

CAUSE NO: _____

STATE OF TEXAS

VS.

DEFENDANT

§
§
§
§
§
§

MAGISTRATE FOR

COUNTY, TEXAS

REQUEST FOR MAGISTRATE'S ORDER FOR EMERGENCY PROTECTION

TO THE HONORABLE MAGISTRATE OF SAID COURT:

NOW COMES the Requestor in the above-referenced cause and files this Request for Magistrate's Order for Emergency Protection, pursuant to Article 17.292, Code of Criminal Procedure. The Requestor is *(Check the appropriate box below.)*

- the victim of the offense.
- the guardian of the victim of the offense.
- a peace officer.
- an attorney representing the State of Texas.
- the Magistrate on his or her own motion.

In support of said request, the Requestor asserts or requests the following:

1. The Defendant was arrested for the offense(s) marked below.

- | | |
|---|--|
| <input type="checkbox"/> Offense Involving Family Violence
(Family Code §71.004) | <input type="checkbox"/> Indecent Assault (Penal Code §22.012) |
| <input type="checkbox"/> Sexual Assault (Penal Code §22.011) | <input type="checkbox"/> Trafficking of Persons (Penal Code §20A.02) |
| <input type="checkbox"/> Aggravated Sexual Assault (Penal Code §22.021) | <input type="checkbox"/> Continuous Trafficking of Persons (Penal Code §20A.03). |
| <input type="checkbox"/> Stalking (Penal Code §42.072) | |

2. The relationship between the Victim of the offense and the Defendant is as follows: **(Mark all that apply)**

- | | |
|--|---|
| <input type="checkbox"/> No relationship | <input type="checkbox"/> Relatives |
| <input type="checkbox"/> Current or former spouses | <input type="checkbox"/> Parent-child relationship |
| <input type="checkbox"/> Current or former dating partners | <input type="checkbox"/> Foster parent – foster child relationship |
| <input type="checkbox"/> Are or were members of the same family or household | <input type="checkbox"/> Victim is dating or married to Respondent's current or former spouse or dating partner |
| <input type="checkbox"/> Parents of the same child(ren) | |

3. The Requestor requests the Magistrate to issue a Magistrate's Order of Emergency Protection for the benefit and protection of the following persons:

(1)	_____	_____	Victim of Offense(s)
	Last Name	First Name	
(2)	_____	_____	Relationship to Victim
	Last Name	First Name	
(3)	_____	_____	Relationship to Victim
	Last Name	First Name	
(4)	_____	_____	Relationship to Victim
	Last Name	First Name	
(5)	_____	_____	Relationship to Victim
	Last Name	First Name	

4. To prevent future harm or offense, the Requestor asks the Magistrate to issue an Emergency Order for Protection that prohibits the Defendant from: **(Mark all requested)**

- Committing family violence or an assault on a person protected under the Emergency Order. **(TCIC Form PCO-01)**
- Committing an act in furtherance of an offense under Section 20A.02 (Trafficking of Persons) or 42.072 (Stalking), Penal Code. **(TCIC Form PCO-01)**
- Communicating directly or indirectly in a threatening or harassing manner with a person protected under the Emergency Order, or with a member of the family or household of a person protected under the Emergency Order. **(TCIC Form PCO-01 and TCIC Form PCO-02)**
- Communicating a threat through any person to a person protected under the Emergency Order, or to a member of the family or household of a person protected under the Emergency Order. **(TCIC Form PCO-02)**

- Communicating in any manner with a person protected under the Emergency Order, or a member of the family or household of a person protected by the Emergency Order, except through a protected person's attorney or a person appointed by the Magistrate. If applicable, the protected person's attorney is, or the Court appoints:

(TCIC Form PCO-08)

- Possessing a firearm or ammunition, if the Defendant is not a peace officer actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision. (TCIC Form PCO-07)

- Going to or within _____ yards of the residence or place of employment or business of a person protected under the Emergency Order or a member of the family or household of a person protected under the Emergency Order. (TCIC Form PCO-04) The addresses of the prohibited locations are: *(Provide addresses)*

Residence address(es): _____

School/Childcare Facilities: _____

Employment or Business: _____

Other: _____

Tracking or monitoring the personal property or a motor vehicle in the possession of a person protected under the Emergency Order, or a member of the family or household of a person protected under the Emergency Order, without the person's effective consent. This includes but is not limited to, using a tracking device or application to monitor or track a protected person or physically following a protected person. (TCIC Form PCO-01)

Other conditions/terms: _____

5. The Requestor further asks the Magistrate to order the Defendant to wear or carry on or about the Defendant's person a global positioning system (GPS) tracking device and to pay all costs associated with operating the device. (TCIC Form PCO-08).

6. **Confidentiality (Mark this box to keep personal information of a protected person confidential)**

Finally, the Requestor asks the Magistrate to order all contact information for persons protected under the Emergency Order confidential, including information revealing the physical addresses, mailing addresses, county of residence, telephone numbers, or place of employment, business, child-care facility, or school of the protected persons, and further order the clerk of the magistrate court to strike the information from the public court records of the magistrate court and maintain a confidential record of the information for use only by the Court or law enforcement for the purpose of entering the information required by Section 411.042(b)(6), Government Code, into the statewide law enforcement information system maintained by the Texas Department of Public Safety.

To facilitate confidentiality, the Requestor asks the Magistrate to designate the following person as the person to receive on a protected person's behalf notices and other documents related to this request.

Name: _____

Address: _____

THEREFORE, the Requestor prays the Court grant this request and issue a Magistrate's Order for Emergency Protection.

DATE SIGNED: _____

Respectfully submitted,

Requestor's signature

OR

Person's (filing on Requestor's behalf) Signature

Title/Relationship to the Requestor

Printed Name