

SOUTH DAKOTA PROTECTION ORDER FROM ACTS OF DOMESTIC ABUSE, ACTS OF STALKING, OR ACTS OF PHYSICAL INJURY

READ THESE INSTRUCTIONS AND REVIEW THE FORMS BEFORE BEGINNING TO FILL THEM OUT

APPLICATION INSTRUCTIONS FOR THE VICTIM OF DOMESTIC ABUSE, STALKING, OR PHYSICAL INJURY

REQUIREMENTS OF THE LAW. You may seek a protection order from “domestic abuse” or from “stalking.” If you do not qualify for a domestic abuse protection order, you may still qualify for a protection order for stalking. In order for the judge to grant a protection order, you must meet certain criteria.

SHOULD BE A RESIDENT OF THE COUNTY. You should file in the county where one of you resides.

IF YOU ARE SEEKING A PROTECTION ORDER FOR DOMESTIC ABUSE

MUST BE A HOUSEHOLD MEMBER. The one against whom you seek an order (the abuser) must be a “household member” which means he/she is (1) a spouse, (2) a former spouse, (3) a relative by adoption or blood, (4) a person living in the same household, (5) a person with whom you have lived, or (6) a person with whom you have had a child. If your relationship is not one of the above, you cannot seek a protection order for domestic abuse. You may, however, be able to receive a protection order for stalking as defined later in these instructions.

MUST ALLEGE PHYSICAL HARM. The person against whom you seek an order (1) **must have caused you physical injury or harm**, (2) **must have attempted to cause you physical injury or harm**, or (3) **you are afraid that the person is about to cause you physical injury or harm**. If the person has not done any of these things, you cannot seek a protection order for domestic abuse. You may, however, be able to receive a protection order for stalking as defined later in these instructions.

IF YOU ARE SEEKING A PROTECTION ORDER FOR STALKING OR FROM PHYSICAL INJURY

MUST ALLEGE STALKING. The person's acts of harassment must **seriously alarm, annoy or harass** you. The person against whom you seek a stalking order must have: (1) **followed or harassed** you in a willful and malicious manner and have done so **more than once**; or (2) made believable **threats** against you **with the intent to make you fearful of great bodily injury**; or (3) **harassed** you in a willful and malicious manner by means of verbal, electronic, digital media, mechanical, telegraphic, or written communication and have done so **more than once**. The person must intend to carry out the threats and have the apparent ability to do so, or (4) **you, as the petitioner, have suffered physical injury** as a result of an assault or a crime of violence.

(5) **A crime of violence is** murder, manslaughter, rape, aggravated assault, riot, robbery, burglary in the first or second degree, arson, kidnapping, felony sexual contact or any other felony in the commission of which the perpetrator used force, or was armed with a dangerous weapon, or used any explosive or destructive device. It also includes an attempt or conspiracy to commit the above-described crimes.

