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Definitions for Orders of Protection

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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For Orders of Protection, the following definitions will apply:

Petitioner — The victim; the plaintiff; “the person alleging domestic abuse, sexual assault or stalking in a petition for an order for protection.” T.C.A. § 36-3-601(6).

Respondent — The defendant; the perpetrator; “the person alleged to have abused, stalked or sexually assaulted another in a petition for an order for protection.” T.C.A. § 36-3-601(9).

Petition for Order of Protection — A standardized form filed with the court that provides relevant information about the petitioner, the respondent, their children, the domestic situation, and what events took place that led to the request for an order of protection. The petition asks that the court direct Respondent not to threaten, assault, contact, or stalk Petitioner.

Ex Parte Order of Protection — A temporary, emergency order issued when the court finds there is good cause to believe there is an immediate and present danger Petitioner will be victimized by Respondent. An ex parte order is issued immediately, without giving Respondent notice or an opportunity to be heard.

Order of Protection — An order issued after a hearing in which the court finds there is sufficient proof that Petitioner’s allegations of domestic abuse, stalking or sexual assault are true, and that Petitioner needs to be shielded by the law from the Respondent. The order is valid for a defined period, not to exceed one year. For purposes of this chapter, such orders will be called “standard orders of protection” or “standard protective orders.”

Sexual Assault Victim — Any person, regardless of the relationship with the perpetrator, who has been subjected to, threatened with, or placed in fear of any form of rape, including aggravated rape (T.C.A. § 39-13-502), rape (T.C.A. § 39-13-503), aggravated sexual battery (T.C.A. § 39-13-504), sexual battery (T.C.A. § 39-13-505), sexual battery by an authority figure (T.C.A. § 39-13-527), statutory rape (T.C.A. § 39-13-506), or rape of a child (T.C.A. §§ 39-13-522, 33-3-601(9)).

Stalking Victim — Any person, regardless of the relationship with the perpetrator, who has been subjected to, threatened with, or placed in fear of the offense of stalking. T.C.A. §§ 36-3-601(11), 39-17-315.

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