

Order of Protection

Amended Order

Case No
Court _____
County Tennessee

PETITIONER/PLAINTIFF

(Insert Child's Name if filed on behalf of an unemancipated person under eighteen (18) years of age pursuant to TCA §36-3-602)

First Middle Last

PETITIONER/PLAINTIFF IDENTIFIERS

Date of Birth of Petitioner

Minor Children Protected Under this Order:

V.

RESPONDENT

First Middle Last

Relationship to Petitioner _____

Address & Phone No. _____

Respondent's Employer _____

RESPONDENT IDENTIFIERS

SEX	RACE	DOB	HT	WT
EYES	HAIR	SOCIAL SECURITY #		

Distinguishing Features:

CAUTION: Weapon Involved

Respondent owns/possesses a firearm

Relationship Identifiers (Mark all that apply): Current or Former Spouses

Parents of Child in Common Child of Respondent Child of Respondent's Intimate Partner

Live Together or Have Lived Together Other (Explain): _____

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Respondent has been provided with reasonable notice and opportunity to be heard.

Additional findings of this order are as set forth below:

THE COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing further acts of abuse, domestic abuse, stalking or sexual assault or threats of abuse, stalking or sexual assault against Petitioner or Petitioner's minor children.

That the above named Respondent be restrained from any contact with the Petitioner/Plaintiff.

Additional terms of this order are as set forth below.

The terms of this order shall be effective until , .

**THE COURT FURTHER FINDS AS FOLLOWS:
(CHECK ALL THAT APPLY)**

That the Respondent has committed against the Petitioner the following:

_____ 1. Abuse in that Respondent committed the acts alleged in the Petition, the court hereby adopting the alleged acts as findings of fact and incorporating the same by reference; OR committed the following acts:

_____ 2. Stalking

_____ 3. Sexual Assault

That Respondent represents a credible threat to the physical safety of Petitioner; that Respondent received actual notice of the hearing; that respondent had an opportunity to participate in the hearing.

_____ That Tennessee is the home state of the parties' minor child(ren) and the Court has jurisdiction over child custody.

OR

_____ That the minor child(ren) is/are present in this State and that Petitioner and/or the minor child(ren) has/have been subjected to or threatened with mistreatment or abuse and the Court has temporary emergency jurisdiction over child custody. [If there is a previous or pending child custody proceeding in another State having jurisdiction under the UCCJEA:] Such temporary emergency jurisdiction shall expire on _____, 20____ or when an Order is obtained from the Court of the other State.

_____ **That the respondent possesses firearms. The respondent is subject to the lawful means of dispossession of the same pursuant to TCA §36-3-625.**

**THE COURT ALSO FINDS:
(CHECK THOSE APPLICABLE)**

_____ **That respondent is a federal firearms dealer or a responsible party under a federal firearms license and there is no other individual who is a responsible party under the federal license who is not the respondent subject to the order of protection. Additional statutory provisions shall apply.**

_____ **That respondent is a federal firearms dealer or a responsible party under a federal firearms license and there is another individual who is a responsible party under the federal license who is not the respondent subject to the order of protection and surrender or transfer of the inventory is not required. Additional statutory provisions shall apply.**

_____ **That the firearms in respondent's possession are registered under the National Firearms Act that requires the approval of a state of federal agency prior to the transfer of such firearms. Additional statutory provisions apply concerning approval of a transfer or surrender of the firearms.**

_____ That a Motion for an Amended Order pursuant to T.C.A. 36-3-605(d) has been filed based on violation(s) of the Order of Protection. The Respondent is found to be in violation of the Order of Protection having committed the following acts:

_____ and the Order of Protection should be extended for ___ 5 (five) years (based on an initial violation of the Order of Protection) OR ___ 10 (ten) years (based on a second or subsequent violation of the Order of Protection.)

IT IS FURTHER ORDERED AS FOLLOWS:

That the Respondent shall not commit acts of abuse, domestic abuse, stalking or sexual assault or threaten to commit acts of abuse, domestic abuse, stalking or sexual assault against the Petitioner or the Petitioners' minor child(ren); or use or threaten physical force that would reasonably be expected to cause bodily injury.

