

Petition for Orders of Protection

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 _____

Respondent's Address _____

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): _____

Petitioner, _____, pursuant to Tennessee Code Annotated, Section 36-3-601 et seq., states:

1. Petitioner and Respondent are:

- (A) Adults or minors who are current or former spouses;
- (B) Adults or minors who live together or who have lived together;
- (C) Adults or minors who are dating or who have dated or who have or had a sexual relationship, [as used herein "dating" and "dated" do not include fraternization between two (2) individuals in a business or social context];
- (D) Adults or minors related by blood or adoption;
- (E) Adults or minors who are related or where formerly related by marriage; or
- (F) Adult or minor children of a person in a relationship that is described in subdivisions (A)-(E); or

- (G) Respondent has stalked Petitioner; or
- (H) Respondent has sexually assaulted the Petitioner

2. The Parties have _____ minor child(ren). (Write name and age of each child below.)

3. (Check ONE of the following if custody of minor child(ren) is involved:)
_____ The health, safety, or liberty of the Petitioner and/or the parties' minor child(ren) would be jeopardized by disclosure of identifying information.

OR

_____ The child(ren)'s present address is _____.
The child(ren) has/have lived at the following address(es) for the past five years:

AND

_____ The names and addresses of the persons with whom the parties' minor child(ren) has/have lived during the last five years are:

4. (Check ONE of the following if custody of minor child(ren) is involved:)
_____ Petitioner is not aware of any prior pending actions concerning the custody of the parties' minor child(ren) in this or any other State.

OR

_____ Petitioner is aware of the following prior or pending actions concerning the custody of the parties' minor child(ren) in this or any other State:

5. (Check ONE of the following if custody of minor child(ren) is involved:)
_____ Petitioner does not know of any person not a party to this proceeding who has physical custody of the parties' minor child(ren) or claims rights of custody or visitation with the parties' minor child(ren).

OR

_____ Petitioner knows of the following person(s) who have physical custody of the parties' minor child(ren) or claim rights of custody or visitation with the parties' minor child(ren):

6. Petitioner has been subject to threatened with or placed in fear of abuse, domestic abuse, stalking or sexual assault by Respondent. Specifically, Respondent has: (Write what happened, when it happened, and where it happened on the following lines; attach additional pages if necessary. INCLUDE, IF APPLICABLE, information concerning 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)

7. Petitioner is in an immediate and present danger of abuse by Respondent.

8. Petitioner's minor child(ren) is/are in immediate and present danger of abuse by Respondent.

(For Paragraphs 9 through 15, check ONLY the paragraphs that apply.)

_____ 9. Petitioner needs support for the parties' minor child(ren).

_____ 10. Petitioner needs support for the Petitioner.

_____ 11. Respondent refuses to leave the parties' residence.

(If you check paragraph 11, please check one of the following.)

_____ Respondent is the sole _____ (Owner or Lessee) of the parties' residence.

_____ Respondent is not the sole owner or lessee of the parties' residence.

_____ 12. Respondent possesses firearms. Those known by the Petitioner are listed as follows:

_____ 13. Respondent has used or threatened to use firearms against Petitioner and/or Petitioner's minor child(ren).

_____ 14. Respondent is in military or law enforcement service.

_____ 15. That the Petitioner is an unemancipated person under eighteen (18) years of age.

WHEREFORE, PETITIONER PRAYS:

1. That an ex parte Order of Protection, as provided for in Tennessee Code Annotated Section 36-3-605, be immediately issued directing the Respondent to refrain from committing abuse, domestic abuse, stalking or sexual assault; or threatening to commit abuse, domestic abuse, stalking or sexual assault against the Petitioner or the Petitioner's minor child(ren); prohibiting the Respondent from telephoning, contacting, or otherwise communicating with the Petitioner, directly or indirectly or coming about Petitioner for any purpose; and that copies of said order be served upon the Respondent and filed with the local law enforcement agency;

2. That a hearing in this cause be set within fifteen days after service of this petition to the Respondent, pursuant to Tennessee Code Annotated Section 36-3-605, and that notice of said hearing be served upon Respondent with any ex parte Order of Protection;

3. That upon a hearing of this cause, Petitioner be granted an extended Order of Protection for one year OR for 5 (five) years (based on an initial violation of the Order of Protection) OR for 10 (ten) years (based on a second or subsequent violation of the Order of Protection.)

