

MIDLAND COUNTY DISTRICT ATTORNEY'S OFFICE FAMILY VIOLENCE UNIT QUESTIONNAIRE

HOW TO USE THE QUESTIONNAIRE

1. **USE BLACK OR BLUE INK ONLY** – Light colored ink can be difficult to read, especially if you return your questionnaire by fax. **DO NOT USE PENCIL.**
2. Write legibly – printing or typing is preferred.
3. Fill out the form completely.
4. Pay special attention to the information on Pages 3 and 4.
5. When you have completed the questionnaire, return it to the Crime Victim Coordinators by fax, by mail, or in person.

By fax: **432-688-4958**

By mail: **Midland County District Attorney
Crime Victim Coordinator
500 N Loraine, Suite 200
Midland, Texas 79701**

*** This usually requires at least two stamps.

In person: **Between the hours of 8:00 a.m. to 12:00p.m. and 1:00 p.m. to 5:00 p.m.,
Monday through Friday, in the District Attorney's Office, located in the
Midland County Courthouse, 500 North Loraine, Suite 200.**

If you have any questions, you may call the Family Violence Unit at 432/688-4417 or 432/688-4495 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

VERY IMPORTANT If you return the questionnaire by mail or by fax, please **call** the Family Violence Unit at 432-688-4417 or 432-688-4495 to make sure that it has been received. Your questionnaire will be reviewed by an attorney after it is received; this usually takes at least one working day. We are unable to call everyone who turns in a completed questionnaire – **you must call our office** to make an appointment to meet with an assistant district attorney and prepare your protective order application. You will go to court about two weeks later.

CUESTIONARIO DE LA UNIDAD DE VIOLENCIA FAMILIAR DE EL CONDADO DE MIDLAND

CÓMO UTILIZAR ESTE CUESTIONARIO

1. **FAVOR USAR SOLAMENTE TINTA NEGRA** – es difícil leer la tinta azul o de otros colores en especial si regresa su cuestionario por telefax. **NO DEBE USAR LÁPIZ.**
2. Escriba legiblemente se prefiere letra de molde o mecanografiada.
3. Favor de rellenarlo por completo.
4. Ponga atención especial a la información en las páginas 4 – 6.
5. Cuando haya rellenado el cuestionario, favor de regresarlo a la Unidad de Órdenes de Violencia Familiar por telefax, correo o en persona.

Por telefax: 432/688-4958

**Por correo: Midland County District Attorney
Crime Victim Coordinator
500 N Loraine, Suite 200
Midland, Texas 79701**

*** Por lo general se requiere dos estampillas para el envío por correo.

En persona: Durante el horario de 8 de la mañana a las 12 de medio día y luego de la 1 a las 5 de la tarde, de lunes a viernes, en el edificio del Condado de Midland, 500 N. Loraine, esta localizada en el segundo piso.

Si tiene alguna pregunta, puede llamar a la Unidad de Violencia Familiar al 432/688-4417 o 432/688-4495 entre las horas de 8:00 a.m. y 5:00 p.m., de lunes a viernes.

MUY IMPORTANTE Si regresa el cuestionario por correo o telefax, favor de **llamar** a la Unidad de Violencia Familiar al 432/688-4417 o 432/688-4495 para asegurarse de que lo hayan recibido. Después de recibirlo, un abogado estudiará su cuestionario; esto toma por lo general un mínimo de un día hábil. No podemos llamar a cada persona que entrega un cuestionario rellenado – **usted tiene la obligación de llamar a nuestra oficina** para concertar una cita con un fiscal adjunto y preparar su solicitud para la orden de protección. Irá ante el tribunal unas dos semanas después.

MIDLAND COUNTY DISTRICT ATTORNEY'S OFFICE

FAMILY VIOLENCE UNIT QUESTIONNAIRE

This form is not a protective order application. COMPLETING THIS QUESTIONNAIRE DOES NOT MEAN YOU HAVE A PROTECTIVE ORDER. COMPLETING THIS QUESTIONNAIRE DOES NOT MEAN A JUDGE WILL GRANT A PROTECTIVE ORDER. The District Attorney's Office uses this form to determine if we can represent you in a protective order proceeding. **YOU MUST CALL THIS OFFICE TO CHECK ON THE STATUS OF YOUR QUESTIONNAIRE.** If the District Attorney's Office can represent you in a protective order proceeding, you will have to meet with an assistant district attorney. **You must go to court to get a protective order.** The information that you provide in this questionnaire is for the use of the Midland County District Attorney's Office only and will be kept confidential unless we are required by law to release or report any information.

