

## What is an Order of Protection?

It is a court process for victims of battering (male or female) to get immediate court protection from their abuser.

## What can an Order of Protection do?

An Order of Protection can:

- Order a person to stop abusing or threatening to abuse you.
- Prohibit the abuser from stalking you.
- Order the police to remove the abuser without having to get a warrant if he or she continues to bother you
- Make the abuser move out or pay for you a place to live.
- Give you temporary custody of your children.
- Give you support money for you and your children.
- Make the abuser pay court costs and attorney's fees.

## Will an Order of Protection help me if we aren't married?

Yes. An Order of Protection can protect you from the following:

- A person you are married to, or a person you are living with, in the same household.
- Relatives by blood or marriage
- The parent of your child or unborn child.

## How can I get an Order of Protection?

You need to get a form from the clerk of the court that handles domestic violence and Orders of Protection in your county. A phone call to the courthouse can tell you which court that is. In most counties, that court is General Sessions; however, in some counties it might be Chancery.

The court clerk will give you the form and help you fill it out. You do not have to have a lawyer.

You must describe on the form, specific instances of battering. Be specific. Start with the most recent assault or threat and go backwards to the first incident. Describe the abuse in as much detail as possible to enable the judge to get a clear picture of what happened. Be sure to note on the form if the children were involved and if they saw or heard the abuse.

## What happens after I file?

### 1. The "Ex Parte" Order.

The Ex Parte Order is a temporary order, issued first, before the abuser is notified and before a hearing. The ex parte order demands that the batterer not abuse you in any way. However, it does not necessarily demand that the abuser leave the home, nor does it address issues of child custody or support. Those issues are decided at the hearing, which is held within 10 days.

### 2. The Hearing

You are not required to have an attorney, but you **must** attend the hearing.

The judge will ask you questions about the abuse, and why he or she should grant an order of protection. You should give short, simple, and truthful answers and stick to the facts about when, where, and how you were abused. Although it is a difficult and emotional time, don't cloud the issue with information that doesn't matter.

Bring to the hearing anyone who saw the abuse, heard the threats, or has seen the injuries. Bring any evidence of abuse or threats such as photographs of injuries or damage to your property and threatening or harrasing messages from an answering machine.

Be sure to tell the judge about any previous assaults that resulted in arrests or doctor visits.

If you prove domestic violence has occurred, the judge will issue a final order of protection, effective for 1 year.

### Note:

- Make copies of all important papers including your Order of Protection, divorce, custody and support papers.
- Keep these in a safe place where the abuser can't find them.
- If you have children, give a copy to their school or daycare.

## What if the abuser threatens or hurts me again?

Call **911 immediately!** Be sure to tell them about the protective order. Have a copy ready to show police when they arrive. The police can arrest him or her for violating the Order of Protection, and that person could go to jail.

## Important Things to Remember

### Help is available.

Local agencies like West Tennessee Legal Services, Wo/Mens Resource and Rape Assistance (WRAP), and Northwest Safeline are there to help victims overcome the problems that affect family stability.

**West Tennessee Legal Services**  
731.423.0616 or toll free  
1.800.372.8346

**Wo/Men's Resource and Rape Assistance  
Program (WRAP)**  
731.668.0411 or toll free  
1.800.273.8712

**Northwest Safeline**  
731.285.6470 or toll free  
1.800.957.0055

**Tennessee Domestic Violence Hotline**  
1.800.356.6767

**Pathways**  
1.800.372.0693



Revised 02/06

West Tennessee Legal Services has some other brochures on domestic violence that you might find helpful.

- The Warning List
- The Safety Plan
- Safety For Kids
- Food Stamps for Victims of Domestic Violence
- Domestic Violence Wallet Card
- Child Support for the Parent with Custody
- Information on Battered Women's Program

*If you are in this situation and need help with your order of protection or just need information, contact the West Tennessee Legal Services office nearest you to make an appointment with an intake coordinator.*

**Jackson**  
210 West Main Street  
Post Office Box 2066  
Jackson, Tennessee 38302-2066  
731.423.0616 or toll free 800.372.8346

**Selmer**  
141 North Third Street  
Selmer, Tennessee 38375  
731.645.7961

**Huntingdon**  
113 West Paris Street  
Huntingdon, Tennessee 38344  
731.986.8975 or toll free 800.499.1602

**Dyersburg**  
208 South Church Street  
Dyersburg, Tennessee 38024  
731.285.8183

This is an informational brochure. It is not a substitute for legal advice and is not intended to cover all circumstances. If you have a legal problem, consult a private attorney or contact your local Legal Services office.  
"This project is funded under an agreement with the Department of Finance and Administration, Office of Criminal Justice Programs."

# Are You a Victim of Battering?



## An Order of Protection May Help You