

San Antonio Criminal Defense Attorney Explains Texas Domestic Violence Law

In this article, San Antonio criminal defense attorney Mario Del Prado will provide you with an overview of Texas laws against domestic violence. Under the relevant state law, Family Code § 71.004, family violence is any of the following:

- **Violent act:** 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, unless it is done in self-defense.
- **Threat of violence:** an act by a member of a family or household against another member that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, unless it is done in self-defense.
- **Dating violence:** An act by an individual 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, unless it is done in self-defense.
- **Physical injury:** physical injury that results in substantial harm to a child or the genuine threat of substantial harm from physical injury to a child.
- **Harmful sexual conduct:** sexual conduct harmful to a child's mental, emotional, or physical welfare.
- **Illegal sexual conduct:** compelling or encouraging a child to engage in sexual conduct that is defined as a crime.

Under Family Code § 71.003, a "family" includes the following, whether or not the following people live together:

- Individuals related by consanguinity (blood) or affinity (marriage);
- Former spouses;
- Parents of the same child, regardless of marriage; and
- A foster child and foster parent.

A court cannot grant a protective order against family violence unless the court finds that family violence has occurred and is likely to occur again in the future. Evidence that a person has engaged in a pattern of violence in the past may lead to an inference that the person may commit violence in the future. However, a single violent act usually does not allow for a protective order against future violence.

Domestic violence is a serious crime. If you or a loved one has been arrested for domestic violence, get the help you need from experienced San Antonio criminal defense attorney Mario Del Prado at (210) 698-3533.