### 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. <u>Do not sign your name at the end</u> <u>of the form</u>. 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 he 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

#### CASE FILING STATEMENT – Information Only; Not Retained in Case Records

Provide the Case File No. for the record you are filing into or the Case Type if initiating a new action:

\*A list of case types and party roles can be found here: <a href="https://ujs.sd.gov/Attorneys/FormsDocumentation.aspx">https://ujs.sd.gov/Attorneys/FormsDocumentation.aspx</a>

Social Security Numbers (not Driver's License Numbers) must be provided for divorce, child support, & paternity cases, 42 USC 666(a)(13)(B). All filers are <u>required</u> to provide the SSN <u>or</u> DL# for each of <u>their</u> participants regardless of the case type. Business entities must provide the EIN number in lieu of SSN or DL#.

INFORMATION FOR PLAINTIFF/PETITIONER/APPLICANT:

Last/Business Name	First Name	Middle	Suffix	
Physical Address  Check if Same as Mailing	City	State	Zip	
Mailing Address	City	State	Zip	
Home	Work	Cell		
Social Security No.	Date of Birth	Driver's License No. State	Employer ID (Business)	
Attorney:				
Last Name	First Name	State Bar ID No.		
Mailing Address	City	State	Zip	
-				
	-			
Phone	- ZENDANT/DESPONDENT/MIN	OP/DECEDENT/PEDSON IN N	JEED OF PROTECTION.	
Phone	FENDANT/RESPONDENT/MINO	OR/DECEDENT/PERSON IN N	NEED OF PROTECTION:	
Phone INFORMATION FOR DEI	FENDANT/RESPONDENT/MINO First Name	OR/DECEDENT/PERSON IN N  Middle	NEED OF PROTECTION: Suffix	
Phone  INFORMATION FOR DEI  Last/Business Name				
Phone  INFORMATION FOR DEI  Last/Business Name  Physical Address  Check if Same as Mailing	First Name	Middle	Suffix	
Phone  INFORMATION FOR DEI  Last/Business Name  Physical Address  Check if Same as Mailing  Mailing Address	First Name  City	Middle	Suffix Zip	
Phone  INFORMATION FOR DEI  Last/Business Name  Physical Address  Check if Same as Mailing  Mailing Address  Home	First Name  City  City	Middle  State  State	Suffix Zip	
Phone  INFORMATION FOR DEI  Last/Business Name  Physical Address  Check if Same as Mailing  Mailing Address  Home  Social Security No.	First Name  City  City  Work	Middle  State  State  Cell	Suffix Zip Zip	
Phone  INFORMATION FOR DEI  Last/Business Name  Physical Address	First Name  City  City  Work	Middle  State  State  Cell	Suffix Zip Zip	

### PETITIONER INFORMATION

ГРО NO.:			
Date:			
Required Information			
Last Name	First	Middle	Suffix
Date of Birth (MM/DD/YYY)	Male Female Sex	Race:  Asian/Pacific islander	☐ Black
Present Address / Contac	t Information	American Indian	☐ White
Address		☐ Other: ☐ Unknown	
City and State		Is there any other lawsuit, complete other action pending between your respondent? Yes	
Zip		If yes, what state and county is th	ne action filed in?
Phone			
Mailing Address		Attorney contact informatio	n ( <i>if applicable</i> )
My mailing address is the san	ne as my present address.		
Address		Attorney name	
City/State/Zip		Attorney mailing address	
Oriver's License Number:		Attorney phone	
License State:		_	
SSN:		_	
Email:			
Eye Color: H	air Color:	Weight: H	eight:

PETITIONER NAM	IE:		TPO NO	).:	_
SERVING THE TEM OR WRITTEN CORI	PORARY PROTE RESPONDENCE V PROVIDED TO T	CTION ORD WHEN THE T HE LAW EN	ER SHALL NOTI EMPORARY PRO FORCMENT AGE	7, THE LAW ENFORCEMENT AGENO FY THE PETITIONER BY TELEPHON OTECTION ORDER IS SERVED IF THE ENCY EITHER TELEPHONE NUMBI TACTED.	NE He
hearing to law enfor	cement for service	e upon the re	spondent. Once	copy of the protection order and notice service of the protection order upon to enotice by: (check one or more options)	the
Telephone	☐ Email	☐ My M	ailing Address	☐ I do not wish to be notified.	
I request the Clerk of	Courts to provide 1	me with a copy	y of the order and 1	notice of hearing by: (check one)	
☐ Email	☐ My Mailin	g Address	☐ I will per	rsonally pickup.	
Dated			Petitio	oner's Signature	

