

# Order of Protection

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OUR ATTORNEYS HELP SOLVE CIVIL LEGAL PROBLEMS AT NO COST FOR STRUGGLING INDIVIDUALS AND FAMILIES.

**BECAUSE NO ONE SHOULD HAVE TO FACE A LEGAL PROBLEM ALONE.**



**SCAN  
ME!**

[www.LAET.org](http://www.LAET.org)

## SERVING THESE TENNESSEE COUNTIES:

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## WHAT IS AN ORDER OF PROTECTION?

A court order signed by the judge that is meant to protect persons from abuse or threats of abuse, of sexual assault, or stalking. This Order allows law enforcement the right to arrest your abuser without a warrant if violated. At the final hearing, the Order may also:

- order the abuser to leave the home or to provide you with another home
- award temporary custody of the children
- award temporary spousal support for you or child support
- award specific, temporary visitation time for the abuser
- award pets to the victim
- order the abuser to attend counseling for domestic violence

## WHO CAN GET AN ORDER OF PROTECTION?

Anyone that fits the following categories:

- current or former spouses
- anyone that has lived together, currently or in the past
- adults or minors who are dating or have dated or had a sexual relationship
- anyone related by blood or adoption
- anyone related or formerly related by marriage
- sexual assault victims—no relationship necessary—if raped or placed in fear of sexual assault due to threats
- stalking victim—no relationship necessary—if threatened with or placed in fear by stalking—repeated or continued unconsented contact

## HOW DO I GET AN ORDER OF PROTECTION?

You must file a Petition for the Order of Protection at the court clerk's office in the county where the abuse happened or the county where your abuser lives. You must fill out forms you get from the clerk and include:

- name of abuser and an address where s/he can be served
- date of the abuse, sexual assault/rape, or stalking where the abuse happened
- give specific details of why you are in fear and how you were hurt

### Examples:

- pushed or shoved me (into a wall, to the floor, etc.)
- hit me with (fist, a weapon, furniture, etc.) • choked me (hands, rope, cord, etc.)
- wouldn't let me leave (blocked the door, took my keys, etc.)
- threatened me (gun, knife, hammer, fleeing with the children, etc.)
- if you called the police and if the abuser was arrested
- if you had medical treatment

Return the completed forms to the clerk and sign your name in front of the clerk. The clerk cannot charge you a fee to file for the Order of Protection.

### WHAT HAPPENS NEXT?

- the clerk will have the Judge review your paperwork and may sign an Ex Parte Order that acts as a temporary order until your court date when the Judge will have a hearing about whether to give you a Final Order of Protection. Until then, the Ex Parte Order is to keep your abuser away from you • the Ex Parte Order may have your court date listed on it; if not call the court clerk.
- you must get a copy of the Ex Parte Order and your petition and keep with you at all times
- if you are not given an Ex Parte Order, you STILL have the right to a hearing to get the Order of Protection
- you must attend your hearing. This is usually about 15 days from when you filed (The abuser must be served before the hearing will occur).
- It is important to know that your Ex Parte Order is not a custody order. This decision may be addressed at the final hearing

## HOW TO STAY SAFE UNTIL YOUR HEARING!

If you do not feel safe staying in your home, you should find safety with:

- a trusted friend
- a relative
- a shelter
- develop a safety plan (contact your local shelter, National Domestic Violence Hotline at 1-800-799-SAFE, or a Legal Aid Office near you)

A safety plan is an action you will take if you are at risk of further abuse. Below are a few samples of what you can do:

- have your Ex Parte Order and cell phone with you at all times and call 911
- if the abuser knocks on your door or breaks into your home, CALL 911 and stay on the phone with the operator until help arrives
- have the police escort you to a safe place
- if the abuser is following or stalking you, CALL 911 and stay on the phone with the operator until help arrives
- change the locks on your home or car
- park your car so abuser does not have access to it
- if the abuser harasses you at work
  - have co-worker intercept calls so you have a witness
  - never walk to your car alone
- if the abuser calls repeatedly
  - keep all phone messages or text messages or letters
  - hang up immediately if the call is from the abuser
- keep a journal of what happens from the date you file your petition until your court date
- if you know your abuser has been served with the Ex Parte Order, any contact can be considered a violation
- contact your local shelter or Legal Aid office for advice on filing a violation of the Ex Parte Order or if you need representation for the hearing.

