

# SOUTH DAKOTA PROTECTION ORDER FROM ACTS OF DOMESTIC ABUSE, ACTS OF STALKING OR PHYSICAL INJURY, AND ACTS OF VULNERABLE ADULT ABUSE

*READ THESE INSTRUCTIONS AND REVIEW THE FORMS BEFORE FILLING THEM OUT*

## APPLICATION INSTRUCTIONS FOR THE VICTIM OF DOMESTIC ABUSE, STALKING/PHYSICAL INJURY, OR VULNERABLE ADULT ABUSE

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

**RESIDENCE REQUIREMENT.** You should file in the county where you, the respondent, or another party you seek to protect with the protection order resides.

### IF YOU ARE SEEKING A PROTECTION ORDER FOR DOMESTIC ABUSE

**YOU MUST HAVE A PERSONAL RELATIONSHIP WITH THE RESPONDENT.** You must have a personal relationship with the individual against whom you are seeking an order of protection (the alleged abuser). An alleged abuser can be a (1) spouse or former spouse; (2) person in a significant romantic relationship with you or has recently been in one during the past twelve months; (3) person with whom you have a child or are expecting a child with; (4) a parent or child, including a relationship by adoption, guardianship, or marriage; or (5) a sibling, including whole or half blood, adoption or marriage. 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.

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. You may also be eligible for a domestic abuse protection order if the person has: (1) violated a protection order or no contact order; (2) has participated in stalking/harassment; or (3) has committed a crime of violence against you. If the person has not done any of these things, or you do not have a personal relationship with them, you cannot seek a protection order for domestic abuse. You may, however, be able to receive a protection order for stalking or for vulnerable adult abuse as defined later in these instructions.

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

**YOU 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** because of **an assault or a crime of violence**.

**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 ARE SEEKING A PROTECTION ORDER  
FOR VULNERABLE ADULT ABUSE**

**THERE MUST BE AN ADULT WITH A DISABILITY OR AN ELDER (AGE 65 AND OLDER) WHO IS UNABLE TO PROTECT THEMSELVES FROM ABUSE.** Such abuse can include (1) physical abuse or attempted physical abuse, (2) repeated emotional and psychological abuse by a caretaker (such as sexual exploitation, unreasonable confinement, threats of harm or harm to the property of the vulnerable adult, and harassment or ridiculing/demeaning conduct), or (3) financial exploitation by a caretaker, family member, or a person who is in a confidential relationship with the vulnerable adult (such as a guardian, conservator, or agent).

**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 IN ENGLISH (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 copies of the orders and will deliver to the sheriff's office for service on the respondent. You will need to make arrangements with the Clerk to pick up your copy.
5. **YOU MUST ATTEND THE HEARING FOR THE PROTECTION ORDER.**
6. **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 first-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**

**CASE FILING STATEMENT – Information Only; Not Retained in Case Records**

Provide the Case File No. for the record you are filing into or the Case Type if initiating a new action: \_\_\_\_\_

\*A list of case types and party roles can be found here: <https://ujc.sd.gov/Attorneys/FormsDocumentation.aspx>

**Social Security Numbers (not Driver’s License Numbers) must be provided for divorce, child support, & paternity cases, 42 USC 666(a)(13)(B).** All filers are **required** to provide the SSN **or** DL# for each of **their** participants regardless of the case type. Business entities must provide the EIN number in lieu of SSN or DL#.

**INFORMATION FOR PLAINTIFF/PETITIONER/APPLICANT:**

Last/Business Name	First Name	Middle	Suffix	
Physical Address <input type="checkbox"/> Check if Same as Mailing	City	State	Zip	
Mailing Address	City	State	Zip	
Home	Work	Cell		
Social Security No.	Date of Birth	Driver’s License No.	State	
<b>Employer ID (Business)</b>				
<b>Attorney:</b>				
Last Name	First Name	State Bar ID No.		
Mailing Address	City	State	Zip	
Phone				

**INFORMATION FOR DEFENDANT/RESPONDENT/MINOR/DECEDENT/PERSON IN NEED OF PROTECTION:**

Last/Business Name	First Name	Middle	Suffix	
Physical Address <input type="checkbox"/> Check if Same as Mailing	City	State	Zip	
Mailing Address	City	State	Zip	
Home	Work	Cell		
Social Security No.	Date of Birth	Date of Death	Driver’s License No.	
State				
Employer ID (Business)				
<b>Attorney:</b>				
Last Name	First Name	State Bar ID No.		
Mailing Address	City	State	Zip	
Phone				

