

What is an Order of Protection?

It is a piece of paper. It does not stop a bullet or a knife, but it is a powerful document containing judicial commands and prohibitions. Most importantly, it tells a defendant not to abuse a plaintiff--not to use violence, or threaten it against the plaintiff, not to damage the plaintiff's things or pets, not to hold the plaintiff somewhere and keep her/him from leaving, and not to frighten the plaintiff. It also prohibits stalking and sexual assault. If the defendant violates your order of protection, he/she goes to jail. It may also prohibit any contact from the defendant to the plaintiff.

It is a one-way document--not mutual. It restricts the defendant, not the plaintiff.

If there is a marriage, or if there is an order of paternity or legitimization for a child between the parties, the order of protection may also provide support for the plaintiff and/or child. There are other kinds of relief available in other circumstances as well.

Relationship Criteria for an Order of Protection

1. A person to whom you are currently or formerly related by blood or marriage, or
2. With whom you have resided, or
3. With whom you have had an intimate sexual relationship, or
4. Whom you have dated, or
5. With whom you have a child, born or unborn, or
6. Who has stalked you, or
7. Who has sexually assaulted you.

Two neighbors cannot obtain an order of protection, unless stalking or sexual assault is involved.

The defendant (the person against whom the order is taken) must always be an adult (eighteen years old, or if younger, emancipated).

Under certain circumstances, a child may obtain an order of protection against an adult if the adult falls in one of the seven categories set out above. Normally, however, matters of child abuse should be taken to the Knox County Juvenile Court: (865) 215-6400.

Most orders of protection are between women and men. However, many orders of protection are between people of the same sex.

Finally, elder abuse is emerging as a growing category of litigation. Elderly persons experiencing abuse from younger persons may use Tennessee's order of protection statute.

Grounds Criteria for an Order of Protection

The following criteria are reasons for seeking an Order of Protection should the above relationship criteria apply:

1. Violence;
2. Threats of violence;
3. Malicious destruction of property;
4. Holding you against your will;
5. Placing you in fear for your safety;
6. *Stalking;
7. *Sexual assault.

*No relationship requirements apply to stalking sexual assault grounds.