

STATE OF SOUTH CAROLINA)
)
 COUNTY OF _____)
)
 _____)
 PLAINTIFF(S))
)
 vs.)
)
 _____)
 DEFENDANT(S).)
)

IN THE MAGISTRATES COURT

RESTRAINING ORDER

CIVIL CASE NUMBER _____

DEFENDANT IDENTIFIERS

Petitioner's DOB: _____

SEX *	RACE *	DOB*	HEIGHT
WEIGHT		HAIR	EYES

And/or on behalf of minor family member(s) or other protected persons: (List name & DOB)

Relationship to Plaintiff: _____

Defendant's Address

CAUTION:

- Weapon Involved Weapon Present on Defendant's Property Access to weapons

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

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter.
 Defendant 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 Defendant be restrained from committing further acts of abuse or threats of abuse.
 That the above named Defendant be restrained from any contact with the Protected Person as set forth on the attached pages.

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

WARNINGS TO DEFENDANT:

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

Sheriff

 Phone Number

Clerk of Court

After filing of a complaint and motion for a Restraining Order on _____, the Court held a hearing on _____. After hearing the evidence, and examining the affidavits and verified pleadings, the Court has determined that the Plaintiff has/ has not proved by a preponderance of evidence the need for issuance of a Restraining Order.

The Court makes the following findings of fact: (Check all that apply)

- 1. The Plaintiff in _____ County, _____ (State).
- 2. The Defendant lives at _____ (Street Address) which is in _____ County, _____ (State).
- 3. The Defendant is employed at _____ which is located at _____.
- 4. The Defendant:
 - is a current or former spouse of the victim
 - is a current or former intimate partner of the minor child's parent (minor child is protected person)
 - is a parent of the victim
 - cohabits or previously cohabited with the victim.
 - has a child/children in common with the victim
 - is a person similarly situated to a spouse of the victim
 - is a person similarly situated to a spouse of the victim
 - other: _____
- 5. The Defendant is a nonresident of this state or cannot be found.
- 6. The Harassment or Stalking, as described herein, occurred in _____ (County), South Carolina.
- 7. The Defendant has committed the following acts which constitute Harassment in the 1st or 2nd Degree or Stalking: _____

IT IS THEREFORE ORDERED THAT (Check all that apply):

- A. The Defendant is restrained, prohibited and forbidden from abusing, threatening to abuse, or molesting the Plaintiff or members of Plaintiff's family, to include: _____
- B. The Defendant is restrained, prohibited and forbidden from entering or attempting to enter the Plaintiff's place of residence, employment, education, or the following locations: _____
- C. The Defendant is restrained, prohibited and forbidden from communicating or attempting to communicate with the Plaintiff in any way, to include: _____
- D. 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 of the defendant? YES NO
 - 2. Did the person restrained have actual notice and an opportunity to participate in the hearing? YES NO
 - 3. Does the Order find the restrained person a credible threat or explicitly prohibit the use, attempted use, or threatened use of physical force? YES NO

E. A copy of this Order shall be served on the following law enforcement agencies: _____

The terms of this order remain in effect until _____, (a period of at least one year) and may be extended by this court for good cause shown. If the Defendant has been or is during the duration of this order charged with the crime of Harassment in the 1st or 2nd Degree or Stalking, the terms of this order remain in affect until the conclusion of the Defendant's trial.

AND IT IS SO ORDERED.

Entered at _____ A.M./P.M. on _____.

MAGISTRATE

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE PUNISHABLE BY THIRTY DAYS IN JAIL, A FINE OF FIVE HUNDRED DOLLARS, OR BOTH, AND IS IN ADDITION TO OTHER CRIMINAL PENALITIES WHICH MAY RESULT FROM SUCH ACTION.

PURSUANT TO SECTION [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.

TO LAW ENFORCEMENT OFFICERS:

Notwithstanding any other provision of law, the terms of this Order are enforceable throughout this State. S.C. Code Ann. § 16-3-1750(F). Any person who violates a provision of this Order is subject to a fine of five hundred dollars, thirty days imprisonment, or both. S.C. Code Ann. § 16-3-1770(C). Law enforcement officers shall arrest a defendant who acts in violation of this Order after service and notice of the Order have been provided. An arrest warrant is not required. S.C. Code Ann. § 16-3-1800.

COPY GIVEN TO PLAINTIFF BY _____ (initials) COPY GIVEN TO DEFENDANT BY _____ (initials)