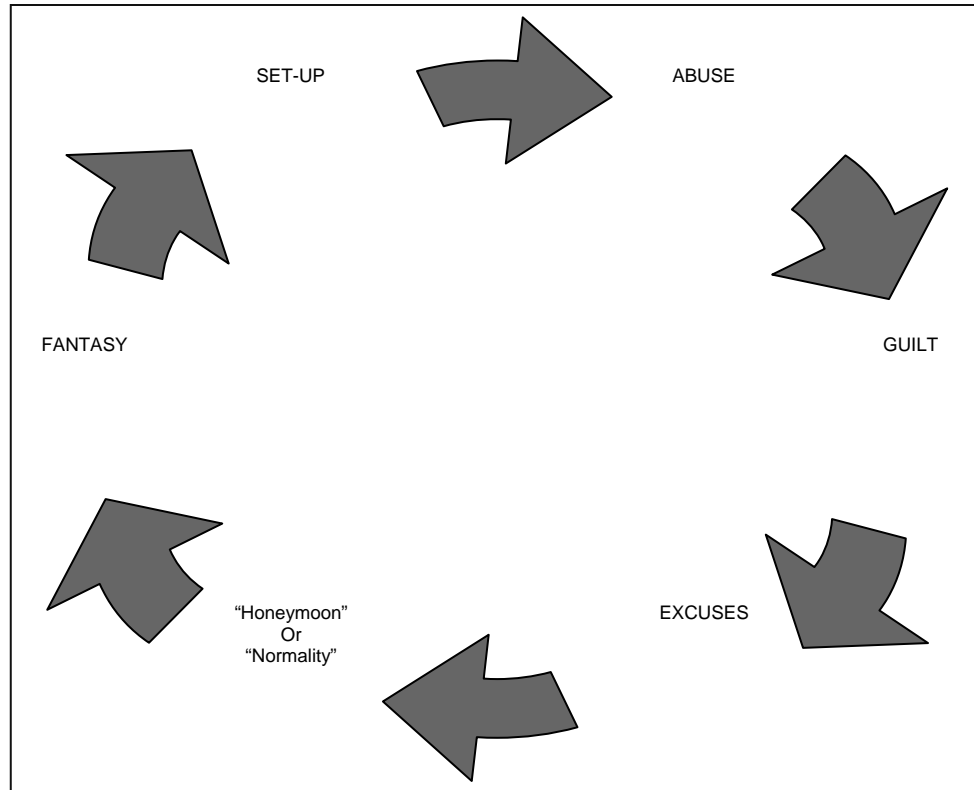


CYCLE OF VIOLENCE



- Abuse**—power play, control “who’s the boss”
- Guilt/apologies**—I’m sorry, I love you
- Excuses/Rationalization**—why did you make me mad
- Normality/Honeymoon**—Fallin’ in love again!
- Fantasy/Planning**—spends time thinking of what she is doing, suspicion
- Set-Up**—creates a situation where he can justify abusing again.

Texas Family Code:

Sec. 71.0021. DATING VIOLENCE. (a) "Dating violence" means an act by an individual that is against another individual with whom that person has or has had a dating relationship and that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the individual in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself.

(b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:

- (1) the length of the relationship;
- (2) the nature of the relationship; and
- (3) the frequency and type of interaction between the persons involved in the relationship.

(c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

Added by Acts 2001, 77th Leg., ch. 91, Sec. 1, eff. Sept. 1, 2001.

Sec. 71.003. FAMILY. "Family" includes individuals related by consanguinity or affinity, as determined under Sections 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.

Added by Acts 1997, 75th Leg., ch. 34, Sec. 1, eff. May 5, 1997.
Amended by Acts 2001, 77th Leg., ch. 821, Sec. 2.03, eff. June 14, 2001.

Sec. 71.004. FAMILY VIOLENCE. "Family violence" means:

- (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;

(2) abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or
(3) dating violence, as that term is defined by Section 71.0021.

Added by Acts 1997, 75th Leg., ch. 34, Sec. 1, eff. May 5, 1997.
Amended by Acts 2001, 77th Leg., ch. 91, Sec. 2, eff. Sept. 1, 2001.

Sec. 71.005. HOUSEHOLD. "Household" means a unit composed of persons living together in the same dwelling, without regard to whether they are related to each other.

Added by Acts 1997, 75th Leg., ch. 34, Sec. 1, eff. May 5, 1997.

Sec. 71.006. MEMBER OF A HOUSEHOLD. "Member of a household" includes a person who previously lived in a household.

Added by Acts 1997, 75th Leg., ch. 34, Sec. 1, eff. May 5, 1997.

