

COUNTY OF _____

_____ JUDICIAL CIRCUIT

_____ Petitioner ☐ Check here if under 18 v. _____ Respondent ☐ Check here if under 18	TPO No.: _____ PETITION AND STATEMENT FOR A PROTECTION ORDER (STALKING, OR PHYSICAL INJURY AS A RESULT OF AN ASSAULT, OR CRIME OF VIOLENCE)
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I, _____ the above-named Petitioner, or the Parent/Legal Guardian of the minor 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, in the State of _____; Respondent resides in _____ County, in the State of _____; and any Protected Parties not residing with Petitioner or Respondent, reside in the County of _____, in the State of _____.

☐ **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 the 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 the _____, day in the month of _____, and year of _____, at approximately _____ o'clock ☐ am/ ☐ pm **(check one)**, 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 or 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, ect):

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

Was law enforcement called? ☐ Yes ☐ No ☐ Don't Know

Was Respondent arrested for this incident? ☐ Yes ☐ No ☐ Don't Know

Is Respondent in jail? ☐ Yes ☐ No ☐ Don't Know

Has Respondent violated Previous protection orders? ☐ Yes ☐ No ☐ Don't Know

If so, against whom: _____

Date of violation: _____

County and State of violation: _____

Has Respondent been found guilty of violating previous protection order? ☐ Yes ☐ No ☐ Don't Know

If so, against whom: _____

State the date of the conviction: _____

And the County and State of the conviction: _____

Does Respondent possess guns or weapons? ☐ Yes ☐ No ☐ Don't Know

Was a weapon used in this incident? ☐ Yes ☐ No ☐ Don't know

Has Respondent threatened anyone with a weapon? ☐ Yes ☐ No ☐ Don't Know

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REQUEST FOR HEARING AND PROTECTION ORDER

Based upon the Petition and Statement 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 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) 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 the other Protected Parties

Name	Date of Birth	Relationship

☐ More Names are Attached **(check if applicable and attach to petition)**

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

☐ c) Petitioner's residence (Street/apt) _____
(City) _____, (State) _____, (Zip Code) _____

☐ d) Petitioner's Place of employment (Street) _____
(City) _____, (State) _____, (Zip Code) _____

☐ e) Other Places (Street/apt) _____
(City) _____, (State) _____, (Zip Code) _____

(Street/apt) _____
(City) _____, (State) _____, (Zip Code) _____

Street/apt _____
(City) _____, (State) _____, (Zip Code) _____

☐ 5) 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.

☐ 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 section 1 through 5 above, I further request 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:

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- ☐ I believe the 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's attorney or giving Respondent an opportunity to be heard. The immediate and irreparable injury, loss or damage that I believe will be suffered is:

On this ____ day of _____, _____, I swear or affirm that the information I have provided in this Petition and Statement 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.

I declare under penalty of perjury under the law of South Dakota that the foregoing is true and correct.

Signed on the ____ day of _____, _____ at _____.
(Date) (Month) (Year) (City, or other location, and State)

Your Signature as ☐ Filer only / ☐ Petitioner **(check one)**