

Restraining Orders, Protective Orders and Peace Bonds

The following information is not offered as legal advice, but is procedural information only. The Justice of the Peace Office and its employees cannot give legal advice. The information herein is not exhaustive. You should seek legal counsel from a licensed attorney if you have questions.

Restraining Orders, Protective Orders and Peace Bonds are different instruments that seek to prevent future criminal or harmful actions. They are intended to prevent, not punish. The penalties for violating these orders include fines or sanctions, confinement in jail and/or criminal charges. There is little these orders can do that the laws of Texas do not already prevent. Laws are already in place to prohibit murder, assault, stalking, terroristic threats, theft and vandalism.

Restraining Orders A Restraining Order can prevent an individual from nearly any activity that might harm you, including emptying bank accounts, selling property, canceling credit cards, harassing telephone calls, diverting mail and other similar activities. Restraining orders are **only** issued in conjunction with some type of civil suit. They are intended to keep the *status quo* until the civil suit is heard or settled by the Court. Restraining orders are most commonly sought in connection with a suit for divorce. **You should seek private legal counsel for assistance.**

Protective Orders A protective order is intended to prevent family violence by a member of a family or household (or former member of the household) by another member of the household that is intended to result in: * Physical harm, bodily injury or assault **OR** *A threat that reasonably places the member in fear of imminent physical harm, bodily injury or assault, excluding reasonable discipline of a child by a person having that duty **OR** * Abuse towards a child of the family or household. **Call the Henderson County Attorney's Office at 903-675-6112 to make an appointment.**

You might also seek advice and/or assistance from the Henderson County Family Crisis Center in Athens, Texas

Peace Bonds In *Tate v. Short*, the Supreme Court invalidated, on equal protection grounds, the Texas procedure whereby a fine imposed for traffic offenses could be converted into a jail sentence because of the inability of the defendant to pay the fine. Similarly, in the case of imprisonment for failure to post the required peace bond, there is imprisonment merely for failure to possess sufficient money to procure a peace bond. Thus the peace bond procedure is legally indistinguishable from the procedure found constitutionally invalid in *Tate v. Short*.

These orders, while legal documents, are only pieces of paper; they are not walls, locks or bodyguards

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