

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 (DOMESTIC ABUSE)
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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:

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 the 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 of child; or
- ☐ A sibling.

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) 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 child in my custody related to Respondent): **(check all that apply)**

- ☐ Respondent cause 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 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 in continuing patter of harassment.
- ☐ Respondent made a credible threat with intent to cause Petitioner and/or any Protected Parties reasonable fear or 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:

If so, against whom: _____

If so, against whom: _____

And the County and State of the conviction:

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

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

[illegible]

REQUEST FOR HEARING AND PROTECTION ORDER

Based upon the Petition and Statement 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 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 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) 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 number: _____
- ☐ 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
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 provide 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 the 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 section 1 through 10 above, I further request 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.

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

[illegible]

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)**