Texas Code of Criminal Procedure:

Art. 42.0131. REQUIRED NOTICE FOR PERSONS CONVICTED OF MISDEMEANORS INVOLVING FAMILY VIOLENCE. If a person is convicted of a misdemeanor involving family violence, as defined by Section 71.004, Family Code, the court shall notify the person of the fact that it is unlawful for the person to possess or transfer a firearm or ammunition.

Added by Acts 2007, 80th Leg., R.S., Ch. 125, Sec. 2, eff. September 1, 2007.

Art. 27.14(e) Plea of Guilty or Nolo Contendre in Misdemeanor
(e)(1) Before accepting a plea of guilty or a plea of nolo contendere by a defendant charged with a misdemeanor involving family violence, as defined by Section 71.004, Family Code, the court shall admonish the defendant by using the following statement:

“If you are convicted of a misdemeanor offense involving violence where you are or were a spouse, intimate partner, parent, or guardian of the victim or are or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm, including a handgun or long gun, or ammunition, pursuant to federal law under 18 U.S.C. Section 922(g)(9) or Section 46.04(b), Texas Penal Code. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney.”

(e)(2) The court may provide the admonishment under Subdivision (1) orally or in writing, except that if the defendant is charged with a misdemeanor punishable by fine only, the statement printed on a citation issued under Article 14.06(b) may serve as the court admonishment required by this subsection.

NO. _____

STATE OF TEXAS

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IN THE MUNICIPAL COURT

v.

CITY OF PEARLAND

BRAZORIA COUNTY, TEXAS

**FIREARM ADMONISHMENT UPON CONVICTION FOR
FAMILY VIOLENCE MISDEMEANOR**

I, _____, Defendant in the above styled and numbered case, have been admonished by the Court of the following pursuant to Article 27.14, Code of Criminal Procedure:

If you are convicted of a misdemeanor offense involving violence where you are or were a spouse, intimate partner, parent, or guardian of the victim or are or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm, including a handgun or long gun, or ammunition, pursuant to federal law under 18 U.S.C. Section 922(g)(9) or Section 46.04(b), Texas Penal Code. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney.

I have read and understand the above admonishment of potential consequences for a conviction of a misdemeanor involving family violence, as defined by Section 71.004, Texas Family Code.

SIGNED on _____.

Signature of Defendant

NO. _____

STATE OF TEXAS

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IN THE MUNICIPAL COURT

v.

CITY OF XXXXXXXXXX

XXXXXX COUNTY, TEXAS

STIPULATION TO FAMILY RELATIONSHIP

My name is _____, and I am the Defendant in the above styled and numbered case.

I hereby stipulate that my relationship to the Complainant, _____, is as follows:

Section 71.003 of the Texas Family Code defines “family” as individuals related by consanguinity or affinity, former spouses of each other, biological parents of the same child without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together. Section 71.005 defines “household” as a unit composed of persons living together in the same dwelling without regard to whether they are related to each other. According to Section 71.006, this includes a person who previously lived in the household. Under Section 71.0021, “dating violence” includes persons who currently have or previously had a dating relationship.

SIGNED on _____.

Signature of Defendant

NO. _____

STATE OF TEXAS

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IN THE MUNICIPAL COURT

v.

CITY OF XXXXXXXX

XXXXXX COUNTY, TEXAS

AFFIRMATIVE FINDING OF FAMILY VIOLENCE
ADMONISHMENTS

I, _____, Defendant in the above styled and numbered case, have been informed that the following rights can be affected if I am convicted in a case involving Family Violence as defined by Section 71.004, Texas Family Code, and that the court can make an Affirmative Finding of Family Violence pursuant to Texas Code of Criminal Procedure 42.013.

- “If you are convicted of a misdemeanor offense involving violence where you are or were a spouse, intimate partner, parent, or guardian of the victim or are or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm, including a handgun or long gun, or ammunition, pursuant to federal law under 18 U.S.C. Section 922(g)(9) or Section 46.04(b), Texas Penal Code. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney.”
- Custody/visitation rights regarding children
- Basis upon which alimony can ordered in divorce
- Employment in certain jobs (including but not limited to military service and law enforcement)
- Basis upon which a subsequent offense of Assault-Bodily Injury against a household/family member can be enhanced to a third-degree felony.
- Immigration status if Defendant is not a citizen of the United States.
 - *A plea of No Contest or Guilty in a Family Violence case can trigger deportation proceedings even before an Affirmative Finding of Family Violence is entered.

I have read and understand the above admonishment of potential consequences of an Affirmative Finding of Family Violence.

SIGNED on _____.

Signature of Defendant