#### TPO:\_\_\_\_\_\_Respondent Information Date:\_\_\_\_\_ **Required Information** Name: First Middle Birth Date: (MM/DD/YYYY) Sex:\_\_\_\_\_(M=Male, F=Female, U=Unknown) License State: SSN: Driver's License Number: Present Address: State: \_\_\_\_Zip:\_\_\_\_-Mailing Address: City: State: Zip: -Race: (A=Asian/Pacific Islander, B=Black, I=American Indian, O=Other, W=White, U=Unknown) Eye Color: \_\_\_\_\_ Hair Color: \_\_\_\_ Weight: \_\_\_\_ Height: \_\_\_\_ Distinguishing Features: Phone Number 2 (\_\_\_\_\_) \_\_\_\_\_\_ (H=Home, W=Work, C=Cell, O=Other, F=Fax) 3 (\_\_\_\_\_\_) - (H=Home, W=Work, C=Cell, O=Other, F=Fax) \_\_Explosives Expert Misc. Indicator: \_Martial Arts Expert \_\_Known to Abuse Drugs \_\_Alcoholic Medical Indicator: \_Heart Condition \_\_Allergies Suicidal \_\_Medication Required \_\_Epilepsy \_\_Hemophiliac Diabetic Other Interpreter needed Language \_ Respondent Vehicles License Plate Number State Year Make Model Color Occupation: Place of Employment: Work Days: Work Hours: Other persons at Respondent's residence: Other addresses or locations (hangouts) where Respondent can be found: City: State: Zip: -Location: City: State: Zip: -

STATE OF SOUTH DAKOTA )	IN CIRCUIT COURT
COUNTY OF	JUDICIAL CIRCUIT
Petitioner Check here if under 18	TPO NO
-VS-	PETITION AND AFFIDAVIT FOR A PROTECTION ORDER (STALKING, OR PHYSICAL INJURY
Respondent Check here if under 18	AS A RESULT OF AN ASSAULT, OR A CRIME OF VIOLENCE)
I, the at the minor child Petitioner (the Filer), being duly at	above named Petitioner, or the Parent/Legal Guardian of sworn upon oath, state and affirm the following:
Protection Order), or a Protected Party (a minor of	oner, Respondent (the person against whom I seek this child in my custody also victimized by Respondent)—is a County,
(state); Respondent resides in any Protected Parties not residing with Petitioner County, (state).	County,(state); and or Respondent, reside in
	ler in this state or another state regarding the children of opy of the custody order to this Petition and provide the
I AM ASKING THE COURT FOR A PROTE BELOW:	CTION ORDER BASED UPON THE FACTS
	at approximatelyo'clock(am/pm),
Respondent committed the following act(s) that s	eriously alarmed, annoyed, or harassed Petitioner (if not
me, my minor child), and any Protected Parties (a	± ± • * /
Respondent pursued a knowing and willful coharassed with no legitimate purpose. The patt	edly followed Petitioner and/or any Protected Parties.  ourse of conduct which seriously alarmed, annoyed or ern of conduct was a series of acts over a period
= *	t to cause reasonable fear of death or great bodily injury. edly harassed Petitioner and/or any Protected Parties by
	echanical, telegraphic, or written communication.
	neighbor, co-worker, etc):
riovide a detailed description of what happened (	on the above date:

Yes No Don't Know	Was law enforcement called for this inciden	t?
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	n 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 violation	ing previous protection
	orders?	
	If so, against whom	
	If so, against whom	and the county and
	state of the conviction	<u> </u>
☐ Yes ☐ No ☐ Don't Know	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 w	veapon?
Provide a detailed description of o	other similar incidents or actions (please include	le dates and times, if
possible):		
_		