**IF YOU MEET THE LEGAL CRITERIA STATED ABOVE, YOU MAY
COMPLETE THE FORMS WITH THE FOLLOWING INSTRUCTIONS**

1. **FILL OUT THE PETITIONER AND RESPONDENT INFORMATION SHEETS AND THE PETITION AND AFFIDAVIT FOR A PROTECTION ORDER** (*please print names*). You are the PETITIONER; the person against whom you seek a protection order is the RESPONDENT.
2. **THE PETITION AND AFFIDAVIT MUST BE THE TRUTH.** *Do not sign your name at the end of the form.* You will need to sign it before a court clerk and swear to its truth or if you are unable to take it to the Clerk's Office yourself, you may sign it before a notary.
3. **REQUIREMENT FOR AN IMMEDIATE ORDER.** If you are requesting that the judge grant you an immediate temporary protection order without the Respondent having notice of your request or an opportunity to be heard, **YOU MUST BE ABLE TO CLAIM THAT IMMEDIATE AND GREAT INJURY, LOSS OR DAMAGE WOULD OCCUR IF YOU HAD TO WAIT UNTIL A HEARING.**
4. **JUDGE MUST SIGN THE ORDER.** The judge will review your petition and affidavit. If the judge grants you a temporary protection order and/or a hearing, the clerk will prepare certified copies of the orders. *You will need to pick up the copies of the orders at the Clerk of Courts Office where you filed.*
5. **DELIVER FORMS TO THE SHERIFF.** Take two copies of the forms to the Sheriff Office, in the County where the petition is filed.
6. **KEEP ONE COPY OF THE SIGNED FORMS WITH YOU AT ALL TIMES.**
7. **YOU MUST ATTEND THE HEARING FOR THE PROTECTION ORDER.**
8. **THE HEARING IS THE TIME SET FOR YOU TO PROVE YOUR CASE.** You will need to bring with you to the hearing any witnesses that have 1st hand knowledge of the incidents that have occurred, any documentation such as pictures, phone logs, email messages, text messages, etc.

**IF THE RESPONDENT VIOLATES ANY PROTECTION ORDER,
CALL THE POLICE IMMEDIATELY**

TPO: _____ **Petitioner Information** **Date:** _____

Attorney(s): _____

Required Information

Last Name **First** **Middle** **Suffix**

Birth Date: _____ (MM/DD/YYYY) **Sex:** _____ (M=Male, F=Female)

Race: __ (A=Asian/Pacific Islander, B=Black, I=American Indian, W=White, O=Other, U=Unknown)

Present Address: _____

City: _____ **State:** _____ **Zip:** _____ - _____

My mailing address is the same as my present address.

Mailing Address: _____

City: _____ **State:** _____ **Zip:** _____ - _____

Driver's License Number: _____ **License State:** _____

SSN: _____

Eye Color: _____ **Hair Color:** _____ **Weight:** _____ **Height:** _____

Phone Number	Type
1 (_____) _____ - _____	H=Home, W=Work, C=Cell, O=Other, F=Fax
2 (_____) _____ - _____	H=Home, W=Work, C=Cell, O=Other, F=Fax
3 (_____) _____ - _____	H=Home, W=Work, C=Cell, O=Other, F=Fax

TPO: _____ **Respondent Information** **Date:** _____

Required Information

Name: _____
Last First Middle
Birth Date: _____ (MM/DD/YYYY) Sex: _____ (M=Male, F=Female, U=Unknown)

Driver's License Number: _____ License State: _____ SSN: _____

Present Address: _____

City: _____ State: _____ Zip: _____ - _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ - _____

Race: ____ (A=Asian/Pacific Islander, B=Black, I=American Indian, O=Other, W=White, U=Unknown)

Eye Color: _____ Hair Color: _____ Weight: _____ Height: _____

Distinguishing Features: _____

Phone Number 1 (____) _____ - _____ (H=Home, W=Work, C=Cell, O=Other, F=Fax)

2 (____) _____ - _____ (H=Home, W=Work, C=Cell, O=Other, F=Fax)

3 (____) _____ - _____ (H=Home, W=Work, C=Cell, O=Other, F=Fax)

Misc. Indicator: __ Martial Arts Expert __ Explosives Expert __ Known to Abuse Drugs

Medical Indicator: __ Heart Condition __ Alcoholic __ Allergies
__ Epilepsy __ Suicidal __ Medication Required
__ Hemophiliac __ Diabetic
__ Other _____

Interpreter needed Language _____

Respondent Vehicles

License Plate Number	State	Year	Make	Model	Color
1. _____					
2. _____					
3. _____					

Occupation: _____ Place of Employment: _____

Work Days: _____ Work Hours: _____

Other persons at Respondent's residence: _____

Other addresses or locations (hangouts) where Respondent can be found:

