

Stop Family Violence with an Order of Protection

Here's what to do in Rutherford County

Ask for an Order of Protection

An Order of Protection is a paper signed by a Judge. It protects you from certain people who have hurt you or threatened you. You do not have to have a lawyer to get an Order of Protection.

Who can you get an Order of Protection against?

You can file for an Order of Protection if someone threatens or hurts you. It can be against any of these people:

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



How does an Order of Protection help?

1. It orders the other person not to contact or come around you or your children.
2. It gives you the power to have the other person arrested on the spot. Do this if they contact or come around you or your children. This can only happen after they know about the Order.
3. It can make the person move out. **OR** pay for another place for you and your children to live.
4. It can order the other person not to hurt or threaten you and your children. It can do this even though the person still lives with you.
5. It can give you temporary custody of the children.
6. It can order the other person to pay support money for you and/or the children.

Important: You are not safe just because you have an Order of Protection. After you file for the Order, you may still need a safe place to stay. For information about a place to stay, you can call the Domestic Violence program at **615-896-2012**, 24 hours a day.

How do I file for an Order of Protection?

When you leave home, take clothes for yourself and the children. When you ask for the Order, the court will tell you not to go back home.

Go to the Domestic Violence Program at 2106 E. Main Street in Murfreesboro. Their phone is **615-896-7377**. Tell them you want an Order of Protection.

They will help you fill out a paper called a petition. It asks the Judge to give you an Order of Protection. Do not stretch the truth or make things up in your petition. That will hurt your case and could lead to criminal charges against you.

Are you under age 18 and not emancipated by a court? To get an Order, you must have a parent, guardian or caseworker sign for you.

No costs up front: No one pays a fee at the time they file for an Order of Protection. What if the Judge gives you an Order of Protection after the Hearing? Then the Judge will order the other person to pay the costs and fees. What if you were not abused but lied and said you were? What if the Judge doesn't give you the Order of Protection? Then you may have to pay the costs and fees.



What happens after I file?

1. The Judge signs an Ex Parte Order

The Judge reads your petition. If the Judge decides you need protection, the Judge will sign an order right away.

This first order is called an "ex parte" (x-par-tay) order. It is a temporary order until the Judge holds a Hearing. It orders the other person to leave you alone. What if the other person hurts or threatens you or your children after that?

If they know about the order, you can have them arrested on the spot. The police must have "probable



cause” to think the other person broke the court’s order. Or they must see it happen.

The ex parte order does not cover child support or custody. That can only be done after a Hearing.

2. The Clerk gives you the Order

If the Judge signs the “ex parte” order, the Clerk will give you a copy. **Save your copy.** You may need to show it to the police, your boss or the landlord.



The Clerk will tell you when to come back for a hearing before the Judge. Be sure to write down the date, time and place so you will not miss it.

3. The Sheriff tells the abuser about the Order

After the Judge signs the Order, the Sheriff’s Office will try to find the other person. They will read the Order to him or her. They will explain when the hearing will be.

4. The Court holds a Hearing on the Order of Protection

How should I get ready for the Hearing?

It is important to go to the Hearing. What if you don’t go? The Judge will order you to come and send a deputy to pick you up. The Judge understands that you may be scared about the Hearing.

You can talk for yourself at the Hearing. Or you can have a lawyer talk for you. What if you don’t have a lawyer? A paralegal from Domestic Violence will go with you to act as your “advocate” in court. What if the other person has a lawyer? You can ask the Judge for time to get a lawyer for yourself.

To get an Order, you must show the Judge you have been stalked, hurt or threatened. Before the Hearing, think about questions you might be asked. Be ready to give short, simple, truthful answers.

Bring to court any proof you have that the other person hurt or threatened you. You can use a doctor’s report, a police report or pictures of your injuries.

You should bring as witnesses anyone who saw it happen or saw your injuries. Or someone who heard the other person admit it.

The Hearing

The Judge will ask you what happened. Stick to the facts about when and where you were hurt or threatened. Say exactly what the other person did. Do not talk about trouble with the other person’s friends or family. Tell the Judge if the other person has hurt you before. Tell the Judge if you had to see a doctor or leave home. Did you take out a warrant for assault and battery or other criminal charges? Tell the Judge. The Judge will let the other person tell his side and ask you questions. Do not let this upset you. The Judge may also let you ask questions.



What can the Judge decide at the Hearing?

1. What if you don’t show you were hurt or threatened? The Judge can **stop** the Order of Protection.
2. The Judge can make the Order of Protection **last longer**, up to a year.
3. The Judge can order the other person **not to contact, bother or follow you and your children**.
4. The judge can order the other person to **go to counseling** programs to get help. This is for problems such as violent behavior or temper, drugs or drinking.
5. The Judge can make the other person **move** out of the house. Or make them pay for another place for you to live.
6. The Judge can give you **temporary custody** of the children. The Judge can also set rules for visits with the other person. Would it be dangerous to leave the children alone with this person? The Judge can make another adult be at the visits.
7. Is the other person the parent of your child? The Judge can order the other person to pay **child support**. The Judge can order the other person to support you if you are married.
8. Does the other person have guns? The judge will make them give their guns to the police or other person. This will last while the Order of Protection is in place.

You get the Final Order

The Clerk will mail or hand you a copy of the Judge’s Final Order. Be sure to **save it**.

Other rights when you call the Police

Even without an Order of Protection, you have certain rights.

If you have been hurt, call the police right then. Do they have "probable cause" to think the other person hurt you? Do they think they will do it again? They can immediately arrest the other person even if they did not see it happen. They decide this based on what you and other witnesses tell them. They can also remove weapons from the home.



Have you been hurt by someone you have lived with or have a child with? If the police come, they should always do these things:

1. Offer to take you to get an arrest warrant and to help you try to get one.
2. Offer to take you to a shelter or somewhere else safe like the home of a friend or relative.
3. Tell you about your legal rights and services that might help you.



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Call **1-800-238-1443** for free.

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



This pamphlet is not meant to take the place of legal advice. Each case is different and needs individual attention. 6/14