

TCFV Supports HB 698/SB 243

Codifying a Remote Participation Option in Protective Order Hearings

Issue

Family Code Protective Orders (PO's) are important tools for survivor safety, including such features as the potential for extended protection for children and pets, as well as pathway to wireless cell phone plan separation. Traditionally, seeking protective orders requires in person engagement with the court, which can be time consuming and unsafe for survivors while they are in the same physical space as the respondent. Applying recent lessons learned from virtual court hearings during the public health crisis, the Texas Council on Family Violence (TCFV) seeks to codify a remote option for protective orders, allowing survivors an increased sense of safety and empowerment to participate in these important hearings.

Background

Texas does not have job protected leave for survivors to attend court hearings related to protective orders that may ameliorate risk and impacts of the abuse. This means that survivors may not be able to take the time needed to apply for PO's or attend hearings to obtain these needed orders. Another critically important fact is that **leaving is the most dangerous time for a domestic violence survivor**. The obstacles that survivors face when taking steps to seek help or leave require complex safety planning coupled with each action. While some abusers use technology to exert power and control, advocates are increasingly adept at tech safety planning and can assist survivors and systems around the utilization of virtual hearings to support survivor safety and help seeking.

“Not only are our applicants more comfortable participating in the protective order hearing virtually because of safety concerns, childcare concerns, and taking time off work, but respondents also appear more often on a virtual format...” Dallas County Prosecutor



“If the hearing is virtual, it lowers victim vulnerability of intimidation by the presence of the abuser and heightens the chance that victims will follow through with the legal processes.” - TEXAS SURVIVOR

Solution

INCREASING SURVIVOR SAFETY AND PARTICIPATION VIA REMOTE PO HEARINGS

Survivors are more likely to complete the protective order process when they feel safe to do so. This can represent one more step towards securing future safety for themselves and their children.

- » The bill allows an applicant or witness to request in writing to the Court to provide a method by which to testify, or otherwise participate, remotely.
- » The Court may find good cause to deny the request.
- » This bill does NOT impact criminal hearings; rather it amends Chapters 84 and 87 of the Family Code.

88% of judges, prosecutors, and attorneys representing survivors found great benefits to themselves and/or survivors in conducting protective order hearings virtually.