Location: _____

City: _____ State: _____ Zip: _____ - _____

Location: _____

City: _____ State: _____ Zip: _____ - _____

REQUEST FOR HEARING AND PROTECTION ORDER

Based upon this Petition and Affidavit in which I truthfully set forth the details of the stalking, I respectfully ask the court to set a date to hear this matter and after hearing the evidence, to grant me a Protection Order:

- 1) To Restrain the Respondent from:
 - a) following or harassing, or making any credible threat with the intent to place petitioner(s) in reasonable fear of death or great bodily injury, SDCL 22-19A-1;
 - b) from causing any injury as a result of an assault or a crime of violence, SDCL 22-1-2(9).
- 2) To Grant the Protection Order for a period of _____ time (*no longer than 5 years*).
- 3) To exclude the Respondent from the Petitioner’s residence listed in 4C.
- 4) To Order 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 Petitioners place employment (street) _____
(city) _____, (state) _____ (zip) _____ - _____
- E. Other places (street/apt) _____
(city) _____, (state) _____ (zip) _____ - _____
(street/apt) _____
(city) _____, (state) _____ (zip) _____ - _____
(street/apt) _____
(city) _____, (state) _____ (zip) _____ - _____

- 5) That the Respondent be restrained from contact with the Petitioner or other protected persons, by any direct or indirect means except as authorized by a court order.
- 6) To Order other relief which I believe is necessary for my protection: _____

(If you are requesting an immediate temporary protection order without notice to the person you want restrained and without an opportunity for the person to appear; you must state why you believe you will suffer immediate and irreparable injury or damage if you have to wait until the hearing.)

**REQUEST FOR IMMEDIATE PROTECTION ORDER
WITHOUT NOTICE TO THE OTHER PARTY**

I am not requesting an immediate Temporary Protection Order.

In addition to what I have requested in sections 1-5 above, I further request that the Court grant me an immediate Temporary Protection Order Restraining Respondent from Stalking based upon the following sworn statements and beliefs:

The reasons I need this order immediately and cannot wait until the scheduled hearing are: _____

I believe that I will suffer immediate and irreparable injury, loss or damage if I am not granted an immediate Temporary Protection Order without notifying the Respondent and his/her attorney or giving the other party an opportunity to be heard.

The immediate and irreparable injury, loss or damage which I believe I will suffer is: _____

On this ____ day of _____, _____, I swear or affirm under oath that the information I have provided in this Petition and Affidavit are true and correct to the best of my knowledge. I believe I am entitled to the protection I have requested. I am asking for this protection for valid reasons and am not attempting to harass the person I am seeking protection against and am not attempting to abuse or delay the court process or any other legal action.

Petitioner

Signed and sworn to before me on this ____ day of _____, _____

(SEAL)

Notary Public/Deputy Clerk of Courts
Commission Expires:

STATE OF SOUTH DAKOTA)
)
COUNTY OF _____)

IN CIRCUIT COURT

_____ JUDICIAL CIRCUIT

<p>_____, Petitioner,</p> <p>-vs-</p> <p>_____, Respondent</p>	<p>TPO NO. _____</p> <p style="text-align: center;">NOTICE OF HEARING AND SUMMONS TO APPEAR (STALKING OR PHYSICAL INJURY)</p>
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TO THE PARTIES:

YOU ARE NOTIFIED that a Petition and Affidavit has been filed with this Court seeking a Protection Order against you according to the provisions of the South Dakota Protection from Stalking Act, SDCL ch. 22-19A; and/or from Physical Injury, SDCL 22-1-2(9). A copy of the Petition and Affidavit together with a copy of an Ex Parte Temporary Order of Protection, if one has been issued, are attached to this Summons and are served upon you.

Temporary Order of Protection denied. Hearing only.

There will be a hearing on the Petitioner's Petition on the _____ day of _____, _____, at _____ o'clock _____ (am/pm), in the _____ County Courthouse (Courtroom # _____) in _____, South Dakota.

