protective orders entered into TCIC with the number of protective orders issued reported to OCA for the purpose of identifying reporting issues.

### *Confidentiality of Applicant's Information*

To initiate a protective order proceeding in Texas, the applicant must file an “Application for a Protective Order.” Such a document must state the name and county of residence of all parties and the relationship between the parties. In noting that the county of residence is sufficient to begin the protective order process, the Legislature followed best practices, as recognized by family violence professionals. Because a part of many victims’ actions to obtain safety includes moving, a victim’s address may be excluded from a protective order. However, the “Contents of Notice of Application” requires the mailing address for the applicant if they do not have an attorney. This same statute notes that the respondent is entitled, but not required, to file a written answer. Forcing the applicant to provide an address poses significant safety risks to them and their families. Further, requiring pro se applicants to list their address, but allowing victims who are represented to use their attorney’s address may place an undue burden on some victims, in particular those who have limited financial means. Victims’ access to finances are often limited or eliminated by their abuser against whom they are seeking protection. Thus, in addition to compromising the safety of the very person the protective order process is intended to protect, this is a significant access to justice issue.

Without a statute designating when the applicant’s personal data sheet is to be filed while keeping the applicant’s information confidential, the ability of the clerk to process the protective order in a timely manner is compromised.

### *Recommendations*

- TFC §85.007 should be amended to allow for the release of the identifying information exclusively to law enforcement to facilitate accurate data entry into the TCIC system.
- Orders that grant the confidentiality request should be required to include language instructing clerks that the information shall be released to law enforcement for purposes of timely and accurate data entry into the TCIC system.
- TFC §82.041(10), which requires that an applicant for a protective order include their address on the application, should be repealed in order to promote an applicant’s safety. Because the respondent faces no punitive action or negative consequences for failing to file an answer, it is not necessary for the respondent to have the applicant’s address.

## Automatic Extensions of Protective Orders

There is currently no process to exchange an offender's incarceration release information among agencies, courts, and victims when a respondent's incarceration triggers an extension of a protective order.

## *Recommendations*

- DPS should identify a process for law enforcement to determine incarceration release dates for the purpose of updating TCIC.
- OCA should identify a protocol for courts to update existing orders and send notification to law enforcement agencies and victims.

## CONCLUSION

The Task Force was comprised of experienced stakeholders devoted to the eradication of family violence, dating violence, sexual assault, stalking, and human trafficking. The level of collective expertise brought to bear on the issues studied was extensive, and the commitment of Task Force members to act on and support solution-oriented efforts to improve system functioning is very high.

Solutions to the issues studied must be based on accurate and complete data. Without such a base of evidence, efforts to plan for, develop, deliver, and evaluate services provided to victims, families and communities, may be misdirected, or lost entirely. The Task Force believes that acting on these recommendations is one way to promote the development of better systems.

## Appendix A: Key Programs and Resources

**Break the Cycle** – Break the Cycle was founded in 1996 in California to address a void in services available for victims of teen dating violence. The project provided prevention education directed toward teen and legal services. Due to increased needs for such intervention across the country, it expanded nationally in 2004.

**Department of Family and Protective Services** — As the lead agency operating on behalf of children who have been victims of abuse or neglect, the Department of Family and Protective Services (DFPS) is tasked with multiple data collection obligations related to trafficking. Some of the most recent data collection requirements include a mandate to interview children who have run from care and to inquire about their reasons for running away as well as to investigate whether those children have been victims of trafficking while they have been outside of the Child Protective Service system. DFPS also licenses many of the homes and facilities that provide short- and long-term care for child trafficking victims and is the primary source of funding for rehabilitative services for the 68 percent of Texas’ child sex trafficking victims that come from the foster care system.

**Department of Public Safety/Interdiction for the Protection of Children** — The Department of Public Safety (DPS) Interdiction for the Protection of Children project trains frontline officers to identify human trafficking behaviors and indicators at traffic stops. Frontline officers may submit suspicious activity reports that are subsequently coded to indicate possible human trafficking. Investigators then follow-up on possible cases. In addition, several members of DPS’ Criminal Investigations Division specialize in trafficking investigations in Dallas, Houston and San Antonio.

**Expect Respect** – This program is a project of SAFE (Stop Abuse for Everyone) in Austin and has been serving middle and high school students since 1988. It offers an intensive prevention program that has three components: supporting children exposed to violence; preparing and gathering youth leaders; and working with schools, parents and communities to create safe and healthy environments.

**Governor’s Child Sex Trafficking Unit** — The 2015 legislative session created a Child Sex Trafficking Unit (CSTU) and placed it within the Criminal Justice Division of the Office of the Governor. CSTU is designed to focus on the growing issue of child sex trafficking, including prevention, and to design and implement a seamless web of services and case management for victims that can be obtained through a single call for help whether from a victim or an advocate on behalf of that child.

