



Access to Orders of Protection

In Tennessee, minors can obtain Orders of Protection (OPs),¹ but the law does not specify whether OPs can be granted against minor abusers. Tennessee law also allows people in dating relationships to seek OPs against their abusers.²

Procedure

State law allows minors to petition for an OP on their own behalf with the signature of a parent or guardian, among others;³ however, the law does not specify the age at which a minor may do so. Tennessee law also fails to specify who else may file on the minor's behalf. Tennessee law requires the court to notify the parents or if the parents are not living together and jointly caring for the child, the primary residential parent, of the OP unless doing so would not be in the minor's best interests.⁴

Definition of Abuse

A judge may issue an OP if the respondent has physically abused or threatened to physically abuse the petitioner; or damaged the petitioner's property.⁵ The statute fails to explicitly recognize stalking, harassment and sexual abuse as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

Relief Available

The court may order⁶ the respondent to:

- stay away from the petitioner;
- vacate the petitioner's residence;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- participate in a counseling or batterers' intervention program; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here. The Order of Protection is modifiable.⁷

Minors' Access to Sensitive Services^{8,9}

All minors can consent to:

- Contraceptive services
- HIV/STI testing and treatment
- Prenatal care
- Adoption
- Medical care for minor child(ren)

Minors can access abortion services with parental consent.

School Response to Dating Violence¹⁰

Tennessee law urges the department of education to develop a sexual violence awareness curriculum that incorporates information about teen dating violence and provides resources about organizations addressing dating violence. It is unclear whether such a curriculum has been developed.

Recommendations for Immediate Policy Change

In order to improve Tennessee's response to teen dating violence, the following changes are recommended:

- Allow minor victims to petition for OPs without any parental involvement.
- Allow victims of intimate partner sexual abuse, stalking and harassment to access OPs.

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References

¹ TENN. CODE ANN. § 36-3-602(a)-(b) (2009).

² *Id.* § 36-3-601(5)(C).

³ *Id.* § 36-3-602(b).

⁴ *Id.*

⁵ *Id.* § 36-3-601(1).

⁶ *Id.* § 36-3-606.

⁷ *Id.* § 36-3-605(d).

⁸ Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf, accessed December 1, 2009.

⁹ Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf, accessed December 1, 2009.

¹⁰ TENN. CODE ANN. § 49-1-220.

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Empowering Youth to End
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and policy, visit www.breakthecycle.org
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