

STATE OF SOUTH DAKOTA)
)
COUNTY OF _____)

IN CIRCUIT COURT

_____ JUDICIAL CIRCUIT

_____,
Petitioner Check here if under 18

TPO NO. _____

-vs-

_____,
Respondent Check here if under 18

**PETITION AND AFFIDAVIT
FOR A PROTECTION ORDER
(STALKING, OR PHYSICAL INJURY
AS A RESULT OF AN
ASSAULT, OR A CRIME OF VIOLENCE)**

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 South Dakota resident. 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 or provide the county and case number. _____

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) 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 of 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, etc): _____

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

- Yes No Don't Know
 Yes No Don't Know
 Yes No Don't Know
 Yes No Don't Know

Was law enforcement called for this incident?

Was Respondent arrested for this incident?

Is Respondent in jail?

Has Respondent violated previous protection orders?

If so, against whom _____

Give the date of the violation _____ and the county and state of the violation _____

- Yes No 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 _____

- Yes No Don't Know
 Yes No Don't Know
 Yes No Don't Know

Does Respondent possess guns or weapons?

Was a weapon used in this incident?

Has Respondent threatened anyone with a weapon?

Provide a detailed description of other similar incidents or actions (*please include dates and times, if possible*): _____

REQUEST FOR HEARING AND PROTECTION ORDER

Based upon this Petition and Affidavit 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 a 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) 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: Additional 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 employment (street) _____
(city) _____, (state) _____ (zip) _____ - _____
- E. Other places (street/apt) _____
(city) _____, (state) _____ (zip) _____ - _____
(street/apt) _____
(city) _____, (state) _____ (zip) _____ - _____
(street/apt) _____
(city) _____, (state) _____ (zip) _____ - _____

- 5) That Respondent be restrained from contact with 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 sections 1-5 above, I further request that 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: _____

I believe that 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 and Respondent’s attorney or giving Respondent an opportunity to be heard.

The immediate and irreparable injury, loss or damage which I believe will be suffered is: _____

On this _____ day of _____, _____, I swear or affirm under oath that the information I have provided in this Petition and Affidavit 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.

Your Signature as Filer Only / Petitioner (*check one*)

Signed and sworn to before me on this _____ day of _____, _____

(SEAL)

Notary Public/Deputy Clerk of Courts
Commission Expires: