

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**

PETITIONER INFORMATION

TPO NO.: _____

Date: _____

Required Information

Last Name

First Name

Middle Name

Suffix

Date of Birth (MM/DD/YYYY)

☐ Male

☐ Female

Present Address/Contact Information	Race
_____ Address	☐ Asian/Pacific islander
_____ City, State, and Zip Code	☐ American Indian
_____ Phone	☐ Black
	☐ White
	☐ Other: _____
	☐ Unknown

Is there any other lawsuit, complains, petition or other action pending between you and the respondent? (check one) ☐ 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.	_____ Driver's License Number
_____ Address	_____ License State
_____ City/State/Zip Code	_____ SSN
	_____ Email

☐ Interpreter Needed — Language: _____

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

Attorney Contact Information (if applicable)

Attorney Name

Attorney Mailing Address

Attorney Phone Number

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 petition for protection order, 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

Respondent Information

TPO: _____ Date: _____

Required Information

Name: _____ Date of Birth _____ (MM/DD/YYYY)

Sex: ☐ Male ☐ Female ☐ Unknown

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

Present Street Address: _____

City: _____ State: _____ Zip Code: _____

Mailing Street Address: _____

City: _____ State: _____ Zip Code: _____

Race: ☐ Asian/Pacific Islander ☐ Black ☐ American Indian ☐ Other ☐ White ☐ Unknown

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

Distinguishing Features: _____

Phone Numbers: 1 _____ ☐ Home ☐ Work ☐ Cell ☐ Other ☐ Fax

2 _____ ☐ Home ☐ Work ☐ Cell ☐ Other ☐ Fax

3 _____ ☐ Home ☐ Work ☐ Cell ☐ Other ☐ Fax

Misc. Indicator: ☐ Marital Arts Expert ☐ Explosive Expert ☐ Known to Abuse Drugs

Medical Indicator: ☐ Heart Condition ☐ Alcoholic ☐ Allergies ☐ Epilepsy ☐ Suicidal

☐ Medication Required ☐ Hemophiliac ☐ Diabetic ☐ Other: _____

Interpreter Needed ☐ Language: _____

Respondent Vehicles

Plate Number	State	Year	Make	Model	Color

Occupation: _____ Place of Employment: _____

Workdays: _____ Work Hours: _____

Other persons at Respondent's Residence: _____

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

Location: _____
City: _____ State: _____ Zip Code: _____

Location: _____
City: _____ State: _____ Zip Code: _____

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: _____

State the date of the conviction:

And the County and State of the conviction:

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

Has Respondent threatened anyone with a weapon? ☐ 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:

This image shows a single 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.

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 blue 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.

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 is no text or other markings on the paper.

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)**

COUNTY OF _____

_____ JUDICIAL CIRCUIT

_____ Petitioner v. _____ Respondent	TPO No.: _____ NOTICE OF HEARING AND SUMMONS TO APPEAR (DOMESTIC ABUSE)
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TO THE PARTIES:

YOU ARE NOTIFIED that the Petitioner and Statement has been filed with the Court seeking a Protection Order against you according to the provisions of the South Dakota Protection from Domestic Abuse Act, SDCL 25-10. A copy of the Petition and Statement 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 Court

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 subjected 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 the Protection Order and are convicted of an offense of domestic violence, you may be forbidden for life from possession, 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

)
)
)

IN CIRCUIT COURT

COUNTY OF _____

_____ 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 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.

- ☐ 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: 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

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

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

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

Petitioner _____ v. Respondent _____	TPO No.: _____ MOTION TO MODIFY TEMPORARY PROTECTION ORDER (DOMESTIC ABUSE)
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☐ I am the Petitioner who originally petitioned the Court for 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 that the information I have provided in this Motion to Modify are 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.

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)

Signature ☐ Petitioner/ ☐ Respondent **(check one)**

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).

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

☒ DOMESTIC ☐ EX PARTE TEMPORARY ☐ MODIFICATION	☐ STALKING ☒ PERMANENT	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:

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:

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

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

Petitioner _____ v. Respondent _____	TPO No.: _____ MOTION TO MODIFY PERMANENT PROTECTION ORDER (DOMESTIC ABUSE)
---	--

☐ I am the Petitioner who originally petitioned the Court for 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 that the information I have provided in this Motion to Modify are 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.

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)

Signature ☐ Petitioner/ ☐ Respondent **(check one)**

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

_____ Petitioner v. _____ 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 Domestic Abuse Act, SDCL 25-10. 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.**

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

☒ 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.

Petitioner _____ v. _____ 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 themselves before the above-captioned Court on the ____ day of _____, 20____, at the hour of _____.M., in the _____ County Courthouse in courtroom _____, South Dakota before a judge of the Court to show cause, if any, why in 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 ____ 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 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.

COUNTY OF _____

_____ JUDICIAL CIRCUIT

Petitioner v. 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: _____

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)

Signature

Printed Name

Mailing Address

City, State, and Zip Code

Telephone

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

_____ Petitioner v. _____ 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 findings that the Petitioner failed to provide sufficient evidence to support, by a preponderance of the evidence, a finding that "domestic abuse" between "the parties in a relationship" has occurred as defined by SDCL 25-10.
- ☐ 5. Based on the Court's findings that the Petition was filed with no basis in fact or law, and was harassing, frivolous, or abusive in nature, and it shall be sealed as required by SDCL 25-10.
- ☐ 6. Other: _____

Dated: _____

Judge

Attest:

_____, Clerk of Court

By: _____, Deputy

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

Petitioner _____ v. Respondent _____	TPO No.: _____ DENIAL OF PETITION FOR PROTECTION ORDER (DOMESTIC ABUSE)
---	--

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.

IT IS HEREBY ORDERED that the court record be sealed as required by SDCL 25-10.

Dated: _____

Judge

Attest:

_____, Clerk of Court

By: _____, Deputy

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

_____ Petitioner v. _____ Respondent	TPO No.: _____ ORDER GRANTING REQUEST TO WITHDRAW PETITION FOR PROTECTION ORDER (DOMESTIC ABUSE)
---	---

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

Dated: _____

Magistrate/Circuit Court Judge

ATTEST

_____, Clerk of Court

By: _____, Deputy