

WHAT IS FULL FAITH AND CREDIT?

In 1994, Congress enacted the Violence Against Women Act (VAWA) directing jurisdictions* to give full faith and credit to valid orders of protection issued by other jurisdictions. 18 U.S.C. § 2265.

WHAT DOES THIS MEAN FOR VICTIMS?

Abused persons who are granted orders of protection can now call upon law enforcement to protect them and to take all appropriate action against abusers nationwide.

WHAT DOES THIS MEAN FOR ABUSERS?

The abuser is bound by the terms and conditions of the order of protection and may be arrested** and charged with violating the order and committing other substantive crimes wherever the abuser violates a valid order. It does not make any difference where the order was granted. The abuser must be arrested for a violation of an order of protection if the law of the jurisdiction where the violation occurred requires an arrest.

Simply stated, full faith and credit requires that:

Valid orders of protection must be enforced to protect victims of domestic violence wherever a violation of an order occurs, regardless of where the order was issued.

WHAT DOES THIS MEAN FOR LAW ENFORCEMENT?

If an order of protection is valid in the issuing jurisdiction, it must be enforced in every other jurisdiction. Some jurisdictions grant orders:

- ✓ to victims who might not be eligible for orders in the enforcing jurisdiction
- ✓ for periods of time longer than authorized in the enforcing jurisdiction
- ✓ containing directives against abusers that might not be available in the enforcing jurisdiction

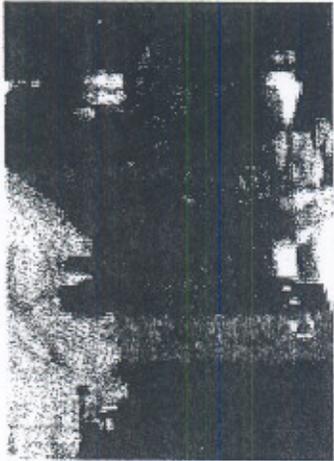
A responding officer **MUST ENFORCE** the terms and conditions of the order as written.

Officers are not required to know the laws of the issuing jurisdiction in order to enforce orders of protection. Officers in the enforcing jurisdiction must comply with all laws, policies, and procedures of their own jurisdiction concerning violation of orders of protection, such as mandatory arrest and victim notification, if applicable.

* For purposes of brevity, the term "jurisdiction" will be used to refer to a state, the District of Columbia, a commonwealth, territory, or possession of the United States, and to Indian tribes.

** For tribal law enforcement technical assistance regarding arrest, contact Sacred Circle (see page 11).

WHY IS FULL FAITH AND CREDIT IMPORTANT?



When victims of domestic violence leave, they and their children are at an increased risk of violence. Abusers who cross jurisdictions in pursuit of victims may be engaged in stalking, which is a significant risk indicator of life-threatening violence.

LIABILITY FOR FAILURE TO ENFORCE ORDERS OF PROTECTION

The mandate to give full faith and credit to valid orders of protection nationwide confronts law enforcement with new challenges, including the possibility of liability for failure to enforce orders of protection from other jurisdictions. Many jurisdictions have laws that provide officers with statutory immunity from liability when an officer takes reasonable action to protect a victim in a domestic violence case.

Failure to enforce a valid order of protection based on the fact that it was issued in another jurisdiction may leave officers and departments vulnerable to liability.

Reducing the Risk of Liability:

- ✓ Understand the laws of the enforcing jurisdiction related to liability
- ✓ Respond in a timely fashion
- ✓ Investigate thoroughly
- ✓ Follow arrest laws of enforcing jurisdiction
- ✓ Offer assistance and referral to victim
- ✓ Complete detailed incident reports
- ✓ Charge appropriately
- ✓ Follow up for victim protection
- ✓ Train all law enforcement personnel
- ✓ Supervise carefully to assure victim safety
- ✓ Confiscate proscribed weapons

Full Faith and Credit for Orders of Protection

Issuing jurisdiction determines:

- Whether an order of protection should be issued
- Who is to be protected
- Terms and conditions of the order
- Duration of the order

Enforcing jurisdiction determines:

- How the order is enforced
- Arrest authority of responding officer
- Detention and notification procedures
- Crimes charged for violation of an order

SECTION 20-4-140(C)

A protection order entered against both the petitioner and defendant is not enforceable against the petitioner unless:

SECTION 20-4-140(D)

A petitioner who obtains a valid order of protection in another state, tribe, or territory, may file that order without fee or cost by presenting a certified copy of the foreign order to a clerk of court. .

However, filing of the foreign order is not a prerequisite for enforcement of the order.

SECTION 20-4-140(E)

A law enforcement officer may rely upon a copy of a protection order which has been provided to the officer by any source and which appears valid. . .

An officer shall enforce a valid order regardless of whether it has been entered into the National Crime Information Center or other registry.

SECTION 20-4-140(E)

If the order was issued in South Carolina and has not previously been entered into the National Crime Information Center, the law enforcement officer must enter the order.