This office receives federal grant funds, so it is necessary to request some statistical information from you. This information is used only to prepare reports to show compliance with federal nondiscrimination requirements. This information has no bearing on whether or not you qualify for services through this office.

PROTECTIVE ORDERS

A protective order is a civil court order that tells the person you are complaining against not to commit any further acts of violence against you. The District Attorney's Office does not issue protective orders. Only a district court judge can grant a protective order. What this office can do is prepare and file your application for a protective order and represent you in court.

A protective order takes at least two weeks to obtain and requires at least one appointment in our office and at least one court appearance. **You must be willing to make a time commitment.**

Before a judge will grant a protective order, you must show that family violence or dating violence has occurred and that family violence or dating violence is likely to occur in the future. Family violence or dating violence is defined as an act intended to result in physical harm, bodily injury, assault, or sexual assault or a threat that places you in reasonable fear of imminent physical harm, bodily injury, assault, or sexual assault. When you go to court, you must be able to show that the person you want the order against has recently committed more than one act of physical violence against you or made threats to physically harm you.

You must also show that you and the person you want the order against meet one of the following relationships: 1) related by blood; 2) related by marriage; 3) have been married; 4) have lived together; 5) have had a child together; 6) have had a dating relationship; 7) have or had a dating relationship or marriage with the same individual; 8) foster parent or foster child.

You **must** provide an address where the person can be found during the day. To get a protective order that person **must** receive personal notification of your application for a protective order.

If you are married to the person, and you are currently going through a divorce, you should talk to your divorce attorney about getting a protective order as part of your divorce.

After your application for a protective order is prepared and filed, you must go to court. If the judge decides to grant the protective order on the day you go to court, the person you are complaining against may be ordered **NOT** to:

1. Commit any acts of violence against you;
2. Communicate directly with you in a threatening or harassing manner;
3. Go within a specified distance of your home or place of employment;
4. Possess a firearm;
5. Remove or harm pets or companion animals.

This office DOES NOT get involved with CUSTODY or VISITATION or CHILD SUPPORT matters or PROPERTY disputes. If custody or property issues are important to you, you may want to consult a private attorney who can help you get custody of your children and possession of property in addition to obtaining a protective order.

After the court hearing, if the judge grants the protective order, your local police or sheriff's department will be sent a copy of the order. If the person complained against commits any of the prohibited acts, criminal charges can be filed if there is sufficient proof of a violation. The maximum punishment that a violator can, but not necessarily will, receive is one (1) year in jail or a \$4000.00 fine or a combination of the two.

IF YOU WISH TO OBTAIN A PROTECTIVE ORDER AND YOU MEET THE RELATIONSHIP REQUIREMENT AND FAMILY VIOLENCE HAS OCCURRED, PLEASE COMPLETE THE REST OF THIS PROTECTIVE ORDER QUESTIONNAIRE. OTHERWISE, PLEASE RETURN THIS FORM TO THE FRONT DESK.

A protective order is **not** a criminal charge. Criminal acts must be reported to a law enforcement agency in order to be prosecuted. If you have suffered personal injury as a result of a criminal act, you may qualify for crime victims' compensation benefits. To be eligible for consideration, you must report the crime to law enforcement within a reasonable period of time, but not so late as to interfere with or hamper the investigation and prosecution of the crime. For more information you may contact the victim assistance liaison at the appropriate law enforcement agency.

CUESTIONARIO DE LA UNIDAD DE VIOLENCIA FAMILIAR DE EL CONDADO DE MIDLAND

Este cuestionario no es una solicitud de orden de protección. FAVOR DE LLENAR ESTE CUESTIONARIO EN INGLÉS. EL RELLENAR ESTE CUESTIONARIO NO SIGNIFICA QUE HA OBTENIDO UNA ORDEN DE PROTECCIÓN. EL RELLENAR ESTE CUESTIONARIO NO SIGNIFICA QUE UN JUEZ OTORGARÁ UNA ORDEN DE PROTECCIÓN. La Fiscalía utiliza este cuestionario para determinar si le podemos representar a usted en un proceso de orden de protección. USTED ES RESPONSABLE POR LLAMAR A ESTA OFICINA PARA VERIFICAR LA SITUACIÓN DE SU CUESTIONARIO. Si la Fiscalía sí le puede representar en un procedimiento de orden de protección, deberá reunirse con un fiscal adjunto. **Es necesario comparecer ante el tribunal para obtener una orden de protección. La información que provee usted en este cuestionario es para el uso exclusivo de la Fiscalía Penal del Condado de Tarrant y se tendrá en confianza a menos que la ley nos exige revelar o reportar algún dato.**

Esta oficina recibe fondos de subvención federal y se nos exige pedirle ciertos datos estadísticos.

