

JURISDICTION AND 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. Who is eligible to get an order of protection?

- A “victim” or persons eligible to get an order of protection include the following:
 - A. Adults or minors who are current or former spouses;
 - B. Adults or minors who live together or who have lived together;
 - C. Adults or minors who are dating or who have dated or who have or had a sexual relationship;
 - D. Adults or minors who are related by blood or adoption;
 - E. Adults or minors who are related or were formerly related by marriage; or
 - F. Adult or minor children of a person in a relationship that is described in items (A) through (E) above.
- Any person, regardless of the relationship with the abuser, who has been subjected to, threatened with, or placed in fear of any form of rape or sexual battery.
- Any person regardless of the relationship with the abuse who has been subjected to, threatened with, or placed in fear of the offense of stalking.

2. Does the person who abused, sexually assaulted, or stalked me have to be an adult?

No. The person can be a minor.

3. Do I have to be an adult to file an order of protection?

No. A minor can file an order of protection with the help of another person. The following people or entities may file an order of protection on the minor’s behalf:

- A parent or guardian of the minor;
- A caseworker at a not-for-profit domestic violence shelter or child abuse agency (the caseworker may not file against your parent or legal guardian): or

- The Department of Children’s Services or the minor’s guardian ad litem if the minor is in foster care.

4. Where do I file for an order of protection?

In Tennessee, you must file for an order of protection in the county where the abuser lives or in the County where the abuse took place. You may go to the clerk’s office in the Circuit, Chancery, General Sessions, or Juvenile court. In some counties only one clerk’s office handles orders of protection. Any of the clerk’s offices can tell you where orders of protection are filed in that county.

The court clerk will give you the order of protection forms for you to complete. You do not need an attorney to file the order of protection and you will not be charged any filing fees. A legal advocate at a local domestic violence or sexual assault program may be able to assist you in filing the order. To locate a domestic violence or sexual assault program in your area, you may call the National Domestic Violence Hotline at 1-800-799-SAFE or 1-800-787-3224 (TTY) or the Coalition at 1-800-289-9018.

5. Where do I file for an order of protection if I have come from another state?

If you come to Tennessee from another state you may not be able to file for an order of protection in Tennessee unless some abuse has occurred in Tennessee. If you have an order of protection that has been issued by another state, Tennessee will enforce your order.

6. What if I want to appeal my order of protection?

If the court did not give you an order of protection or did not give you all the help you asked for and you want to appeal the court’s decision, you may do so without paying any court costs up front. If your case was heard in General Sessions Court, then you file your appeal to Circuit Court. All you have to do is file a document in General Sessions Court that says you want to appeal your order of protection. This is called a Notice of Appeal. If the clerk cannot give you a Notice of Appeal, you may have to write a document explaining that you want to appeal your case. The clerk will set a hearing in Circuit Court and you will go to the hearing and provide your evidence and testimony again. It is best to try and find an attorney if possible. If your order of protection was filed in Circuit or Chancery court, then you have to file your appeal to the Tennessee Court of Appeals. You need to file a document with the Circuit or Chancery court that says you want to appeal your case. If you appeal your case to the Court of Appeals you will have to write a document explaining why you appealed the case and you will have to have a record of what happened in Circuit or Chancery court. If you appeal your case to the Court of Appeals, it is even more advisable to try and find an attorney that could help you.