**PETITIONER INFORMATION**

**TPO NO.:** \_\_\_\_\_

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

**Required Information**

\_\_\_\_\_  
**Last Name**

\_\_\_\_\_  
**First**

\_\_\_\_\_  
**Middle**

\_\_\_\_\_  
**Suffix**

Male  Female

\_\_\_\_\_  
**Date of Birth (MM/DD/YYYY)**

**Sex**

**Race:**

Asian/Pacific islander

Black

American Indian

White

Other: \_\_\_\_\_

Unknown

**Present Address / Contact Information**

\_\_\_\_\_  
**Address**

\_\_\_\_\_  
**City and State**

\_\_\_\_\_  
**Zip**

\_\_\_\_\_  
**Phone**

Is there any other lawsuit, complaint, petition or other action pending between you and the respondent?  Yes  No

If yes, what state and county is the action filed in?  
\_\_\_\_\_

Mailing Address

My mailing address is the same as my present address.

\_\_\_\_\_  
**Address**

\_\_\_\_\_  
**City/State/Zip**

Driver's License Number: \_\_\_\_\_

License State: \_\_\_\_\_

SSN: \_\_\_\_\_

Email: \_\_\_\_\_

Eye Color: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Weight: \_\_\_\_\_ Height: \_\_\_\_\_

Attorney contact information *(if applicable)*

\_\_\_\_\_  
**Attorney name**

\_\_\_\_\_  
**Attorney mailing address**

\_\_\_\_\_  
**Attorney phone**

PETITIONER NAME: \_\_\_\_\_ TPO NO.: \_\_\_\_\_

**PLEASE READ THIS NOTICE AND INITIAL:** PER SDCL § 25-10-7, THE LAW ENFORCEMENT AGENCY SERVING THE TEMPORARY PROTECTION ORDER SHALL NOTIFY THE PETITIONER BY TELEPHONE OR WRITTEN CORRESPONDENCE WHEN THE TEMPORARY PROTECTION ORDER IS SERVED IF THE PETITIONER HAS PROVIDED TO THE LAW ENFORCEMENT AGENCY EITHER TELEPHONE NUMBER OR ADDRESS OR BOTH WHERE THE PETITIONER MAY BE CONTACTED.

As the Petitioner I understand that the Clerk of Courts will provide a copy of the protection order and notice of hearing to law enforcement for service upon the respondent. Once service of the protection order upon the respondent has been completed, I ask that the Sheriff's Office provide me notice by: *(check one or more options)*

Telephone       Email       My Mailing Address       I do not wish to be notified.

I request the Clerk of Courts to provide me with a copy of the order and notice of hearing by: *(check one)*

Email       My Mailing Address       I will personally pickup.

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Petitioner's Signature

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

STATE OF SOUTH DAKOTA )  
 )  
COUNTY OF \_\_\_\_\_ )

IN CIRCUIT COURT

\_\_\_\_\_ JUDICIAL CIRCUIT

\_\_\_\_\_,  
Petitioner  Check here if under 18

TPO NO. \_\_\_\_\_

-vs-

\_\_\_\_\_,  
Respondent  Check here if under 18

**PETITION AND AFFIDAVIT  
FOR A PROTECTION ORDER  
(STALKING, OR PHYSICAL INJURY  
AS A RESULT OF AN  
ASSAULT, OR A CRIME OF VIOLENCE)**

I, \_\_\_\_\_ the above named Petitioner, or the Parent/Legal Guardian of the minor child Petitioner (the Filer), being duly sworn upon oath, state and affirm the following:

At least one party to the protection order—Petitioner, Respondent (the person against whom I seek this Protection Order), or a Protected Party (a minor child in my custody also victimized by Respondent)—is a South Dakota resident. Petitioner resides in \_\_\_\_\_ County, \_\_\_\_\_ (state); Respondent resides in \_\_\_\_\_ County, \_\_\_\_\_ (state); and any Protected Parties not residing with Petitioner or Respondent, reside in \_\_\_\_\_ County, \_\_\_\_\_ (state).