Continued from Page 2			
REQUEST FOR HEARING AN	D PROTECTIO	N ORDER	
Based upon this Petition and Affidavit in which I truthful injury, and/or crime of violence, I respectfully ask the content the evidence, to grant Petitioner and any Protect 1. To Restrain Respondent from:    a) following or harassing, or making any crediction any Protected Parties in reasonable fear of content to a period of seasonable for the Protection Order for a period of seasonable for the Protection Order for a period of seasonable for the Protection Order for a period of seasonable for the Petitioner's resident from Petitioner's resident for the Petitioner personally seasonable for the Petitioner personally seasonable for the Petitioner personally seasonable for the Parties of the Name seasonable for the Parties of the Part	ourt to set a date to ted Parties a Protectible threat with the death or great bodi or a crime of violence listed in 4C. a distance of	hear this matter etion Order: e intent to place ly injury, SDCI nce, SDCL 22-1 _time (no longe from the	Petitioner and 222-19A-1; -2(9). r than 5 years).
Are any of the children related to the Respondent	?Ifso,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)	(zin)	
(street/apt) (city)	, (state)	(zip)	_
(street/apt)		( 1)	
(city)	, (state)	(zip)	-
(street/apt)	order. sary for Petitioner	's protection ar	nd any Protected
-			

(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.)

# REOUEST 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:

STATE OF SOUTH DAKOTA	)		IN CIRCUIT	ΓCOURT
COUNTY OF	)		л	UDICIAL CIRCUIT
Petitioner,		TPC	) NO	
-VS-			NOTICE OF L AND SUMMONS T	)
Respondent		<b>(S</b> ]		HYSICAL INJURY)
TO THE PARTIES:				
Order against you according to the ch. 22-19A; and/or from Physical I with a copy of an Ex Parte Tempor Summons and are served upon you	provisions of the njury, SDCL 22 ary Order of Pro	ne South Dako 2-1-2(9). A co	ota Protection from ppy of the Petition	n Stalking Act, SDCL and Affidavit together
☐ Temporary Order of Protection	denied. Hearing	g only.		
There will be a hearing on the Peti ato'clock	(am/pm), in	the		County
Courthouse (Courtroom #	) in			, South Dakota.
IF YOU FAIL TO APPEAR AT T PROTECTION MAY BE ENTE				ΓΙΟΝ, AN ORDER OF
DATED///	·			
		ervice of this cluding Sun	notice is authoriz	zed on any day
	Ju	ıdge		
Attest:	, Clerk of C	Courts		
By:	, Deputy			

#### ACKNOWLEDGMENT OF PERSONAL SERVICE

I acknowledge receipt of a copy of this Notice of Hearing.

Petitioner	Respondent

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 C	IRCUIT	COURT	
COUNTY OF	_	J1	UDICIA	ALCIRCU	TIT
☐ DOMESTIC ☐ STALKING ☐ EX PARTE TEMPORARY ☐ PERMANENT ☐ MODIFICATION	O			PROTI	ECTION
PETITIONER P	ETITIC	ONER IDE	NTIFIE	ERS:	
First Middle Last D	ate of B	irth of Petit	ioner		
D ( 1DOD):				ame and l	DOB):
On behalf of a minor child by parent/guardian.					
	See also	2B Addition	nal Orde	rs.)	
RESPONDENT					
	SEX	RESPONDI RACE	ENT ID		RS: WEIGHT
First Middle Last		HAID		NATE OF	DIDELL
Relationship to Petitioner:	EYES	HAIR	L	DATE OF	BIKTH
D	RIVER	S LICENS	E #	STATE	EXPDATE
Respondent's Address:	istingu	ishing Fea	tures:		
CAUTION: Weapon Involved					
THE COURT FINDS: That it has jurisdiction over the parties and subject matter, and to notice and opportunity to be heard, and that in the case of an expreasonable notice and opportunity to be heard sufficient to protect THECOURTORDERS:	earte ord	er, the Resp spondent's c	oondent v due proce	will be provess rights.	
That the Respondent is restrained from acts of abuse and physical harms harassment.  That the Respondent is restrained from contact with the Petitioner by an order.	_			_	rized in this
Additional findings and orders are on the following pages.  This order shallbe effective Month/Day Year	hrough[	Month	Day	Year	
Only this Court can chan	ge this o	rder.			