A law enforcement officer acting in good faith. . .

2.2 MODIFICATION OF THE PROTECTION ORDER FILE ENTRY CRITERIA TO REFLECT STATUTORY CHANGES

AFFECTED BY CHANGE: Protection Order File

EFFECTIVE DATE: Immediately

Background

At its June 2001 meeting, the CJIS Advisory Policy Board (APB) adopted a proposal to modify the entry criteria of the NCIC Protection Order File (POF) to reflect statutory changes. Congress passed the Violence Against Women Act of 2000, which took effect on October 28, 2000, and amended the protection order definition under 18 U.S.C. § 2266 (5). As this definition is the basis for the NCIC (POF) entry criteria, it is necessary to modify the entry criteria to reflect these changes.

Policy Changes

Additions to the *NCIC 2000 Operating Manual* are indicated by highlighting.

PROTECTION ORDER FILE

SECTION 1.2 -- CRITERIA FOR ENTRY

Each record in the POF must be supported by a protection order. Protection orders must meet the following criteria before an entry can be made into the file:

1. The protection order (including any injunction or other order) must have been issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with, or physical proximity to another person. This includes temporary and final orders issued by civil or criminal courts (other than support or child custody orders issued pursuant to state divorce and child custody laws, except to the extent that such orders are entitled to full faith and credit under other federal laws) whether obtained by filing an independent action or as a *pendente lite* order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

Pendente Lite—“pending the lawsuit; during the actual progress of a suit; during litigation. Matters *pendente lite* are contingent on outcome of litigation.” (*Black’s Law Dictionary*)

STATE OF SOUTH CAROLINA)

)

THE FAMILY COURT

COUNTY OF ANDERSON)

IMPORTANT NOTICE
ON HANDLING PROTECTION ORDERS

)	
Plaintiff)	ORDER OF DISMISSAL
vs.)	File No. _____
)	
Defendant)	

The plaintiff above named has represented to the court that the parties in the above entitled action have reconciled. This action was brought by the plaintiff for relief under the Domestic Abuse Act, Section 20-4-60, Code of Laws of South Carolina, 1976.

The plaintiff requests that based upon the parties reconciliation, the Order of Protection issued on _____ be dismissed.

IT IS THEREFORE, ORDERED that the above captioned case be dismissed without prejudice.

IT IS SO ORDERED.

FAMILY COURT JUDGE OF THE
TENTH JUDICIAL CIRCUIT

Anderson, South Carolina

Date: _____

I CONSENT:

Plaintiff
SCDL# _____

IMPORTANT NOTES ON HANDLING PROTECTION ORDERS

Enclosed with this handout are copies of (1) "Guidelines for Policy and Procedures for The Protection Order File", (2) a cover sheet with which the court personnel may complete to assist your agency in entering orders and (3) a packet of the different orders along with the "Protection Order File Brady Guide". These guides were designed to help determine the correct Brady Indicator. **These guides contain the four (4) main elements to determine the Brady Indicator: (1) Hearing; (2) Intimate Partner; (3) Restrains Future Conduct and (4) Credible Threat or Physical Force. Meeting all four elements would cause a "Y" to be placed in the Brady Field (which means the individual would be prohibited from purchasing or possessing a firearm). Not meeting even one of the four elements in reviewing an order would cause an "N" to be placed in the Brady Field (which means that the individual would not be prohibited from purchasing or possessing a firearm). Incomplete orders (orders lacking information to determine correct Brady criteria) should be returned to the court of origin.**

During the audits, we are often informed that the family and magistrates courts do not always send "**Dismissal Orders**" of protection orders to the entering agency. We advise the TAC to immediately contact these courts and make them aware of the importance of the entering agency receiving, in a timely manner, all dismissals which, as you know, changes the status of these records in NCIC.

During the audits, we suggest to the TAC that representatives from your agency meet with representatives from other law enforcement agencies and appropriate court officials in the county to confirm which agency(s) will be responsible for entering Protection Orders into NCIC. Any criminal justice agency previously authorized to enter information into other national crime databases can enter Protection Orders into NCIC.

As outlined in the "Guidelines" for Protection Orders, four (4) elements must be indicated on an order for a record to be entered into NCIC with a "Y" in the Brady Field (meaning "Yes", the person is prohibited from purchasing/possessing a firearm).

IMPORTANT: Orders not meeting all four Brady criteria should still be entered into the NCIC Protection Order File.

If returning Protection Orders to the courts is necessary to obtain critical information, we suggest documenting this return by using a log to reflect: (1) the date the order was returned to the court, (2) why it was returned (what information was missing), and (3) the date the order was returned to your agency completed.

Failure to enter protection orders/restraining orders into NCIC correctly and in a timely manner could result in an officer safety issue, a public safety issue and could subject your agency to possible civil liability.

