

Afraid Of Someone You Know?

You may need an Order of Protection

Here's how to get one in Sumner, Wilson, Macon, Smith, and Trousdale counties

What Is An Order of Protection?

It is a decision made by a Judge that is put in writing. It makes it against the law for someone to come near you. It also makes it against the law for that person to:

- Talk to you in person **OR**
- Call you **OR**
- Text you **OR**
- E-mail you **OR**
- Send you mail



It may make someone move out of the home you share with them. **OR** make them pay for you to have a new place to live.

Who does an Order of Protection protect me from?

It protects you from someone who has made you believe they will hurt you. It protects you from someone who has physically hurt you, sexually assaulted you or stalked you. It protects you from someone who has threatened to do any of these things.

Has the person physically hurt you? You can only get an order of protection if that person is:

- Someone you are married to **OR** used to be married to **OR**
- Someone you live with now or used to live with **OR**
- Someone you have dated or had sex with **OR**
- Someone who is kin to you by blood or adoption **OR**
- Someone who is kin to you or used to be kin to you by marriage

Examples: family member, boyfriend, ex-girlfriend, husband, wife, child, parent, in-law or a roommate.

You can also get an order of protection against:

- Someone who stalked you **or**

- Threatened or made you afraid he/she would stalk you **or**
- Someone who made you have sex against your will **or**
- Someone who threatened you or made you afraid he/she would make you have sex against your will.

How does an Order of Protection help?

1. It can order the other person not to come around you or contact you.
2. If the person doesn't follow the order, they may have to pay a fine. **OR** they may be put in jail.
3. It keeps a person from using other people to send you messages.
4. It also keeps them from sending messages to you on Facebook, Twitter or other websites.

How do I file for an Order of Protection?

You can get an Order of Protection **without a lawyer.**

1. You can go directly to the Courthouse. They can help you fill out and file the papers asking for an Order of Protection. These papers are called a petition. **OR**
2. To get help with Orders of Protection, call or visit:
 - Legal Aid at **615-451-1880** or **1-888-475-4150**
 - Home Safe - If you are in Sumner, Wilson or Trousdale counties, Home Safe may help you. In **Sumner County** or **Trousdale County**, call **452-4315**. In **Wilson County** call **444-8955**.
 - If you are in Macon or Smith counties, Genesis House may help you. Call Genesis House at **1-800-707-5197**.

After you fill out the papers asking for an Order of Protection, take them to the Courthouse. If you are in Sumner, Wilson,



or Trousdale counties, Home Safe may help you. If you are in Macon or Smith counties, Genesis House may help you.

3. When you fill out the papers asking for an Order of Protection:
 - Write down everything that the person has done to you.
 - Put the time and the place where everything happened.
 - Write about the threats and/or abuse you had to deal with.
4. Don't stretch the truth or make things up. That will hurt your case. It could also lead to criminal charges against you.
5. After you fill out the papers asking for an Order of Protection, take them to the Courthouse. You don't have to pay any money when you file for an Order of Protection. After the hearing, the Judge decides who must pay the court costs and fees. If you get an Order of Protection, the other person must pay the costs. What if you drop the charges or don't get an Order of Protection? Then you may have to pay the court costs and fees.

Where do I file for an Order of Protection?



- In **Sumner County**, go to the Judicial Commissioners Office. It is at 117 W. Smith Street, Gallatin, TN 37066. They are inside the Sumner County Sheriff's office and are always open. The phone number is 615-452-2616.
- In **Trousdale County**, go to the Circuit or Chancery Court Clerks' offices. Both are in the public square courthouse in Hartsville. The address is 200 East Main Street, Room Five, Hartsville, TN 37074. The phone number is 615-374-3411.
- In **Wilson County**, go to the General Sessions Clerk's office. It is at the Criminal Justice Center at 115 East High Street, Lebanon, TN 37087. The phone number is 615-443-2672.
- In **Macon County**, go to the Clerks' offices in the Macon County Justice Center. It is at 906 Hwy 52 Bypass East in Lafayette, TN 37083. The phone number is 615-666-2354.
- In **Smith County**, go to the General Sessions Clerk's office. It is in the Smith County Courthouse at 211 North Main Street, First Floor, Carthage, Tennessee 37030. The phone number is 615-735-0500.