IF YOU FAIL TO APPEAR AT THE HEARING AND ANSWER THE PETITION, AN ORDER OF PROTECTION MAY BE ENTERED AGAINST YOU AS REQUESTED.

DATED _____/_____/_____.

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

Judge

Attest: _____, Clerk of Courts

By: _____, Deputy

ACKNOWLEDGMENT OF PERSONAL SERVICE

I acknowledge receipt of a copy of this Notice of Hearing.

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.

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:**

1. That jurisdiction and venue are properly before this Court;
2. That the Petitioner has alleged that the Respondent has willfully, maliciously, and repeatedly followed or harassed the Petitioner, or has made a credible threat with the intent to place the Petitioner in reasonable fear of death or great bodily injury, SDCL 22-19A-1; or
3. That the Petitioner has alleged that the Respondent has willfully, maliciously, and repeatedly harassed the Petitioner by means of verbal, electronic, digital media, mechanical, telegraphic, or written communication, SDCL 22-19A-1; or
4. That the Petitioner alleges that he/she has suffered physical injury as a result of an assault or a crime of violence, SDCL 22-1-2(9); and
5. That the Petitioner alleges that he/she will suffer immediate and irreparable injury, loss, or damage before the Respondent or the Respondent's attorney has an opportunity to be heard.

THEREFORE THIS COURT ORDERS THAT THE RESPONDENT IS RESTRAINED FROM:

- a. **FOLLOWING OR HARASSING PETITIONER, OR MAKING ANY CREDIBLE THREAT WITH THE INTENT TO PLACE PETITIONER IN REASONABLE FEAR OF DEATH OR GREAT BODILY INJURY, SDCL 22-19A-1;**
- b. **HARRASSING PETITIONER BY MEANS OF ANY VERBAL, ELECTRONIC, DIGITAL MEDIA, MECHANICAL, TELEGRAPHIC, OR WRITTEN COMMUNICATION, SDCL 22-19A-1;**
- c. **CAUSING ANY INJURY AS A RESULT OF AN ASSAULT OR CRIME OF VIOLENCE SDCL 22-1-2(9).**

ADDITIONAL ORDERS:

1) 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.

2) Phone calls, emails, third party contact, and correspondence, direct or indirect, are not permitted, to a protected person, except as follows:

3) Respondent is ordered to immediately turn over all weapons and ammunition to local sheriff.

4) Other relief as follows: _____

AND IT IS FURTHER ORDERED THAT: the Petitioner shall, immediately upon the granting of this Order, deliver two copies of this Order and two copies of the Petition and Affidavit 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.

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).

Therefore, having considered the Motion to Modify presented to the Court, this **Court FINDS:**
The original ex parte temporary order of protection will be **modified** as follows:

ADDITIONAL ORDERS:

1) 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.

2) Phone calls, emails, third party contact, and correspondence, direct or indirect, are not permitted, to a protected person, except as follows:

3) Respondent is ordered to immediately turn over all weapons and ammunition to local sheriff.

4) Other relief as follows: _____

AND IT IS FURTHER ORDERED 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 Modification of 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.

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)

ADDITIONAL FINDINGS:

This matter came before this Court on this day and the following parties appeared personally:

- Petitioner Petitioner's Attorney _____ Other _____
- Respondent Respondent's Attorney _____ Other _____

- 1. This **Court FINDS** that, without admitting to the allegations in the Petition, the Respondent waives further hearing, findings of fact, and conclusions of law, and stipulates to the entry of an Order of Protection on the terms specified below.
- 2. Having considered the evidence presented and any affidavits and pleadings on file, this **Court FINDS:**
 - 1. That jurisdiction and venue are properly before this Court; and
 - 2. By a preponderance of the evidence that:
 - a) "stalking" as defined by SDCL 22-19A-1 has taken place;
 - b) that the Petitioner has suffered physical injury resulting from an assault or a crime of violence, as defined by SDCL 22-1-2(9).