**[Human Trafficking and Transnational/Organized Crime Section of the Office of the Texas Attorney General](#)**

— In 2016, Texas created the Human Trafficking and Transnational/Organized Crime (HTTOC) unit within the Criminal Prosecutions Division of the Office of the Attorney General. This specialized unit is tasked with generating independent investigations of all types of trafficking, assisting law enforcement and district attorneys statewide in the investigation, and prosecution of human trafficking cases, as well as combating trafficking through the civil racketeering provision of the code. HTTOC members provide training for judges, attorneys, probation, law enforcement, state and local agencies, policymakers, and members of the public and industry groups, as well as assisting the Human Trafficking Prevention Task Force in the coordination of the state policy agenda related to trafficking. HTTOC also serves as a member of regional coalitions and task forces around the state.

**[Love is respect](#)** – This 24-hour resource for teens was launched in 2007 as a project of the National Domestic Violence Hotline. In 2011, it partnered with Break the Cycle and began offering 24-hour text services in addition to phone and online chat services.

**[Protective Order Kit](#)** — A 2001 study conducted by the Texas Access to Justice Commission found that victims of family violence in many counties had little to no access to protective orders. The Texas Supreme Court’s Protective Order Task Force was created in 2005 to help victims of family violence get a protective order against their abuser by providing a pro se protective order kit. Current protective order forms approved by the Texas Supreme Court include all necessary components for thorough and accurate data entry.

**Protective Order Registries** — Many states, such as [California](#), [Indiana](#), and [Louisiana](#), maintain protective order registries to provide courts and other approved agencies with accurate and timely information on protective orders and bond conditions. This practice facilitates the swift enforcement of orders and avoids the issuance of conflicting orders. In Louisiana, the registry is managed by the Judicial Administrator’s Office of the Louisiana Supreme Court. Louisiana’s protective order registry functions as a single point of entry for 26,050 protective orders in 2015 for its population of 4.7 million. In Texas, approximately 450 separate law enforcement agencies annually enter approximately 24,000 protective orders for a population of 27 million. While a protective order registry in Texas would likely increase the number of protective orders entered into TCIC, the volume of resources and personnel needed to implement a protective order registry in Texas may be prohibitive at this time. However, replication of certain protocols and forms used in Louisiana would likely improve the efficiency of Texas’ existing system.

**State Bar of Texas’ Legal Services Support Division Family Law Task Force** — In 2011, the State Bar of Texas Legal Services Support Division’s Family Law Task Force appointed a committee to establish best practices for keeping people safe from interpersonal violence. The committee’s report, [\*Best Practices for Lawyers Representing Survivors of Domestic Violence, Sexual Assault,\*](#)

[Stalking, and Trafficking in the State of Texas](#), is the culmination of the work of many stakeholders and recommends a victim-centered approach to legal representation.

[Statewide Human Trafficking Mapping Project for Texas](#) — The Statewide Human Trafficking Mapping Project for Texas is a research initiative of The University of Texas at Austin’s Institute on Domestic Violence & Sexual Assault (IDVSA). Funded by the Criminal Justice Division of the Office of the Governor, the project’s purpose is to provide empirically-grounded data about the extent of human trafficking in Texas.

[Texas Association Against Sexual Assault](#) — The Texas Association Against Sexual Assault (TAASA) is the leading organization on sexual assault in Texas. Since 1982, its goal has been to eradicate sexual assault through advocacy, education, and prevention while providing support to survivors. TAASA includes more than 80 crisis centers and is deeply involved in legal services, education, criminal justice training, youth outreach and legislative advocacy.

[Texas Council on Family Violence](#) — As one of the nation’s largest family violence coalitions, the Texas Council on Family Violence (TCFV) has provided support, training, technical assistance and strategic planning for service providers, governmental agencies and non-governmental organizations since 1978. TCFV has been at the forefront of the family violence movement and is a strong voice in the Legislature on issues such as funding, batterers’ intervention and prevention programs, shelter support and training.

[Texas Human Trafficking Prevention Task Force](#) — HB 4009 was passed by the Texas Legislature in 2009, creating the Texas Human Trafficking Prevention Task Force. The Task Force is chaired by the Attorney General. The Task Force includes most major state agencies as well as law enforcement, victim serving agencies, prosecution, and advocacy groups assembled to work collaboratively on the issue of human trafficking from a state perspective. Part of the Task Force’s mission is to “ensure that each state or local governmental agency and political subdivision of the state that assists in the prevention of human trafficking collects statistical data related to human trafficking.”

[Texas School Safety Center](#) — The Texas School Safety Center (TxSSC) is an official university-level research center at Texas State University. The TxSSC is tasked in Chapter 37 of the Texas Education Code and the Governor’s Homeland Security Strategic Plan with key school safety initiatives and mandates. Specifically, the TxSSC serves as a clearinghouse for the dissemination of safety and security information through research, training, and technical assistance for K-12 schools and junior colleges throughout the state of Texas. In addition, the TxSSC also builds partnerships among youth, adults, schools, law enforcement officers, and community stakeholders to reduce the impact of tobacco on all Texans through prevention, training and enforcement initiatives.

