



# Abuse of Power

## *How to get out of a violent situation.*

BY WARD B.B. DAVISON AND COURTNEY CATHERINE HALL

We all know someone in an abusive relationship. Perhaps you have heard your neighbor repeatedly scream at her boyfriend. Or your sister told you that her husband grabbed her arm too forcefully on a recent Saturday night. Or you’ve looked in the mirror and seen your swollen eye. One out of every three adults in Texas has been in an abusive relationship at some point in his life. It’s an emotional time—and a frightening experience. But there are ways out and ways we can help others and ourselves. An abusive person can be removed from the situation; we simply need to know what tools we can use. Access to these solutions often costs little or no money. Let’s explore them together.

### **What is family violence?**

Family violence occurs when one member of a family or household physically hurts another member of that family or household. It also occurs when a member of your family or household verbally attacks and threatens you to the point in which you are scared that physical violence may occur in the future. All people deserve to feel safe in their home. If you are afraid of

your family or home situation or know someone who is, please get help.

### **What is dating violence?**

The State of Texas recognizes that not all abusive relationships occur between family members or people sharing a home. Sometimes a person may be dating someone who is physically abusive or who threatens with abuse. Take every opportunity to pro-

tect yourself before the violence escalates. If you are dating someone who exhibits these behaviors, you should take advantage of the many legal options to help you safely exit the relationship. Even if you’re no longer dating that person and he is still harming or threatening to harm you, you should seek help. Texas recently extended the definition of family violence to include people who have

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experienced violence or been threatened with violence by their new partner's ex-partner or their ex-partner's new partner.

### **Request an emergency protective order.**

If your abuser is arrested for committing violence against you, ask the police for an emergency protective order. An emergency protective order is designed to prevent the abusive person from coming near your place of work or home, even if the abuser resides there too. It also prevents the abuser from harassing or threatening you, but it does not prevent that person from contacting you. It must be filed at the time the police arrest the abuser. This means that to get one, you must call the police. If the order is issued and the abuser violates that order, call the police and the abuser will be arrested. If you don't want to wait for an emergency (we encourage you not to), then you can apply for a regular protective order.

### **Apply for a temporary ex parte protective order and then a regular protective order.**

To get an emergency protective order, there has to be an occurrence where the police are involved and someone goes to jail. Unfortunately, calling the police is not always a realistic option when violence is occurring. That doesn't mean you must go unprotected. If family violence has occurred and is likely to occur again, you can apply for a protective order to keep you safe. It's free to apply for a protective order because it's for safety. You will have a hearing before a judge within two weeks of applying. You can represent yourself at this hearing, hire a private attorney, or you may be able to get the county or district attorney to represent you. If you believe there is a clear and present danger of violence, you can ask a judge to issue a temporary ex parte protective order. This order will pro-

tect you while you wait for your hearing, and can require that the abusive person vacate the residence so that you may be safe in your own home. The regular protective order may have any or all of the following provisions:

- Prohibits person from committing further family violence,
- Prohibits person from directly or indirectly harassing you or your family,
- Prohibits person from going near your home or place of work or school,
- Prohibits person from going to school or day care of your child,
- Prohibits person from possessing a firearm,
- Prohibits person from harming or threatening to harm your pets,
- Requires person to attend counseling program,
- Prohibits person from coming within 200 yards (two football fields) of you.

### **So...what now?**

If you've read everything to this point, you've digested a massive amount of information in a short period of time. You may need some clarification. Listed below are some resources you can use to get more information. We encourage you to explore every single one.

### **Texas Advocacy Project's Family Violence Legal Line**

If you are a victim of family violence, you can learn more about your legal rights by calling the Family Violence Legal Line. You will receive free and confidential legal advice from licensed attorneys about Texas family law and domestic violence. Staff will also provide safety planning and refer you to the best local resources. The website has a free downloadable protective order kit, which has been approved by the Texas Supreme Court and can be used in any county. 800-374-HOPE, [TexasAdvocacyProject.org](http://TexasAdvocacyProject.org)

### **Office of the Attorney General of Texas**

The OAG may help cover the costs that crime victims might incur. Coverage for victims of family violence might include medical bills, counseling fees, relocation/rent costs, a safe mailing address set-up expense, and child support. (800) 983-9933, [GetChildSupportSafely.org](http://GetChildSupportSafely.org)

### **Texas VINE (Victim Information & Notification Everyday)**

Victims of violence can sign up to be notified if someone gets released or transferred from county jail. (877) 894-8463, [TexasVINE.com](http://TexasVINE.com)

### **Ward B.B. Davison**

*practices civil and criminal law in Austin. Visit his website at [WardDavisonLaw.com](http://WardDavisonLaw.com).*

### **Courtney Catherine Hall**

*is a staff attorney for Texas Advocacy Project, a statewide nonprofit based in Austin that provides free legal help to victims of domestic violence and sexual assault.*

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