(For Paragraphs 4 Through 9 and 11-13, check only the paragraphs that apply.)

_____ 4. That upon the hearing of this cause, Petitioner be awarded temporary custody of the parties' minor child(ren).

_____ 5. That upon the hearing of this cause, Respondent be ordered to pay reasonable support for the Petitioner.

_____ 6. That upon the hearing of this cause, Respondent be order to pay reasonable support for the parties' child(ren);

_____ 7. That upon the hearing of this cause, exclusive possession of the parties' residence be awarded to Petitioner or Respondent be ordered to provide alternative housing for the Petitioner;

_____ 8. That Respondent be directed to attend available counseling programs that address violence and control issues or substance abuse problems;

_____ 9. That Respondent be prohibited from owning, possessing, transporting or using a firearm or ammunition.

10. That Respondent pay the costs, attorney fees and litigation tax of this cause;

_____ 11. That upon the hearing of this cause petitioner be 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.

_____ 12. That a copy of the Petition, Notice of Hearing and any Ex-Parte Order be served upon the parents of the Petitioner (If the Petitioner is a minor) unless the court finds that such service would create a threat of serious harm to the minor child Plaintiff. (T.C.A. 36-3-605(c)).

_____ 13. For any other relief that might be necessary to protect the safety of the Petitioner and parties' or Petitioner's minor children _____

14. For general relief.

THIS IS THE FIRST APPLICATION FOR EXTRAORDINARY PROCESS IN THIS CAUSE.

STATE OF TENNESSEE
COUNTY OF _____

_____, being first duly sworn, makes an oath that the Petitioner has read the foregoing petition, knows the contents thereof and that the contents thereof are true and correct to the best of the Petitioner's knowledge, information, and belief.

PETITIONER
Sworn to and subscribed before me this _____, 20_____.

By: _____
Notary/Court Clerk
My commission expires: _____

**NOTICE TO RESPONDENT
REGARDING FIREARMS**

(1) If an order of protection is granted in a manner that fully complies with the provisions of 18 U.S.C. §922(g)(8), you will be required to terminate physical possession by any lawful means, such as transferring possession to a third party who is not prohibited from possessing firearms, of all firearms that you possess within forty-eight (48) hours of the granting of the order;

(2) It is a criminal offense for a person subject to an order of protection which fully complies with the provisions of 18 U.S.C. §922(g)(8), to possess a firearm while that order is in effect;

(3) The issuance of an order of protection may terminate or, at least, suspend your individual right to purchase or possess a firearm.

FIAT [For use when no Ex Parte Order is issued.]

To the Clerk:

Issue a show cause order for the Respondent to appear on _____ and show cause why an Order of Protection should not issue.

Judge

Date

HEARING DATE WHEN NO EX-PARTE ORDER OF PROTECTION IS ISSUED

DATE OF HEARING _____ AT _____ A.M./P.M.

PLACE OF HEARING _____

Return of Service

Served on Respondent [check one] _____ by personal service on a resident of Tennessee OR _____ by mail on a non-resident of Tennessee in the manner as set forth in Tennessee Code Annotated §§ 20-2-215 and 20-2-216, on _____, 20____ at _____ a.m./p.m.

[Signature of person serving Order on Respondent]

Certificate of Service

(Applicable only if the Petitioner is a minor unless the court finds that such service would create a threat of serious harm to the minor child Petitioner. (T.C.A. 36-3-605(c)).

I certify that the foregoing has been delivered in person or sent by U.S. Mail to the parents of the minor Plaintiff at the following address: _____.
I did so on the _____ day of _____, 200__.

Clerk