[University of Texas Institute on Domestic Violence & Sexual Assault](#) — IDVSA is the only research institute in the nation that approaches research about interpersonal violence from a multidisciplinary focus, IDVSA has conducted numerous studies on domestic violence, sexual assault, child abuse and human trafficking including the impact on victims and their families, along with research on factors that cause people to commit violence.

THE STATE OF TEXAS

§

CITY OF SAN ANTONIO

VS.

§

TEST A INCODE JR

§

MUNICIPAL COURT

**WAIVER OF DEFENDANT'S RIGHTS**

I understand that I am being charged with a misdemeanor offense

I understand that I have the right to:

- Plead not guilty and require the state to prove my guilt beyond a reasonable doubt,
- Request a trial before a judge or a jury,
- Hire an attorney,
- Remain silent,
- Subpoena witnesses,
- Have my trial transcribed by a court reporter, and
- If a foreign national, the right to access his/her consulate.

I understand that if I am not a citizen of the United States, a plea of guilty or nolo contendere could result in my deportation, exclusion from admission to this country, or the denial of naturalization under federal law.

I understand a plea of guilty or nolo contendere could result in a conviction on my driving and/or criminal record.

I HEREBY PLEAD GUILTY OR NOLO CONTENDERE.

I HEREBY KNOWINGLY AND VOLUNTARILY WAIVE (GIVE UP) ALL MY RIGHTS INCLUDING MY RIGHT TO A JURY TRIAL.

\_\_\_\_\_  
Defendant's Signature/Attorney for Defendant  
March 11, 2014

\_\_\_\_\_  
Parent/Guardian's Signature  
March 11, 2014



CAUSE NUMBER: B0000001, 01

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS.	§	CITY OF SAN ANTONIO
INCODE, TEST A JR	§	BEXAR COUNTY, TEXAS

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**AFFIRMATIVE FINDING OF FAMILY VIOLENCE  
ADMONISHMENTS**

---

I, INCODE, TEST A JR, have been informed that the following rights can potentially be affected by an Affirmative Finding of Family Violence pursuant to the Article 42.013 of the Texas Code of Criminal Procedure and Section 71.004 of the Texas Family Code.

Possession/ownership of firearms and/or firearms permits (See Firearms admonishment form).

Custody/visitation rights regarding children.

Basis upon which alimony can be ordered in divorce.

Employment in certain jobs (including but not limited to military service and law enforcement).

Basis upon which a subsequent offense of Assault-Bodily Injury against a household/family member can be enhanced to a third-degree felony.

Immigration status if Defendant is not a citizen of the United States (See Immigration admonishment form).

**I further acknowledge that I have read and understand the effects of a plea of guilty or no contest and it is my desire to plea of guilty or no contest in the cause number.**

**Signed on this March 11, 2014.**

\_\_\_\_\_  
Defendant

CAUSE NUMBER: B0000001 01

STATE OF TEXAS	§	IN THE MUNICIPAL COURT
VS	§	CITY OF SAN ANTONIO
INCODE, TEST A JR	§	BEXAR COUNTY, TEXAS

**FIREARM ADMONISHMENT UPON CONVICTION FOR  
FAMILY VIOLENCE MISDEMEANOR**

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I, TEST A INCODE JR, Defendant in the above styled and numbered case, have been admonished by the Court of the following pursuant to Article 27.14, Code of Criminal Procedure:

**If you are convicted of a misdemeanor offense involving violence where you are or were a spouse, intimate partner, parent, or guardian of the victim or are or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm, including a handgun or long gun, or ammunition, pursuant to federal law under 18 U.S.C. Section 922(g)(9) or Section 46.04(b), Texas Penal Code. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney.**

I have read and understand the above admonishment of potential consequences for a conviction of a misdemeanor involving family violence, as defined by Section 71.004, Texas Family Code.

Signed on this March 11, 2014.

\_\_\_\_\_  
Defendant/Attorney for Signature  
March 11, 2014

\_\_\_\_\_  
Parent/Guardian Signature (if applicable)  
March 11, 2014

**CAUSE NUMBER: B0000001 01**

<b>STATE OF TEXAS</b>	§	<b>IN THE MUNICIPAL COURT</b>
	§	
<b>vs.</b>	§	<b>CITY OF SAN ANTONIO</b>
	§	
<b>TEST A INCODE JR</b>	§	<b>BEXAR COUNTY, TEXAS</b>

**STIPULATION TO FAMILY RELATIONSHIP**

My name is TEST A INCODE JR, and I am the Defendant in the above styled and numbered case. I hereby stipulate that my relationship to the Complainant, STEVE M ABBOT, is as follows:

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

**Texas Family Code Definitions:**

Per Section 71.003, “**family**” is defined as individuals related by consanguinity or affinity, former spouses of each other, parents of the same child without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.

Per Section 71.005, “**household**” is defined as a unit composed of persons living together in the same dwelling without regard to whether they are related to each other. According to Section 71.006, this includes a person who previously lived in the household.

