

Per 0490-1-.06(2)(a-b)

(2) Each curriculum shall include, but not be limited to, the following materials:

- (a) The statutory definitions of "domestic abuse" and "victim" found in T.C.A. § 36-3-601 (1998 Supp.);
- (b) Specific acts of abuse that batterers may use that are crimes under the Tennessee or Federal criminal codes;

TENNESSEE

36-3-601. Definitions.

As used in this part, unless the context otherwise requires:

- (1) "Domestic abuse" means inflicting or attempting to inflict physical injury on an adult or minor by other than accidental means, placing an adult or minor in fear of physical harm, physical restraint, or malicious damage to the personal property of the abused party;
- (2) "Adult" means any person eighteen (18) years of age or older, or who is otherwise emancipated;
- (3) (A) "Court," in counties having a population of not less than two hundred thousand (200,000) nor more than eight hundred thousand (800,000) according to the 1980 federal census or any subsequent federal census, means any court of record with jurisdiction over domestic relation matters;
- (B) Notwithstanding the provisions of subdivision (A), "court," in counties with a metropolitan form of government with a population of more than one hundred thousand (100,000) according to the 1990 federal census or any subsequent federal census, means any court of record with jurisdiction over domestic relation matters and the general sessions court. In such county having a metropolitan form of government, a judicial commissioner may issue an ex parte order of protection. Nothing in this definition may be construed to grant jurisdiction to the general sessions court for matters relating to child custody, visitation, or support;
- (C) "Court," in all other counties, means any court of record with jurisdiction over domestic relation matters or the general sessions court of the county in which the petitioner resides;
- (D) "Court" also includes judicial commissioners, magistrates and other officials with the authority to issue an arrest warrant in the absence of a judge for purposes of issuing ex parte orders of protection when a judge of one of the courts listed in subdivision (3)(A), (B) or (C) is not available;
- (E) In counties having a population in excess of eight hundred thousand (800,000) according to the 1990 federal census or any subsequent federal census, "court" means any court of record with jurisdiction over domestic relations matters or the general sessions criminal court, of the county in which the petitioner resides. Nothing in this definition may be construed to grant jurisdiction to the general sessions court, both criminal and civil, for matters relating to child custody, visitation, or support.
- (4) [Deleted by 1997 amendment.]
- (5) "Firearm" means any weapon designed, made or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use;
- (6) "Petitioner" means the person alleging domestic abuse in a petition for order for protection;
- (7) "Preferred response" means law enforcement officers shall arrest a person committing domestic abuse unless there is a clear and compelling reason not to arrest;
- (8) "Respondent" means the person alleged to have abused another in a petition for order for protection;
- (9) "Victim" means any person who falls within the following categories and who a law enforcement officer has determined is not a primary aggressor under the factors set out in § 36-3-619(c):
 - (A) Adults or minors who are current or former spouses;

- (B) Adults or minors who live together or who have lived together; Tennessee — 2
- (C) Adults or minors who are dating or who have dated or who have or had a sexual relationship, [as used herein "dating" and "dated" do not include fraternization between two (2) individuals in a business or social context];
- (D) Adults or minors related by blood or adoption;
- (E) Adults or minors who are related or were formerly related by marriage; or
- (F) Adult or minor children of a person in a relationship that is described in subdivisions
- (9) (A)-(E); and
- (10) "Weapon" means a firearm or a device listed in § 39-17-1302(a)(1)-(7). [Acts 1979, ch. 350, § 1; T.C.A., § 36-1201; Acts 1988, ch. 925, §§ 1, 2; 1991, ch. 380, § 1; 1994, ch. 764, § 1; 1995, ch. 507, § 3; 1996, ch. 684, § 1; 1997, ch. 96, § 1; 1997, ch. 211, § 1; 1997, ch. 459, §§ 1, 2; 1998, ch. 887, §§ 1, 2.]

Documentation of Rule 0490-1-.04(1)(e) and Rule 0490-1-.04(1)(g)(1-2)

(1) Program accountability.

- (e) Certified Programs shall participate in community-based efforts to stop violence against women and other domestic abuse victims and to hold batterers accountable.
- (g) Certified Programs shall include in their programming efforts that are aimed at preventing domestic abuse. Such efforts should include the following:
 1. The development of materials and programs aimed at increasing community awareness of domestic violence and of available resources; and
 2. Community efforts to reinforce the community's understanding of the need for and the support of batterer accountability.

38-12-110. Regulation of intervention programs for perpetrators of domestic abuse.