**Please check this box if** there is a custody order in this state or another state regarding the children of Petitioner and Respondent. Please attach a copy of the custody order to this Petition and provide the county and case number. \_\_\_\_\_

**I AM ASKING THE COURT FOR A PROTECTION ORDER BASED UPON THE FACTS BELOW:**

On or about (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_ at approximately \_\_\_\_\_ o'clock \_\_\_\_\_ (am/pm), Respondent committed the following act(s) that seriously alarmed, annoyed, or harassed Petitioner (if not me, my minor child), and any Protected Parties (check all that apply):

- Respondent willfully, maliciously, and repeatedly followed Petitioner and/or any Protected Parties.
- Respondent pursued a knowing and willful course of conduct which seriously alarmed, annoyed or harassed with no legitimate purpose. The pattern of conduct was a series of acts over a period of time, however short, showing a continuing pattern of harassment.
- Respondent made a credible threat with intent to cause reasonable fear of death or great bodily injury.
- Respondent willfully, maliciously, and repeatedly harassed Petitioner and/or any Protected Parties by means of any verbal, electronic, digital media, mechanical, telegraphic, or written communication.
- Respondent caused physical injury as a result of an assault.
- Respondent committed a crime of violence.

Describe your relationship with Respondent (ie. neighbor, co-worker, etc): \_\_\_\_\_

Provide a detailed description of what happened on the above date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**REQUEST FOR HEARING AND PROTECTION ORDER**

Based upon this Petition and Affidavit in which I truthfully set forth the details of the stalking, physical injury, and/or crime of violence, I respectfully ask the court to set a date to hear this matter and after hearing the evidence, to grant Petitioner and any Protected Parties a Protection Order:

- 1) To Restrain Respondent from:
  - a) following or harassing, or making any credible threat with the intent to place Petitioner and any Protected Parties in reasonable fear of death or great bodily injury, SDCL 22-19A-1;
  - b) 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 Respondent from Petitioner's residence listed in 4C.
- 4) To Order that 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 Parties:  Additional names attached

Name	Date of birth	Relationship
_____	_____	_____
_____	_____	_____
_____	_____	_____

Are any of the children related to the Respondent? If so, how? \_\_\_\_\_

- C. Petitioner's residence (street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_. (zip) \_\_\_\_\_ - \_\_\_\_\_
- D. Petitioner's 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 Respondent be restrained from contact with Petitioner and any Protected Parties, by any direct or indirect means except as authorized by a court order.
- 6) To Order other relief which I believe is necessary for Petitioner's protection and any Protected Parties' protection, as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(If you are requesting an immediate temporary protection order without notice to Respondent and without an opportunity for Respondent to appear; you must state why you believe Petitioner or any Protected Parties will suffer immediate and irreparable injury or damage if you or they 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 Petitioner and any Protected Parties an immediate Temporary Protection Order Restraining Respondent from stalking or physical injury based upon the following sworn statements and beliefs:

The reasons Petitioner and any Protected Parties need this order immediately and cannot wait until the scheduled hearing are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I believe that Petitioner, and/or any Protected Parties will suffer immediate and irreparable injury, loss or damage if not granted an immediate Temporary Protection Order without notifying Respondent and Respondent’s attorney or giving Respondent an opportunity to be heard.

The immediate and irreparable injury, loss or damage which I believe will be suffered 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 Petitioner and any Protected Parties are 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.

\_\_\_\_\_  
Your Signature as  Filer Only /  Petitioner (*check one*)

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;"><b>NOTICE OF HEARING AND SUMMONS TO APPEAR (STALKING OR PHYSICAL INJURY)</b></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 2B 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

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

\_\_\_\_\_

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

5) Other relief as follows: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**WARNING TO RESPONDENT:** You can be arrested for violating this protection order even if any person protected by the order initiates the contact or invites you to violate the order's prohibitions. Only the court can change the order; the protected person cannot waive any of its provisions. You may also be held in contempt for ignoring the terms of this protection order.

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).

**AND IT IS FURTHER ORDERED THAT:** the Clerk 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

\_\_\_\_\_  
Petitioner,  
  
-vs-  
  
\_\_\_\_\_  
Respondent

TPO NO. \_\_\_\_\_  
  
**MOTION TO MODIFY TEMPORARY  
PROTECTION ORDER  
(STALKING OR PHYSICAL INJURY)**

I am the Petitioner who originally petitioned the Court for a Temporary Protection Order.

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

I am requesting that the Court change certain terms in the Temporary Order of Protection. (*Describe what you would like changed in the Temporary Order of Protection.*) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe why you want the Temporary 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 modification I have requested. I am asking for this modification for valid reasons and am not using this as a means to harass the other party, and am not attempting to abuse or delay the court process or any other legal action.