Per Section 71.0021, “**dating violence**” includes violence between persons who currently have or previously had a dating relationship.

**I further acknowledge that this stipulation can be used by the Court to make the Affirmative Finding of Family Violence pursuant to Texas Code of Criminal Procedure Article 42.013 in the event I am convicted of the offense charged in the above cause number.**

Signed this U03.

\_\_\_\_\_  
Defendant's Signature

**NO. B0000001**

STATE OF TEXAS

IN THE MUNICIPAL COURT

v.

CITY OF SAN ANTONIO

INCODE, TEST A JR

BEXAR COUNTY, TEXAS

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**ADMONISHMENTS REGARDING IMMIGRATION STATUS**

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I am a citizen of the United States. ( ) YES ( ) NO

If the answer to above question is “no”, I understand that:

1. I have the right to discuss the effects or consequences of my guilty/no contest plea on my immigration status with an attorney.
2. By pleading guilty or no contest, I understand that:
  - a. I may be deported and removed from the U.S.;
  - b. I might never be permitted to enter or reside in the U.S. lawfully;
  - c. I may be denied the opportunity to become a naturalized citizen of the U.S., and
  - d. That there might be other possible adverse effects on my immigration status.

**I further acknowledge that I have read and understand the effects of a plea of guilty or no contest and it is my desire to enter a plea of guilty or no contest in the cause number.**

**Signed this March 11, 2014**

\_\_\_\_\_  
Translator

\_\_\_\_\_  
Defendant

# Appendix C

## FAMILY VIOLENCE REPORT

INCIDENT DATE MM / DD / YY	AGENCY IDENTIFIER	COUNTY CODE	INCIDENT NUMBER
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<b>VICTIM</b>	AGE	SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	RACE <input type="checkbox"/> WHITE <input type="checkbox"/> BLACK <input type="checkbox"/> AMERICAN INDIAN/ALASKAN NATIVE <input type="checkbox"/> ASIAN <input type="checkbox"/> NATIVE HAWAIIAN / PACIFIC ISLANDER	ETHNIC ORIGIN <input type="checkbox"/> HISPANIC <input type="checkbox"/> NON HISPANIC	NUMBER OF VICTIM(S)  (If more than 1 use additional forms)
<b>OFFENDER</b>	AGE	SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	RACE <input type="checkbox"/> WHITE <input type="checkbox"/> BLACK <input type="checkbox"/> AMERICAN INDIAN/ALASKAN NATIVE <input type="checkbox"/> ASIAN <input type="checkbox"/> NATIVE HAWAIIAN / PACIFIC ISLANDER	ETHNIC ORIGIN <input type="checkbox"/> HISPANIC <input type="checkbox"/> NON HISPANIC	NUMBER OF OFFENDER(S)  (If more than 1 use additional forms)

RELATIONSHIP VICTIM TO OFFENDER (MARK 1)		DATA ENTRY
	(✓)	
VICTIM WAS SPOUSE		1
VICTIM WAS COMMON-LAW SPOUSE		2
VICTIM WAS PARENT		3
VICTIM WAS SIBLING		4
VICTIM WAS CHILD		5
VICTIM WAS GRANDPARENT		6
VICTIM WAS GRANDCHILD		7
VICTIM WAS IN-LAW		8
VICTIM WAS STEPPARENT		9
VICTIM WAS STEPCHILD		10
VICTIM WAS STEPSIBLING		11
VICTIM WAS OTHER FAMILY MEMBER		12
VICTIM WAS ROOMMATE		13
VICTIM WAS FOSTER PARENT		14
VICTIM WAS FOSTER CHILD		15
VICTIM WAS EX SPOUSE		16

INJURY (MARK UP TO 5)		DATA ENTRY
	(✓)	
NONE		1
APPARENT BROKEN BONES		2
POSSIBLE INTERNAL INJURY		3
SEVERE LACERATION		4
APPARENT MINOR INJURY		5
OTHER MAJOR INJURY		6
LOSS OF TEETH		7
UNCONSCIOUSNESS		8

OFFENSES (MARK UP TO 7)		DATA ENTRY
	(✓)	
<b>ASSAULT OFFENSES</b>		
AGGRAVATED ASSAULT		1
SIMPLE ASSAULT		2
INTIMIDATION		3
<b>HOMICIDE OFFENSES</b>		
MURDER & NONNEGLIGENT MANSLAUGHTER		1
NEGLIGENT MANSLAUGHTER		2
JUSTIFIABLE HOMICIDE		3
<b>KIDNAPPING/ABDUCTION</b>		
		1
<b>ROBBERY</b>		
		1
<b>SEX OFFENSES</b>		
RAPE		1
SODOMY		2
SEX ASSAULT WITH AN OBJECT		3
FONDLING		4
INCEST		5
STATUTORY RAPE		6

