

Here's how to get an Order of Protection

in Cheatham, Dickson, Houston, Humphreys, Montgomery, Robertson and Stewart counties



What is an Order of Protection?

It is an order signed by a Judge. It helps protect you from certain people who have either:

- Hit you
- Threatened you
- Stalked you
- Sexually assaulted you
- Damaged your personal belongings on purpose or
- Harmed your pets on purpose



You **don't** need a lawyer to ask for an Order of Protection.

Who can you get an Order of Protection against?

You can get an Order of Protection against:

- Your past or present spouse
- Your child's parent
- Someone you lived with
- Someone kin to you by blood or marriage or adoption
- Someone you have dated or had sex with
- Someone who stalked you or
- Someone who raped or threatened to rape you

What can an Order of Protection do for me?

- It can order the other person to leave you and/or your children alone.
- It can order the other person not to hurt or threaten you and your children. It can do this even if the person still lives with you.
- It gives the police the power to arrest the person on the spot. They can do this if that person knows about the order and doesn't obey it.



- It can make the other person move out of your home.
- It can make the other person pay for another place for you and your children to live.
- It can give you temporary custody of the children and/or your pets.
- It can order your spouse to pay support for you and/or the children.
- It can order your abuser to attend counseling and/or a substance abuse program.

Getting An Order

How do I ask for an Order of Protection?

The first step is to ask for a short-term Order of Protection. Go to the court in your county. You will go to the court clerk's office. Where you go is listed later in this pamphlet.



At the clerk's office, you must fill out several papers. The clerk will give you the papers. You will write why you need an Order of Protection. When you are done filling out the papers, you will give the papers to the clerk. This is called **filing**. The paper you file is called a petition. It asks the Judge to give you an Order of Protection. If you are under 18, a parent or guardian must ask for the order for you.

NOTE: Ask for an Order of Protection as soon as you can after the abuse. Waiting can hurt your case.

Does it cost me anything to file the petition?

No. **BUT** what if the court thinks you are lying? Then the Judge can order you to pay the costs of filing after a hearing.

What do I say in the petition?

On the petition, you tell how you have been hurt or threatened and why you are afraid. Tell when it happened. Tell exactly what the other person did. For example, don't just write, "He got in my face." Write, "He pushed me against the wall. He drew back his fist and said he was going to beat my brains out." Write what the person said. Write what the person did. Write why it scared you. Don't stretch the truth or make things up in your petition. That will hurt your case. The court could punish you if you lie.

The paper is given to the Judge. The Judge may:

1. Give you a Temporary Order (it may also be called an Ex Parte Order (say "x par tay");
2. Not give you an order, but set a date to have a hearing to see if you should have an order;
3. Not give you an order and not have a hearing.

If the Judge gives you a Temporary (Ex Parte) order, the clerk will give you a copy of the order. It tells you when to come back for a court hearing. Write down the **hearing date** so you will not miss it.

What happens if the Judge gives me a temporary (Ex Parte) order?

It will last until the Judge can hold a hearing. The short-term Order is called a Temporary (Ex Parte) Order. It orders the other person to leave you alone until the hearing. The hearing will be within 15 days of filing for the order. You will have to go to court and tell the Judge why you need the order.

If the Judge signs the Temporary (Ex Parte) Order, the Sheriff's Office will try to find the abuser. When they do, they will give the Temporary (Ex Parte) Order to the abuser. You should not contact the abuser to tell them you have a Temporary (Ex Parte) Order. If the abuser contacts you, tell him/her that you have an Order.



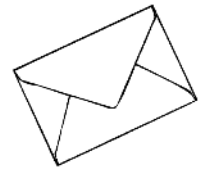
If the abuser does not follow the Order, call the police immediately and let them know.

Always **keep a copy of the Order with you** to show to the police.

How does the temporary order keep me safe?

Once the other person knows about the Temporary (Ex Parte) Order, the police can arrest them on the spot if the person does not follow the order. They can be arrested if they hit, threaten or contact you. Call the police right away if the other person contacts you. This means:

- Phone calls
- E-mail
- Text messages
- Sending flowers or gifts
- Showing up at your home or work or
- Having someone else give you messages



NOTE: The temporary order does not deal with child support, custody or support for you. Those things are decided at the hearing.

Where To File

Where do I file to ask for an Order of Protection?

You give the court papers to the court clerk. You file when you give the papers to the court clerk. Are you getting a divorce? Talk to your divorce lawyer before you ask for an Order of Protection.

