



County Technical Assistance Service

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Serving the Order

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Capitol Blvd. Suite 400
Nashville, TN. 37219
615-532-3555 phone
615-532-3699 fax
ctas@tennessee.edu
www.ctas.tennessee.edu

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Serving the Order

Reference Number: CTAS-1318

Rules for serving *ex parte* and standard protective orders are identical, with one exception: To effect proper service, the deputy must:

1. Personally read the order to Respondent and leave a copy with him or her, or
2. If Respondent is not a Tennessee resident, the order can be served by mail on the appropriate secretary of state, who must then promptly send a certified copy to Respondent by registered or certified return receipt mail, along with written notice that service was so made. If Respondent refuses to accept delivery of the registered or certified mail, his or her refusal is the same as delivery and constitutes service.

T.C.A. § 20-2-215.

However, if Respondent was served with a copy of the petition, notice of hearing, and any *ex parte* order issued, and the court rules that the *ex parte* order be extended to a standard order of protection, *that* order shall be served by:

1. Delivering a copy of the order of protection to Respondent or Respondent's lawyer, or
2. By the clerk mailing it to Respondent's last known address. If the address "cannot be ascertained upon diligent inquiry," the certificate of service shall so state. Service by mail is complete upon mailing.

T.C.A. § 36-3-609(d); §§ 20-2-215, 216.

Because violating a protective order is now a crime rather than merely civil contempt, it is absolutely *essential* that the deputy serving the order comply with every detail of the rules of service. It is *never* acceptable to leave the order with a third party who promises to give it to the Respondent.

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