

Writ of Retrieval Flowchart

Application filed with filing fee or Statement of Inability.

Application must:

Certify that applicant is excluded from premises by occupant;
Certify applicant is not subject to order preventing them from entering premises;
Allege that applicant or dependents require personal items that are in the premises;
Describe the specific items to be recovered;
Allege personal harm to applicant or dependent if not recovered promptly; **and**
Include a lease or other evidence that applicant is/was authorized to use the premises as residence.

Property Code 24A.002(b)

Are items sought all within the categories spelled out in Property Code 24A.002(b)(3)?

- Medical Records
- Medicine and Medical Supplies
- Clothing
- Child Care Items
- Legal or Financial Documents (Including Electronic Copies)
- Checks or Debit/Credit Cards in Applicant's Name
- Employment Records
- Personal ID Documents

Does occupant pose clear/present danger of family violence to applicant/dependent and immediate irreparable harm if application not granted?

Application for Writ of Retrieval must be denied.

Must require applicant to post bond payable to occupant. Bond must have one surety if authorized corporate surety, otherwise two sureties (may set low bond amount).

Property Code 24A.002(c)

Hearing must be held with "sufficient notice" to occupant to verify application is correct. If so, writ of retrieval issued.

Property Code 24A.002(e)

Temporary ex parte writ of retrieval issued, must state period of validity, 5 days or less. No bond required. May recess to notify occupant, but must reconvene by 5 PM.

Property Code 24A.0021(c)

Constable, sheriff, or their deputy accompanies applicant to premises to retrieve specifically-described property. Occupant must be given a copy of the writ and an inventory of property retrieved. Officer must file inventory with court.

Property Code 24A.003

The occupant may file a complaint in the court that issued the writ, within **10 days** of the retrieval, alleging that the applicant took property belonging to the occupant or their dependent. The court **must** promptly hold a hearing and rule on the disposition of the disputed property.

Property Code 24A.006.