

## You may be able to use your Order of Protection to:



- Break your lease and move safely away from your abuser.



- Require the other person to pay the cost that resulted from breaking your lease.



- Order your spouse to pay you financial support.



- Give you temporary custody of the children.
- Say the other person has to pay you child support.



- Carry a handgun for 21 days after your order is granted.

**Important:** You cannot be evicted from your home if you are a victim of abuse, stalking, or sexual assault.

If you are granted an Order of Protection after having a hearing, and file for divorce while the Order of Protection is in place, the Order can last until your divorce is final.

**WARNING!!!** 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. **Need help finding a safe place? Call the Domestic Violence Hotline at 1-800-799-7233 or your local domestic violence agency.**

## Who We Are

Legal Aid Society is Tennessee's largest non-profit law firm. Our mission is to enforce, advance, and defend the legal rights of low income and vulnerable people to obtain the basic necessities of life.

## Contact Us

We have offices in Clarksville, Columbia, Cookeville, Gallatin, Murfreesboro, Nashville, Oak Ridge, and Tullahoma.

**To find a shelter or get help, call**

**Nationwide Hotline**

**1-800-799-7233**

**or 1-800-787-3224 (TTY)**

**Call 1-800-238-1443**

**for free assistance**

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LEGAL SERVICES CORPORATION

 **LEGAL AID SOCIETY**  
OF MIDDLE TENNESSEE AND THE CUMBERLANDS

**United Way** 

The information provided in this pamphlet does not, and is not, intended to constitute legal advice. If you have a legal problem, please call a private attorney or call your local Legal Aid Society of Middle Tennessee office at 1-800-238-1443.

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# What Is An Order Of Protection and How Can You Get One?



**LEGAL AID SOCIETY**  
OF MIDDLE TENNESSEE AND THE CUMBERLANDS

## What is an Order of Protection?

It is a court order (paper) signed by a judge. You can get an Order of Protection without a lawyer to protect you and your children. If the other person does not obey the order, you may be able to have them arrested.

## How can I get an Order of Protection?



**Step 1:** File paperwork, also known as a **petition**, with the Court Clerk. A petition tells the Judge why you want an Order of Protection.

### You can file in the county where:

- The abuse, sexual assault, or stalking happened.
- The other person lives.

**Important:** If the other person does not live in Tennessee, you can file in the county where you live.

### When filling out the petition:

- Tell how you have been hurt or threatened.
- Try to give the exact dates when it happened.
- Tell exactly what the other person did.
- Do not stretch the truth or make things up. That will hurt your case and could lead to criminal charges against you.



Example: Don't just write, "They scared me." Write, "They pushed me against the wall. They drew back their fist and said they were going to beat me."

After you file your petition, you may get a short-term Order of Protection until the court hearing if you are in immediate and present danger.



**Step 2:** Go to the hearing to tell the Court why you need an Order of Protection.

**Important:** If you are under the age of 18 and are not married or emancipated, someone else must ask for an Order of Protection for you. It can be your parent, guardian, case worker, or a guardian ad litem lawyer.

### Do I have to pay court cost when I file for an Order of Protection?

- You don't have to pay any money when you file for an Order of Protection.
- After the court hearing, the Judge decides who pays.
- The other person has to pay if the Judge gives you an Order of Protection.
- You would only have to pay the court costs if the Judge decides you completely made up the abuse.

### You can get an Order of Protection against:

- Someone who stalked you.
- Someone who made you have sex against your will.

- Someone who made you afraid they would make you have sex against your will.
- Someone who hurt or threatened to hurt you, as long as that person is:
  - Your past or present spouse or family member by blood, adoption, or marriage
  - Your child's other parent
  - Someone you have lived with
  - Someone you have dated or had sex with.

### An Order of Protection can:



- Make the other person move out and/or provide other housing for you and your children.



- Give you temporary custody of the pets. **Note: You can ask the for an Order of Protection if the abuse, or threats of abuse, were directed at your pet.**



- Prevent the other person from having a firearm.

### An Order of Protection can order:

- Your telephone service provider to transfer the billing responsibility and rights to your wireless telephone to you.
- The other person to attend counseling programs that address violence, control issues, and drug addiction.