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 Petition and Affidavit presented by the Petitioner, this **Court FINDS**:

- 1. That jurisdiction and venue are properly before this Court;
- 2. That the Petitioner has alleged that the Respondent has willfully, maliciously, and repeatedly followed or harassed the Petitioner, or has made a credible threat with the intent to place the Petitioner in reasonable fear of death or great bodily injury, SDCL 22-19A-1; or
- 3. That the Petitioner has alleged that the Respondent has willfully, maliciously, and repeatedly harassed the Petitioner by means of verbal, electronic, digital media, mechanical, telegraphic, or written communication, SDCL 22-19A-1; or
- 4. That the Petitioner alleges that he/she has suffered physical injury as a result of an assault or a crime of violence, SDCL 22-1-2(9); and
- 5. That the Petitioner alleges that he/she will suffer immediate and irreparable injury, loss, or damage before the Respondent or the Respondent's attorney has an opportunity to be heard.

<b>□</b> a.	FOLLOWING OR WITH THE INTE GREAT BODILY HARRASSING PE	ORDERS THAT THE RESPONDEN R HARASSING PETITIONER, OR NT TO PLACE PETITIONER IN INJURY, SDCL 22-19A-1; CTITIONER BY MEANS OF ANY NICAL, TELEGRAPHIC, OR WRI	R MAKING ANY REASONABLE VERBAL, ELEC	CREDIBLE THREAT FEAR OF DEATH OR CTRONIC, DIGITAL
□ c.		NJURY AS A RESULT OF AN ASS	SAULT OR CRIM	ME OF VIOLENCE
	SDCL 22-1-2(9).			
	NALORDERS: t the Respondent is ex	scluded from the Petitioner's residence	re listed in 2C	
	t the Respondent shall  A. The Petitioner per	I not come within a distance ofrsonally	from the f	following persons and
_	B. The following mi Name	nor children named as other protected Date of birth	•	ship
	C. The Petitioner's re	esidence(street/apt)		
	(city)	esidence(street/apt), (state), (state)	(zip)	<u>-</u>
	D. The Petitioner's p	place of employment (street)		
		, (state)_	(zip)	
	E. Other	places		(street/apt)
		, (state)	(zip)	(city)
		, (state)_	(zip)	<u>-</u>
		, (state)	(zip)	
	` • /	<u>, (state)</u>	( <del>z.</del> t/	
		<u>, (state)</u>	(zip)	

This distance restriction applies unless otherwise specified in this order.

 Petitioner	Respondent
	NOTICE OF ENTRY OF ORDER AND ACKNOWLEDGMENT OF PERSONAL SERVICE ledge receipt of a copy of this Temporary Order of Protection.
By:	
Attest:	, Clerk of Courts
	Judge
	Service of this order is authorized on any day including Sunday.
	, even without registration, by courts of any state, the District of Columbia, any enforced by Tribal Lands (18 U.S.C.§2265).
the order initiates the contact or protected person cannot waive protection order.	NT: You can be arrested for violating this protection order even if any person protected by r invites you to violate the order's prohibitions. Only the court can change the order; the any of its provisions. You may also be held in contempt for ignoring the terms of this
	)·
	to immediately turn over all weapons and ammunition to local sheriff.
	to immediately turn ever all weapons and ammunition to local shariff
protected person, exce	nird party contact, and correspondence, direct or indirect, are not permitted, to a ept as follows:

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.

3 Form UJS-121C (Stalking Temporary Order) Rev. 07/24

STATE OF SOUTH DAKOTA )	IN CIRCUIT COURT
COUNTY OF)	JUDICIAL CIRCUIT
Petitioner, -vs- Respondent	TPO NO MOTION TO MODIFY TEMPORARY PROTECTION ORDER (STALKING OR PHYSICAL INJURY)
☐ I am the Petitioner who originally petition	oned the Court for a 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 you would like changed in the Temporary Or	terms in the Temporary Order of Protection. (Describe what eder of Protection.)
Describe why you want the Temporary Order	r of Protection changed:
entitled to the modification I have requested.	, I swear or affirm under oath that the information I are and correct to the best of my knowledge. I believe I am I am asking for this modification for valid reasons and am party, and am not attempting to abuse or delay the court
	Petitioner/Respondent
Signed and sworn to before me on this	day of
	Notary Public/Deputy Clerk of Courts Commission Expires:

(SEAL)

