

1. What is your name and title?

I am Special Master for Orders of Protection Dockets in the Nashville Davidson County 3rd and 4th Circuit State Trial Courts.

2. What does your role as Special Master for the Order of Protection Docket involve?

As Special Master, I hear all petitions for Orders of Protection assigned to Davidson County Circuit Court, along with all motions associated with those cases, including any motions, firearms compliance dockets or post-trial matters associated with Orders of Protection.

3. What are Orders of Protection, and how do they help individuals experiencing domestic violence?

Orders of Protection are powerful civil orders giving victims of domestic violence, stalking or sexual assault protection from further abuse from their abusers by keeping their abusers away from them or preventing them from contacting them in any way while it is in effect. An Order of Protection authorizes law enforcement officers to arrest the victim's adjudicated abuser without a warrant if that abuser attempts to contact the victim or come around the victim at any time. These Orders may be issued for up to a full year. An Order of Protection gives the victim the power to have the abuser arrested for precluded contact on the spot, without having to file further court pleadings or wait for a prosecutor to levy charges. It gives instant protection.

4. What kinds of cases come before you?

Not every case qualifies for an Order of Protection. Petitioners seeking an Order of Protection must have a domestic or prior domestic relationship with the abuser, with the exception of cases involving stalking or sexual assault. Litigants before me include married partners with or without children, unmarried partners with children, minor children seeking protection from a parent or adult relative. Moreover, all appeals from General Sessions Court come before me, which generally involve other relationships such as roommates, intimate partners without children, siblings, adult children against parents or vice-versa, and cases involving sexual assault or stalking.

5. What led you to work in this area of law?

I had left civil litigation years earlier to stay home with my children, and when I returned to the practice of law, I knew that I wanted to practice family law. After practicing family law for a period of time, I was solicited to work as an attorney for First Circuit Court, which ultimately led to my appointment as Special Master for Orders of Protection. I knew I had found my calling, because I immediately felt that I was making a positive difference in the lives of families. I am passionate about improving the lives of families

in our community and playing a role in combatting the sad and growing epidemic of domestic violence.

6. This month is Domestic Violence Awareness Month. What are some common patterns or challenges you see in domestic violence cases?

One challenge that I deal with is ascertaining whether or not a Respondent has relinquished his or her firearms to a third party as required when an order of protection has been issued. Although a Respondent is required to file a Firearms Declaration with the court within 48 hours of an Order of Protection being issued, the form neither requires nor includes information about the third party accepting those firearms from the Respondent. Thus, the Court has no real way of ascertaining whether those firearms were legally dispossessed or to whom they have been given for safekeeping. We have established a special document to confirm that the Firearms Declarations have indeed been filed, but we do not as of yet have any way to determine to whom they were actually given. We are working on this with a committee of professionals and lobbyists and will hopefully implement additional measures to correct this shortcoming.

7. What do you wish more people understood about how domestic violence cases are handled in court?

I wish litigants understood that an Order of Protection can not protect a person from all abuse. Some verbal abuse, for example, cannot be addressed or “fixed” by the court. While cursing and name calling is indeed verbal abuse, the Court may not enter an Order of Protection unless such verbal abuse rises to a certain level or includes threats of abuse. Also, I wish litigants knew ahead of time that Orders of Protection for stalking usually require clear communication requesting no contact. Another important element of Orders of Protection cases is the level and form of proof. Many litigants come before the court with evidence which constitutes hearsay or is insufficient to establish that the other party actually committed the offense asserted. One fairly new problem the Court is encountering is spoofing and fraudulently sending communications to a party while pretending to be another party, and these are very difficult to prove by a preponderance of evidence without expert proof. Litigants frequently express frustration with the results of a hearing with insufficient proof and often do not know how to obtain and collect admissible evidence unless represented by an attorney. Many pro se litigants assume the court will issue subpoenas for essential witnesses for their hearing, such as law enforcement officers, DCS investigators, or their eye witnesses. They do not realize that it is their responsibility to take those actions prior to a hearing, and this often results in them not having insufficient evidence to carry the required burden of proof.

8. Are there any misconceptions about the court’s role in domestic violence matters?

Many pro se litigants assume the court will issue subpoenas for essential witnesses for their hearing, such as law enforcement officers, DCS investigators, or their eye witness. They do not realize that it is their responsibility to take those actions prior to a hearing,

and this often results in them not having sufficient evidence to carry the required burden of proof necessary. Continuances to take these actions are rarely granted, since a Respondent is entitled to a hearing within 15 days of service. I think sometimes petitioners think the Court does not believe their stories or is against them when an Order of Protection is not granted in these cases. They do not realize that not only must their allegations be true, but those allegations must be proven by a preponderance of the evidence through testimony or exhibits which do not violate our Tennessee's Rules of Evidence. They seldom realize that the Court does not have discretion with regard to the enforcement of our rules of evidence, and that I am not being "mean" when I can not hear certain testimony or consider some exhibits when they do not comply with the rules.

9. What are some of the biggest barriers that prevent people from getting the help or protection they need?

Knowledge of the system or of the existence of an Order of Protection, threats of negative consequences for the victim from the abuser for following through, co-dependency of victims on their abusers, lack of resources regarding housing and financial support if an Order of Protection is sought, shame and guilt... there are many perceived and real obstacles in the eyes of some domestic abuse victims, both procedurally and personally.

10. Where do you see gaps in the system- and what improvements would make the biggest difference?

As I stated earlier, the firearms dispossession process needs improvement to increase accountability regarding the relinquishment of firearms, which necessitates amending the actual Firearms Declaration form. Follow-up dockets to make sure Respondents are complying with all the terms of the Order of Protection, such as attending court-ordered counseling or enrolling in a batterer's intervention program, paying needed support, etc. would be helpful to ensure that a Respondent is actually complying with the terms of the Order. Ultimately, the best system would likely involve the sheriff's department accepting firearms from Respondents while Orders of Protection are in place rather than a random third party. Counseling programs with sliding scale pay requirements and programs targeted to domestic assault being available and approved by the court would also be helpful

11. On the other hand, what are the system's strengths? What do you think is working well and can be built upon?

The firearms compliance dockets which we implemented early last year has been successful thus far in assuring that Respondents file the required form, even though more improvements are needed to the actual affidavit itself. I have also established a protocol wherein I often do require Respondents to return to court at a later date to prove compliance with important terms in the Orders of Protection, such as support and counseling for mental health or substance abuse issues. This step helps victims avoid

having to file a motion with the court themselves if a Respondent is not following those terms, which is something many victims do not even realize is available.

12. If someone in Davidson County is experiencing domestic violence and needs help, where should they start?

The Family Safety Center is an excellent resource to assist victims in all elements of filing a petition. AGAPE also offers comprehensive assistance with extended hours. Although a petition may be filed by a petitioner without assistance, advocates with these programs help the process by offering information and support for the victims that might otherwise not be available if going through the process alone.

13. Is there anything else you'd like to share?

I think we are just starting to brush the surface of issues and barriers in domestic violence cases with these new changes we are implementing; however, I have big visions of continued improvements by partnering with other professionals in the industry to expand upon resources and assistance for not only domestic violence victims, but their children and families. Programs for children of parents involved in domestic violence relationships which offer group and individual counseling, homework assistance and opportunities for physical activity and art or music instruction – even life coaching- in an environment outside of the volatile home might sound unreasonable, but I believe it can be achieved through courts like ours who are not afraid to do something different in an effort to effectuate real change.