

# 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 Employer ID (Business)
<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**

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

Male  Female

**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

-vs-

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

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

**PETITION AND AFFIDAVIT FOR A  
PROTECTION ORDER  
(DOMESTIC ABUSE)**

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 resident of South Dakota. 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. \_\_\_\_\_

The person I am asking the Court to restrain from committing acts of domestic abuse (the Respondent) is, in relation to the Petitioner and any Protected Parties:

(check all that apply):

- a spouse (married) or a former spouse (divorced);
- in a significant romantic relationship or has recently been in one during the past twelve months;
- has a child or is expecting a child with Petitioner or Protected Parties;
- a parent or child;
- a sibling.

**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) of domestic abuse against Petitioner (if not me, my minor child who is related to Respondent) and any Protected Parties (other minor child in my custody related to Respondent):

(check all that apply):

- Respondent caused physical harm or bodily injury.
- Respondent attempted to cause physical harm or bodily injury.
- Respondent's actions inflicted fear in Petitioner and/or any Protected Parties that Respondent was about to cause physical harm or bodily injury to said Petitioner or Protected Party.
- Respondent violated a protection order.

- 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 Petitioner and/or any Protected Parties 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 Petitioner and/or any Protected Parties reasonable fear of death or great bodily injury.
- The person 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 committed a crime of violence against Petitioner or any Protected Parties.

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- |                              |                             |                                     |  |
|------------------------------|-----------------------------|-------------------------------------|--|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't Know | Was law enforcement called?  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't Know | Was Respondent arrested for this incident?   |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't Know | Is Respondent in jail?   |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't Know | Has Respondent violated previous protection orders?                                    |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't Know | If so, against whom _____  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't Know | Has Respondent been found guilty of violating previous protection orders?              |
|                              |                             |                                     | If so, against whom _____  |
|                              |                             |                                     | Give the date of the conviction _____ and the county and state of the conviction _____ |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't Know | Does Respondent possess guns or weapons?   |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't Know | Was a weapon used in this incident?  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't Know | Has Respondent threatened anyone with a weapon?  |

Provide a detailed description of other similar incidents or actions that Respondent has committed and reasons you believe it will continue: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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

**REQUEST FOR HEARING AND PROTECTION ORDER**

Based upon this Petition and Affidavit in which I truthfully set forth the details of the domestic abuse, 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 acts of abuse and physical harm, making threats of abuse, stalking or harassment.
- 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  More 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 of employment (street) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_
- E. Other places (street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_  
(street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_  
(street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_

5) To award me temporary custody of our minor child(ren), whose names are \_\_\_\_\_

6) To establish temporary visitation for Respondent with the minor child(ren) named above consisting of:

- Existing order in File # \_\_\_\_\_  Supervised at \_\_\_\_\_  
Jurisdiction:  South Dakota  South Dakota tribe  Other State \_\_\_\_\_  Other
- Other Visitation: \_\_\_\_\_

- 7) To Order that Respondent shall pay temporary (If you are requesting support, you must provide proof of the monthly income of both parties at the hearing.):
  - child support in the amount of \$ \_\_\_\_\_ a month starting on \_\_\_\_\_ and continuing until further order of the Court;  
*Child support shall be paid to: Division of Child Support  
 Kneip Building  
 700 Governors Drive  
 Pierre, SD  
 57501*
  - spousal support in the amount of \$ \_\_\_\_\_ a month starting on \_\_\_\_\_ and continuing until further order of the Court.  
*Spousal support shall be paid to the Clerk of Courts Office in the county this order was filed.*
- 8) To Order Respondent receive parenting classes approved or provided by the Department of Social Services, SDCL 25-10-5.
- 9) To Order Respondent to obtain counseling as follows: \_\_\_\_\_
- 10) That Respondent be restrained from contact with the Petitioner and any Protected Parties, by any direct or indirect means except as authorized by a court order.
- 11) 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 1-10 above, I further request that the Court grant Petitioner and any Protected Parties an immediate Temporary Protection Order restraining Respondent from committing acts of domestic abuse 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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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

IN CIRCUIT COURT  
\_\_\_\_\_) JUDICIAL CIRCUIT

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

TPO NO: \_\_\_\_\_

**NOTICE OF HEARING AND  
SUMMONS TO APPEAR  
(DOMESTIC ABUSE)**

**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 Domestic Abuse Act, SDCL ch. 25-10. A copy of the Petition and Affidavit together with a copy of an Ex Parte Temporary Order of Protection, if one has been issued, is attached to this summons and is served upon you.

