

STATE OF SOUTH DAKOTA)
)
COUNTY OF _____)

IN CIRCUIT COURT
_____ JUDICIAL CIRCUIT

DOMESTIC STALKING
 EX PARTE TEMPORARY PERMANENT
 MODIFICATION

ORDER FOR PROTECTION

TPO NO. _____

PETITIONER

First Middle Last

By (name and DOB): _____

On behalf of a minor child by parent/guardian.

V.

RESPONDENT

First Middle Last

Relationship to Petitioner:

Respondent's Address:

CAUTION: Weapon Involved

PETITIONER IDENTIFIERS:

Date of Birth of Petitioner _____

Other Protected Persons (name and DOB): _____

(See also 1B Additional Orders.)

RESPONDENT IDENTIFIERS:

SEX	RACE	HEIGHT	WEIGHT
EYES	HAIR	DATE OF BIRTH	
DRIVERS LICENSE #	STATE	EXPDATE	

Distinguishing Features:

THE COURT FINDS:

That it has jurisdiction over the parties and subject matter, and the Respondent has been provided with reasonable notice and opportunity to be heard, and that in the case of an ex parte order, the Respondent will be provided with reasonable notice and opportunity to be heard sufficient to protect the Respondent's due process rights.

THE COURT ORDERS:

That the Respondent is restrained from acts of abuse and physical harm, making threats of abuse, stalking or harassment.

That the Respondent is restrained from contact with the Petitioner by any direct or indirect means except as authorized in this order.

Additional findings and orders are on the following pages.

This order shall be effective through
Month/Day Year Month/Day Year

Or if a permanent order is issued, until that order is served.

Only this Court can change this order.

VIOLATION OF THIS PROTECTION ORDER IS A CRIMINAL OFFENSE.

WARNING TO RESPONDENT: This order shall be enforced, even without registration, by courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by 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).

Having considered the Petition and Affidavit presented by the Petitioner, this **Court FINDS:**

- A. That jurisdiction and venue are properly before this Court;
- B. That the above-named Petitioner and Respondent are “family or household members” within the meaning of SDCL 25-10-1(2);
- C. By a preponderance of the evidence that “domestic abuse” as defined by SDCL 25-10-1(1) has occurred; and
- D. That the Petitioner alleges that he/she will suffer immediate and irreparable injury, loss, or damage before the Respondent or the Respondent’s attorney can be heard in opposition.

ADDITIONAL ORDERS:

- 1) That the Respondent is excluded from the Petitioner’s residence listed in 2C.
- 2) That the Respondent shall not come within a distance of _____ from the following persons and places:
 - A. The Petitioner personally
 - B. The following minor children named as other protected persons:

Name	Date of birth	Relationship
_____	_____	_____
_____	_____	_____
_____	_____	_____
 - C. The Petitioner’s residence(street/apt) _____
(city) _____, (state) _____ (zip) _____ - _____
 - D. The Petitioner’s place of employment (street) _____
(city) _____, (state) _____ (zip) _____ - _____
 - E. Other places (street/apt) _____
(city) _____, (state) _____ (zip) _____ - _____
(street/apt) _____
(city) _____, (state) _____ (zip) _____ - _____
(street/apt) _____
(city) _____, (state) _____ (zip) _____ - _____

This distance restriction applies unless otherwise specified in this order.

- 3) The Petitioner shall have temporary custody of the minor child(ren), whose names are: _____
- 4) Temporary visitation for the respondent with the minor child(ren) named above shall consist of:
 - Existing order in File # _____ Supervised at or by _____
 - Jurisdiction: South Dakota South Dakota tribe Other State _____ Other
 - Other Visitation: _____
- 5) The Respondent shall pay temporary:
 - child support in the amount of \$ _____ a month starting on _____ and continuing until further order of the Court;
*Child support shall be paid to: Office of Child Support Enforcement
Kneip Building
700 Governors Drive
Pierre, SD 57501*
 - spousal support in the amount of \$ _____ a month starting on _____ and continuing until further order of the Court.
Spousal support shall be paid to the Clerk of Courts Office in the county this order was filed.

- 6) Phone calls, emails, third party contact, including correspondence, direct or indirect, are not permitted, to a protected person, except as follows: _____
- 7) Respondent is ordered to immediately turn over all weapons and ammunition to local sheriff.
- 8) Other relief as follows: _____

AND IT IS FURTHER ORDERD THAT: the Petitioner shall, immediately upon the granting of this modified Order, deliver two copies of this Order and two copies of the Motion to Modify to the sheriff of this county. One copy of each shall be personally served by the sheriff upon the Respondent.

DATED ____/____/____.

Service of this order is authorized on any day including Sunday.

Judge

Attest: _____, Clerk of Courts

By: _____, Deputy

**NOTICE OF ENTRY OF ORDER AND
ACKNOWLEDGMENT OF PERSONAL SERVICE**

I acknowledge receipt of a copy of this Temporary Order of Protection.

Petitioner

Respondent

UNDER A PERMANENT PROTECTION ORDER: You may be subject to the following federal laws: (1) Effective immediately, you may not possess, carry, ship or transport any firearm or ammunition that has been transported in interstate or foreign commerce while this Protection Order is in effect. Title 18 United States Code Section 922(g)(8). (2) If you violate this Protection Order and are convicted of an offense of domestic violence, you may be forbidden for life from possessing, carrying, shipping or transporting, any firearm or ammunition that has been transported in interstate or foreign commerce. Title 18 United States Code Section 922(g)(9). Violation of these federal laws carries a maximum penalty of ten years in prison, a \$250,000 fine, or both.