You must file in:

- The county where the abuse happened **OR**
- The county where your abuser lives **OR**
- The county where you live **IF** the abuser lives in another state.

In Cheatham (615-792-4866), **Houston** (931-289-4673) and **Stewart** (931-232-8474) counties:

- Go to the General Sessions Clerk's office.
Cheatham County: Courthouse, 100 Public Square, Ashland City, Tennessee
Houston County: Courthouse, 4725 Main Street, Erin, Tennessee
Stewart County: Courthouse, 225 Donelson Parkway, Dover, Tennessee
Tell the clerk you want an Order of Protection. The Clerk will help you fill out the papers for the Judge to sign **OR**
- Call the shelter (Safehouse) at 931-552-6900. They will take collect calls **OR**
- Call Legal Aid Society at 1-800-342-3317.



If you have a divorce filed with the court, tell the Clerk. You may have to file in a different court, and the Clerk will let you know.

In Dickson County (615-789-5414):

- Go to the General Sessions Court in the old court house Dickson County Historic Courthouse, 1 Court Square, Charlotte, Tennessee
Tell the clerk you want an Order of Protection. The Clerk will help you fill out the papers for the Judge to sign
- Call the shelter (Women Are Safe) at 1-800-470-1117 **OR**
- Call Legal Aid Society at 1-800-342-3317.

Have you filed for divorce in Dickson County? Then go to the Chancery Court clerk's office (615-789-7011) in the new courthouse.

- Dickson County Courthouse, 4 Court Square, Charlotte, Tennessee
Tell the clerk you want an Order of Protection and that you have a divorce pending. The clerk will help you fill out the papers for the Judge to sign.

In Montgomery County (931-648-5700, EXT. 2):

- Go to Legal Aid, 109 South Third Street, Clarksville or call Legal Aid Society at 931-552-6656 **OR**
- Go to the General Session Court Clerk's office. It is on the 1st floor of the new court house. Montgomery County Courthouse, 2 Millennium Plaza, Clarksville, Tennessee.
- Call the shelter (Safehouse) at 931-552-6900.

In Robertson County (615-382-2324):

Go to the Judicial Commissioner. Robertson County Courthouse, 531 South Brown Street, Springfield, Tennessee

- The office is open 9:30 to 11:30 AM, Monday through Friday. The clerk will take the papers to the Judge so he can sign them. To find out if the papers were signed, call the General Sessions Clerk at 615-382-2324. After it is signed, go to the Clerk's office to pick up your copy **OR**
- Call the shelter (Homesafe) at 615-382-0829 **OR**
- Call Legal Aid Society at 1-800-342-3317.



In Humphreys County (931-296-2558):

- Go to the Chancery Court Clerk's office and ask for an Order of Protection. Humphreys County Courthouse, 100 North Court Square, Waverly, Tennessee

Tell the clerk you want an Order of Protection. The Clerk will help you fill out the papers for the Judge to sign. **OR**

- Call the shelter (Women Are Safe) at 1-800-470-1117 **OR**
- Call Legal Aid Society at 1-800-342-3317.



Don't speak English well? Need an interpreter? Tell the clerk when you file the petition. The Judge must make sure you get an interpreter for the hearing.

When You Go To Court For The Hearing

You **must** go to the hearing to ask for an ongoing Order of Protection. You must have a hearing to have the order last past the first 15 days. The Temporary (Ex Parte) Order will have your court date on it. If you don't go, the Judge will dismiss your case. You may have to pay the court costs.

The Judge understands that you may be scared about the hearing. It is OK to go to the hearing without a lawyer. Many people go without a lawyer. Does the other person have a lawyer? Then you may want one, too. You can ask the Judge to give you time to get a lawyer.

What do I do to get ready for the hearing?

To get an ongoing Order of Protection, you must show the Judge that you are in danger. Be ready to tell what happened to you and why you are afraid of the person. Before the hearing, think about questions you might be asked. Be ready to give short, simple, true answers. Wear your good clothes to court. Don't wear shorts, blue jeans or low-cut tops.



Bring to court any proof you have that the other person hit, threatened or stalked you. Pictures are very good in court. Bring witnesses – anyone who saw it happen, saw your injuries or heard the other person admit it. People you told about what happened can't usually help you at the hearing.

Be sure to bring pictures, texts, phone messages, e-mails or comments from internet sites. Any written

or recorded statements by your abuser can be given to the court to help your case.

