

EXTENSIONS OF ORDERS OF PROTECTION

Frequently Asked Questions

DISCLAIMER: This information is not legal advice. It is for informational purposes only. You should consult a lawyer for legal advice specific to your situation as each case is different.

1. What does it mean to extend my order of protection?

Extending your order protection means that you want it to last longer than the time frame the judge put in the order.

2. How can I extend my order of protection?

Usually, orders of protection last for a certain time period which does not go beyond a year. If you want to extend this time period, you must file a motion with the court to extend the order of protection BEFORE the expiration date of the order. T.C.A. § 36-3-305.

3. If I can extend my order of protection, how long can it be extended for?

Orders of protection can be extended for up to 1, 5 or 10 years depending on the circumstances. T.C.A. § 36-3-305.

One year extension: If you have made a timely motion to extend the order of protection and proved to the court proper cause for the extension, the court can extend the order for up to one year. You can extend the order again for another one year period if you have made a timely motion and the court finds that there is a reason or proper cause for another one year extension.

Five year extension: If the court finds that the abuser violated the order of protection, you can ask the court for an extension or the court can extend the order for up to 5 years on its own. For the abuser to violate the order of protection, the order must still be in effect.

Ten year extension: If the court finds that your abuser violated the order of protection for a second time or more, you can ask the court for an extension or the court can extend the order for up to 10 years on its own. For the abuser to violate the order of protection, the order must still be in effect.

4. Do I have to pay any fees to file a motion to extend the order of protection?

No. You are not required to pay filing fees to extend an order of protection. T.C.A. § 36-3-617.

5. Can I file the motion by myself and if so, is there a form for the motion to extend?

Yes. There is a Motion to Modify/Extend the Order of Protection. You can file the motion without an attorney. Most courts have the forms available, but the motion can be found on the Administrative Office of the Court's website (scroll down until you see the section on order of protection forms): www.tncourts.gov. The notice required is a mailing to the abuser's last known address. Again, you need to file the Motion to Extend the Order of Protection before the Order of Protection expires. If you miss the expiration date, you can file for another petition for an Order of Protection.

6. Can I ask the court to change what is in the Order of Protection?

Yes. A Motion to Modify/Extend the Order of Protection can be made if you need to change what is in the Order of Protection while the Order of Protection is in effect. T.C.A. § 36-3-305(d)

7. When I file a divorce, is my order of protection extended?

If an Order of Protection is ordered by a court and either you or the abuser files a complaint for divorce, the Order of Protection shall remain in effect until the court in which the divorce action is filed modifies or dissolves the order. (T.C.A. §36-3-603) You or your divorce attorney should have the extension placed in writing so that law enforcement will know that your order of protection is still in effect while the divorce is pending.