A BILL TO BE ENTITLED

1   AN ACT

2 relating to standardized forms and materials for the issuance of

3 protective orders, magistrate's orders for emergency protection,

4 and temporary ex parte orders.

5   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6   SECTION 1. Article 7B.001, Code of Criminal Procedure, is

7 amended by adding Subsection (c) to read as follows:

8   (c) A person filing an application under this article shall

9 use the protective order application form created by the Office of

10 Court Administration of the Texas Judicial System under Section

11 72.036, Government Code, that is available on the office's Internet

12 website.

13   SECTION 2. Article 7B.002, Code of Criminal Procedure, is

14 amended to conform to Chapter 955 (S.B. 194), Acts of the 86th

15 Legislature, Regular Session, 2019, and is further amended to read

16 as follows:

17   Art. 7B.002. TEMPORARY EX PARTE ORDER. (a) If the court

18 finds from the information contained in an application for a

19 protective order that there is a clear and present danger of sexual

20 assault or abuse, indecent assault, stalking, trafficking, or other

21 harm to the applicant, the court, without further notice to the

22 alleged offender and without a hearing, may issue a temporary ex

23 parte order for the protection of the applicant or any other member

24 of the applicant's family or household.

1   (b) The court shall use the standardized temporary ex parte

2 order form created by the Office of Court Administration of the

3 Texas Judicial System under Section 72.036, Government Code, to

4 issue a temporary ex parte order under this article.

5   SECTION 3. Article 7B.003, Code of Criminal Procedure, is

6 amended by adding Subsection (c) to read as follows:

7   (c) The court shall use the standardized protective order

8 form created by the Office of Court Administration of the Texas

9 Judicial System under Section 72.036, Government Code, to issue a

10 protective order under this article.

11   SECTION 4. Article 17.292, Code of Criminal Procedure, is

12 amended by adding Subsection (d-1) to read as follows:

13   (d-1) The magistrate shall use the standardized order for

14 emergency protection form created by the Office of Court

15 Administration of the Texas Judicial System under Section 72.036,

16 Government Code, to issue an order for emergency protection under

17 this article.

18   SECTION 5. Section 82.004, Family Code, is amended to read

19 as follows:

20   Sec. 82.004. FORM AND CONTENT [CONTENTS] OF APPLICATION. A

21 person filing an application under this chapter shall use the

22 protective order application form created by the Office of Court

23 Administration of the Texas Judicial System under Section 72.036,

24 Government Code, that is available on the office's Internet

25 website, and shall include in the application [An application must

26 state]:

27   (1) the name and county of residence of each

1   applicant;

2   (2) the name and county of residence of each

3   individual alleged to have committed family violence;

4   (3) the relationships between the applicants and the

5   individual alleged to have committed family violence;

6   (4) a request for one or more protective orders; and

7   (5) whether an applicant is receiving services from

8   the Title IV-D agency in connection with a child support case and,

9   if known, the agency case number for each open case.

10   SECTION 6. Chapter 83, Family Code, is amended by adding

11   Section 83.007 to read as follows:

12   Sec. 83.007. STANDARD TEMPORARY EX PARTE ORDER FORM. The

13   court shall use the standardized temporary ex parte order form

14   created by the Office of Court Administration of the Texas Judicial

15   System under Section 72.036, Government Code, to issue a temporary

16   ex parte order under this chapter.

17   SECTION 7. Subchapter B, Chapter 85, Family Code, is

18   amended by adding Section 85.0225 to read as follows:

19   Sec. 85.0225. STANDARD PROTECTIVE ORDER FORM. The court

20   shall use the standardized protective order form created by the

21   Office of Court Administration of the Texas Judicial System under

22   Section 72.036, Government Code, to issue a protective order under

23   this chapter.

24   SECTION 8. Subchapter C, Chapter 72, Government Code, is

25   amended by adding Section 72.036 to read as follows:

26   Sec. 72.036. PROTECTIVE ORDER APPLICATIONS, FORMS, AND

27   MATERIALS. (a) The office shall develop and make available on the

1 office's Internet website standardized forms and other materials

2 necessary to apply for, issue, deny, revise, rescind, serve, and

3 enforce any of the following:

4 (1) a protective order under Title 4, Family Code, or

5 Subchapter A, Chapter 7B, Code of Criminal Procedure;

6 (2) a magistrate's order for emergency protection

7 under Article 17.292, Code of Criminal Procedure; or

8 (3) a temporary ex parte order under Chapter 83,

9 Family Code, or Article 7B.002, Code of Criminal Procedure.

10 (b) Each standardized form developed under Subsection (a)

11 to be used by a magistrate or court issuing an order must include:

12 (1) the prohibitions and requirements imposed on the

13 respondent;

14 (2) the duration of the order;

15 (3) the potential consequences of violating the order;

16 and

17 (4) any other admonishments or warnings required by

18 law.

19 (c) The materials developed under Subsection (a) must

20 include a procedure to ensure that a copy of the order is

21 transmitted to all required parties and all relevant information is

22 entered into the statewide law enforcement information system

23 maintained by the Department of Public Safety under Section 411.042

24 and any other applicable databases.

25 (d) In developing the required applications, forms, and

26 materials, the office shall:

27 (1) consult with individuals and organizations with

1 knowledge and experience in the issues of protective orders,

2 including the Texas Council on Family Violence; and

3   (2) give consideration to promoting uniformity of law

4 among the states that enact the Uniform Interstate Enforcement of

5 Domestic Violence Protection Orders Act.

6   SECTION 9. As soon as practicable after the effective date

7 of this Act, but not later than June 1, 2022, the Office of Court

8 Administration of the Texas Judicial System shall create and make

9 available on the office's Internet website all forms and materials

10 required by Section 72.036, Government Code, as added by this Act.

11 If the office completes the forms and materials required by Section

12 72.036, Government Code, as added by this Act, before June 1, 2022,

13 the office shall notify each court clerk, judge, magistrate, and

14 prosecution agency in the state of the availability of the forms and

15 materials.

16   SECTION 10. Article 7B.001, Code of Criminal Procedure, as

17 amended by this Act, and Section 82.004, Family Code, as amended by

18 this Act, apply only to an application for a protective order that

19 is filed on or after June 1, 2022. An application for a protective

20 order filed before June 1, 2022, is governed by the law in effect on

21 the date the application is filed, and the former law is continued

22 in effect for that purpose.

23   SECTION 11. Articles 7B.002, 7B.003, and 17.292, Code of

24 Criminal Procedure, as amended by this Act, and Sections 83.007 and

25 85.0225, Family Code, as added by this Act, apply only to a

26 protective order, magistrate's order for emergency protection, or

27 temporary ex parte order that is issued on or after June 1, 2022. An

1 order issued before June 1, 2022, is governed by the law in effect
2 on the date the order is issued, and the former law is continued in
3 effect for that purpose.

4   SECTION 12.   To the extent of any conflict, this Act prevails
5 over another Act of the 87th Legislature, Regular Session, 2021,
6 relating to nonsubstantive additions to and corrections in enacted
7 codes.

8   SECTION 13. This Act takes effect immediately if it
9 receives a vote of two-thirds of all the members elected to each
10 house, as provided by Section 39, Article III, Texas Constitution.
11 If this Act does not receive the vote necessary for immediate
12 effect, this Act takes effect September 1, 2021.