

Required Reporting of Protective Orders by Clerks

Family Code Protective Order and Order Vacating a Protective Order--Texas Family Code Sec. 85.042(a)

The clerk shall send a copy of the order, along with the information provided by the applicant or the applicant's attorney that is required under Section 411.042(b) (6), Government Code, to the chief of police of the municipality in which the person protected by the order resides, if the person reside in a municipality, or to the appropriate constable and the sheriff of the county in which the person resides, if the person does not reside in a municipality. [NOTE: The clerk should not send a copy to DPS in lieu of local law enforcement. DPS gets a copy ONLY if the order suspends a concealed handgun license.]

Protective Order Prohibiting Respondent from Going Near a Child-Care Facility or School--Texas Family Code Sec. 85.042(b)

If the protective order prohibits the respondent from going near a child-care facility or school, the clerk is to send a copy of the order to the child-care facility or school.

Protective Order Suspending a License to Carry a Concealed Handgun--Texas Family Code Sec. 85.042(e) (incorporated by reference into Code of Criminal Procedure arts. 6.08, 6.09, 7A, and 7B)

The clerk is to send a copy of the order to the DPS.

Protective Order Issued by Court other than SAPCR or Divorce Court--Texas Family Code Sec. 85.062

The clerk is to send a copy of the protective order to the court in which the SAPCR or divorce is pending.

Protective Order for a Victim of a Crime Motivated by Bias or Prejudice--Texas Code of Criminal Procedure Art. 6.08 (incorporating Tex. Fam. Code Secs. 85.022(d) and 85.042(a) and (b) by reference)

The clerk shall send a copy of the order, along with the information provided by the applicant or the applicant's attorney that is required under Section 411.042(b) (6), Government Code, to the chief of police of the municipality in which the person protected by the order resides, if the person reside in a municipality, or to the appropriate constable and the sheriff of the county in which the person resides, if the person does not reside in a municipality.

If the protective order prohibits the respondent from going near a child-care facility or school, the clerk is to send a copy of the order to the child-care facility or school.

If the protective order suspends a concealed handgun license, the clerk is to send a copy to DPS.

Additionally, the clerk is to send a copy of the order to the DPS "with a designation indicating that the order was issued to prevent offenses committed because of bias or prejudice."

Protective Order for a Victim of a Sexual Assault or Stalking Offense--Texas Code of Criminal Procedure Art. 7A (incorporating Tex. Fam. Code Sec. 85.042(a), (b), and (e) by reference)

The clerk shall send a copy of the order, along with the information provided by the applicant or the applicant's attorney that is required under Section 411.042(b) (6), Government Code, to the chief of police of the municipality in which the person protected by the order resides, if the person reside in a municipality,

or to the appropriate constable and the sheriff of the county in which the person resides, if the person does not reside in a municipality.

If the protective order prohibits the respondent from going near a child-care facility or school, the clerk is to send a copy of the order to the child-care facility or school.

If the order suspends a concealed handgun license, the clerk is to send a copy of the order to the DPS.

Protective Order for a Victim of Human Trafficking--Texas Code of Criminal Procedure Art. 7B (incorporating Tex. Fam. Code Sec. 85.042(a) and (b) by reference)

The clerk shall send a copy of the order, along with the information provided by the applicant or the applicant's attorney that is required under Section 411.042(b) (6), Government Code, to the chief of police of the municipality in which the person protected by the order resides, if the person reside in a municipality, or to the appropriate constable and the sheriff of the county in which the person resides, if the person does not reside in a municipality.

If the protective order prohibits the respondent from going near a child-care facility or school, the clerk is to send a copy of the order to the child-care facility or school.

If the order suspends a concealed handgun license, the clerk is to send a copy of the order to the DPS.

Magistrate's Order of Emergency Protection--Texas Code of Criminal Procedure Art. 17.292

The magistrate's clerk shall send a copy of the order to the chief of police of the municipality where the member of the family or household or individual protected by the order resides, if the (protected) person resides in a municipality, or to the sheriff of the county in which the person resides, if the person does not reside in a municipality. If the victim of the offense is not present when the order is issued, the clerk shall send a copy of the order to the victim's residence.

If the magistrate's order prohibits the defendant from going near a child-care facility or school, the clerk is to send a copy of the order to the child-care facility or school.

If the order suspends a concealed handgun license, the clerk is to send a copy of the order to the DPS.