

Victim Assistance Program

The Victim Assistance Program was established to provide information to victims and their families regarding **victims' rights, victim services, protective orders, and the Texas Crime Victims' Compensation Act.**

The Abilene Police Department partners with [Regional Victim Crisis Center](#) and [Noah Project](#) to assist you with your questions. Victim Advocates can be reached at 325-677-7895 (sexual assault, physical assault, murder, robbery, kidnapping, stalking, etc.) or 325-676-7107 (family violence).

Texas Crime Victims' Rights

As defined in Article 56, Texas Code of Criminal Procedure, a victim of a violent crime is someone who: **(1) has suffered bodily injury or death as a result of criminally injurious conduct, or who has been the victim of a crime involving sexual assault, kidnapping, or aggravated robbery; (2) is the close relative (spouse, parent, brother, sister, or adult child) of a victim; or (3) is the guardian of a victim. As a victim of violent crime, you have the following rights:**

1. The right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;
2. The right to have the magistrate take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;
3. The right, if requested, to be informed of relevant court proceedings and to be informed if those court proceedings have been canceled or rescheduled prior to the event;
4. The right to be informed, if requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations and by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arraignments, restitution, and the appeals and parole process;
5. The right to provide pertinent information to a probation department conducting a pre-sentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;
6. The right to receive information regarding compensation to victims of crime as provided by Subchapter B, Chapter 56, including information related to the costs that may be compensated under the Act and the amount of compensation, eligibility for compensation, and procedures for applications for compensation under the Act, the payment for medical examination under Article 56.06 for a victim of sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;
7. The right to be informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, of parole proceedings concerning a defendant in the victim's case, to provide to the Board of Pardons and Paroles for inclusion in the defendant's file information to be considered by the board prior to the parole of any defendant convicted of any crime subject to the Act, and to be notified, if requested, of the defendant's release;

8. The right to be provided with a waiting area, separate or secure from other witnesses, including the offender, and relatives of the offender, before testifying in any proceeding concerning the offender. If a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the offender and the offender's relatives and witnesses, before and during court proceedings;
9. The right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;
10. The right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for a good cause;
11. The right to counseling, on request, regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection, and testing for acquired immune deficiency syndrome (AIDS), and human immunodeficiency virus (HIV) infection antibodies to HIV, or infection with any other probably causative agent of AIDS, if the offense is an offense under Section 21.11 (a) (1) [Indecency with a Child], 22.011 [Sexual Assault], or 22.021 [Aggravated Sexual Assault], Penal Code.
12. The right to be present at all public court proceedings related to the offense, subject to approval of the judge in the case;
13. The right to request victim-offender mediation coordinated by the victim services division of the Texas Department of Criminal Justice; and
14. The right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered:
 - a. by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and
 - b. by the Board of Pardons and Paroles before an inmate is released on parole

The office of the attorney representing the state and the sheriff, police, or other law enforcement agencies shall ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted by Subsection (a) of this article, and on request, an explanation of those rights.

A judge, attorney for the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this article. The failure or inability of any person to provide a right or service enumerated in this article may not be used by a defendant in a criminal case as a ground for appeal, a ground to set aside the conviction or sentence, or a ground in a habeas corpus petition. A victim, guardian of a victim, or close relative of a deceased victim does not have standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.

Victim Services and Referrals

Abuse

[Adult/Child Protective Services — Reporting](#) (800) 252-5400

[Adult Protective Services — Local Office](#) (325) 691-8100

[Child Protective Services — Local Office](#) (325) 691-8100

[Child Advocacy Center \(CAC\)](#) (325) 738-8060

Criminal Justice

[Abilene District Parole](#) (325) 672-1495

Taylor County Adult Probation (325) 674-1247

[Taylor County District Attorney's Office](#) (325) 674-1261

[Taylor County Jail](#) (325) 691-7422

Taylor County Juvenile Detention Center (325) 691-7462

Hotline

Family Violence Legal Line (800) 374-4673

Mental Health Crisis Line (800) 758-3344

Texas Youth Hotline (800) 210-2278

Homeless

[Hope Haven](#) (325) 677-4673

[The Salvation Army](#) (325) 677-1408

[Love and Care Ministries](#) (325) 670-0246

Legal

Taylor County District Attorney's Office — Protective Order Unit (325) 674-1261

West Texas Legal Services (325) 677-8591, (800) 933-8591

Medical

[Abilene Regional Medical Center](#) (325) 695-9900

[Hendrick Medical Center](#) (325) 670-2000

Mental

[Abilene Behavioral Health \(24 Hours\)](#) (800) 335-3498

[MHMR \(Betty Hardwick Center\)](#) (800) 758-3344

Victim Services

[Crime Victims' Compensation](#) (800) 983-9933

[Homeland Security Victim Notification Program](#) (866) 872-4973

[Noah Project, Family Violence \(24 Hrs.\)](#) (325) 676-7107

[Regional Victim Crisis Center \(24 Hrs.\)](#) (325) 677-7895

Taylor County District Attorney's Victim Coordinator (325) 674-1261

[Texas Department of Criminal Justice Victims' Services](#) (800) 848-4284

Protective Orders

What is a protective order?

A protective order is a civil court order that is designed to stop violent and harassing behavior and to protect you and your family members from an abuser. Abusers who violate certain parts of a protective order can be arrested.

How can a protective order help me?

The purpose of a protective order is to prevent future assaults by your partner. The protective order will usually make it illegal for him to be near you, your children, your home, your workplace, and your children's school. Then you can call the police for help when he is where he is not supposed to be and the police can intervene before he assaults you or your children again.

