



What Happens After You Get An Order of Protection

Your Order of Protection says what your abuser can and can't do. But, don't count on your Order by itself to keep you safe. No piece of paper can protect you all the time!

You also need a plan to help you stay safe next time. Make a plan even if you think there won't be a next time. Legal Aid can help you make your safety plan. Here are some tips:



- Plan how to get out of your home if your abuser comes to your home.
- Hide your purse and keys where you can always get them quickly.
- Think of places you can go if you have to leave home. Pick at least one place your abuser won't think of right away.

Keep your signed Order of Protection with you at all times.

How to avoid problems

- Don't go places where you know your abuser goes.
- Leave a building, restaurant, store or place if you realize your abuser is there.
- If your abuser calls you, hang up the phone right away.
- Don't send letters, e-mails, texts or faxes to your abuser. If they send them to you, don't answer.
- Stay away from your abuser's family, friends and neighbors.
- Don't argue or confront the abuser's family or friends. Walk away!
- Don't open the door until you know who is there. If your abuser comes to your house, **DON'T** let him/her in.



Examples of what to do to be safe

- If the abuser walks towards you on the street, cross the street and go a different way.
- If you are eating in a restaurant and the abuser walks in, pay the bill and leave.
- If you are at the movies and the abuser walks in, get up and leave.
- If the abuser wants you to come over or work things out, **don't go**.
- If the abuser calls, hang up the phone as soon as you know who it is.
- Did you receive an e-mail from the abuser? **Don't send or answer** e-mail, letters or faxes from the abuser.
- What if you are told you can have contact because the Order was changed or ended? **Check with the court that issued the order first.** Don't have any contact with the abuser until the court tells you it is OK. **OR** you get a court paper saying the Order is changed or ended.
- You should not contact your abuser.

An Order of Protection tells the abuser not to hit or threaten you. **If your abuser hits or threatens you, call 911.** Show your Order to the police. The police can arrest your abuser without a warrant. But they have to know you have an Order of Protection. And they need to believe that your abuser has disobeyed it. They don't have to see the abuser disobey the Order.



If the Order says **no contact**, no contact means the abuser:

- Can't live with you
- Must stay away from you. They must also stay away from any children listed in the Order.

- Can't call or text you
- Can't send you letters, E-mail or faxes
- Can't send you flowers or candy
- Can't give you presents of any kind
- Can't send you messages through friends, relatives, neighbors or other people
- Can't contact you any other way

What if your abuser does any of these things?
Don't wait for him/her to hurt you. Let the sheriff or police know right away.

Your Order of Protection may also tell your abuser to move out or pay child support. It may say the abuser can only see the children with another adult around.

What if your abuser doesn't do everything the Order says? It's a sign of danger. Tell the police or sheriff right away. You may also want to contact Legal Aid or a private lawyer.

What happens if the police arrest my abuser?

There will be a hearing to decide if your abuser disobeyed the Order of Protection. Before the hearing, your abuser may get out of jail on bond. Plan how to stay safe until the hearing.



Go to the hearing. To find out more about the hearing, call the District Attorney's office. The judge can fine the abuser \$50. The judge can also send him to jail for up to 10 days. In some cases, it can be more than 10 days.

What if the police don't arrest my abuser?

You can ask the judge to punish the abuser for disobeying court orders. To do this, you file a Petition of Contempt at the Court. A **Petition of Contempt** is a paper that says how your abuser broke the order. It asks the judge to punish him/her.

You will have to tell the judge how your abuser broke the order. If you get a lawyer, he will help you tell the judge what your abuser did. Legal Aid cannot be your lawyer for the Petition of Contempt, but you



can speak for yourself in court. Your abuser may get a free lawyer.

Can anyone else be arrested if they disobey my Order of Protection?

No. Only your abuser can be arrested for breaking the order.

My Order of Protection says it ends on a certain date. What if I still need it after that?

Have you had problems with your abuser since you got your Order? If so, the Judge may decide to keep your Order going for another year. Ask for this at least **30 days before your Order ends**. Legal Aid may be able to help you fill out the paperwork. The Clerks may have papers you can fill out yourself. You can also ask a private lawyer for help.



What if my abuser and I decide to get back together?

First, see what your Order of Protection says. You may have to ask the judge to change the Order before you get back together.



Does your Order only tell the abuser not to hit or threaten you? Then you can live together without changing the Order.

Does the Order say the abuser must have **no contact** with you? Does the Order tell the abuser to **move out** of your home? Then ask the judge to change the order so you can live together.

To ask the judge to change your Order, you file a "Motion to Modify." A **Motion to Modify** asks the judge to change the Order of Protection. You may want to ask Legal Aid or a private lawyer to do this for you. The Clerks may have forms you can fill out yourself.

The Order of Protection is a judge's order. You **CAN'T** say it is over or that your abuser can have contact. You **must** ask the judge to change the Order.

What if I want to move and I have an Order of Protection?

Are you moving to a different part of Tennessee? Your Order is good anywhere in Tennessee. Just keep it with you all the time. Then you can always show it to the police if you need to. Before you have a problem, you can give copies to the local police or sheriff. You may also give a copy to the court that handles Orders of Protection.



Are you **moving to another state**? Your Order of Protection is good in another state. [But states have different rules about using your Order. In some states you must file your Order of Protection with the local court.

How can you find out how to use your Order in your new state? Ask for our brochure "Using Your Order of Protection in Another State." **OR** call a court, a shelter for abused women or a Legal Aid office there.

In some states, you must have a **certified copy** of your Order of Protection. You can get a certified copy from the Court that gave you the Order. You may have to pay a small fee.

What about moving my children with me to another state?

Usually you must tell the other parent before you move the child to another state. This is the law. But it is not true in every case. To see if this law applies to you, call Legal Aid or a private lawyer.



What if criminal charges are filed against my abuser?

The District Attorney's office will handle the case. Call them with questions about the criminal case.

You won't need your own lawyer, but you **must** go to the criminal hearing. To find out the court date for the criminal case, call the General Sessions Court. You will need to tell the Court Clerk the abuser's full name.

Need help? Have questions about Orders of Protection? Call:



Legal Aid Society
of Middle Tennessee & the Cumberland

Working Together. Doing Justice. Restoring Hope.

109 South Third Street
Clarksville, TN 37040

(931) 552-6656

1-800-342-3317

On the internet at **www.las.org**

Si desea obtener información en Español acerca de una Orden de Protección para usted y su familia llámenos al **931-552-6656** o **1-800-342-3317**.

NOTE: This pamphlet cannot take the place of legal advice. Each case is different and needs individual attention.

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