

**STATE OF TENNESSEE  
OFFICE OF THE ATTORNEY GENERAL**

July 8, 2014

Opinion No. 14-69

Appeals of Orders of Protection

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**QUESTION**

Is a final ruling on an order of protection issued by a general sessions court properly appealed to the Tennessee Court of Appeals or to the circuit or chancery court of the county?

**OPINION**

An appeal from a general sessions court's order of protection is properly taken to the circuit or chancery court.

**ANALYSIS**

Tennessee law provides that orders of protection may be issued by circuit and chancery courts. Tenn. Code Ann. § 36-3-601(3)(A)-(C). In most counties, however, the court of general sessions may exercise concurrent jurisdiction to issue orders of protection. *See* Tenn. Code Ann. § 36-3-601(3)(B), (C), (E).<sup>1</sup>

Relying on this Office's opinion in Tenn. Op. Att'y Gen. No. 98-43 (Feb. 17, 1998), the Tennessee Court of Appeals has held that "general sessions courts' decisions on the grant or denial of orders of protection are properly appealed to [the Court of Appeals], because those courts hold concurrent jurisdiction with circuit and chancery courts in this area." *Collins v. Pharris*, No. M1999-00588-COA-R3-CV, 2001 WL 219652, at \*4 (Tenn. Ct. App. Mar. 7, 2001) (also citing *Garrison v. Burch*, No. M1999-02819-COA-R3-CV, 2001 WL 47001, at \*1 n.2 (Jan. 22, 2001)); *see also Haskett v. Haskett*, No. E1999-01471-COA-R3-CV, 2000 WL 228261 (Tenn. Ct. App. Feb. 29, 2000) (deciding appeal from an order of protection issued by a general sessions court). But in 2001, the General Assembly added subdivision (F) to Tenn. Code Ann. § 36-3-601(3), *see* 2001 Tenn. Pub. Acts, ch. 96, § 3, which expressly provides that "[a]ny appeal from a final ruling on an order of protection by a general

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<sup>1</sup> A general sessions court derives its jurisdiction to issue orders of protection solely from § 36-3-601(3). *See, e.g.*, Tenn. Code Ann. § 36-3-601(3)(C) (for purposes of issuing orders of protection, "court" means "any court of record with jurisdiction over domestic relations matters or the general sessions court") (emphasis added).

sessions court . . . shall be to the circuit or chancery court of the county. Such appeal shall be filed within ten (10) days and shall be heard de novo.”<sup>2</sup>

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<sup>2</sup> In *Harbin v. Jones*, No. W2012-01474-COA-R3-CV, 2013 WL 1249050 (Tenn. Ct. App. Mar. 28, 2013), the Court of Appeals recited the holding in *Collins*, but the case involved only whether the dissolving of an order of protection by a chancery court was a final, appealable order and did not mention § 36-3-601(3)(F). 2013 WL 1249050, at \*4.