(X WHERE APPLICABLE:)

_____ The Respondent is hereby ordered to refrain from telephoning, contacting, or otherwise communicating with the Petitioner, directly or indirectly, or coming about Petitioner or Petitioner's residence or place of employment for any purpose;

_____ The Petitioner is awarded custody of the parties' minor child(ren).

_____ Respondent shall have visitation with the parties' minor child(ren) at the following times:

_____ Visitation shall be supervised by: _____.

_____ Exchange of the parties' minor child(ren) for the purposes of visitation shall take place at the following location: _____.

_____ Respondent shall pay \$ _____ per _____ for the support of the parties' minor child(ren) based on the Tennessee Child Support Worksheet* attached hereto. There is no deviation from the Tennessee Child Support Guidelines. There is deviation from the Tennessee Child Support Guidelines as follows: _____

_____ The deviation is based on this court's finding that application of the presumptive child support award under state regulations would be unjust or inappropriate in this case. The Court has considered the best interest of each child for whom the support award is being established or modified. The payments shall be made to the Clerk's office together with the Clerk's lawful fee (\$ _____) for a total payment of \$ _____ per _____, or to the central collection and disbursement unit in cases covered by T.C.A. §36-5-116 beginning on _____, 20_____. Said support shall be paid by income assignment.

_____ Respondent shall pay \$ _____ per _____ for the support of Petitioner, the payments to be made to the clerk's office, together with the Clerk's lawful fee, for a total payment of \$ _____ per _____ beginning on _____, 20_____. Said support shall be paid by income assignment.

_____ Petitioner is awarded exclusive possession of the parties' residence at _____ and respondent is evicted therefrom;

_____ Respondent shall provide suitable alternate housing for the Petitioner by _____, 20____.

_____ Respondent is prohibited from disconnecting utilities of joint residence.

_____ Respondent is ordered to complete the following intervention program(s) for violence and control issues and/or substance abuse problems and shall report respondent's attendance, participation, and progress in such intervention program(s):

_____ This order shall take effect immediately, pursuant to T.C.A. §36-3-609(c), notwithstanding when the order is entered, the protection of the Petitioner requiring it.

_____ Respondent is prohibited from possessing, shipping, receiving or transporting a firearm or ammunition while this order of protection is in effect.

_____ Respondent is prohibited from causing malicious damage to personal property, including inflicting or attempting to inflict or placing one in fear of infliction of physical harm or injury on any animal owned, possessed, leased, kept or held by petitioner or petitioner's minor children

*Child Support Worksheet can be found on DHS website at <http://www.state.tn.us/humanserv/is/incomeshares.htm> or at your local child support offices.

_____ Petitioner is awarded care, custody, or control of any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household.

_____ Such other provisions as may be necessary to protect the Petitioner and the Petitioner's minor child(ren):

FIREARMS ORDERS:

IT IS FURTHER ORDERED:

That the respondent shall terminate his/her physical possession of the firearms in the respondent's possession by any lawful means, such as transferring possession to a third party who is not prohibited from possessing firearms, of all firearms the respondent possesses within forty-eighty (48) hours of the issuance of this order.

That the respondent shall complete and return the "Affidavit of Firearm Dispossession" form which can be obtained from the Clerk of Court's office, the Court, or can be found on the Administrative Office of the Court's website at www.tncourts.gov. The completed form must be returned to the Clerk of Court/Court within the next court business day after dispossession of the firearms, or upon specific order of the Court as provided in this order.

That the respondent is prohibited from possessing a firearm for so long as the order of protection or any successive order of protection is in effect, and may resume possession of the dispossessed firearm at such time as the order expires or is otherwise no longer in effect.

_____ The weapons are registered under the National Firearms Act that requires the approval of a state or federal agency prior to the transfer of such firearms. Additional statutory provisions apply concerning approval of a transfer or surrender of the firearms. Respondent may comply with the dispossession requirement by having the firearm(s) placed into a safe or similar container which is securely locked and to which the respondent does not have the combination, keys or other means of normal access if the respondent has obtained the approval of any state or federal agency prior to the transfer of the firearm(s). Additional statutory provisions apply concerning approval of a transfer or surrender of the firearms.

_____ The respondent is licensed as a federal firearms dealer or a responsible party under a federal firearms license and if (pursuant to the Affidavit of Dispossession filed by the Respondent) there are one or more individuals who are responsible parties under the federal license who are not the respondent subject to the order of protection, the respondent shall not be required to surrender or transfer the inventory.

