

## **E Harassment: A Recent Development In The Scope Of Protective Orders**

Technology appears to change almost daily from the ability to send mega pixel pictures to friends to the capability of downloading the top Billboard songs for ring tones. Text messaging, picture messaging, e-mail and even videos have transitioned from being "added features" of a calling plan to being considered "standard." But with every technological upgrade that is developed and marketed comes the potential to abuse it.

Unfortunately, technological advancements have become the new tools for abusers to harass their victims.

Until recently, under Tennessee law, a victim seeking a protective order from the court, would have to prove that her or his abuser committed physical injury, threatened physical injury, destroyed their property, harmed their pet or stalked them by following them in person or by way of vehicle.

This standard appeared to embrace the various forms of abuse that abusers inflicted upon their victims. That is until abusers wised up and began contacting their victims through e-mail and text messaging. For many victims, electronic threats were no less intimidating than seeing their abusers face-to-face. Many victims that received these repeated electronic contacts had already experienced abuse from their abusers by injury, threat of injury or damage to their property. Thus, with every text message and e-mail, victims were reminded afresh of the past threats and violence they had suffered from their abusers.

In 2007, the Tennessee Legislature amended the order of protection laws to enlarge the acts that constitute abuse. The legislature determined that "stalking" should also govern electronic communications between people. This means that certain electronic communications sent from one person to another may merit a court granting a protective order.

The legislature decided that anyone who repeatedly sends electronic messages that frighten or threaten another person has committed "stalking" under the order of protection statute. Additionally, they decided that anyone who repeatedly sends unwanted electronic messages (whether threatening or not) has committed "stalking" under the order of protection law.

This means that a person who sends out five text messages that state, "I will hurt you" would be "stalking" under the protective order statute. This is because the messages contain a threat and have been sent out multiple times.

Additionally, a person that sends out five e-mails that state "Call me back," would also be "stalking" under the law, if the messages were sent without the recipient's consent.

If you are being "stalked" this way, be sure to download the messages or contact your phone carrier for copies. Then contact any of your local court clerk's offices to get information on how you can file a free Petition for an Order of Protection.

Protect yourself and your family.

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Legal Aid Society**

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