

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF \_\_\_\_\_ )  
 )  
 \_\_\_\_\_ )  
 ) Petitioner, )  
 )  
 vs. )  
 )  
 \_\_\_\_\_ )  
 ) Respondent. )

IN THE FAMILY COURT  
 \_\_\_\_\_ JUDICIAL CIRCUIT

**FAMILY COURT ORDER**  
**PROTECTION FROM DOMESTIC ABUSE ACT**  
 (For Use By Family Court Judges)

Docket No. \_\_\_\_\_  
 Judge: \_\_\_\_\_  
 Attorney for Petitioner: \_\_\_\_\_  
 Attorney for Respondent: \_\_\_\_\_  
 Court Reporter: \_\_\_\_\_

**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: \_\_\_\_\_

Respondent's Address

**CAUTION:**

- Weapon Involved       Weapon Present on Respondent'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.  
 Respondent has been provided with reasonable notice and opportunity to be heard.  
 Additional findings are set forth below.

**THE COURT HEREBY ORDERS:**

- That the above named Respondent be restrained from committing further acts of abuse or threats of abuse.  
 That the above named Respondent be restrained from any contact with the Petitioner/Victim as set forth on the attached pages.

The terms of 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 on Tribal Lands (18 U.S.C. § 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. § 2262).

State and federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (S.C. Code Ann. § 16-25-30 (A)(4) and 18 U.S.C. § 922).

Only the Court can change this order.

For Additional Information Call:

\_\_\_\_\_  
 Phone Number - Sheriff

\_\_\_\_\_  
 Phone Number - Clerk of Court

A Petition for Order of Protection was filed on \_\_\_\_\_. I held a hearing on \_\_\_\_\_. 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/Victim (check one or more):

- are spouses  have this child/children in common:  are cohabiting  
 are former spouses  formerly have cohabited

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 victims of this abuse.

Check here if the victim is less than 18 years old and name: \_\_\_\_\_.

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

7. The  Petitioner  Respondent is a fit and proper person to have custody of the minor child or children.

8.  Respondent  Petitioner is employed at \_\_\_\_\_ and earns approximately \$ \_\_\_\_\_ gross per month and has reasonable monthly expenses of \$ \_\_\_\_\_.

9.  Respondent  Petitioner is employed and earns approximately \$ \_\_\_\_\_ gross per month, and has reasonable monthly expenses of \$ \_\_\_\_\_ for  himself  herself and the minor children.

10.  Petitioner  Respondent has shown a need for child support in the amount of \$ \_\_\_\_\_ per \_\_\_\_\_ and  Petitioner  Respondent has the ability to make these payments.

11.  Petitioner  Respondent has shown a need for temporary financial support in the amount of \$ \_\_\_\_\_ per \_\_\_\_\_ and  Petitioner  Respondent has the ability to make those payments.

12.  Petitioner  Respondent should have the use and possession of the home and furnishings located at \_\_\_\_\_ in \_\_\_\_\_, S.C., with  Respondent  Petitioner making the mortgage and/or rental payments plus any taxes and/or insurance on the property.

13.  Petitioner  Respondent retained an attorney, \$ \_\_\_\_\_ is a reasonable attorney's fee, and  Respondent  Petitioner should contribute to this expense.

14. Other: \_\_\_\_\_.

**IT IS THEREFORE ORDERED:**

- A. Respondent is temporarily restrained, prohibited, and forbidden to abuse, threaten to abuse, or molest Petitioner/Victim or engage in any other conduct that would place Petitioner/Victim in reasonable fear of bodily injury.
- B. Respondent is temporarily restrained and prohibited from using, attempting to use, or threatening to use physical force against Petitioner/Victim that would reasonably be expected to cause bodily injury.
- C. Respondent is temporarily restrained, prohibited, and forbidden to communicate or attempt to communicate with Petitioner/Victim in any way or to enter or attempt to enter Petitioner's/Victim's place of residence, employment, education or the following locations: \_\_\_\_\_.
- D.  Petitioner  Respondent is awarded temporary custody of the minor children named \_\_\_\_\_  
\_\_\_\_\_
- E.  Respondent  Petitioner is awarded temporary visitation rights with the minor children as follows:  
\_\_\_\_\_.
- F.  Respondent  Petitioner shall pay the sum of \$ \_\_\_\_\_ each \_\_\_\_\_ as temporary child support through the clerk of court, plus 5% court costs, making a total payment of \$ \_\_\_\_\_, commencing on \_\_\_\_\_, and each and every \_\_\_\_\_ thereafter.
- G.  Respondent  Petitioner shall pay the sum of \$ \_\_\_\_\_ each \_\_\_\_\_ as temporary financial support through the clerk of court, plus 5% court costs, making a total payment of \$ \_\_\_\_\_, thereafter commencing on \_\_\_\_\_, and each and every \_\_\_\_\_ thereafter.
- H. The sole and exclusive possession of the residence and furnishings located at the aforementioned address appearing under number "12" of this order is awarded to  Petitioner  Respondent with  Respondent  Petitioner making the mortgage and/or rental payments plus any taxes and/or Insurance on the property.
- I.  Respondent  Petitioner is temporarily restrained, prohibited, and forbidden to transfer, encumber, destroy, sell or otherwise dispose of, except in the ordinary course of business, real or personal property jointly owned or leased by the parties or in which  Petitioner  Respondent claims an equitable interest including, but not limited to, the following:  
\_\_\_\_\_.
- J.  Respondent  Petitioner shall be required to continue and keep in full force and effect without modification or alteration the following existing insurance coverages or policies:  life  health including family plan  dental including family plan  auto  rental  homeowners.
- K.  Respondent  Petitioner shall pay \$ \_\_\_\_\_ to the  Petitioner  Respondent by \_\_\_\_\_ date as a contribution toward  Petitioner's  Respondent's attorney fees.
- L.  Respondent  Petitioner is temporarily restrained, prohibited, and forbidden to abuse, harm, or molest, or threaten to abuse, harm, or molest any pet animal owned, possessed, kept, or held by the  Petitioner  Respondent or any family or household member designated in the order.
- M. The following law enforcement agencies shall be served with a copy of this Order by the Clerk of Court:  
\_\_\_\_\_.
- N. The law enforcement agencies listed below are directed to assist  Petitioner  Respondent as follows:
  - 1 Accompany  Petitioner  Respondent to remove  his  her personal property from \_\_\_\_\_;
  - 2 Accompany  Petitioner  Respondent to assist in placing  his  her in possession of the residence, located at \_\_\_\_\_;

3 Other: \_\_\_\_\_.

RESPONSIBLE LAW ENFORCEMENT AGENCIES: \_\_\_\_\_.

O. IT IS FURTHER ORDERED that Respondent is prohibited from shipping, transporting, receiving or possessing a firearm or ammunition pursuant to S.C. Code Ann. § 16-25-30(A)(4). Respondent caused physical harm, bodily injury, assault, or offered or attempted to cause physical harm or injury to a person's own household member with apparent and present ability under the circumstances reasonably creating fear of imminent peril based on the following findings of fact:  
\_\_\_\_\_.

P. IT IS FURTHER ORDERED, pursuant to S.C. Code Ann. § 63-3-530, that \_\_\_\_\_.

Q. 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 Respondent?  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 use, or threatened use of physical force?  YES  NO

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

\_\_\_\_\_  
FAMILY COURT JUDGE

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.**