WEAPONS (MARK UP TO 3)		DATA ENTRY
	(✓)	
NONE		1
FIREARM (type not stated)		2
HANDGUN		3
RIFLE		4
SHOTGUN		5
OTHER FIREARM		6
KNIFE/CUTTING INSTRUMENT		7
BLUNT OBJECT (club, baseball bat, pan, etc.)		8
MOTOR VEHICLE		9
PERSONAL WEAPONS (hands, feet, fist, teeth, etc.)		10
POISON		11
EXPLOSIVES		12
FIRE/INCENDIARY DEVICE		13
DRUGS/NARCOTICS/SLEEPING PILLS		14
OTHER(SPECIFY):		15
UNKNOWN		16

**WERE THERE ANY OFFICERS ASSAULTED?**

YES                       NO

IF YES, HOW MANY? \_\_\_\_\_

AGENCY \_\_\_\_\_

PREPARED BY \_\_\_\_\_

INITIALS

RETURN TO: TEXAS DEPARTMENT OF PUBLIC SAFETY  
 41 UNIFORM CRIME REPORTING  
 P.O. BOX 4143  
 AUSTIN, TEXAS 78765-4143

## INSTRUCTIONS FOR PREPARING REPORT

The Texas Department of Public Safety/Crime Records Service is mandated to collect information on family violence incidents. Uniform Crime Reporting is the section responsible for the collection of this information. In addition to the DPS requirements, all peace officers in Texas are mandated to report family violence to DPS. This report is the result of those mandates.

Section 411.042(b) of the Gov. Code states that the bureau of identification and records shall: (2) collect information concerning the number and nature of offenses reported or known to have been committed in the state and the legal steps taken in connection with the offenses, and other information useful in the study of crime and the administration of justice, including a statistical breakdown of those offenses in which family violence was involved.

According to Code of Criminal Procedures, Art. 5.05 Reports and Records (e) A peace officer who makes a report under Subsection (a) of this article shall provide information concerning the incident or disturbance to the bureau of identification and records of the Department of Public Safety for its record-keeping function under Section 411.042, Gov. Code. The bureau shall prescribe the form and nature of the information required to be reported to the bureau by this article.

**INSTRUCTIONS:**

1. **Incident Date** - Enter the month, day and year of incident.
2. **Agency Identifier** - This is your Agency ORI or TX number.
3. **County Code** - Enter the code for the county in which the incident took place.
4. **Incident Number** - Agency incident or case number assigned by your agency. If you have several victims and/or offenders per incident, use the same incident number but prepare a separate form for each victim/offender.
5. **Victim Information /**
6. **Offender Information**  
**Age** - Enter two characters (01-99). Newborn up to one week use NB. If over one week, but less than one year enter BB. Unknown age, use 00; **Sex** - mark one; **Race** - mark one; **Ethnic Origin** - mark one  
**Number of Victims/Offenders** - enter the number of victims/offenders involved in the incident - use one sheet for each victim/offender. If number of victims/offenders is more than ten, enter the number in the blocks provided.
7. **Relationship** - Victim to Offender - mark one.
8. **Weapons** - The type of weapon or force used (mark up to three).
9. **Injury** - Type of injury sustained by victim (mark up to five).
10. **Offenses** - Mark the offenses that apply to each incident (mark up to seven). See definitions listed below.
11. **Law Enforcement Officers Assaulted** - Mark whether any officers were assaulted during this incident. Mark oval to show how many officers were assaulted. If more than ten officers assaulted, enter number in blocks provided.

**STATUTORY TERMS****Family Code. Chapter 71. Definitions**

Family Code. Section 71.004. FAMILY VIOLENCE. "Family violence" means:

(1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself; or

(2) abuse, as that term is defined by Sections 261.001 (1)(C), (E), and (G) by a member of a family or household toward a child of the family or household.

Family Code. Section 71.003. "Family" includes individuals related by consanguinity or affinity, as determined under Sections 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the biological parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.

Family Code. Section 71.005 "Household" means a unit composed of persons living together in the same dwelling, without regard to whether they are related to each other.

Family Code. Section 71.006 "Member of a household" includes a person who previously lived in a household.

**Family Code. Section 261.001(1).**

"Abuse" includes the following acts or omissions by a person:  
**(C)** physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;  
**(E)** sexual conduct harmful to a child's mental, emotional, or physical welfare;  
**(G)** compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, penal code;

**Family Code. Section 82.001. APPLICATION.**

A proceeding under this subtitle is begun by filing "An Application for a Protective Order" with the clerk of the court.

**Family Code. Section 81.007. PROSECUTING ATTORNEY.**

(a) The county attorney or the criminal district attorney is the prosecuting attorney responsible for filing applications under this subtitle unless the district attorney assumes the responsibility by giving notice of that assumption to the county attorney.

**OFFENSE DEFINITIONS:****According to National Uniform Crime Reporting Guidelines**

**Aggravated Assault** - an unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury (i.e., broken bones, internal injury, stitches, etc.)

**Simple Assault** - an unlawful attack by one person upon another where neither the offender displays a weapon, nor the victim suffers serious injury.