THEREFORE, THIS COURT ORDERS THAT:

- 1. The Respondent is restrained from:
 - a) following or harassing the Petitioner, or making any credible threat with the intent to place the Petitioner in reasonable fear of death or great bodily injury, SDCL 22-19A-1;
 - b) harassing the Petitioner by means of any verbal, electronic, digital media, mechanical, telegraphic, or written communication, SDCL 22-19A-1;
 - c) causing any injury as a result of an assault or crime of violence, SDCL 22-1-2(9).

ADDITIONAL ORDERS:

1) 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.

2) Phone calls, emails, third party contact, including correspondence, direct or indirect, are not permitted, to a protected person, except as follows:

3) Respondent is ordered to immediately turn over all weapons and ammunition to local sheriff.

4) Other relief as follows: _____

AND IT IS FURTHER ORDERED THAT: the Petitioner shall, immediately upon the granting of this Order, deliver two copies of this Order to the sheriff of this county. One copy shall be personally served by the sheriff upon the Respondent, unless personal service has been acknowledged below.

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 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.

STATE OF SOUTH DAKOTA)
)
COUNTY OF _____)

IN CIRCUIT COURT

_____ JUDICIAL CIRCUIT

<p>_____, Petitioner,</p> <p>-vs-</p> <p>_____, Respondent</p>	<p>TPO NO. _____</p> <p>MOTION TO MODIFY PERMANENT PROTECTION ORDER (STALKING OR PHYSICAL INJURY)</p>
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I am the Petitioner who originally petitioned the Court for a Permanent Protection Order.

I am the Respondent and the one against whom the Permanent Protection Order was granted.

I am requesting that the Court change certain terms in the Permanent Order of Protection. *(Describe what you would like changed in the previous Permanent Order of Protection.)* _____

Describe why you want the Permanent Order of Protection changed: _____

On this _____ day of _____, _____, I swear or affirm under oath that the information I have provided in this Motion to Modify is true and correct to the best of my knowledge. I believe I am entitled to the changes I have requested. I am asking for this modification for valid reasons and am not attempting to harass the other party, and am not attempting to abuse or delay the court process or any other legal action.

Petitioner

Signed and sworn to before me on this _____ day of _____, _____.

Notary Public/Deputy Clerk of Courts
Commission Expires:

(SEAL)

ACKNOWLEDGMENT OF PERSONAL SERVICE

I acknowledge receipt of a copy of this Notice of Hearing.

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.

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).

Form UJS-121I (Stalking Modification of Permanent Order) Rev. 05/08

ADDITIONAL FINDINGS:

This matter came before this Court on this day and the following parties appeared personally:

- Petitioner Petitioner's Attorney _____ Other _____
- Respondent Respondent's Attorney _____ Other _____

- 1) This **Court FINDS** that, without admitting to the allegations in the Petition, the Respondent waives further hearing, findings of fact, and conclusions of law, and stipulates to the entry of an Order of Protection on the terms specified below.
- 2) Having considered the evidence presented and any affidavits and pleadings on file, this **Court FINDS:**
 - 1. That jurisdiction and venue are properly before this Court; and
 - 2. By a preponderance of the evidence that:
 - a) "stalking" as defined by SDCL 22-19A-1 has taken place;
 - b) that the Petitioner has suffered physical injury resulting from an assault or a crime of violence, as defined by SDCL 22-1-2(9);

THEREFORE, THIS COURT ORDERS THAT:

- 1. The Respondent is restrained from:
 - a) following or harassing the Petitioner, or making any credible threat with the intent to place the Petitioner in reasonable fear of death or great bodily injury, SDCL 22-19A-1;
 - b) harassing the Petitioner by means of any verbal, electronic, digital media, mechanical, telegraphic, or written communication, SDCL 22-19A-1;
 - c) causing any injury as a result of an assault or crime of violence, SDCL 22-1-2-(9).

