

HOW TO MODIFY AN EMERGENCY PROTECTION ORDER ISSUED AT THE KELLER DETENTION CENTER

Were you served an Order issued by a Magistrate at Tarrant County? If the answer is yes, then this modification guide does not apply to you. Contact the Tarrant County Criminal Courts for assistance in filing modification requests with the appropriate magistrate.

Were you served an Order issued by a Magistrate at the Keller Regional Detention Center? If the answer is yes, then use this guide for making any modification requests. This detention center is the municipal jail for the cities of Colleyville, Keller, Southlake, and Westlake.

Where to file Modification Request:

If you were served a Magistrate's Order of Emergency Protection (either as the Respondent or Protected Party) signed by a magistrate from the Keller Regional Detention Center based on the application from **Colleyville, Keller, Southlake, or Westlake Police Departments**, then any modification request must be filed in the Colleyville/Keller Municipal Court.

You will turn in all of your paperwork to the Presiding Magistrate of the Keller Regional Detention Facility, located in the City of Colleyville and Keller Municipal Courthouse (also known as the Colleyville Justice Center), at 5201 Riverwalk Drive, Colleyville, Texas 76034. This is the same location where your hearing will take place, once a court date has been set.

Hearing required:

Any changes to an EPO can only be done after a judge holds a hearing. There is no standard time frame in which this will all take place. Two factors will determine whether your modification will be processed quickly:

- 1) How quickly you receive this packet and complete the steps outlined in this packet, and
- 2) How quickly the Modification Hearing can be scheduled with the judge.

If you have an attorney representing you in a divorce or custody action, or you are the Respondent and have retained a criminal defense attorney, please inform them of your desire to modify the EPO and give them our telephone number and/or the information in this packet.

INSTRUCTIONS

Please read all of the following materials carefully and complete all of the necessary steps, including the paperwork. This packet contains the following items:

- Checklist for Modification Procedures
- Blank Motion to Modify EPO (to be completed by you)
- Contact Sheet for Providing Notice to Affected Parties

EPO MODIFICATION CHECKLIST

- _____ Read enclosed instructions carefully
- _____ Complete Motion to Modify Emergency Protection Order
- _____ Complete Contact Information For Providing Notice to Affected Parties
- _____ Submit the following materials to Magistrate's Office at Municipal Courthouse
 - _____ Motion to Modify EPO
 - _____ Contact Information Sheet
- _____ Receive Notice of Scheduled Modification Hearing
- _____ Attend Modification Hearing- the Magistrate will pull the filed copy of the application for the EPO (which contains the probable cause affidavit) and the issued order

CONTACT INFORMATION FOR PROVIDING NOTICE TO AFFECTED PARTIES

A hearing must be held to determine the appropriateness of modifying an EPO. In order to have a hearing, everyone affected by the EPO must be notified of the scheduled hearing in order to give them a chance to participate. An affected person is the Respondent, the Protected Person and the Prosecutor. It does not include minor children of the parties, children listed in the EPO, or anyone not listed by name in the EPO. When a hearing is scheduled, the court will notify the Respondent, the prosecutor and the Protected Person. Please fill out the following information, especially the opposing party's information, if you know it.

DO NOT PLACE YOURSELF OR ANYONE ELSE IN ANY DANGER TRYING TO LOCATE AN OPPOSING PARTY. IF YOU DO NOT KNOW THIS INFORMATION, SIMPLY LEAVE THE SECTION BLANK.

Respondent: _____

Address: _____

Phone #'s: Home _____ Work _____ Cell _____

Attorney for Respondent: _____
Attorney's Phone: _____

Protected Person: _____

Address: _____

Phone #'s: Home _____ Work _____ Cell _____

Is it safe to leave a message at these numbers? _____ Safe alternate number _____

Attorney for Protected Person: _____
Attorney's Phone: _____

CAUSE NO. _____

THE STATE OF TEXAS
V.

IN THE MAGISTRATE COURT
OF _____
TARRANT COUNTY, TEXAS

Motion to Modify Emergency Protection Order

I, _____, the Respondent or Protected Person, undersigned, hereby move to modify the Magistrate's Order of Emergency Protection (MOEP) issued on _____, 20__ by Judge _____. In support of this motion, I submit the following facts:

1. The following changes have occurred since the issuance of the MOEP:

2. The MOEP, as originally issued, is unworkable because:

3. The requested modification will not place the victim of the offense at greater risk than did the MOEP because:

4. The requested modification will not, in any way, endanger a person protected under the MOEP because:

5. The following additional information is provided in support of this motion:

Use additional sheets as needed.

Respectfully submitted,