**Intimidation** - to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Murder & Non-negligent Manslaughter** - the willful killing of one human being by another.

**Negligent Manslaughter** - the killing of another person through negligence.

**Justifiable Homicide** - the killing of a perpetrator of a serious criminal offense by a peace officer in the line of duty; or the killing, during the commission of a serious criminal offense, of the perpetrator by a private individual.

**Kidnapping/Abduction** - the unlawful seizure, transportation, and/or detention of a person against his/her will, or of a minor without the consent of his/her custodial parent(s) or legal guardian.

**Robbery** - the taking, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or putting the victim in fear.

**Rape** - Penetration, no matter how slight, of the victim's vagina or anus with any body part of object, or oral penetration by a sex organ of another person without the consent of the victim. This definition includes instances in which a person is incapable of giving consent because of permanent mental or physical incapacity to include incapacity due to the influence of drugs or alcohol. Physical resistance is not required on the part of the victim to demonstrate lack of consent. This definition include offenses such as Sodomy and Sex Assault with an object.

**Fondling** - the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the person where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**Incest** - consensual sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** - consensual sexual intercourse with a person who is under the statutory age of consent.



A Program of SAFE

## TX School Policy Planning Guide

The purpose of this guide is to assist schools and school districts in addressing teen dating violence in compliance with Texas law Sec. 37.0831. DATING VIOLENCE POLICIES requiring school districts to implement policies on teen dating violence. Each provision of the law is broken down into strategies to help schools assess and inform development of policies, protocols and programming. The full text of the law is included at the end of this document. Dating abuse and other forms of sexual harassment in schools are also prohibited by federal law under Title IX of the U.S. Department of Education to protect students from sex discrimination in public schools. Comprehensive programs to prevent dating abuse, sexual harassment and bullying (all forms of abuse in students' relationships) are key to promoting safe, supportive and gender-equitable learning environments for all students.

School district has adopted and is implementing a dating violence policy as part of its district improvement plan.	Not Yet Established	In Progress	Partially in Place	Fully in Place	Do not Know	Notes
<b>Strategies:</b>						
Dating violence is addressed in a stand-alone policy or integrated into other policies concerning students' rights to be free from sexual harassment, bullying and other forms of abuse.						
An administrator has been designated to implement and oversee the required dating violence policy.						
All school personnel are notified and/or receive a copy of the policy on an annual basis.						
The policy is disseminated to parents and students through a Student Code of Conduct, district website, newsletters and/or other district communications.						
The policy or related information on students' rights and help resources concerning dating violence are displayed in all secondary schools.						
School counselors and teachers discuss the policy with students through lessons, classroom guidance and individual meetings.						
The School Health Advisory Council is aware of the policy and addresses dating violence as a health issue.						
School-based service providers are informed of the policy and their responsibilities concerning dating violence among students.						

<p><b>The policy includes a definition of dating violence that includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Section 71.0021, of the Texas Family Code.</b></p>	<p><b>Not Yet Established</b></p>	<p><b>In Progress</b></p>	<p><b>Partially in Place</b></p>	<p><b>Fully in Place</b></p>	<p><b>Do not Know</b></p>	<p><b>Notes</b></p>
<p><b>Strategies:</b></p>						
<p>The policy includes the specific language above as a definition for dating violence.</p>						
<p>The policy includes examples of physical, sexual, verbal and emotional abuse in addition to the required definition.</p>						
<p>The policy addresses related behaviors among students including bullying, sexual harassment, sexual assault, stalking, cyberbullying, etc. that may or may not be directed toward a dating partner.</p>						

<p><b>Safety Planning</b></p>	<p><b>Not Yet Established</b></p>	<p><b>In Progress</b></p>	<p><b>Partially in Place</b></p>	<p><b>Fully in Place</b></p>	<p><b>Do not Know</b></p>	<p><b>Notes</b></p>
<p><b>Strategies:</b></p>						
<p>A student complaint form and process is established for students to document incidents and threats of dating violence.</p>						
<p>An investigation protocol is established and utilized by administrators for responding to incidents and reports of dating violence.</p>						
<p>An investigation protocol includes a process for assessing student safety, safety planning and monitoring safety for targeted and offending students.</p>						
<p>An investigation protocol includes guidance on notifying law enforcement.</p>						
<p>An investigation protocol includes guidance on notifying parents/caregivers of targeted and offending students.</p>						

An investigation protocol addresses students' rights concerning confidentiality and provides a student release form.							
Communication between school personnel, students, law enforcement, and parents/caregivers respects students' rights, focuses on increasing students' safety and preventing further incidents.							

<b>Enforcement of Protective Orders</b>	<b>Not Yet Established</b>	<b>In Progress</b>	<b>Partially in Place</b>	<b>Fully in Place</b>	<b>Do not Know</b>	<b>Notes</b>
<b>Strategies:</b>						
A process is established to enforce protective orders on campus and to notify law enforcement when a protective order has been violated.						
A process is established to identify where copies of protective orders will be stored.						
A process is established to identify who and how school personnel will be notified when a student has a protective order.						
A process is established to develop a safety plan for students who have a protective order (includes orders against other students and non-students).						

