



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

August 24, 2024

Domestic Violence Victim Notification

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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Domestic Violence Victim Notification

Reference Number: CTAS-1323

An order of protection is a form of civil process. Violating the order can be a civil offense, a criminal offense, or both. Op. Tenn. Atty. Gen. No. 05-183 (December 22, 2005). When releasing a defendant charged with domestic violence related offenses, including stalking, *violating an order of protection*, or any assaultive offense, the jailer is required to provide the victim with notice. The table below details the statutory requirements. T.C.A. § 40-11-150(f-h).

| | |
|--------------------------------------|---|
| Protected Victim | Family or Household Member (Includes current or ex-spouse; adult or minor who lives or has lived with defendant; adult or minor related/formerly related by blood/marriage; adult/minor dating/dated in past or having/had a sexual relationship; adult/minor child of anyone described above). |
| Who Notifies Victim of Release | Law enforcement agency with custody of Defendant shall initiate notification whether or not victim requests it. |
| Time Frame for Notification | Notification is to be made at the time of Defendant's release. |
| Measures Required to Contact Victim | "Use all reasonable means to immediately notify the victim." |
| Information to be Given to Victim | Notice that Defendant is being/has been released; address and phone # of nearest shelter and counseling center. |
| Delay Release Until Victim Notified? | Statute prohibits delay. |
| Other Duties | Send/give victim copy of conditions of release. Must also provide copy of the conditions to Defendant. |
| Hold Required Before Bail/Release | Twelve hours from time of arrest. Judge may order release in less time if he or she determines that sufficient time has, or will have, elapsed for the victim to be protected. |

Source URL: <https://www.ctas.tennessee.edu/eli/domestic-violence-victim-notification>