Temporary Order of Protection denied. Hearing only.

There will be a hearing on the Petitioner's Petition on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ .M., in the \_\_\_\_\_ County Courthouse, in \_\_\_\_\_ (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.

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

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

\_\_\_\_\_  
Judge

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

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

**ACKNOWLEDGMENT OF PERSONAL SERVICE**  
I acknowledge receipt of a copy of this Notice of Hearing.

\_\_\_\_\_  
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

<input checked="" type="checkbox"/> DOMESTIC <input type="checkbox"/> STALKING <input checked="" type="checkbox"/> EX PARTE TEMPORARY <input type="checkbox"/> PERMANENT <input type="checkbox"/> MODIFICATION	<h2 style="margin: 0;">ORDER FOR PROTECTION</h2> <p style="margin: 0;">TPO NO. _____</p>
--	--

**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:**

<b>SEX</b>	<b>RACE</b>	<b>HEIGHT</b>	<b>WEIGHT</b>
<b>EYES</b>	<b>HAIR</b>	<b>DATE OF BIRTH</b>	
<b>DRIVERS LICENSE #</b>		<b>STATE</b>	<b>EXPDATE</b>

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, attempted or threatened abuse and physical harm, 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 (See 18 U.S.C. §§2262, 2265).**

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

- A. That jurisdiction and venue are properly before this Court;
- B. That the above-named Petitioner is eligible for a protection order pursuant to SDCL Ch. 25-10;
- C. That the Petitioner has alleged that the Respondent has committed one or more acts of domestic abuse as defined by law; and
- D. That the Petitioner alleges that he/she will suffer immediate and irreparable injury, loss, or damage before the Respondent or the Respondent's attorney can be heard in opposition.

**ADDITIONAL ORDERS:**

- 1) That the Respondent is excluded from the Petitioner's residence listed in 2C.
- 2) That the Respondent shall not come within a distance of \_\_\_\_\_ from the following persons and places:

A. The Petitioner personally

B. The following minor children named as other protected persons:

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

C. The Petitioner's residence(street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_

D. The Petitioner's place of employment (street) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_

E. Other places (street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_  
(street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_  
(street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_

This distance restriction applies unless otherwise specified in this order.

- 3) The Petitioner shall have temporary custody of the minor child(ren), whose names are: \_\_\_\_\_

- 4) Temporary visitation for the respondent with the minor child(ren) named above shall consist of:

Existing order in File # \_\_\_\_\_  Supervised at or by \_\_\_\_\_  
Jurisdiction:  South Dakota  South Dakota tribe  Other State \_\_\_\_\_  Other

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

- 5) The Respondent shall pay temporary:

child support in the amount of \$ \_\_\_\_\_ a month starting on \_\_\_\_\_ and continuing until further order of the Court;

*Child support shall be paid to: Office of Child Support Enforcement  
Kneip Building  
700 Governors Drive  
Pierre, SD 57501*

spousal support in the amount of \$ \_\_\_\_\_ a month starting on \_\_\_\_\_ and continuing until further order of the Court.

*Spousal support shall be paid to the Clerk of Courts Office in the county this order was filed.*



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

IN CIRCUIT COURT  
\_\_\_\_\_) JUDICIAL CIRCUIT

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

TPO NO. \_\_\_\_\_  
**MOTION TO MODIFY TEMPORARY  
PROTECTION ORDER  
(DOMESTIC ABUSE)**

- 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)





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

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

This distance restriction applies unless otherwise specified in this order.
- 3) The Petitioner shall have temporary custody of the minor child(ren), whose names are: \_\_\_\_\_
- 4) Temporary visitation for the respondent with the minor child(ren) named above shall consist of:
  - Existing order in File # \_\_\_\_\_  Supervised at or by \_\_\_\_\_  
Jurisdiction:  South Dakota  South Dakota  Other State \_\_\_\_\_  Other  
tribe
  - Other Visitation: \_\_\_\_\_
- 5) The Respondent shall pay temporary:
  - child support in the amount of \$ \_\_\_\_\_ a month starting on \_\_\_\_\_ and continuing until further order of the Court;  
*Child support shall be paid to: Division of Child Support  
Kneip Building  
700 Governors Drive  
Pierre, SD 57501*
  - spousal support in the amount of \$ \_\_\_\_\_ a month starting on \_\_\_\_\_ and continuing until further order of the Court.  
*Spousal support shall be paid to the Clerk of Courts Office in the county this order was filed.*
- 6) Phone calls, emails, third party contact, including correspondence, direct or indirect, are not permitted, to a protected person, except as follows:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 7) Respondent is ordered to immediately turn over all weapons and ammunition to local sheriff.
- 8) Other relief as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

