

## Making Your Order of Protection Last Longer

You can get an Order of Protection if someone:

- Physically hurt you on purpose **OR**
- Threatened to hurt you **OR**
- Raped or threatened to rape you **OR**
- Is stalking you.

An Order of Protection orders the person to stay away and not contact you. If they do, they can be arrested.

### Who can you get an Order of Protection against?

You can get an Order of Protection if you are hit or threatened by:

- Your past or present husband or wife;
- Your child's other parent;
- Someone you have lived with;
- Someone kin to you by blood or marriage or adoption;
- Someone you have dated or had sex with;
- A child of someone you dated, lived with, had sex with or married;
- Someone who stalked you; or
- Someone who raped or threatened to rape you.

### How long does an order of protection last?

There are usually 2 orders of protection in each case. You get the first one after you file your case. It is called an Ex Parte Order of Protection. **Ex Parte** means the court only heard your side of the story. This Order only lasts only 15 days. That is usually long enough for the hearing to take place. But sometimes the hearing takes longer. If that happens, the court will let the Order last until the new hearing date.

At the hearing, the other person will get to tell their side of the story. You must prove that you need protection from the other person. If you do, the judge will give you a second Order of Protection. This Order of Protection can last for up to 1 year.

### Can a 1-year Order of Protection last longer?

Yes. If you can prove you still need protection, the judge can make it last 1 more year. You can keep

doing this as long as you can prove you still need protection.

### When should you ask to have the Order last longer?

Do it at least 1 month before the Order of Protection ends. You can get the paper you need to fill out from the Circuit Court clerk's office. They can help you with the paper. Or they can tell you who can help you. The paper says the Order of Protection will last until the judge holds a hearing. At the hearing, you have to prove why you want it to last another year.

### Can an Order of Protection last more than 1 year?

Yes, if the person broke the Order of Protection. The judge has to decide this at a hearing and hear both sides. Then the judge can make the Order last 5 years. What if the person breaks the Order again? Then the judge can make the Order last up to 10 years.

**By Norman B. Feaster, II**  
**Managing Attorney**  
**Tulahoma office**

**Note:** This column is not intended to take the place of legal advice. All cases are different and need individual attention. Talk to a private attorney of your choice to review the facts and law specific to your case.

The Legal Aid Society is a non-profit law firm, not a government agency, and all calls are strictly confidential. To receive information on other common legal problems, please visit our website at [www.las.org](http://www.las.org) or call **1-800-238-1443**. Legal Aid is funded in part by the Legal Services Corporation, contributions to an annual fundraising campaign, the Tennessee Bar Foundation, the Access to Justice Fund, and the United Way.