Se utiliza esta información solamente para preparar informes para demostrar cumplimiento con los requisitos federales antidiscriminatorios. Esta información no influye en la decisión de si usted califica o no para recibir los servicios de esta oficina.

ÓRDENES DE PROTECCIÓN

Una orden de protección es una orden judicial civil que ordena a la persona contra quien se ha presentado la queja, a no cometer ningún acto adicional de violencia contra usted. La Fiscalía no expide las órdenes de protección. Solamente un juez de un tribunal de primera instancia puede otorgar una orden de protección. Lo que hace esta oficina es preparar y entablar con el tribunal su petición para una orden de protección y representarle a usted.

Toma un mínimo de dos semanas obtener una orden de protección y se requiere por lo menos una cita en nuestra oficina y por lo menos una comparecencia ante el tribunal. **Usted deberá estar dispuesto a comprometer su tiempo.**

Antes de que un juez otorgue una orden de protección, usted deberá demostrar que ha ocurrido violencia familiar o violencia de pareja y que es probable que vuelva a ocurrir violencia familiar o de pareja en el futuro. La violencia familiar o violencia de pareja se define como un acto que tiene la intención de producir daño físico, daño corporal, agresión, o agresión sexual. Cuando comparece ante el tribunal, usted deberá poder mostrar que la persona contra quien ha pedido la orden de protección ha cometido recién más de un acto de violencia contra usted o que amenazó con hacerle daño físico.

También deberá mostrar que usted y la persona contra quien busca una orden de protección tienen una de las siguientes relaciones: 1) parentesco por sangre; 2) parentesco por matrimonio; 3) estuvieron casados; 4) vivieron juntos; 5) tuvieron un hijo juntos; 6) tuvieron una relación romántica; 7) está o ha estado en una relación romántica o un matrimonio con la misma persona; 8) padre de acogida o hijo de acogida.

Es **requisito** proporcionar una dirección en la cual se le puede ubicar a la persona durante el día. Para obtener una orden de protección, es **obligatorio** que dicha persona reciba un aviso personal de su solicitud para una orden de protección.

Si usted y la persona están actualmente casados, o si está en proceso de un divorcio, deberá hablar con su abogado acerca de obtener una orden de protección como parte de su divorcio.

Después de preparar y entablarse su solicitud para una orden de protección, usted deberá comparecer ante el tribunal. El día en que comparece usted ante el tribunal, si el juez decide otorgar la orden de protección, se le podría ordenar la persona contra quien ha presentado la queja a NO:

1. Cometer ningún acto de violencia en contra de usted;
2. Comunicar directamente con usted de manera amenazante o acosante;
3. Acercarse dentro de una cierta distancia de su hogar o lugar de empleo;
4. Poseer un arma de fuego.
5. Quitar o hacer daño a los mascotas o animales de compañía.

Esta oficina no se involucra con asuntos de TUTELA (patria potestad o custodia), de VISITAS, o MANUTENCIÓN (pensión alimenticia), ni con disputas sobre BIENES o PROPIEDAD. Si los problemas de tutela o bienes/propiedad le son de importancia, podría preferir consultar a un abogado privado quien le puede ayudar a obtener la tutela de sus hijos y posesión de los

bienes/propiedad, además de obtener una orden de protección.

Después de la audiencia judicial, si el juez otorga la orden de protección, se enviará una copia de la orden a su departamento local de policía o alguacil. Si la persona contra quien se ha presentado la queja comete alguno de los actos prohibidos, puede imputarse cargos penales si existe suficiente prueba de la infracción. El castigo máximo que podría posiblemente recibir un infractor, es un (1) año en la cárcel o una multa de \$4000.00 o una combinación de estas sanciones.

SI USTED DESEA OBTENER UNA ORDEN DE PROTECCIÓN Y CUMPLE EL REQUISITO DE RELACIÓN/PARENTESCO, Y HA OCURRIDO VIOLENCIA FAMILIAR, FAVOR DE RELLENAR EL RESTO DE ESTE CUESTIONARIO DE ORDEN DE PROTECCIÓN. DE NO SER ASÍ, FAVOR DE DEVOLVER ESTE CUESTIONARIO A LA RECEPCIÓN.