- (a) The state coordinating council shall promulgate regulations for batterers' intervention programs for perpetrators of domestic abuse as defined in [§ 36-3-601](#), and shall certify compliance with the regulations. In formulating the regulations, the council shall conduct public hearings and shall consult with the following persons or groups:
 - (1) Public and private agencies that provide batterers' intervention programs for perpetrators of domestic abuse;
 - (2) Public and private agencies that provide programs for victims of domestic abuse;
 - (3) Victims advocates;
 - (4) Survivors of domestic abuse; and
 - (5) Other persons who have demonstrated expertise and experience in the area of domestic abuse.
- (b) The regulations required by this section shall include, but not be limited to, the following topics:
 - (1) Minimum standards for batterers' intervention programs; and

(2) Monitoring and certification criteria for batterers' intervention programs.

(c) The council may prescribe fees, not to exceed three hundred dollars (\$300), for the certification of such programs.

HISTORY: Acts 1998, ch. 945, § 1; 2013, ch. 349, § 1.

NOTES: Amendments.

The 2013 amendment added (c).

Effective Dates.

Acts 2013, ch. 349, § 2. May 13, 2013.

Attorney General Opinions.

The domestic violence state coordinating council does not have authority to assess fees to offenders who are ordered by the courts to attend a batterers' intervention program, OAG 00-080 (5/1/00).

Rule 0490-1-.06(1) to satisfy the Curriculum requirements

(1) Certified Programs shall have written curricula that shall be included with requests for certification submitted to the Domestic Violence State Coordinating Council under Rule 0490-1-.08.

STATUTORY DEFINITIONS

Tennessee defines “abuse” and “domestic abuse victim” as follows:

Abuse Victim (T.C.A. § 36-3-601(1)): means inflicting, or attempting to inflict, physical injury on an adult or minor by other than accidental means, placing an adult or minor in fear of physical harm, physical restraint, malicious damage to the personal property of the abused party, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by an adult or minor, or placing an adult or minor in fear of physical harm to any animal owned, possessed, leased, kept, or held by the adult or minor.

Domestic Abuse Victim (T.C.A. § 36-3-601(5)): means any person who falls within the following categories who is a victim of abuse:

- (A) Adults or minors who are current or former spouses;
- (B) Adults or minors who live together or who have lived together;
- (C) Adults or minors who are dating or who have dated or who have or had a sexual relationship, [as used herein “dating” and “dated” do not include fraternization between two (2) individuals in a business or social context;
- (D) Adults or minors related by blood or adoption;
- (E) Adults or minors who are related or were formerly related by marriage; or
- (F) Adult or minor children of a person in a relationship that is described in subdivisions (A)-(E).

Domestic violence and Domestic Violence Behaviors:

Domestic Violence: describes a pattern of abuse and coercive behaviors, including physical, sexual, and psychological abuse as well as economic coercion used against an intimate partner. Domestic violence involves the use of a combination of tactics aimed at establishing control of one partner over the other.

These behaviors may include, but are not limited to, physical, sexual and psychological abuse as well as economic coercion used against an intimate partner. Often times a person may not be aware that there is abuse/violence in the relationship. The most prominent domestic abuse behavior is physical violence, but there other behaviors that constitute domestic violence, and they may or may not be criminal:

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| Emotional abuse: | verbal assaults, name calling, criticism, blaming. |
| Intimidation:
language | scaring a person by frightening looks, gestures, and body |
| Using Coercion/Threats: | verbal threats to hurt, leave, hurt/take children, commit suicide or homicide, making a person do illegal things. |

Isolation:	Controlling what a partner does, who goes, who the partner sees and talks to; limiting outside involvement, using jealousy as an excuse to justify isolation.
Using Children:	making a partner feel guilty about children; using children to relay messages; using visits to harass the partner; threats to take children away if child support is sought.
Economic Abuse:	taking all money; giving an allowance; preventing the partner from getting a job; making a partner ask for money; not letting the partner know about or have access to family income.
Using Male Privilege:	treating partner like a servant; acting like “master of the castle;” defining male and female roles; making all the big decisions.
Minimizing, Denying, and Blaming:	making light of the abuse and taking the partner’s concerns seriously; saying the abuse did not happen; shifting responsibility for the abuse; saying the partner caused it.
Physical and Sexual Abuse:	hitting, slapping, punching, beating, choking, forcing a partner to do sexual things he/she does not want to do; having sex after a beating; marital rape; affairs with others.

Criminal Acts Involving Domestic Violence:

Domestic Assault (T.C.A. 39-13-111(A)(1-6)): is an assault against a domestic abuse victim who falls within the following categories:

- (1) Adults or minors who are current or former spouses;
- (2) Adults or minors who live together or who have lived together;
- (3) Adults or minors who are dating or who have dated or who have or had a sexual relationship, [as used herein “dating” and “dated” do not include fraternization between two (2) individuals in a business or social context;
- (4) Adults or minors related by blood or adoption;
- (5) Adults or minors who are related or were formerly related by marriage; or
- (6) Adult or minor children of a person in a relationship that is described in subdivisions (1)-(5).

Tennessee and federal Law categorize any crime in which the victim and the defendant are/were in a relationship defined in T.C.A. 36-3-601(5) as a crime of domestic violence.