

## Mary Cunningham Protective Orders Q&A

Question 1: H is accused of murdering ex-wife. Young son's maternal grandmother files protective order to protect her family and grandson from H while case is pending.

Answer: C (Denied because H is in jail and no finding that FV may occur in future).

Questions 2: Bebe and Bill frequently escalate arguments to physical violence, usually by Bill. Bebe gets a temporary ex-parte protective order. Before Bill is served, they agree to extend the temporary order for 60 days. On day 54, Bebe calls police to arrest Bill.

Answer: A, but also C (No authority because order has expired; No authority because lack of service).

Question 3: Jill and Joe dated three years and called 911 2-3 times per month reporting violence. Joe moves to Montana to get away. Jill files for temporary ex-parte protective order because of "violence" the evening before he moved.

Answer: C (No clear and present danger because Joe has moved).

Question 4: Wife files protective orders against husband but after hearing, Judge is convinced protective order should be granted against both because of mutual danger. Can Judge do it sua sponte?

Answer: D (Yes, because it is in best interest of family; per TFC Section 85.021).

Question 5: H was granted protective order two times 10 and 12 years ago against ex-wife who is schizophrenic. Ex-wife has now moved back to Hope City and wife #2 wants a protective order to be granted against the "crazy ex" because she poses a threat to family.

Answer: A (Denied because no finding of FV).

Question 6: Wife files for protective order against husband citing family violence and gets a temporary ex-parte protective order with a kick out provision prior to service.

Answer: C (Husband will be removed from home **only** after service and hearing).

Question 7: Sue and Sam have lovers quarrel resulting in shoving and slapping. Sue gets a final protective order. Sue sees Sam at a local bar and invites him over for "make-up get together." Sue's best friend sees Sam going into Sue's apartment and calls the police.

Answer: C (Sam goes to jail).

Question 8: Same scenario from previous question except Sam also has protective order against Sue.

Answer: D (Both go to jail).