

# Need Legal Protection From Battering?

## Here's What To Do in Williamson County



### Ask for An Order of Protection

An Order of Protection is a paper signed by a judge. It protects you from certain people who have hurt or threatened you and your children. You do **not** have to have a lawyer to get an Order of Protection.



### Who can you get an Order of Protection against?

Ask for an Order of Protection if one of these people has hurt or threatened you:

- Someone you are or used to be married to
- Your child's other parent
- Someone you live with or used to live with
- Someone you date or used to date or have sex with
- Someone kin to you by blood, marriage or adoption
- Someone who stalked you
- Someone who raped or threatened to rape you.

### How can an Order of Protection help?

1. An Order of Protection orders the other person not to bother you or your children.
2. It gives you the power to have the other person arrested on the spot. You can do this if they bother you or your children. They have to know about the Order first.
3. It can make the person move out. Or make them pay for another place for you and your children to live.



4. It can order the other person not to hurt or threaten you. This is true even if they still live with you.
5. It can give you temporary custody of the children.
6. It can order the other person to pay support money for you and/or the children.

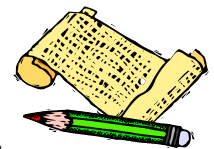


### How do I file for an Order of Protection?

Take clothes for yourself and the children when you leave home. The court will tell you not to go back home after you ask for an Order of Protection.

**Important:** 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. Call the Bridges program 24 hours a day at **599-5777**. They can give you information or a place to stay.

Go to the Bridges program in Franklin. They will help you fill out a paper called a petition. It asks the judge to give you an Order of Protection. Do not stretch the truth or make things up in your petition. That will hurt your case and could lead to criminal charges against you.



Are you under age 18 and not made an adult (emancipated) by a court? A parent or guardian must sign for you when you file for an Order of Protection.

**No costs up front!** No one pays a fee at the time they file for an Order of Protection. What if the judge gives you an Order of Protection after the hearing? Then the judge will order the other person to pay the costs and fees. What if you drop the charges? Or what if the judge does not give you the Order of Protection? **You** will have to pay the costs.

### What happens after I file?

#### 1. The judge signs an Ex Parte Order

The judge reads your petition. If the judge decides you need protection, the judge will sign an order right away.



This first order is called an **ex parte** (x-par-tay) order. It is a temporary order until the judge holds a hearing. It orders the other person to leave you alone.

### What happens once the other person knows about the order?



You can have them arrested on the spot if:

- they threaten you or your children again
- they hurt you or your children again.

The police must have “probable cause” to think the other person broke the court’s order. Or the police must see it happen.

The ex parte order does **not** cover child support. It does not cover custody. It does not cover whether the other person must move out of the house. That can only be done after a hearing.

#### 2. The Clerk gives you the Order

If the judge signs the “ex parte” order, the Clerk will give you a copy. **Save your copy.** You may need to show it to the police, your boss or the landlord.

The Clerk will tell you when to come back for a hearing before the judge. **Write down the date, time and place so you will not miss it.**

#### 3. The Sheriff tells the other person about the Order

After the judge signs the Order, the Sheriff’s Office will try to find the other person. When they do, they will read the Order to him or her. They will explain when the hearing will be.



#### 4. The Court holds a hearing on the Order of Protection

### How should I get ready for the hearing?

It is important to go to the hearing. If you do not go, the judge will order you to come. The judge will send a deputy to pick you up. The judge understands that you may be scared about the hearing.

You can talk for yourself at the hearing or you can have a lawyer talk for you. What if the other person has a lawyer? You can ask the judge for time to get a lawyer for yourself.



How do you get an Order of Protection? You must show the judge that you have been hurt or threatened. Before the hearing, think about questions you might be asked. Be ready to give short, simple, truthful answers.

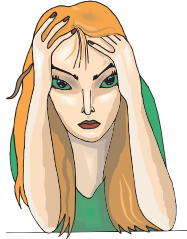
Bring to court any proof you have that the other person hurt or threatened you. You can use a doctor’s report, a police report or pictures of your injuries. You should bring witnesses. This can be anyone who saw it happen. It can be anyone who saw your injuries or heard the other person admit it.

### The hearing

The judge will ask you what happened. Look at the judge when you talk. You do not have to look at the person who hit or threatened you. The judge will need to know when and where you were hurt or threatened and exactly what the other person did.

Stick to the facts about when you were hit or threatened. Don't talk about trouble with the other person's friends or family.

Be sure to tell the judge if the other person has hurt you before and if you had to see a doctor or leave home. Also tell the judge if you have taken out a warrant for assault and battery or other criminal charges.



The judge will let the other person tell his side and ask you questions. He or she may say untrue things. Do not let this upset you. Do not argue with the other person in front of the judge. The judge may also let you ask the other person some questions.

### What can the judge decide at the hearing?

1. The judge can **stop** the Order of Protection if you do not show that you were hurt or threatened.
2. The judge can make the Order of Protection **last longer**, up to a year.
3. The judge can order the other person **not to contact, bother or follow you** and your children.
4. The judge can order the other person to **go to counseling** programs for help with problems such as a violent behavior, temper, drugs or drinking.
5. The judge can make the other person **move** out of the house or pay for another place for you to live.
6. The judge can give you **temporary custody** of the children.
7. The judge can set rules for the children's **visits** with the other person. The judge can make another adult to be at the visits if it would be dangerous to leave the children alone with this person.

8. The judge can order the other person to pay **child support** if he or she is the parent of your child. The judge can order the other person to support you if you are married.

### You get the Final Order

The Clerk will mail or hand you a copy of the judge's Final Order. Be sure to **save it**.

### Other rights when you call the Police

Whether or not you have an Order of Protection, you have certain rights. If you have been hurt, call the police right then. They can arrest the other person even if they did not see it happen, as long as they have "probable cause" to believe the other person hurt you and may do it again. They decide this based on what you and other witnesses tell them. They can also remove weapons from the home.

Also, when the police come because you have been hurt by someone you have lived with or have a child with, they should always do these things:

1. Offer to take you to get an arrest warrant and to help you try to get one.
2. Offer to take you to a shelter or somewhere else safe like the home of a friend or relative.
3. Tell you about your legal rights and services that might help you.



## LEGAL AID SOCIETY

OF MIDDLE TENNESSEE AND THE CUMBERLANDS

1-800-238-1443

It's a free call.

**NOTE:** This information cannot take the place of advice from a lawyer. Each case is different and needs individual attention. Tennessee law and court rules change from time to time.

9/05