School-based Alternatives to Protective Orders	Not Yet Established	In Progress	Partially in Place	Fully in Place	Do not Know	Notes
Strategies:						
Targeted students have access to a school-based alternative to a protective order (i.e. school-based stay away agreement).						
A process is established for requesting, documenting, issuing and monitoring school-based alternatives to a protective order.						
A process is established for notifying parents/caregivers (of targeted and offending students) when a school-based alternative to a protective order has been issued.						
A process is established for notifying school personnel when a school-based alternative to a protective order has been issued and terminated.						
A process is established for enforcing a school-based alternative to a protective order.						
A school-based alternative to a protective order is available for students who are targeted off campus (including cyber-bullying) when the alleged offense negatively impacts the student on campus.						

Training for Teachers and Administrators	Not Yet Established	In Progress	Partially in Place	Fully in Place	Do not Know	Notes
Strategies:						
Annual training is provided on the policy including implementation procedures for teachers and administrators.						
Annual training is provided for teachers and administrators on effective dating violence response and prevention.						

Training is provided in collaboration with local/state domestic violence experts.							
Online training is accessible to school personnel and documented for professional development.							
Educational resources on dating violence prevention are accessible to school personnel through district website, newsletters and other communications.							
Annual training is provided for teachers and administrators on related issues concerning sexual assault/harassment, and bullying.							

Counseling for Affected Students	Not Yet Established	In Progress	Partially in Place	Fully in Place	Do not Know	Notes
<b>Strategies:</b>						
All school counselors receive training on recognizing and responding to students affected by dating violence (targeted and offending students).						
School counselors provide individual and/or group support for students affected by dating violence (targeted and offending students).						
School counselors refer students affected by dating violence to community-based victim services as needed (targeted and offending students).						
School counselors engage parents/caregivers in accessing needed community-based services concerning dating, sexual and domestic violence (targeted and offending students).						
School and community-based victim service agency personnel collaborate to serve students and families experiencing dating, sexual and domestic violence.						
Students (grades 6 <sup>th</sup> -12 <sup>th</sup> ) can access school-based counseling and support for dating violence by providing their own assent.						

Awareness/Prevention Education for Students and Parents	Not Yet Established	In Progress	Partially in Place	Fully in Place	Do not Know	Notes
<b>Strategies:</b>						
Students and parents/caregivers participate in awareness/prevention education.						
All students (6 <sup>th</sup> -12 <sup>th</sup> grade) receive at least one teacher-led session on dating violence awareness/prevention each year.						
All students receive multiple sessions of teacher-led dating violence awareness/prevention each year.						
Community-based educators provide multi-session dating violence awareness/prevention for all students each year.						
Students are engaged in youth-led awareness projects (i.e. campaigns, theatre, assemblies, pep rallies, public service announcements) about dating violence prevention to educate their peers each year.						
All parents/caregivers of students receive written information on preventing dating violence and promoting healthy teen relationships. (In English and Spanish as needed)						
Educational programs on dating violence prevention for parents/caregivers are provided in person each year. (In English and Spanish as needed.)						

Sec. 37.0831. DATING VIOLENCE POLICIES. (a) Each school district shall adopt and implement a dating violence policy to be included in the district improvement plan under Section 11.252. (b) A dating violence policy must: (1) include a definition of dating violence that includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Section 71.0021, Family Code; and (2) address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators, counseling for affected students, and awareness education for students and parents.

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

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:*

<b>ORI:</b>	<i>(check one)</i> <b>Protective Order:</b>	<b>Emergency Protective Order:</b>
<b>OCA:</b>	<b>Protective Order No:</b>	<b>Court Identifier:</b>
<b>Issue Date:</b>	<b>Date of Expiration:</b>	<b>Date of Dismissal:</b>

\*\*\* **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 Unknown

**Eye Color:** *(circle one)* Black Blue Brown Gray Green Hazel Maroon Pink Multi-Colored Unknown

**Hair Color:** *(circle one)* Black Blond Brown Gray Red White Sandy Bald Unknown

**Scars, Marks and/or Tattoos:** *(please describe in detail):* \_\_\_\_\_

**Caution and Medical Conditions:** *(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—Hemophiliac 90—Diabetic 01--Other

**PROTECTION 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 child(ren) named.
- 07—Respondent is prohibited from possessing and/or purchasing a firearm or other weapon.
- 08—See miscellaneous field for comments regarding the terms and conditions of the protection order.
- 09—The protected person is awarded temporary exclusive custody of the child(ren) named.