\_\_\_\_\_  
Petitioner/Respondent

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

\_\_\_\_\_  
Notary Public/Deputy Clerk of Courts  
Commission Expires:

(SEAL)

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 2B 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: 

--

 / 

--

 Year through 

--

 / 

--

 Year

**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 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) Phone calls, emails, third party contact, and correspondence, direct or indirect, are not permitted, to a protected person, except as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 4) Respondent is ordered to immediately turn over all weapons and ammunition to local sheriff.
- 5) Other relief as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WARNING TO RESPONDENT:** You can be arrested for violating this protection order even if any person protected by the order initiates the contact or invites you to violate the order's prohibitions. Only the court can change the order; the protected person cannot waive any of its provisions. You may also be held in contempt for ignoring the terms of this protection order.

**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.





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

\_\_\_\_\_  
\_\_\_\_\_

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

5) Other relief as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**WARNING TO RESPONDENT:** You can be arrested for violating this protection order even if any person protected by the order initiates the contact or invites you to violate the order’s prohibitions. Only the court can change the order; the protected person cannot waive any of its provisions. You may also be held in contempt for ignoring the terms of this protection order.

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).

**AND IT IS FURTHER ORDERED THAT:** the Clerk 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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Date

**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 MODIFY PERMANENT  
PROTECTION ORDER  
(STALKING OR PHYSICAL INJURY)**

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)

STATE OF SOUTH DAKOTA )  
 )  
COUNTY OF \_\_\_\_\_ )

IN CIRCUIT COURT

\_\_\_\_\_ JUDICIAL CIRCUIT

\_\_\_\_\_  
Petitioner,  
  
-vs-  
  
\_\_\_\_\_  
Respondent

TPO NO. \_\_\_\_\_

**NOTICE OF HEARING  
ON MOTION TO MODIFY AND  
SUMMONS TO APPEAR  
(STALKING OR PHYSICAL INJURY)**

**TO THE PARTIES:**

**YOU ARE NOTIFIED** that a Motion to Modify has been filed with this Court seeking a modification of the permanent protection order filed 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 Motion to Modify is attached to this Summons and are served upon you.

There will be a hearing on the Petitioner’s Motion 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 MOTION, THE ORDER OF PROTECTION MAY BE MODIFIED 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 2B Additional Orders.)

#### RESPONDENT IDENTIFIERS:

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

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

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

\_\_\_\_\_

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

5) Other relief as follows: \_\_\_\_\_

\_\_\_\_\_

**WARNING TO RESPONDENT:** You can be arrested for violating this protection order even if any person protected by the order initiates the contact or invites you to violate the order’s prohibitions. Only the court can change the order; the protected person cannot waive any of its provisions. You may also be held in contempt for ignoring the terms of this protection order.

**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**                      **Date**                      **Respondent**                      **Date**

**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)**

**THIS CASE IS DISMISSED:**

- I am the Petitioner who originally petitioned the Court for a Protection Order. I am requesting that the Court dismiss the Order of Protection that I have filed; OR
- I am the Respondent and the one against whom the Protection Order was granted.

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATED \_\_\_\_ / \_\_\_\_ / \_\_\_\_.

\_\_\_\_\_  
Petitioner/Respondent Signature

(PRINT)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No: \_\_\_\_\_

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

(SEAL)

\_\_\_\_\_  
Notary Public/Deputy Clerk of Courts  
Commission Expires:

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL CIRCUIT

Petitioner	TPO NO. _____  <b>ORDER DISMISSING PROTECTION ORDER (STALKING OR PHYSICAL INJURY)</b>
vs	
Respondent	

**THIS CASE IS DISMISSED:**

- 1. Based upon the request of the Petitioner.
- 2. Based upon the request of the Respondent.
- 3. Based on the failure of the Petitioner to appear at the hearing that was set when the Petitioner applied for the Order of Protection.
- 4. This Court FINDS the Petitioner failed to provide sufficient evidence to support by a preponderance of the evidence, a finding that "stalking" has occurred as required by SDCL 22-19A; and/or that physical injury has occurred as required by SDCL 22-1-2(9).
- 5. Other \_\_\_\_\_

DATED: \_\_\_\_\_

\_\_\_\_\_  
Judge Signature

Attest: \_\_\_\_\_, Clerk of Courts

by: \_\_\_\_\_, Deputy

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