STATE OF SOUTH DAKOTA )	IN CIRCUIT COURT
COUNTY OF	JUDICIAL CIRCUIT
☐ DOMESTIC ☐ STALKING ☐ EX PARTE TEMPORARY ☐ PERMANENT ☐ MODIFICATION	ORDER FOR PROTECTION TPO NO
PETITIONER	PETITIONER IDENTIFIERS:
First Middle Last By (name and DOB):	Date of Birth of Petitioner  Other Protected Persons (name and DOB):
On behalf of a minor child by parent/guardian. $\mathbf{V}$ .	(See also 2B Additional Orders.)
RESPONDENT	RESPONDENT IDENTIFIERS:
First Middle Last	SEX RACE HEIGHT WEIGHT
	EYES HAIR DATE OF BIRTH
Relationship to Petitioner:	DRIVERS LICENSE # STATE EXPDATE
Respondent's Address:	Distinguishing Features:
CAUTION: Weapon Involved	
THE COURT FINDS:	
That it has jurisdiction over the parties and subject matter, and the opportunity to be heard, and that in the case of an ex parte order, the opportunity to be heard sufficient to protect the Respondent's due protect the respondent of the protect the respondent of	he Respondent will be provided with reasonable notice and
THE COURT ORDERS:	
That the Respondent is restrained from acts of abuse and physi	ical harm, making threats of abuse, stalking or harassment.
That the Respondent is restrained from contact with the Petitio order.	oner by any direct or indirect means except as authorized in this
Additional findings and orders are on the following pages.	<u> </u>
This order shall be effective:  Month/Day  Year	through Month/Day Year
Only this Court can	n change this order.
VIOLATION OF THIS PROTECTION	N 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).

Therefore, 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:

/ ·	aded from the Petitioner's resident of come within a distance of		following persons
and places:			
A. The Petitioner personal	ly		
B. The following minor ch	aildren named as other protected	persons:	
Name	Date of birth	Relationshi	p
<del></del>	ce(street/apt)		
	, (state)		
	f employment (street)		
(city)	, (state)	(zip)	
☐ E. Other places (street/apt)	)		
(city)	<u>, (state)</u>	(zip)	
(street/apt)			
	<u>, (state)</u>		
	, (state)_		
· ·	s unless otherwise specified in the		
11	arty contact, and correspondence		are not nermitted
to a protected person, except as follows:	•		•
1 1 1			

**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 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 authincluding Sunday.	norized on any day
		Judge	
Attest:		Clerk of Courts	
By:	,	Deputy	
I acknow	ACKNOWLE	E OF ENTRY OF ORDER AND DESCRIPTION OF PERSONAL SERVER OF this Modification of Temporation of Te	RVICE
Petitioner	Date	Respondent	Date
immediately, you may or foreign commerce this Protection Order	y not possess, carry, ship or while this Protection Order and are convicted of an of	ER: You may be subject to the following transport any firearm or ammunition is in effect. Title 18 United States Code fense of domestic violence, you may be	that has been transported in interstate e Section 922(g)(8). (2) If you violate 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.

3

STATE OF SOUT	H DAKOTA	)		IN CI	RCUIT COUR	T	
COUNTY OF		)	_		DICIAL CIRC	UIT	•
_	DOMESTIC 🛭 S  RTE TEMPORARY  MODIFICATI		Ol		OR PRO		
	PETITIONER		PETITIO	NER IDEN	TIFIERS:		
First By (name and DO)	Middle B):	Last		th of Petition	er ns (name and D	OB)	:
On behalf of a min	or child by parent/gua  V.  RESPONDENT	nrdian.	(See also 2)	B Additional	Orders.)		
	REST ONDENT			RESPONI	DENT IDENTI	FIF	CRS:
First	Middle	Last	SEX	RACE	HEIGHT		WEIGHT
Relationship to Per	titioner:		EYES	HAIR	DATE	OF	BIRTH
R	espondent's Address:			S LICENSE		TE	EXPDATE
	N: Weapon Invo	lved					
and opportunity to	tion over the parties as be heard, and that in t nity to be heard suffic	the case of an ex parte	order, the Re	spondent wi	ill be provided		
THE COL	URT ORDERS:						
That the Respond harassment.	lent is restrained froi	m acts of abuse and j	physical harn	n, making t	hreats of abus	e, st	alking or
That the Respond authorized in this	lent is restrained from	m contact with the P	etitioner by a	any direct o	r indirect mea	ns e	xcept as
	s and orders are on the	e following pages.					
This order shall be			through	Month/D	Day V	ear	
	Wionth/1	Only this Court can	change this or		<i>j</i>		
	VIOLATION OF	THIS PROTECTION			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)

