

STATE OF SOUTH CAROLINA)
)
 COUNTY OF _____)
)
 _____)
) Petitioner,)
)
 vs.)
)
 _____)
) Respondent.)

IN THE FAMILY COURT
 _____ JUDICIAL CIRCUIT

**MAGISTRATE COURT ORDER
 PROTECTION FROM DOMESTIC ABUSE ACT**
 (For Use By Magistrate Court Judges)

DOCKET NO. _____
 Judge: _____
 Attorney for Petitioner: _____
 Attorney for Respondent: _____

PETITIONER IDENTIFIERS

 Date of Birth of Petitioner

And/or on behalf of minor family member(s) or other
 Protected persons: (list name and DOB)

RESPONDENT IDENTIFIERS

SEX *		RACE *		DOB*	
EYES	HAIR	SOCIAL SECURITY #			
HEIGHT			WEIGHT		
DRIVERS LICENSE #			STATE		
Relationship to Petitioner: _____					

CAUTION:

Weapon Involved Weapon Present on Respondent's Property Access to weapons

Respondent's Address

***Indicates required information for entry into NCIC**

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter,
 Respondent has been provided with reasonable notice and opportunity to be heard.
 Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing further acts of abuse or threats of abuse.

The terms of the this order shall be effective until _____ , _____ .

WARNINGS TO RESPONDENT;

This order shall be enforced in any county of South Carolina and by the courts of any state, District of Columbia, any U. S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

State and federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922).

Only the Court can change this order.

For Additional Information Call:

 Phone Number - Sherriff

 Phone Number - Clerk of Court

A Petition for Order of Protection was filed on (date) _____. Because the Family Court was not in session, I held a hearing on (date) _____. Respondent (was / was not) given actual notice and an opportunity to participate. Respondent (did / did not) appear. After hearing the evidence, and examining the affidavits and verified pleadings, I have determined that the petition should be GRANTED, based on these facts:

1. That the Respondent and the Petitioner (check one or more):

- are husband and wife are cohabiting are household or family members
 were husband and wife were cohabiting pursuant to S.C. Code § 20-4-20(a)(2)
 have this child/children in common: _____

2. Venue is properly in this county, since this is the county where

- a. the act of abuse occurred; or
 b. the Respondent resides; or
 c. the parties last resided together.

3. Abuse occurred on (date) _____ at _____ o'clock (a.m. / p.m) at _____ in this manner: _____

4. _____ committed this abuse.

5. _____ (was / were) the victim(s) of this abuse.

Check here if the victim is less than 18 years old and name: _____

6. The evidence establishes that (Respondent / Petitioner) represents a credible threat to the physical safety of the victim. The (Respondent / Petitioner) used, attempted to use, or threatened to use physical force against (Respondent / Petitioner) that is reasonably expected to cause bodily injury.

IT IS THEREFORE ORDERED THAT:

A. (Respondent / Petitioner) is temporarily restrained, prohibited and forbidden to abuse, threaten to abuse, or molest, (Petitioner / Respondent).

B. The following law enforcement agencies shall be served with a copy of this Order by the Clerk of Court: _____

C. Federal Firearms Prohibition, pursuant to 18 U.S.C § 922.

1. Does this Order protect an intimate partner, a child of an intimate partner, or a child YES NO of Respondent?
2. Did the person restrained have actual notice and an opportunity to participate in the YES NO hearing?
3. Does the Order find the restrained person a credible threat or explicitly prohibit the YES NO use, attempted use, or threatened use of physical force?

THE PROVISIONS OF THIS ORDER SHALL EXPIRE ON _____ (a date which is not less than 6 months and does not exceed 12 months from the date of this Order) UNLESS OTHERWISE PROVIDED BY S.C. CODE ANN. §20-4-70.

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE PUNISHABLE BY NOT MORE THAN THIRTY DAYS IN JAIL AND A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS OR MAY CONSTITUTE CONTEMPT OF COURT PUNISHABLE BY UP TO ONE YEAR IN JAIL AND/OR A FINE NOT TO EXCEED FIFTEEN HUNDRED DOLLARS.

PURSUANT TO § 16-25-125 OF THE SOUTH CAROLINA CODE OF LAWS, IT IS UNLAWFUL FOR A PERSON WHO HAS BEEN CHARGED WITH OR CONVICTED OF CRIMINAL DOMESTIC VIOLENCE OR CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE, WHO IS SUBJECT TO AN ORDER OF PROTECTION, OR WHO IS SUBJECT TO A RESTRAINING ORDER, TO ENTER OR REMAIN UPON THE GROUNDS OR STRUCTURE OF A DOMESTIC VIOLENCE SHELTER IN WHICH THE PERSON'S HOUSEHOLD MEMBER RESIDES OR THE DOMESTIC VIOLENCE SHELTER'S ADMINISTRATIVE OFFICES. A PERSON WHO VIOLATES THIS PROVISION IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, MUST BE FINED NOT MORE THAN THREE THOUSAND DOLLARS OR IMPRISONED FOR NOT MORE THAN THREE YEARS, OR BOTH. IF THE PERSON IS IN POSSESSION OF A DANGEROUS WEAPON AT THE TIME OF THE VIOLATION, THE PERSON IS GUILTY OF A FELONY AND, UPON CONVICTION, MUST BE FINED NOT MORE THAN FIVE THOUSAND DOLLARS OR IMPRISONED FOR NOT MORE THAN FIVE YEARS, OR BOTH.

AND IT IS SO ORDERED.

_____ Date
_____, SC

MAGISTRATE

COPY GIVEN TO PETITIONER BY _____ (initials)

COPY GIVEN TO RESPONDENT BY _____ (initials)

RESPONDENT'S HOME ADDRESS: _____

RESPONDENT'S PLACE OF EMPLOYMENT: _____

Information which may be of assistance to law enforcement in identifying the respondent:

ATTACH PHOTOSTATIC COPY OF RESPONDENT'S DRIVERS LICENSE, IF AVAILABLE.