## HOW TO PREPARE FOR THE HEARING

It is important that you appear at your court hearing and bring the following with you:

- any witnesses that saw the abuse
- any police reports relating to the abuse incident
- any medical reports of your injuries
- any pictures of your injuries or damages to your personal property
- any receipts for damage to your property or medical expenses

## COURT DAY

- make arrangements prior to court for child care or after school care—it will be a long day
- reschedule other appointments or work commitments—you may be there all day
- arrive on time
- casual dress is allowed but shorts and midriff tops are not allowed
- determine which courtroom you need to be in by asking the court clerk
- have patience—your case will probably not be first
- if your abuser is harassing you or stalking you at court, notify an officer or court clerk
- if you are not represented by an attorney
  - you must be prepared to tell the judge what the abuser did to you or show any police or medical reports and any pictures relating to the abuse incident
  - show any police or medical reports and any pictures relating to the abuse incident
  - you must tell the judge what you want
    - custody of the children
    - child support
    - specific visitation for the other party
    - exclusive use of the residence
    - the car returned to you
    - that you want the abuser to attend counseling about domestic violence
    - that the abuser have a drug and alcohol assessment

## VIOLATIONS OF A COURT ORDER MEAN ANOTHER COURT DATE

The abuser cannot be punished by the Judge if you do not inform the court by filing a contempt form. To do this, you follow the same process that you did when filing for the Order of Protection (the paperwork is different and you must tell the court that the Order was violated). Please remember that you must have proof of the violation in court for the Judge to punish the abuser. This proof can be:

- a witness
- police report or your abusers arrest report
- voice mail recordings or text messages

A violation is punishable by up to 10 days in jail and a \$50 fine for each violation proven. Just because your abuser is arrested for being around you, does not mean that a violation has been filed, that doesn't happen until you tell the judge by filing a violation petition

If there has been a violation of your Order of Protection, you may want to hire an attorney or contact your local Legal Aid Office for representation.

## SHELTERS

Abuse Alternatives, Bristol	423-764-2287
CEASE, Hamblen County	423-586-0692
CHIPS, Unicoi, Carter & Greene Counties	423-742-0022
Family Crisis Center, Knox County	865-637-8000
Haven House, Blount County	865-982-1087
Harbor Safe House, Bradley and Polk County	423-467-3886
Iva's Place, Loudon County	865-988-7867
Safe House, Sullivan County and Kingsport	423-246-2273
Safe Haven, Johnson County	423-727-1914
Safe Passage, Washington County	423-232-8920
Safe Space, Cocke, Jefferson, and County	800-244-5968
Serenity Shelter, Knox County	865-673-6551
H.O.P.E. Center, McMinn and Meigs County	423-745-5289
Salvation Army, Knox County	865-525-9401
Shepherd's Inn, Carter County	423-542-0180
Safe Haven Sexual Assault-Upper East Tennessee, Knox, Blount, Loudon and Sevier Counties	865-522-7273
Partnership for Families, Children and Adults, Hamilton County	423-755-2700
Branches of Monroe County	423-295-5101
Monroe County STOPe	423-519-1232
Bledsoe	1.800.641.3434
Families in Crisis, Sequatchie	931-473-6221 or toll free 1.800.675.0766

# LAET'S OFFICES ARE OPEN MONDAY THROUGH FRIDAY FROM 8:30 AM TO 5:00 PM

## GENERAL OFFICES

Providing civil legal assistance to East Tennessee residents

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### CHATTANOOGA

(423) 756-4013  
(800) 572-7457

### JOHNSON CITY

(423) 928-8311  
(800) 821-1312

### CLEVELAND

(423) 303-2266  
(800) 572-7457

### KNOXVILLE

(865) 637-0484

### MORRISTOWN

(423) 587-4850  
(800) 821-1309

### MARYVILLE

(865) 981-1818

## FAMILY JUSTICE CENTERS

Providing legal help for those in abusive, violent, and trafficking situations

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### BRANCH HOUSE - THE FAMILY JUSTICE CENTER OF SULLIVAN COUNTY

(423) 574-7233

### JOHNSON CITY / WASHINGTON COUNTY FAMILY JUSTICE CENTER

(423) 722-3720

### CHATTANOOGA FAMILY JUSTICE CENTER

(423) 643-7604

### KNOXVILLE FAMILY JUSTICE CENTER

(865) 215-6830

Linea Gratis en Español 1 (866) 408-6573

No person in the United States shall, on the grounds of race, color, or national origin, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.

This pamphlet is intended for general information only. The circumstances of every case are different and need to be dealt with on a case-by-case basis. This is not a substitute for the advice of a lawyer. Also, the law may change and may be different from county to county.