ADDI'	ΓΙΟΝΑL FINDINGS:				
This n	natter came before this Court on this da	ay and the followi	ng parties	appeared person	ally:
Pe	titioner 🗌 Petitioner's Attorney		[	Other	
	spondent Respondent's Attorney			Other	
	This <b>Court FINDS</b> that, without admit further hearing, findings of fact, and correction on the terms specified below	onclusions of law,		•	*
-	Having considered the evidence present. That jurisdiction and venue are propted by a preponderance of the evidence as a defined by SDCL b that the Petitioner has suffered violence, as defined by SDCL	erly before this C that: 22-19A-1 has tak physical injury re	ourt; and	-	
1. Th	REFORE, THIS COURT ORDERS are Respondent is restrained from:  [a) following or harassing the Petitioner Petitioner in reasonable fear of dear SDCL 22-19A-1;  [b) harassing the Petitioner by means of telegraphic, or written communicated causing any injury as a result of an exercise succession.	er, or making any of the or great bodily of any verbal, election, SDCL 22-194	injury, tronic, dig: A-1;	ital media, mech	anical,
<b>ADDI</b> ′	TIONAL ORDERS:  Γhat the Respondent is excluded from the  That the Respondent shall not come w	Petitioner's residen ithin a distance of	ce listed in	2Cfrom the fol	
	Name				p
	C. The Petitioner's residence (stre	- /		( • )	
	• • •			` • ′	
	D. The Petitioner's place of empl				
	☐ E. Other places (street/apt)				
	(city)	2.	(state)	(zip)	<del>-</del>
	(street/apt)				
	(city)	2.	(state)	(zip)	
	(street/apt)				
	(city)		(state)	(zip)	_

This distance restriction applies unless otherwise specified in this order.

	8 · · · · · ·	10	
	ACKNOWLEDGM	F ENTRY OF ORDER A MENT OF PERSONAL t of a copy of this Order	SERVICE
By:	, Dep	outy	
Attest:	, Cler	k of Courts	
		Judge	
		Service of this order is including Sunday.	authorized on any day
deliver upon t	IT IS FURTHER ORDERED THAT: two copies of this Order to the sheriff of the Respondent, unless personal service has  D/	f this county. One copy sh	all be personally served by the sheriff
	erritory, and may be enforced by Tribal L		tate, the District of Columbia, any
change for ign	ted by the order initiates the contact or invertee the order; the protected person cannot was across the terms of this protection order.  In the terms of the protection order in the contact of the protection order.	vaive any of its provisions.	You may also be held in contempt
	NING TO RESPONDENT: You can be	arrested for violating this	protection order even if any person
<u></u>	Other relief as follows:		
<b>4</b> )	Respondent is ordered to immediately tu	urn over all weapons and a	mmunition to local sheriff.
	a protected person, except as follows:		

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, -vs- Respondent	TPO NO MOTION TO MODIFY PERMANENT PROTECTION ORDER (STALKING OR PHYSICAL INJURY)
☐ I am the Petitioner who originally petition	oned the Court for a Permanent Protection Order.
$\square$ I am the Respondent and the one against	whom the Permanent Protection Order was granted.
	terms in the Permanent Order of Protection. (Describe what anent Order of Protection.)
Describe why you want the Permanent Order	of Protection changed:
On this day of,	, I swear or affirm under oath that the information I e and correct to the best of my knowledge. I believe I am
entitled to the changes I have requested. I am	asking for this modification for valid reasons and am not not attempting to abuse or delay the court process or any
	Petitioner
Signed and sworn to before me on this	day of
	Notary Public/Deputy Clerk of Courts Commission Expires:

(SEAL)

STATE OF SOUTH DAKOTA	)	IN CIRCUIT COURT
COUNTY OF	)	JUDICIAL CIRCUIT
Petitioner,	,	TPO NO
-VS-		NOTICE OF HEARING ON MOTION TO MODIFY AND
Respondent		SUMMONS TO APPEAR (STALKING OR PHYSICAL INJURY)
TO THE PARTIES:		
the permanent protection order fi	iled against you, OCL ch. 22-19A;	has been filed with this Court seeking a modification of according to the provisions of the South Dakota and/or from Physical Injury, SDCL 22-1-2(9). A copy nons and are served upon you.
There will be a hearing on the Pe	etitioner's Motio	n on theday of,,
ato'clock Courthouse (Courtroom #	(am/pm), i	n on theday of,  n theSouth Dakota.
IF YOU FAIL TO APPEAR AT PROTECTION MAY BE MOI		NG AND ANSWER THE MOTION, THE ORDER OF QUESTED.
DATED//		
		Service of this notice is authorized on any day including Sunday.
	<del>-</del>	Judge
Attest:	, Clerk of	Courts
By:	, Deputy	