Una orden de protección **no** es un cargo penal. Para que un acto delictivo sea procesado, es necesario reportarlo a una agencia policial. Si usted ha sufrido un daño personal como resultado de un acto delictivo, podría calificar para beneficios de compensación para las víctimas de delitos. Para que le puedan tomar en cuenta, deberá reportar el delito a una agencia policial dentro un plazo razonable, sin que el paso de mucho tiempo interfiera o impida la investigación o el procesamiento del delito. Para más información, puede comunicarse con el enlace de asistencia a víctimas en la agencia policial correspondiente.

DO NOT WRITE IN THIS SPACE, FOR FAMILY VIOLENCE UNIT USE ONLY. Attorney Use	
<input type="checkbox"/> APPROVED Terms (Attorney Notes)- _____	

<input type="checkbox"/> DENIED (Attorney Notes)- _____	

<input type="checkbox"/> CONFLICT OF INTEREST	<input type="checkbox"/> DISMISSED BY APPLICANT
<input type="checkbox"/> FAMILY VIOLENCE	<input type="checkbox"/> STALKING <input type="checkbox"/> S. ASSAULT
<input type="checkbox"/> VINE <input type="checkbox"/> CVC	<input type="checkbox"/> INFO <input type="checkbox"/> JUVENILE
Protective Order No. FM- _____	CVC / NON-GRANT

SECTION I

Today's date: _____

Your name: _____ (_____)
First Middle Last Other last names you have used

Your race or ethnicity: White African American Asian American Pacific Islander
 Hispanic Native American Other - specify: _____

Sex: Male Female Place of Birth: _____
Your age: _____ Date of Birth: _____
Social Security Number: _____ Driver License #: _____

Do you have any handicaps or disabilities? Yes No If yes, what is the nature of your handicap or disability?

- Visual impairment Hearing impairment Mobility or functional impairment
 Emotional or mental disorders Cardiac and circulatory diseases Respiratory diseases
 Other physical handicap or disabling condition - please specify: _____

Name of person you want a protective order against: _____

What is your relationship to this person? (Check ONLY one.)

- Married - living together Married - not living together Divorced
 Living together - not married Used to live together - never married Related by blood
 Related by marriage Biological parents of the same child - never married
 Dating or used to date Common Law Married-if checked; see below
 o Did you live together? _____
 o Did you tell people you were married?
 o Did you file your taxes together?
 o Did you agree to marry?
 Other - please specify: _____

How did you find out about this office?

- Law enforcement agency - please specify: _____
 Judge or justice of the peace Mental health services Medical services
 Social service agency - please specify: _____
 Other - please specify: _____

SECTION II

Home Address: _____
Street Address Apartment No.

City State Zip Code

Home Phone No. _____ Cell Phone No. _____ Other No. _____

What kind of vehicle do you drive? Year: _____ Make: _____

Model: _____ Color: _____ License plate no.: _____

Does the abuser know where you live? Yes No
Do you live with any other adult(s) at this address? Yes No

If yes, name(s) of person(s) and relationship to you, e.g., current spouse, roommate, relative.

Relative or friend (not living with you) who will always be able to locate you:

Name: _____ Relationship: _____

Address: _____
Street Address Apartment No.

City State Zip Code

Home Phone Business Phone

If you want mail sent somewhere other than your home address, please give that address.

Mailing Address: _____
Street Address Apartment No.

City State Zip Code

Whose address? Phone Number

What is your current occupation?

- Homemaker Unskilled labor Skilled labor Clerical
Professional/managerial Retired Student Active military
Other - please specify: _____

If you are currently employed or attending school, please complete the following:

Employer / School Phone No.

Street Address City State Zip Code

Days and hours that you work / attend class: _____

Does the abuser know where you work / attend school? Yes No

Where are you staying now?

Street Address Apartment No.

City State Zip Code

Whose address? Phone No.

Does the abuser know where you are staying now? Yes No

SECTION III

Please provide information about your minor children:

Child's Name	Child's Place of Birth	Age <u>and</u> Date of Birth	Male/Female
_____	_____	_____/_____/_____	<input type="checkbox"/> M <input type="checkbox"/> F
_____	_____	_____/_____/_____	<input type="checkbox"/> M <input type="checkbox"/> F
_____	_____	_____/_____/_____	<input type="checkbox"/> M <input type="checkbox"/> F
_____	_____	_____/_____/_____	<input type="checkbox"/> M <input type="checkbox"/> F
_____	_____	_____/_____/_____	<input type="checkbox"/> M <input type="checkbox"/> F
_____	_____	_____/_____/_____	<input type="checkbox"/> M <input type="checkbox"/> F

Where is each child staying now and whom are they living with

Does your child attend school or daycare? (Name and address): _____

Do any of your children have any handicaps or disabilities? Yes No

If yes, please indicate type of handicap or disability after that child's name.