**BRADY RECORD INDICATOR (BRD):** N—Respondent is NOT disqualified Y—Respondent is disqualified U--Unknown

**RELATIONSHIP TO PROTECTED PERSON:** \_\_\_\_\_

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

**Texas I.D. No:** \_\_\_\_\_ **Misc I.D. No:** \_\_\_\_\_ **Social Security No:** \_\_\_\_\_

**Driver's License No:** \_\_\_\_\_ **Driver's License State:** \_\_\_\_\_ **Date of Expiration:** \_\_\_\_\_

**RESPONDENT’S ADDRESS:**

**STREET:** \_\_\_\_\_ **CITY:** \_\_\_\_\_ **STATE:** \_\_\_\_\_ **ZIP:** \_\_\_\_\_ **COUNTY:** \_\_\_\_\_

# Appendix E

PROTECTIVE ORDER DATA ENTRY FORM-TCIC RESPONDENT'S NAME \_\_\_\_\_

### 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: \_\_\_\_\_

Is the Respondent, at time of issuance of an original or modified protection order, a member of the state military forces or serving in the U.S. armed forces in active duty status: *(circle one)* Yes No

Section 85.042 requires the court of the court to provide a copy of the protective order to the staff judge advocate at Joint Force Headquarters or to the provost marshal of the military installation to which the respondent is assigned to notify the commanding officer, as applicable.

Installation Respondent assigned to: \_\_\_\_\_

Installation's address: \_\_\_\_\_

### \*\*\* PROTECTED PERSON INFORMATION \*\*\*

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: \_\_\_\_\_

Protected Person Employment Information: *(use additional pages if necessary)*

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: \_\_\_\_\_

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

SID #:

FBI #:

FPC:

MNU:

# Appendix E

PROTECTIVE ORDER DATA ENTRY FORM-TCIC    RESPONDENT'S NAME \_\_\_\_\_

**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:** \_\_\_\_\_

IN THE \_\_\_\_\_ COURT  
\_\_\_\_\_ COUNTY, TEXAS

**Protective Order**

Cause No. \_\_\_\_\_

Judge: \_\_\_\_\_

**Applicant/Petitioner**

**Applicant/Petitioner Identifiers**

\_\_\_\_\_  
First Middle Last

Date of Birth of Applicant: \_\_\_\_\_

And/or on behalf of minor family member(s): (list name and DOB):

Other Protected Persons/DOB:

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

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

**VS.**

**Respondent**

**Respondent Identifiers**

\_\_\_\_\_  
First Middle Last

Relationship to Petitioner: \_\_\_\_\_

Respondent's Address

\_\_\_\_\_

\_\_\_\_\_

SEX	RACE	DOB	HT	WT
EYES	HAIR	SOCIAL SECURITY NO. (Last 3 #)		
		_____		
DRIVERS LICENSE NO.		STATE	EXP DATE	
_____		_____	_____	
Distinguishing Features: _____				
_____				

**A Court hearing was held on:** Date: \_\_\_\_\_ Time: \_\_\_\_\_ a.m. p.m.

**THE COURT HEREBY FINDS:**

That it has jurisdiction over the parties and subject matter, and the Respondent has been provided with reasonable notice and opportunity to be heard.

Additional findings of this order are as set forth below.

**THE COURT HEREBY ORDERS:**

That the above named Respondent be prohibited from committing further acts of abuse or threats of abuse.

That the above named Respondent be prohibited from any contact with the Applicant/Petitioner.

Additional terms of this order as set forth below.

**The terms of this Order shall be effective until \_\_\_\_\_, 20\_\_\_\_\_, or as otherwise provided for in Section 14 Duration located on page 6 of this Order.**

**WARNINGS TO RESPONDENT:**

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U. S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922(g)(8)).

**Only the Court can change this order.**

CAUSE NUMBER (FOR CLERK USE ONLY): \_\_\_\_\_ COURT (FOR CLERK USE ONLY): \_\_\_\_\_

STYLED \_\_\_\_\_ (e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet:	Names of parties in case:	Person or entity completing sheet is:
Name: _____ Email: _____  Address: _____ Telephone: _____  City/State/Zip: _____ Fax: _____  Signature: _____ State Bar No: _____	Plaintiff(s)/Petitioner(s): _____  Defendant(s)/Respondent(s): _____  _____  [Attach additional page as necessary to list all parties]	<input type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____  Additional Parties in Child Support Case:  Custodial Parent: _____  Non-Custodial Parent: _____  Presumed Father: _____

2. Indicate case type, or identify the most important issue in the case (select only 1):			
Civil		Family Law	
Contract	Injury or Damage	Real Property	Marriage Relationship
Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____  Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	<input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: _____ <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____	<input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____  Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	<input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children  Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____
			Post-judgment Actions (non-Title IV-D)
			<input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other  Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocal (UIFSA) <input type="checkbox"/> Support Order
			Parent-Child Relationship
			<input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____
Employment	Other Civil		
<input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____	<input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property	<input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____	
Tax	Probate & Mental Health		
<input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings	<input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____	

3. Indicate procedure or remedy, if applicable (may select more than 1):		
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action	<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment	<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover

4. Indicate damages sought (do not select if it is a family law case):
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000



**OFFICE OF COURT ADMINISTRATION**  
**DAVID SLAYTON**  
**ADMINISTRATIVE DIRECTOR**