

STATE OF SOUTH CAROLINA)
)
 COUNTY OF _____)
)
 _____)
)
 COMPLAINANT(S))
)
 vs.)
)
 _____)
)
 RESPONDENT(S).)
)

IN THE MAGISTRATES COURT

EMERGENCY RESTRAINING ORDER

CIVIL CASE NUMBER _____

DEFENDANT IDENTIFIERS

SEX *	RACE *	DOB*	HEIGHT
WEIGHT	HAIR	EYES	STATE

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

Relationship to Complainant: _____

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:

_____ Sheriff _____
 Phone Number Phone Number

Clerk of Court

After filing of a complaint and motion for an Emergency 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 Complainant has/ has not proved by a preponderance of evidence the need for issuance of an Emergency Restraining Order.

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

- 1. The Complainant resides in _____ County, _____ (State).
- 2. The Respondent lives at _____ (Street Address) which is in _____ County, _____ (State).
- 3. The Respondent is employed at _____ which is located at _____.
- 4. The Respondent is a nonresident of this state or cannot be found.
- 5. The Respondent:
 - was convicted of a criminal offense(s) (as defined in S.C. Code Ann. §16-3-1900(3)) for which the victim was the subject of the crime.
 - was convicted of a criminal offense(s) (as defined in S.C. Code Ann. §16-3-1900(3)) for which the witness assisted the prosecuting entity.
- 5. The conviction(s) took place on this date _____ in this court: _____. The prosecuting entity was _____. The qualifying conviction(s) was: _____.
- 6. A restraining order has expired, is set to expire, or is not available and the common pleas court is not in session for the complainant to obtain a permanent restraining order.

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

- A. The Respondent is restrained, prohibited and forbidden from abusing, threatening to abuse, or molesting the Complainant or members of Complainant's family.
- B. The Respondent is restrained, prohibited and forbidden from entering or attempting to enter the Complainant's place of residence, employment, or education.
- C. The Respondent is restrained, prohibited and forbidden from communicating or attempting to communicate with the Complainant or members of the Complainant 's family in any way.
- 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 Respondent and the following law enforcement agencies: _____

This emergency restraining order remains in effect until a hearing on a permanent restraining order. However, if the complainant does not seek a permanent restraining order pursuant to S.C. Code Ann. § 16-3-1910 within forty-five days of the issuance of an emergency restraining order _____ (date of issuance), the emergency restraining order no longer remains in effect.

AND IT IS SO ORDERED.

Entered at _____ .M. on _____.

MAGISTRATE

VIOLATION OF THIS ORDER IS A FELONY CRIMINAL OFFENSE PUNISHABLE BY UP TO FIVE YEARS IN PRISON.

TO LAW ENFORCEMENT OFFICERS:

Notwithstanding any other provision of law, the terms of this Order are enforceable throughout this State. S.C. Code Ann. § 16-3-1920(M). Law enforcement officers shall arrest a respondent who acts in violation of this Order after service and notice of the Order have been provided. An arrest warrant is not required. A respondent who is in violation of an emergency restraining order is guilty of a felony, if the underlying conviction that was the basis for the emergency restraining order was a felony and, upon conviction, must be imprisoned not more than five years. If the underlying conviction that was the basis for the emergency restraining order was a misdemeanor, a respondent who is in violation of an emergency restraining order is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than three years, or both. S.C. Code Ann. § 16-3-1920(N).

COPY GIVEN TO COMPLAINANT _____ (initials)
BY _____

COPY GIVEN TO RESPONDENT BY _____ (initials)