Is the abuser the parent of any of these children? Yes No If yes, which children?

Are there any court orders, like a divorce decree or child support order, that affect any of your children, **even if the abuser is not the parent?** Yes No

SECTION IV

When did you meet this person? _____

When did you start dating this person? _____

When did you stop dating this person? _____

How many times did you go out with this person? _____

Were you ever formally engaged to this person? Yes No

Did you ever live with this person? Yes No

If yes, when did you start living together? _____

When did you stop living together? _____

While you were living together, did you ever separate from this person? Yes No

If yes, how many times? _____ For how long? _____

If you were ever married to this person, where and when were you married?

_____ Place _____ Date

Have either one of you filed for a divorce from each other? Yes No

If yes, when? What state and county? _____

If you are divorced from the abuser:

When was your divorce final? _____ What state and county? _____

Have you ever applied for a protective order against this person before? Yes No

If yes, when and where (county and state)? _____

Have you ever been granted a protective order against this person before? Yes No

If yes, when and where (county and state)? _____

Do you have an emergency protective order? Yes No

If yes, what police department? _____

Has anyone ever applied for or gotten a protective order against you? Yes No

If yes, please explain: _____

SECTION V

If you need additional space to answer any questions in this section, please use a separate sheet of paper.

When was the **LAST** time this person abused you? Date: _____

Describe what happened: _____

Did this person use any weapons or objects? Yes No If yes, what kind? _____

Injuries: _____

Adult Witnesses: _____

Did anyone call the police? Yes No If yes, who? _____

What did the police do? _____

_____ Report number _____

Has this person abused you on any other occasions? Yes No

- If yes, please give the requested information about other recent incidents.

Date: _____ Describe what happened: _____

Did this person use any weapons or objects? Yes No If yes, what kind? _____

Injuries: _____

Adult Witnesses: _____

Did anyone call the police? Yes No If yes, who? _____

What did the police do? _____

Report number _____

Date: _____ Describe what happened: _____

Did this person use any weapons or objects? Yes No If yes, what kind? _____

Injuries: _____

Adult Witnesses: _____

Did anyone call the police? Yes No If yes, who? _____

What did the police do? _____

Report number _____

SECTION VI

Have you ever hit, slapped, pushed, bitten, kicked, spit at, or otherwise physically hurt, threatened, or used a weapon against this person? Yes No

If yes, please explain: _____

Have you ever been arrested, convicted, put on probation, or given a ticket for an act you committed against **ANY PERSON**? Yes No

If yes, please explain: _____

Have you ever received any kind of health care because of abuse in this relationship? Yes No

- If yes, please specify:

Emergency room

Hospitalization

Doctor's care

Dental care

Counseling or psychotherapy

If you are female, are you now pregnant? (Check one.) Yes No Maybe/don't know

If you are female, has this person ever abused you while you were pregnant? Yes No

SECTION VII

Has this person ever harmed any of your children? Yes No If yes, complete the following:

-Date of abuse: _____

-Name of child/children: _____

-Describe specifically what happened: _____

Has Child Protective Services ever been notified? Yes No

If yes, provide the following information:

Date and place (city and state)

Name of case worker

Phone number and extension

Have the police ever been notified of child abuse? Yes No

If yes, provide the following information:

Date

Name of detective and police department

Phone no.

Case number

Have criminal charges ever been filed against this person for child abuse? Yes No

If yes, where, when and case number: _____

SECTION VIII

Abuser's Name: _____ (_____)
First Middle Last (Maiden, if applicable)

What other names does abuser use? _____

Sex: Male Female Age: _____ Date of birth: _____

Social Security No.: _____ Place of birth: _____

Driver's License No. and State: _____

Home Address: _____

Street Address

Apartment No.

City

State

Zip Code

Home Phone No.: _____

When is the best time to find abuser at home? _____

Abuser's occupation: _____

Is the abuser currently employed? Yes No - If yes, please complete the following:

Employer

Phone No.

Street Address

City

Zip Code

When does the abuser work? Days: _____ Hours: _____

Is there any other address where this person can be found? Yes No

If yes, please complete the following:

Whose address?: _____ Phone No.: _____

Street Address

Apartment No.

City

Zip Code

Physical Description of Abuser:

Height: _____ Weight: _____ Race/ethnicity: _____

Complexion: _____ Hair color: _____ Eye color: _____

Glasses? Yes No Contacts? Yes No Color of contacts? _____

Beard? Yes No Mustache? Yes No Other facial hair? _____

Tattoos? If any, describe: _____

Scars? If any, describe: _____