What happens after I file?

1. The Judge may sign an Ex Parte Order

The Judge reads your petition to decide if you need an Order of Protection at once. If so, the Judge signs one right away. This first order is called an "ex parte" (say "x partay") order. It is a temporary order until the Judge holds a hearing.



2. The Clerk gives you the Order and a court date

The Clerk gives you copies of the papers. If the Judge signs the ex parte order, the Clerk will give you a copy. Make at least 3 extra copies. Keep one copy in a safe place. Keep a copy in your vehicle if you have one. **Keep a copy with you at all times.** Does the Order of Protection cover your children under age 18? Then give a copy to your child's school.

The Clerk will tell you when to come back for a hearing before the Judge. Write down the date, time and place so you don't miss it.

3. The Sheriff tells the other person about the court date and gives them a copy of the papers you filed.

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

It's important to go to the Hearing. If you don't go, the Judge will dismiss your case. You will probably have to pay the court costs and fees.

It is important to **tell the truth at the hearing.** What if you lie to keep the person from going to jail? Then you may have to pay a fine or go to jail.

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 to talk for you. Does the other person have a lawyer? Then you can ask the judge for more time to find a lawyer. The judge doesn't have to give you or the other person a free lawyer.

How Should I Get Ready for the Hearing?

Be ready to give simple, true answers.

Get any proof you have that the other person hurt or threatened you. Be sure to bring this proof with

you when you go to court. You **can't** use a doctor's report or a police report to prove what happened. **Proof can be pictures of your injuries or personal belongings that were destroyed.** Did anyone see it happen or see your injuries? Or did they hear the other person say they hit or threatened you? Bring them to court as witnesses.



Be sure you wear good clothes to court. Do not wear shorts, sweat pants, flip flops, low cut tops, or revealing clothing.

The Hearing

The Judge will ask you what happened. Stick to the facts. Tell the Judge when and where you were hurt or threatened and exactly what the other person did. Tell the judge if you had to go to the hospital or if you had to leave your home. If you have taken out a criminal warrant, make sure you tell the judge. **Don't** talk about trouble with the other person's friends or family.

The Judge will let the other person tell his or her side and ask you questions. Don't let this upset you. The Judge may also let you ask the other person questions.

What can the Judge do at the Hearing?

- The Judge can make the Order of Protection **last longer**, up to a year. The Judge can **stop** the Order of Protection.
- The Judge can make the other person **move** out. **OR** make them pay for another place for you to live.
- The Judge can give you **temporary custody** of the children. The Judge can set rules for visits with the other person. Is it dangerous to leave the children alone with this person? The Judge can order another adult to be at the visits.
- The Judge can order them to pay **spousal support** or **child support**.
- The Judge can order the other person to go for counseling or give up their weapons and firearms.
- The Judge can order the other person to pay your lawyer.



5. 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**. Make at least 3 extra copies. Keep one copy in a safe place. Keep a copy in your car/truck if you have one. **Keep a copy with you all the time.** Is your child under age 18 covered by the order of protection? Then give a copy to your child's school.

Safety

You are **not safe** just because you have an Order of Protection. **You need a safety plan.** After you file for the Order, you may still need a **safe place to stay**. You may need to change:

- Your phone number
- The locks on your house
- What times or days you do things (daily routine). This is so the other person won't know when and where to find you.

If you are in Macon or Smith counties, Genesis House may be able to help you. Call Genesis House 24 hours a day for information or a place to stay. Their free number is **1-800-707-5197**.

If you are in Sumner, Wilson, or Trousdale counties, Home Safe may be able to help you. You can call HOMESAFE 24 hours a day for information or a place to stay. In **Sumner County OR Trousdale County**, call **615-452-4315**. In **Wilson County** call **615-444-8955**.

Other rights when you call the Police

Even **without** an Order of Protection, you have certain rights. If you have been hurt or threatened, **call the police at once**. They can arrest the other person for hurting you or threatening you. They can also take guns, knives or other weapons from the home.



Working Together. Doing Justice. Restoring Hope.

106 Public Square Gallatin, TN 37066

615-451-1880

1-888-475-4150

It's a free call.

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