

When the judge lets the other person ask you questions:

- tell the truth
- if you do not remember, say “I do not remember”
- if you do not know, say “I don’t know”

STEP 6: AFTER THE HEARING

After the hearing, the judge can decide to:

- give you an Order of Protection or not. If the judge does not give you an Order of Protection, your Ex Parte Order of Protection ends.
- make the Order of Protection last up to a year
- order the other person to pay the court costs and your lawyer fees.

Important: The judge will not give you the Order of Protection if you don’t show that you were:

- hurt; OR
- threatened; OR
- stalked; OR
- sexually assaulted

When you get the Final Order of Protection the clerk will mail or hand you a copy of the judge’s final order. **Be sure to save it and keep a copy with you all the time.**

You may also want to give a copy to your neighbors, boss, and landlord. You should also give a copy to your children’s schools or daycare.

What if the other person does not obey the Order of Protection?

Call 911 if you are in fear of your safety. Save any messages you receive from the other person and give them to the sheriff’s office or police station.

If your Order of Protection is about to end and you are still afraid, you can ask for the Order of Protection to last longer. The court clerks should have the paper to file to ask for your order to last longer.

If the other person has not obeyed the Order of Protection, you may be able to get the order to last up to ten or more years.

The judge may also order the person to pay a fine of \$50, or obtain a bond of up to \$2,500.

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

In partnership with

LSC | America’s Partner
for Equal Justice
LEGAL SERVICES CORPORATION

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



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.

revised 11.15.22



Family Law

What Happens After I File
A Petition For An Order of
Protection?



LEGAL AID SOCIETY
OF MIDDLE TENNESSEE AND THE CUMBERLANDS

STEP 1: A JUDGE MAY GIVE YOU AN EX PARTE ORDER

If the judicial officer thinks you need protection before a hearing they will sign an "ex parte" (pronounced "x partay") order.

The ex parte order is temporary and orders the other person to leave you alone until after the hearing.



The ex parte order:

- does not cover child support or custody
- most of the time, doesn't say if the other person must move out

Do you live with the other person?

Be sure to tell this to the judge. If the judge decides that you are in real danger, they can order the other person to move out until the hearing.

Important: Even if you do not have an ex parte order, you will have a hearing. You can still get a full Order of Protection after the hearing.

STEP 2: THE CLERK GIVES YOU A COURT DATE

The clerk will give you copies of:

- the papers with your hearing date on it. **Write down the date, time, and place of your hearing.**
- your ex parte order, if the judge gives you one

Keep your ex parte order with you and give a copy to:

- your neighbors
- boss
- landlord
- your children's schools or daycare

Important: Schedule time off from school and work. If you need proof for missing school or work because of your hearing, ask the clerks to give you a note.



Your employer can seek a temporary restraining order:

- preventing your abuser from being violent or making threats at your workplace
- without your permission.

Important: Call Legal Aid Society if your employer:

- treats you differently for being a victim of domestic abuse
- fires you for being a victim of domestic abuse or for missing work to attend court for your Order of Protection

STEP 3: THE SHERIFF'S OFFICE WILL:

1. find the other person
2. give the person the petition and the ex parte order
3. give the other person notice of the date, time, and location of the hearing.

STEP 4: THE COURT HOLDS A HEARING ON THE ORDER OF PROTECTION

Go to the hearing. If you don't go:

- the judge will dismiss your case and the ex parte Order of Protection will end
- you will have to start all over again and file a new petition

Do you have trouble speaking or understanding English? Ask the judge for an interpreter to help you at the hearing. You may be granted a continuance (a new court date) so the judge has time to find you an interpreter.

The Ex Parte Order will stay in place even if the judge gives you a continuance.



What should I do if I cannot make it to court because I am sick or have an emergency?

Call the clerk's office and tell them why you cannot make it. They may be able to help you get a new court date.

What should I do if the other person is not at the hearing?

You can ask the judge for the Order of Protection.

Step 5: The Hearing

When the judge asks you what happened:



Stick to the facts. Tell the judge exactly what the other person did.



Tell the judge if you were physically hurt, threatened, stalked, or sexually assaulted. Let them know if you had to see a doctor or leave home.



Tell the judge if you called 911 and if there are any criminal charges against the other person.



Give the exact dates and times of when and where you were when the abuse happened.

When the judge lets the other person tell their side:



do not make faces or interrupt the other person, the judge, or an attorney

Note: The judge may let you respond to what the other person said after they are done speaking.