

COMMISSIONER OP CHECKLIST

BEFORE SIGNING THE OP CHECK FOR THE FOLLOWING

Is the narrative complete?

- ☐ Are the dates of the incident(s) included?
- ☐ Did abuse happen In Davidson County **or** does the respondent live in Davidson County?
- ☐ Is abuse described (including threats or stalking)?
- ☐ Are all boxes checked that petitioner wants addressed?

Is the relationship requirement met? (adults or minors) *not required for sexual assault or stalking

(T.C.A. § 36-3-601(5)/T.C.A. § 36-3-602)

- ☐ Current or former spouses **or** a child of that marriage
- ☐ Live together **or** who have lived together in the past
- ☐ Dating, have dated, or have had a sexual relationship
- ☐ Related by blood or adoption

When the petitioner is a victim of sexual violence: Does the narrative describe the petitioner as being the victim of, threatened with, OR placed in fear of one of the following? (adults or minors) (no relationship required)

- | | |
|--|--|
| <input type="checkbox"/> Rape | <input type="checkbox"/> Aggravated Sexual Battery |
| <input type="checkbox"/> Aggravated Rape | <input type="checkbox"/> Sexual Battery |
| <input type="checkbox"/> Rape of a Child | <input type="checkbox"/> Sexual Battery by an Authority Figure |
| <input type="checkbox"/> Statutory Rape | |

When the petitioner is a minor, the following individuals may sign the petition (§ 36-3-602)

- ☐ A parent or guardian of the petitioner
- ☐ A nonprofit caseworker receiving funding for family violence or child abuse prevention
- ☐ A court appointed Guardian ad Litem
- ☐ DCS, if the child is in state custody

When the petitioner is a stalking victim: Does the narrative describe (adults or minors)

(no relationship requirement § 39-17-315)

- ☐ Willful course of conduct
- ☐ Conduct involved repeated **or** continuous **harassment** of another
- ☐ Conduct would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, **or** molested, and
- ☐ Conduct actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, **or** molested

Definition of Harrassment: (TCA 39-17-315) Conduct directed toward a victim that includes but is not limited to repeated or continuing unconsented contact that would cause a reasonable person to suffer emotional distress, and that actually causes the victim to suffer emotional distress. Harrassment does not include constitutionally protected activity or conduct that serves a legitimate purpose

A sworn law enforcement officer responding to an incident who asserts reasonable grounds to believe the petitioner is in immediate and present danger of abuse may file on behalf of the petitioner if the petitioner has consented in writing regardless of if an arrest was made (TCA 36-3-619)

NOTE: There is **NO** statute of limitations on the abuse for filing an order of protection and there is **NO** requirement to file a police report or other criminal charges to obtain order of protection relief.