ADDITIONAL ORDERS:

1) 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.

2) Phone calls, emails, third party contact, and correspondence, direct or indirect, are not permitted, to a protected person, except as follows:

3) Respondent is ordered to immediately turn over all weapons and ammunition to local sheriff.

4) Other relief as follows: _____

AND IT IS FURTHER ORDERED THAT: the Petitioner shall, immediately upon the granting of this Order, deliver two copies of this Order to the sheriff of this county. One copy shall be personally served by the sheriff upon the Respondent, unless personal service has been acknowledged below.

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 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.

STATE OF SOUTH DAKOTA)
)
COUNTY OF _____)

IN CIRCUIT COURT

_____ JUDICIAL CIRCUIT

Petitioner,

-vs-

Respondent

TPO NO. _____

**CONTINUANCE OF
TEMPORARY PROTECTION ORDER
AND ORDER TO SHOW CAUSE
(STALKING OR PHYSICAL INJURY)**

The hearing scheduled for the _____ day of _____, _____, has been rescheduled.

IT IS HEREBY ORDERED the Respondent shall present him/her self before the above-captioned Court on the _____ day of _____, _____, at the hour of _____ o'clock _____ (am/pm), in the _____ County Courthouse (Courtroom # _____) in _____, South Dakota before a judge of the Court to show cause, if any, why the Ex Parte Temporary Protection Order should not be made permanent within the provisions of SDCL 22-19A-11 and/or SDCL 22-1-2(9).

IT IS FURTHER ORDERED the Temporary Protection Order dated the _____ day of _____, _____, on file herein, is continued through the _____ day of _____, _____.

DATED _____/_____/_____.

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

Judge

Attest: _____, Clerk of Courts

By: _____, Deputy

ACKNOWLEDGMENT OF PERSONAL SERVICE

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

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.

STATE OF SOUTH DAKOTA)
)
COUNTY OF _____)

IN CIRCUIT COURT
_____) JUDICIAL CIRCUIT

_____,
Petitioner,

-vs-

_____,
Respondent

TPO NO. _____

**MOTION TO DISMISS
PROTECTION ORDER
(STALKING OR PHYSICAL INJURY)**

- I am the Petitioner who originally petitioned the Court for a Protection Order.
- I am the Respondent and the one against whom the Protection Order was granted.

I am requesting that the Court dismiss the Order of Protection that I have filed.

I am requesting that the Order of Protection be dismissed based on the following grounds: _____

DATED ____/____/____.

Petitioner

Respondent

STATE OF SOUTH DAKOTA)
)
COUNTY OF _____)

IN CIRCUIT COURT
_____) JUDICIAL CIRCUIT

_____))
_____)) TPO NO. _____
))
Petitioner,)) DENIAL OF PETITION
))
-vs-)) FOR PROTECTION ORDER
))
_____)) (STALKING OR PHYSICAL INJURY)
))
Respondent.))

Having examined the Petition for Protection Order it is found that sufficient grounds are not alleged for relief and the Petition is denied without hearing.

Dated ____/____/____.

Circuit Court Judge

Attest: _____, Clerk of Courts

By: _____, Deputy

STATE OF SOUTH DAKOTA)
)
COUNTY OF _____)

IN CIRCUIT COURT
_____) JUDICIAL CIRCUIT

_____)
)
Petitioner,)
)
-vs-)
)
_____)
Respondent.)
_____)

TPO NO. _____
ORDER GRANTING REQUEST
TO WITHDRAW PETITION FOR
PROTECTION ORDER
(STALKING OR PHYSICAL INJURY)

The petitioners request to withdraw the Petition For Protection Order (Stalking or Physical Injury) is hereby granted.

Dated ____/____/____.

Magistrate/Circuit Court Judge

Attest: _____, Clerk of Courts

By: _____, Deputy