\_\_\_\_\_  
Judge

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

By: \_\_\_\_\_, Deputy

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

**I acknowledge receipt of a copy of this 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

<input checked="" type="checkbox"/> <b>DOMESTIC</b> <input type="checkbox"/> <b>STALKING</b> <input type="checkbox"/> <b>EX PARTE TEMPORARY</b> <input checked="" type="checkbox"/> <b>PERMANENT</b> <input type="checkbox"/> <b>MODIFICATION</b>	<b>ORDER FOR PROTECTION</b> TPO NO. _____
---	--

**PETITIONER**

**PETITIONER IDENTIFIERS:**

First	Middle	Last

Date of Birth of Petitioner

By (name and DOB):

Other Protected Persons (name and DOB):

On behalf of a minor child by parent/guardian.

(See also 2B Additional Orders.)

**V.  
RESPONDENT**

**RESPONDENT IDENTIFIERS:**

First	Middle	Last

<b>SEX</b>	<b>RACE</b>	<b>HEIGHT</b>	<b>WEIGHT</b>
<b>EYES</b>	<b>HAIR</b>	<b>DATE OF BIRTH</b>	
<b>DRIVERS LICENSE #</b>		<b>STATE</b>	<b>EXPDATE</b>

Relationship to Petitioner:

Respondent's Address:

Distinguishing Features:

**CAUTION:**  Weapon Involved

**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, attempted or threatened abuse and physical harm, stalking or harassment.**

**That the Respondent is restrained from contact with the Petitioner by any direct or indirect means to the extent stated in the following pages.**

Additional findings and orders are on the following pages.

This order shall be effective 

Month/Day	Year

 through 

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 (See 18 U.S.C. §§2262, 2265).

**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:
  - A. That jurisdiction and venue are properly before this Court;
  - B. That the above-named Petitioner is eligible for a protection order pursuant to SDCL Ch. 25-10.
  - C. By a preponderance of the evidence that “domestic abuse” as defined by SDCL 25-10-1(1) has occurred; and
  - D. That the Respondent had actual notice of the hearing and an opportunity to participate.

**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

\_\_\_\_\_

- D. The Petitioner’s place of employment

\_\_\_\_\_

- E. Other places

\_\_\_\_\_

This distance restriction applies unless otherwise specified in this order.

- 3) The Petitioner shall have temporary custody of the minor child(ren), whose names are:

\_\_\_\_\_

- 4) Temporary visitation for the respondent with the minor child(ren) named above shall consist of:

Existing order in File # \_\_\_\_\_  Supervised at or by \_\_\_\_\_

Jurisdiction:     South Dakota     South Dakota tribe     Other State \_\_\_\_\_     Other

Other Visitation:

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

5) The Respondent shall pay temporary:

child support in the amount of \_\_\_\_\_ a month starting on \_\_\_\_\_  
and continuing until further order of the Court;

*Child support shall be paid to: Office of Child Support Enforcement  
Kneip Building  
700 Governors Drive  
Pierre, SD 57501*

spousal support in the amount of \_\_\_\_\_ a month starting on \_\_\_\_\_  
and continuing until further order of the Court.

*Spousal support shall be paid to the Clerk of Courts Office in the county this order was filed.*

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

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

7) The Respondent shall receive parenting classes approved or provided by the Department of Social Services, pursuant to SDCL 25-10-5, and that a Certificate of Completion of that instruction the parenting classes be filed by Respondent no later than \_\_\_\_\_:

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

9) Other relief as follows:

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

**WARNING TO RESPONDENT: VIOLATION OF THIS PROTECTION ORDER IS A CRIMINAL OFFENSE 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.**

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

/S/ \_\_\_\_\_, 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

<p>_____, Petitioner,</p> <p>-vs-</p> <p>_____, Respondent</p>	<p>TPO NO. _____</p> <p><b>MOTION TO MODIFY PERMANENT PROTECTION ORDER (DOMESTIC ABUSE)</b></p>
--	---

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 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 modification 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 / 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

\_\_\_\_\_,  
Petitioner

-vs-

\_\_\_\_\_,  
Respondent

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

**NOTICE OF HEARING  
ON MOTION TO MODIFY AND  
SUMMONS TO APPEAR  
(DOMESTIC ABUSE)**

**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 is served upon you.

There will be a hearing on the Petitioner's Motion on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ M. in the \_\_\_\_\_ County Courthouse in \_\_\_\_\_ (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.**