#### ACKNOWLEDGMENT OF PERSONAL SERVICE

]	I acknowl	ledge	receipt	of a	a copy	of this	Notice of	f Hearing.

Petitioner Res	spondent

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 CI	RCUIT C	COURT	
COUNTY OF	)	JUDICIAL CIRCUIT				
☐ DOMESTIC ⊠ S ☐ EX PARTE TEMPORARY [ ☐ MODIFICATI	<b>∑</b> PERMANENT	0	RDER I			
PETITIONER		PETITIO	NER IDEN	TIFIER	<b>S</b> :	
First Middle By (name and DOB):	Last		th of Petitiono		and DOB)	):
On behalf of a minor child by parent/gua  V.	ardian.	(See also 2)	B Additional	Orders.)		
RESPONDENT						
First Middle	Last	C7777	RESPONI			
	Lust	SEX	RACE	HEIG	HT	WEIGHT
Relationship to Petitioner:		EYES	HAIR	I	DATE OF	BIRTH
Respondent's Address:			S LICENSE		STATE	EXPDATE
CAUTION:   Weapon Invo	lved					
THE COURT FINDS:  That it has jurisdiction over the parties and sopportunity to be heard, and that in the case opportunity to be heard sufficient to protect  THE COURT ORDERS:  That the Respondent is restrained from a that the Respondent is restrained from coorder.  Additional findings and orders are on the following that the restrained from the coorder.	of an ex parte order, the the Respondent's due process of abuse and physica ontact with the Petition llowing pages.	Respondent woccess rights.  al harm, maki	ill be provide ing threats of ect or indirec	d with rea	sonable not	tice and
Month/	Day Year		Month/Da	ay	Year	

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	e following na	arties appeared r	personally:
Petitioner Petitioner's Attorney			
Respondent Respondent's Attorney			
<ul> <li>1) This Court FINDS that, without admitting to the al further hearing, findings of fact, and conclusions of Protection on the terms specified below.</li> <li>2) Having considered the evidence presented and any a 1. That jurisdiction and venue are properly before thi 2. By a preponderance of the evidence that:  [a] "stalking" as defined by SDCL 22-19A-1 has [b] that the Petitioner has suffered physical injurviolence, as defined by SDCL 22-1-2(9);</li> </ul>	Tlaw, and stip offidavits and s Court; and taken place;	ulates to the ent pleadings on fil	ry of an Order of e, this <b>Court FINDS</b>
<ul> <li>THEREFORE, THIS COURT ORDERS THAT:</li> <li>1. The Respondent is restrained from:  a) following or harassing the Petitioner, or making a Petitioner in reasonable fear of death or great bod SDCL 22-19A-1;  b) harassing the Petitioner by means of any verbal, digital media, mechanical, telegraphic, or written  c) causing any injury as a result of an assault or critation.</li> <li>ADDITIONAL ORDERS:</li> <li>1) That the Respondent is excluded from the Petitioner'</li> <li>2) That the Respondent shall not come within a distance.</li> </ul>	ily injury, electronic, communicati me of violence	on, SDCL 22-19 ce, SDCL 22-1-2 sted in 2C.	9A-1; 2-(9).
places:  A. The Petitioner personally	e 01	Irom the to	nowing persons and
B. The following minor children named as other			
Name Date of birt	n 	Relationsh	
C. The Petitioner's residence (street/apt)			
(city)			
(city) E. Other places (street/apt)	, (state)	(zip)	
(city)			
(street/apt)			
(city) (street/apt)		(Z1p)	<del>-</del>
(city)		(zip)	

This distance restriction applies unless otherwise specified in this order.