What happens at the hearing?

The Judge will ask you what happened. Stick to the facts about when and where you were hit, threatened or stalked.

You must explain to the Judge why you are afraid of the other person. Say exactly what the other person did to make you fear him/her. Don't talk about trouble with the other person's friends or family. Be sure to tell the Judge if the other person has hurt you before. Be sure to say if you had to see a doctor or leave home. Be sure to tell the Judge all the reasons you are afraid of the person. Tell why you need to be protected from the person. Tell the Judge if:



- The other person has hurt or threatened to hurt your pets
- There are criminal charges because the other person hit or threatened you
- There are criminal charges because the person did other crimes against you
- The abuser contacted, hit or threatened you after you filed for the temporary order.

The Judge may let the other person ask you questions. Don't let this upset you.

The abuser will be allowed to tell what they think happened. The Judge may also let you ask questions. Many times it is better not to ask any questions.

What can the Judge decide at the hearing?

- The Judge can stop the Temporary (Ex Parte) Order of Protection. This happens if the Judge thinks you have not shown you were in danger or the Judge does not believe you.
- The Judge can OK an Order of Protection to protect you, your children and your pets. It is meant to stop threats, harassment, stalking or any sort of contact. The Order can last for up to 1 year.
- The Judge can make the other person move out of the house. **OR** pay for another place for you to live.



- The Judge can order the other person to go to a counseling and/or substance abuse program for help. This is for problems like a violent temper, violent behavior, drugs or drinking.
- The Judge can give you temporary custody of the children and your pets. The Judge can also set rules for visits with the other person. Is it dangerous to leave the children alone with the other person? Then the Judge can order another adult to be at the visits.
- Is the other person the parent of your child? Then the Judge can also order the other person to pay child support.
- If you are married, the Judge can order the other person to support you.
- The Judge can order anything else he thinks is needed.

Important! Orders of Protection can help you be safe. **BUT** no piece of paper can keep you from being hurt. Always use common sense. To be safe, you need to get to a safe place. If you are not safe, go to a shelter or somewhere you will be safe! You also need a safety plan to help you stay safe the next time. Legal Aid can help you make a safety plan.

Staying Safe Without An Order Of Protection

Can I do anything to be safe if I do not have an Order of Protection?

You have certain rights even **without** an Order of Protection. If you have been hurt, call 911 right then. The police can arrest the other person on the spot. This is true even if they didn't see it happen. They must have "probable cause" to arrest someone. This means they believe the other person hurt you and may do it again. They decide based on what you and other witnesses say.

Also, when the police come, they should always do these things:

1. Offer to help you get an arrest warrant or how to get an Order of Protection.
2. Offer to take you to a shelter or somewhere safe like a friend's home.



3. Tell you about your legal rights and services that might help you. What if the police officer doesn't tell you this? Call Legal Aid at **1-800-342-3317**.

Make sure you ask the police and others to take pictures of the abuse and/or property damage. Pictures are a big help in court.

What if your abuser is arrested for hurting you (domestic violence)?

He/she may be held in jail for up to 12 hours. In some cases, he/she may be in jail 11 months and 29 days after a hearing. The police should tell you before the abuser gets out of jail. Want to find out about the abuser's jail time and when he may get out? Call **1-888-868-4631** or go to **www.vinelink.com** on the internet.



The police should give you a copy of the conditions of release. **Conditions of release** is a paper. It says what the abuser has to do to get out of jail. What if your abuser doesn't do what is on the paper? The abuser can be arrested again.

Not sure if your abuser has broken the Order of Protection? Call Legal Aid at **1-800-342-3317** or a private lawyer. **OR** call the local domestic violence shelter. Shelter phone numbers are on the next page.

Where to go to be safe

If you need to go to a safe place, call the shelter for the county in which you live:

Montgomery, Cheatham, Houston and Stewart counties

Contact: SAFEHOUSE (931) 552-6900
You can call collect.

Robertson County

Contact: HOMESAFE (615) 382-0829
You can call collect.

Dickson or Humphreys County

Contact: WOMEN ARE SAFE 1-800-470-1117
Or (931)-729-5730
You can call collect.

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 information cannot take the place of advice from a lawyer. Each case is different and needs individual legal attention. This pamphlet was revised May 2016. Order of Protection Law may change from time to time.



Legal Aid Society
of Middle Tennessee & the Cumberland

Working Together. Doing Justice. Restoring Hope.

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Website: www.las.org

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