

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:

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 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.