IT IS FURTHER ORDERED that Respondent shall pay the costs, attorney fees and litigation tax of this cause for which execution may issue.

IT IS FURTHER ORDERED that this Order shall remain in effect for a period of:

_____ One year, and Petitioner, upon notice to Respondent, may request a continuation of this Order.

_____ Five years based on an initial violation of the Order of Protection.

_____ Ten years based on a second or subsequent violation of the Order of Protection.

DATE: _____ TIME: _____

JUDGE

Approved for Entry:

Petitioner/Petitioner's Attorney

Respondent/Respondent's Attorney

Return of Service

Served on the Respondent (check one)

_____ by personal service OR

_____ by mailing a copy to the Respondent by U.S. mail postage prepaid to the Respondent's last known address OR

_____ the Respondent's last known address is unknown and cannot be ascertained upon diligent inquiry OR

_____ by mail in the manner as set forth in Tennessee Code Annotated §§20-2-215 and 20-2-216, the Respondent being a non-resident of Tennessee on _____, 20_____ at _____ a.m./p.m.

Clerk/Deputy Clerk/ Authorized Officer/Attorney

WARNINGS TO RESPONDENT:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S. C. Section 2262).

You are required to dispossess yourself by any lawful means, such as transferring possession to a third party who is not prohibited from possessing firearms, of all firearms you possess within forty-eight (48) hours of the issuance of this order.

You are prohibited from possessing a firearm for so long as the order of protection or any successive order of protection is in effect, and may reassume possession of the dispossessed firearm at such time as the order expires or is otherwise no longer in effect.

If you violate this order by not dispossessing yourself by any lawful means, such as transferring possession to a third party who is not prohibited from possessing firearms, of all firearms the respondent possesses within forty-eight (48) hours of the issuance of the order OR you violate this order by possessing a firearm while the order of protection or any successive order of protection is in effect, you can be charged with a Class A misdemeanor for each violation of this order of protection. If the violation also constitutes a violation of TCA §39-13-113(h) or §TCA 39-17-1307(e), you can be charged and convicted under any or all sections. The penalty for a Class A misdemeanor is punishment of up to 11 months, 29 days in jail and/or a fine of up to \$2,500.00.

It is an offense for a person subject to an order of protection that fully complies with the provisions of 18 U.S. C. Section 922g(8), to knowingly fail to surrender or transfer all firearms the respondent possesses as required by this section. [TCA §36-3-625(h)(1)] A violation of TCA §36-3-625(h)(1) is a class A misdemeanor and each violation shall constitute a separate offense. If the violation also constitutes a violation of TCA §39-13-113(h) or TCA §39-17-1307(e), you may be charged and convicted under any or all sections.

Only the Court can change this order.

Willful Violation of this order by the respondent will constitute contempt of court and potential penalties include up to 10 (ten) days in jail and a \$50.00 fine for each violation. The court may also impose a civil penalty of up to \$50.00 for each violation pursuant to T.C.A. §36-3-610.

You are subject to prosecution for Aggravated Assault, a Class C felony, if after having been enjoined or restrained by this or any other order, diversion or probation agreement from any way causing or attempting to cause bodily injury or in any way committing or attempting to commit an assault against an individual or individuals, you intentionally or knowingly attempt to cause or do cause bodily injury or commit or attempt to commit an assault against such individual or individuals T.C.A. §39-13-102(c).

If you violate this order thinking that the Petitioner has given you permission to do so you are wrong and can be arrested and prosecuted. The terms of this order can not be changed by agreement of the parties. Only the court can change this order. If you violate this order, you may be guilty of a Class A misdemeanor punishable by up to 11 months, 29 days in jail and/or a fine of up to \$2,500.00.

NOTICE:

The home and work addresses and telephone numbers, social security number, and any other information requested to be held confidential which could reasonably be used to locate the whereabouts of the Petitioner shall be maintained as confidential by the records custodian of a utility service provider or government entity under the provisions of Tennessee Code Annotated section 10-7-504(a)(15) and (16), upon a copy of this Order of Protection being provided to the records custodian of the utility service provider or governmental entity maintaining the particular records sought to be held confidential.