A protective order may order your abuser to:

- Stop committing acts of family or dating violence.
- Stop communicating with you or a family member.
- Stop threatening you or a family member.
- Stay away from your home or place of employment.
- Stay away from a school or day center that a child protected under the order attends.
- Complete a battering intervention and prevention program.
- Attend mandatory counseling.
- Not remove your child from your possession or from the jurisdiction of the court or to allow you visitation with your child.
- Stop any transfer or disposal of property.
- Stop any other behavior designed to harass, annoy, abuse, or embarrass you.
- Pay child or spousal support for a period up to two years.
- Leave your home or other specified property (if certain conditions are met).

- Turn over any firearms in his/her possession to law enforcement (unless the person is a peace officer actively engaged in employment as a sworn, full-time paid employee of a state agency).
- Perform any other acts that are necessary to prevent or reduce the likelihood of family or dating violence.

Who is eligible for a protective order?

You can apply for a protective order if your abuser is one of the following:

- A current or former spouse
- A sibling (brother or sister)
- A blood relative such as a parent
- A relative by marriage (an in-law)
- A person with whom you have a child in common
- A current roommate
- A former roommate
- A foster parent
- A foster child
- A person who you are dating or have dated

A person who has a divorce pending is eligible for a protective order. The protective order must be filed in the court in which the divorce is pending. You may also be able to get a protective order against someone who has sexually assaulted you even if they are not a family or household member (like a co-worker or neighbor).

What does it cost to get a protective order?

Nothing, a protective order is free. You cannot be charged a fee for filing, serving, or entering a protective order. The court may order that your abuser pay any attorney fees (if applicable), and all other fees, charges, or expenses incurred in connection with the protective order.

What types of protective orders are available?

In Texas there are three types of Orders of Protection:

1. Magistrate's Order of Emergency Protection
2. Temporary Ex Parte Order
3. Permanent Protective Order

What is a Magistrate's Order of Emergency Protection? How long does it last?

A Magistrate's Order of Emergency Protection (what most people call an Emergency Protective Order). These are called different things in different parts of the state.

They are good for 31-61 days.

If your partner has been arrested for a family violence assault, you must ask for this before he is released from jail.

What is a Temporary Ex Parte Order? How long does it last?

A Temporary Ex Parte Order is a court order designed to provide you and your family members with **immediate** protection from your abuser. In order to get a Permanent Protective Order, you need to have a full court hearing with your abuser present. A Temporary Ex Parte Order will protect you from the time you file for the Permanent Protective Order until your full court hearing.

You may receive a Temporary Ex Parte Order without your abuser present.

The court can issue a Temporary Ex Parte Order if it decides that the information given in your application for a protective order presents a clear and present danger of family violence to either you or a family member.

A Temporary Ex Parte Order lasts for the period of time specified in the order, usually until the date of your full court hearing. In most places the court will schedule a date for a formal hearing no later than the 14th day after the date the application is filed

What is a Permanent (or Final) Protective Order? How long does it last?

A Permanent (or Final) Protective Order is a court order that is designed to stop violent and harassing behavior and to protect you and your family from the abuser.

A Permanent Protective Order is effective for the time period specified in the order up to a maximum of 2 years. If there is no time period specified in the order, then it expires on the second anniversary of the date the order was issued.

If the Respondent is still incarcerated on the date that the protective order is set to expire, then the expiration date is extended for one year from his date of release.

For more information regarding Protective Orders, contact the District Attorney's Office at 325-674-1296, or Noah Project at 325-676-7107

Crime Victim Compensation

Code of Criminal Procedure, Texas Crime Victims' Compensation Act, Chapter 56, Subchapter B

Purpose: To compensate residents of the United States who suffer personal injury or death as the result of a violent crime, including DWI, Failure to Stop and Render Aid, and certain other vehicular crimes.

Administered by: The Office of the Attorney General, Crime Victims' Compensation Division, Austin, Texas.

Crime Victims' Compensation may be available to pay the amount of expense reasonably and necessarily incurred for:

- i. Medical, counseling, prescription and rehabilitative services;

- ii. Partial loss of earnings because of a disability resulting from personal injury, participation in the criminal justice process, or seeking medical treatment;
- iii. Child care for minor children to enable a victim or spouse of a deceased victim to continue employment;
- iv. Certain funeral and burial expenses;
- v. Reasonable costs associated with crime scene cleanup;
- vi. Reasonable replacement costs for clothing or bedding taken as evidence or made unusable as a result of the criminal investigation of a sexual assault;
- vii. Travel expenses necessary to participate in the criminal justice process and/or seek medical treatment;
- viii. One-time payment of certain relocation expenses in domestic violence and sexual assault
Reimbursement for property damage or loss is not an eligible expense. In order to qualify for Crime Victims' Compensation:
 - 1. The crime must be reported to law enforcement within a reasonable amount of time unless there are justified extraordinary circumstances.
 - 2. Claim must be filed within three years unless good cause can be shown as to why the claim wasn't filed.
 - 3. The victim must cooperate with law enforcement and prosecution efforts.
 - 4. The victim must be the innocent victim of a violent crime who suffers personal injury.

[Regional Victim Crisis Center](#) and/or [Noah Project](#) will assist you in applying for benefits from Crime Victims' Compensation. Upon request, they will provide you with the [claim form](#) and send the claim form and required documentation to CVC.

If you feel you qualify for Crime Victims' Compensation, please contact the Crime Victim Liaison as soon as possible.

For more information on Crime Victims' Compensation, you can access the Office of the Attorney General's website at <http://www.oag.state.tx.us> or contact the Office of the Attorney General's Crime Victims' Compensation Division at 1-800-983-9933