

**Bell v. State, No. 02-21-00098-CR(Tex. App.-Ft. Worth, Nov. 23, 2022)**  
**Attorneys.** Henry C. Paine, Jr. (appellate)

**Issue & Answer 1.** Texas Family Code 85.042(b) requires the clerk of the court to send a copy of a protective order to a school identified as a prohibited place under a protective order. In a trial for violation of a protective order must the trial court submit this explanation of law to the jury? **No.**

**Issue & Answer 2.** Does a person violate a protective order by engaging in prohibited conduct against a member of the family identified in the protective order but not listed as the protected person? **Yes.**

**Facts.** A court issued a protective order restricting the defendant and naming the father of the defendant's child as the protected person. Despite naming the Father specifically as "protected person," the terms of the order prohibited the defendant from

Going to or near the residences, child-care facilities, or schools [Son] normally attends or in which [Son] normally resides. Specifically [Defendant] is prohibited from going within 1000 yards of the following location: Hebron Montessori School.

It is undisputed that the defendant went to the child's school.

**Analysis 1.** The clerk's obligation under the Family Code has no bearing on the law of the case-it does not assist the jury in identifying the elements of the offense or defenses.

**Analysis 2.** The Family Code identifies classes of individuals who are protected individuals in a protective order. It includes: "the person protected by the order," a "member of the family or household of the person protected by the order," and "a child protected under the order." The Penal Code punishes a violation involving "a protected individual" as opposed to "the protected individual." Here the protective order was clearly for the safety welfare and best interests of *the protected person and other members of the family*.

**Comment.** The substantive portion of the Appellant's brief is nine sentences.