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

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

\_\_\_\_\_  
Judge

## ACKNOWLEDGMENT OF PERSONAL SERVICE

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

Petitioner	Date	Respondent	Date
<p><b>UNDER A PERMANENT PROTECTION ORDER: You may be subject to the following federal laws:</b> <b>(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.</b></p>			

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, attempted or threatened abuse and physical harm, 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 protection 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:**

- A. That jurisdiction and venue are properly before this Court;
- B. That the above-named Petitioner is eligible for a protection order pursuant to SDCL Ch. 25-10;
- C. By a preponderance of the evidence that "domestic abuse" as defined by SDCL 25-10-1(1) has occurred; and
- D. That the Respondent had actual notice of the hearing and an opportunity to participate.
- E. That the Motion to Modify is granted and modified terms incorporated herein.

**ADDITIONAL ORDERS:**

1) The Respondent is excluded from the Petitioner's residence listed in 2C.

2) That the Respondent shall not come within a distance of \_\_\_\_\_ from the following persons and places:

A. The Petitioner personally

B. The following minor children named as other protected persons:

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

C. The Petitioner's residence (street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_

D. The Petitioner's place of employment (street) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_

E. Other places (street/apt) \_\_\_\_\_  
 (city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_  
 (street/apt) \_\_\_\_\_  
 (city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_  
 (street/apt) \_\_\_\_\_  
 (city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_

This distance restriction applies unless otherwise specified in this order.

3) The Petitioner shall have temporary custody of the minor child(ren), whose names are: \_\_\_\_\_

4) Temporary visitation for the respondent with the minor child(ren) named above shall consist of:

Existing order in File # \_\_\_\_\_  Supervised at \_\_\_\_\_

Jurisdiction:  South Dakota  South Dakota tribe  Other State \_\_\_\_\_  Other

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

- 5) The Respondent shall pay temporary:  
 child support in the amount of \$\_\_\_\_\_ a month starting on\_\_\_\_\_ and continuing until further order of the Court;

*Child support shall be paid to: Division of Child Support  
Kneip Building  
700 Governors Drive  
Pierre, SD 57501*

- spousal support in the amount of \$\_\_\_\_\_ a month starting on\_\_\_\_\_ and continuing until further order of the Court.

*Spousal support shall be paid to the Clerk of Courts Office in the county this order was filed.*

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

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

- 7) The Respondent shall receive parenting classes approved or provided by the Department of Social Services, pursuant to SDCL 25-10-5, and that a Certificate of Completion of the parenting classes be filed by Respondent no later than \_\_\_\_\_ (date):

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

- 9) 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 (DOMESTIC ABUSE)**

The hearing scheduled for the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, has been rescheduled.

**IT IS HEREBY ORDERED** the Respondent shall present him/herself before the above-captioned Court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the hour of \_\_\_\_\_ M., in the \_\_\_\_\_ County Courthouse in \_\_\_\_\_ (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 25-10-5.

**IT IS FURTHER ORDERED** the Temporary Protection Order dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, on file herein, is continued through the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

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

\_\_\_\_\_  
Judge

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

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

**ACKNOWLEDGMENT OF PERSONAL SERVICE**

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

\_\_\_\_\_  
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 DISMISS  
PROTECTION ORDER  
(DOMESTIC ABUSE)**

**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 )  
 )  
COUNTY OF \_\_\_\_\_ )

IN CIRCUIT COURT  
\_\_\_\_\_  
JUDICIAL CIRCUIT

\_\_\_\_\_,  
Petitioner

-vs-

\_\_\_\_\_,  
Respondent

TPO NO: \_\_\_\_\_

**ORDER DISMISSING  
PROTECTION ORDER  
(DOMESTIC ABUSE)**

**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. Based on the Court's finding that the Petitioner failed to provide sufficient evidence to support, by a preponderance of the evidence, a finding that "domestic abuse" between "parties in a relationship" has occurred as defined by SDCL ch. 25-10.
- 5. Other \_\_\_\_\_

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

\_\_\_\_\_  
Judge

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  
\_\_\_\_\_) ) (DOMESTIC ABUSE)  
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

<p>_____, Petitioner</p> <p>-vs-</p> <p>_____, Respondent</p>	<p>TPO NO: _____</p> <p><b>ORDER GRANTING REQUEST TO WITHDRAW PETITION FOR PROTECTION ORDER (DOMESTIC ABUSE)</b></p>
---	--

The Petitioner's request to withdraw the Petition for Protection Order (Domestic Abuse) is hereby granted.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Magistrate/Circuit Court Judge

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

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