

# Texas Department of Public Safety

**Help for Victims of Family Violence, Stalking,  
and Violations of a Protective Order or  
Conditions of Bond**



## **ADDITIONAL RIGHTS OF VICTIMS OF CERTAIN FAMILY VIOLENCE OFFENSES, STALKING, AND VIOLATION OF PROTECTIVE ORDER OR CONDITION OF BOND**

***This is an abridged version. The full text is available at:  
[statutes.capitol.texas.gov/Docs/CR/htm/CR.56A.htm](http://statutes.capitol.texas.gov/Docs/CR/htm/CR.56A.htm)***

### **Code of Criminal Procedure, Article 56A.0521**

You are entitled to certain rights within the criminal justice system if you are a victim, a victim's guardian, or a close relative of a deceased victim who experienced a crime of family violence, dating violence, stalking, or certain violations of a protective order or bond conditions. For the following rights to apply to victims of protective order or bond condition violations, the court order must be related to family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking, and the violation must have involved an offense of assault, sexual assault, or stalking. If you are a victim, a victim's guardian, or a close relative of a deceased victim who experienced a sexual assault, indecency with a child, sexual abuse of a child or disabled person, assault, or injury to a child, elderly, or disabled person committed by a family member, current or former dating partner, or household member you are also entitled to the following rights under the law.

**(1)** You have the right to ask for and receive information about any evidence collected during the investigation of the crime and the current status of any tests being done on that evidence. However, if sharing this information would hinder the investigation or court case, you will be informed about when you can expect to receive that information.

- (2) You have the right to ask for and receive notice when evidence from the investigation is sent to a crime lab for testing.
- (3) You have the right to speak with the prosecuting attorney and share your thoughts or concerns about the outcome of the case. You also have the right to ask for and receive information about case-related decisions, such as not filing charges, dismissing charges, using a pretrial intervention program, or making a plea bargain agreement.
- (4) You have the right to be informed that the attorney representing the state (the prosecutor) does not represent you, the victim, the guardian of the victim, or the close relative of a deceased victim.
- (5) If you are a victim of stalking (or the parent or guardian of a victim who is under 18 or is an adult dependent), you have the right to know that you can apply for a protective order and where to apply. You may file the application yourself or ask the prosecutor to do it for you. If the stalker is found guilty or put on probation, the prosecutor usually must apply for a protective order for you. You also have the right to be notified when the prosecutor files for a protective order on your behalf. If you are present in court when the stalker is found guilty or put on probation, the court must give you this information and let you file for a protective order right away. If you are not present, the prosecutor must provide you with the information.

If you are a victim, guardian, or close relative of a deceased victim and want to receive notifications or information about these rights, you need to: 1) give your current address and phone number to the investigating law enforcement agency and the prosecuting attorney; 2) let them know if your contact information changes; and 3) if you prefer email notifications, provide your email address to the investigating agency and prosecutor and update them if it changes.

You can choose to have another person, including an organization that offers services to victims of the crimes mentioned above, receive any notice concerning a request to process and analyze collected evidence on your behalf. This designated person cannot be the individual charged with the crime.

Victims of sexual offenses may also be entitled to additional rights under Article 56A.052, Additional Rights of Victims of Certain Sexual, Trafficking, or Burglary Offenses. A Texas Department of Public Safety Victim Services Professional is available to provide you with more information about these additional rights if they apply to you.

**A Victim Services Professional with the Texas Department of Public Safety is available to assist you in exercising these rights.**

## **Notice to Victims of Family Violence, Dating Violence, Stalking, Harassment, or Terroristic Threat**

It is a crime for any person, including a current or former member of your family, to cause you physical injury or harm, or to engage in acts of stalking, harassment, or terroristic threat toward you.

If you feel unsafe, getting support can help you understand your options and feel safer. When ending an abusive relationship or seeking help, threats or violence can increase. Some warning signs of increased risk may include jealousy, controlling finances or your movements, isolating you from friends or family, verbal abuse, threats to harm or kill you, and physical abuse, including strangulation. If you are in immediate danger, call 911 right away.

You are not alone. There are resources and support to help you. Scan the QR code to learn more about your options and available resources. This link will take you to the Texas Health and Human Services website, where you can find more information about the rights and options discussed below.



### **You Have Rights and Options**

If you, your child, or any other household member has been injured, or if you are going to be in danger when the officer leaves or at a later time, you have the right to ask your local law enforcement agency to file a criminal complaint against the person committing family violence. You can also apply for a court order to protect you.

To do so, you should consult a legal aid office, local county or district attorney, the Texas Advocacy Project, or a private attorney. If a family or household member assaults you and is arrested, you may request that a Magistrate's Order for Emergency Protection be issued. Please inform the investigating officer if you want an order of emergency protection. You need not be present when the order is issued. You cannot be charged a fee for filing, serving, or obtaining a protective order.

A protective order may:

- Prohibit the abuser from committing further acts of violence;
- Prohibit the abuser from threatening, harassing, or contacting you at home or work;
- Remove the abuser from your shared home;
- Establish temporary custody of the child(ren); or
- Direct the abuser not to interfere with the children or any property.

### **A VIOLATION OF CERTAIN PROVISIONS OF COURT-ORDERED PROTECTION MAY BE A FELONY.**

If the abuser is arrested, victims of family violence also have the right to provide information to the local prosecutor that may be helpful to a magistrate in setting bail.

You may also be able to legally end your lease without penalty. To do so, you will need to have at least one of the following: 1) A temporary injunction, issued as part of a divorce proceeding; 2) a protective order; or 3) documentation from a licensed health care provider, licensed mental health professional, or family violence program advocate. For more information, visit: [tcfv.org/find-help/survivor-resources](http://tcfv.org/find-help/survivor-resources).

### **Additional Resources**

For confidential 24/7 assistance locating a family violence program advocate, resources, or shelter near you, call: 800-799-SAFE (7233); video chat (if Deaf): 855-812-1001; chat online: [thehotline.org](http://thehotline.org); or text: "START" to 88788.

For free legal assistance or more information on filing a protective order or lease termination, contact your local county or district attorney, legal aid office, or Texas Law Help:

- Texas Advocacy Project 800-374-HOPE (4673)
- Texas Legal Services Center 800-622-2520
- [texaslawhelp.org](http://texaslawhelp.org)

**To connect with Victim Services for the Texas Department of Public Safety, call: 512-424-2211**



**The Texas Department of Public Safety is dedicated to providing culturally sensitive, trauma-informed services to individuals and families affected by crime in Texas.**