	ACKNOWLEI	OGMENT OF PERSONAL SE eipt of a copy of this Order of	ERVICE	
·	NOTICE	E OF ENTRY OF ORDER AN	D	
By:	, I	Deputy		
Attest:		<u> </u>		
		including Sunday.  Judge		
DATED	/	Service of this order is au	thorized on any day	
deliver two copies upon the Responde	of this Order to the sherif ent, unless personal service	T: the Petitioner shall, immedia ff of this county. One copy shale has been acknowledged below	be personally served by the	
protected by the or change the order; the	der initiates the contact of	n be arrested for violating this part invites you to violate the order of waive any of its provisions. Yer.	's prohibitions. Only the cou	rt can
5) Other relief	as follows:			
		y turn over all weapons and am		

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,		TPO NO
i chilonei,		11010
-VS-		CONTINUANCE OF TEMPORARY PROTECTION ORDER AND ORDER TO SHOW CAUSE
Respondent	,	(STALKING OR PHYSICAL INJURY)
The hearing scheduled for the	day of	, , has been rescheduled.
on theday of in theCou South Dakota before a judge of	inty Courthouse (C the Court to show	Il present him/her self before the above-captioned Court, at the hour of o'clock(am/pm), Courtroom #) in, cause, if any, why the Ex Parte Temporary Protection covisions of SDCL 22-19A-11 and/or SDCL 22-1-2(9).
IT IS FURTHER ORDERED, on file herein, is contin	the Temporary Proued through the	otection Order dated theday of,day of,
DATED///	<del>.</del>	
		ervice of this notice is authorized on any day acluding Sunday.
	Jι	ıdge
Attest:	, Clerk of C	Courts
By:	, Deputy	
ACKN	OWLEDGMEN	Γ OF PERSONAL SERVICE
I acknowledge receipt	of a copy of this (	Continuance of Temporary Protection Order.
Petitioner		Respondent

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 -vs-  Respondent	TPO NO  MOTION TO DISMISS PROTECTION ORDER (STALKING OR PHYSICAL INJURY)
THIS CASE IS DISMISSED:	
I am the Petitioner who originally petitioned requesting that the Court dismiss the Order	
☐ I am the Respondent and the one against w	hom the Protection Order was granted.
I am requesting that the Order of Protection be di	smissed based on the following reasons:
DATED	
	Petitioner/Respondent Signature
	(PRINT)
	Name:
	Address:
	Phone No:
Signed and sworn to before me on thisda	y of
(SEAL)	Notary Public/Deputy Clerk of Courts Commission Expires:

STA	TE	OF SOUTH DAKOTA	IN CIRCUIT COURT
COI	JNT	Y OF	JUDICIAL CIRCUIT
VS		Petitioner Respondent	TPO NO ORDER DISMISSING PROTECTION ORDER (STALKING OR PHYSICAL INJURY)
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 Petition when the Petitioner applied for the	er to appear at the hearing that was set Order of Protection.
	4. This Court FINDS the Petitioner failed to provide sufficient evidence to support by a preponderance of the evidence, a finding that "stalking" has occurred as required by SDCL 22-19A; and/or that physical injury has occurred as required by SDCL 22-1-2(9).		
	5.	Other	
DAT	ΓED	:	Judge Signature
Atte	st:	, Clerk of Courts	
		, Deputy	

STATE OF SOUTH DAKOTA )	IN CIRCUIT COURT
COUNTY OF)	JUDICIAL CIRCUIT
	) ) TPO NO
Petitioner,	) DENIAL OF PETITION
-VS-	) FOR PROTECTION ORDER
	) (STALKING OR PHYSICAL INJURY)
Respondent.	) ) 
Having examined the Petition for P	rotection Order it is found that sufficient
grounds are not alleged for relief and the P	etition is denied without hearing.
Dated/	
Circu	iit Court Judge
Attest:, Clerk of C	ourts
By: Deputy	

STATE OF SOUT	TH DAKOTA )	IN CIRCUIT COURT
COUNTY OF	)	JUDICIAL CIRCUIT
Pet	itioner,	) ) TPO NO ) ORDER GRANTING REQUEST ) TO WITHDRAW PETITION FOR ) PROTECTION ORDER ) (STALKING OR PHYSICAL INJURY)
Res	spondent.	) ) 
-	•	w the Petition For Protection Order (Stalking or
Physical Injury) is	hereby granted.	
Dated	/	
	Mag	gistrate/Circuit Court Judge
Attest:	, Clerk of	Courts
Rv·	Denuty	