FOR IMMEDIATE DISSEMINATION

DATE: May 10, 2005

TO: All TACs & ATACs of Agencies That Enter Protection/Restraining Orders

FROM: SLED CJIS Training & Audit Units

RE: Use of NCIC Code "U" (Unknown) in the Brady Field

As a result of review by FBI National Instant Criminal Background Check System (NICS) staff, we are implementing the following policy:

Should you receive an order that is lacking information to determine the Brady indicator (i.e. NO intimate partner boxes are checked or marked or the usual "RESTRAINED FUTURE CONDUCT" or "CREDITABLE THREAT OR PHYSICAL FORCE" boxes are NOT checked or marked), enter the record into NCIC and place a "U" in the Brady Field. Upon further investigation (contact with the court, review of the petition, etc.):

- (1) if all four (4) Brady criteria have been met, modify the "U" to a "Y" (meaning the person is prohibited from purchasing or possessing a firearm); or
- (2) after review and NOT all four (4) Brady criteria apply, (i.e. the parties involved in the order do NOT meet the FBI's definition of intimate partners or child of an intimate partner or child of the defendant/respondent), modify the "U" to an "N" (meaning the person is NOT prohibited from purchasing or possessing a firearm).

IMPORTANT

Review of the **petition** for the issuance of the order may answer some questions if the order itself lacks sufficient information to make a positive decision on Brady criteria.

Contacting your local **victim's advocate** may prove helpful in determining Brady.

You may want to run a **Wanted Person inquiry** on the respondent for I.D. information such as DOB, Social Security number, full name, etc.

You may also contact the **SLED CJIS Help Desk** at 803-896-7208 for assistance.

NOTE: The "U" (Unknown) is only to be used when the orders lack sufficient Brady indicators and further investigation is needed to make a positive determination- "Yes" he is prohibited or "No" he is not prohibited. Remember: Emergency or temporary orders issued ex parte do not meet the criteria specified by law and, therefore, "N" must be entered in the field.

GUIDELINES
FOR
POLICY AND PROCEDURES
FOR
THE PROTECTION ORDER FILE

- Only the approved forms from the S.C. Court Administration must be used and reviewed for completeness.
- Only properly trained and FBI NCIC/SLED CJIS certified individuals are authorized to enter, modify and remove records with regards to the Protection Order File.
- Procedures must be established to ensure that orders are promptly transmitted from the courts and entered by your agency. Procedures also must be established for the courts to notify your agency if the protection orders are withdrawn ("Dismissal Orders") or extended.
- Please refer to the Protection Order File Section located in the FBI NCIC 2000 Manual (December 1999) and the SLED CJIS "On-Line Help" for proper instructions and procedures for handling Protection Order records.
- Please refer to the Protection Order File Section located in the FBI NCIC 2000 Manual (December 1999), page 18, section 3 (Brady Record Indicator) for elements that constitute disqualifying (prohibiting) an individual from buying or possessing a firearm during the effective term of the order. Also please refer to the accompanying packet of orders along with the "Protection Order File Brady Guide". These guides were designed to help determine the correct Brady Indicator. These guides contain the four (4) main elements to determine the Brady Indicator: (1) Hearing; (2) Intimate Partner; (3) Restrains Future Conduct and (4) Credible Threat or Physical Force. Meeting all four elements would cause a "Y" to be placed in the Brady Field (which means the individual would be prohibited from purchasing or possessing a firearm). Not meeting even one of the four elements in reviewing an order would cause an "N" to be placed in the Brady Field (which means that the individual would **not** be prohibited from purchasing or possessing a firearm).
- Protection Orders must be entered, modified and removed from NCIC in a timely manner. The agency should (1) document the date and time they received the orders from the courts and (2) document the date and time they returned the orders to the courts because of incomplete information (i.e. missing important personal descriptive information (DOB, SSN, Race, Sex, etc.) and important missing Brady elements (i.e. no indication of a hearing or intimate partner status)) and (3) the date the order was returned to your agency completed.

Guidelines for Handling Protection Orders
 Orders
 Page 2 of 2

- Proper Validation Procedures for records in the Protection Order File must be followed as outlined in the FBI NCIC 2000 Manual (December 1999).
- Active (Outstanding) Protection Orders will be kept in a file marked "ACTIVE PROTECTION ORDERS" and will be considered active until they expire or are cancelled. This file must be readily available for review during scheduled audits.
- Inactive Protection Orders will be kept in a file marked "INACTIVE PROTECTION ORDERS" (expired or cancelled orders) and will be maintained for the remainder of the current calendar year plus five years.

• **IMPORTANT:** When an order has been dismissed by the courts, the order should be "CLEARED" from NCIC so as to keep the historical data. "CANCELING" loses any inactive records.

• The Protection Order records will be located in a secure area.

• **IMPORTANT:** Orders not meeting all four Brady criteria should still be entered into the NCIC Protection Order File.

• **Failure to enter protection orders/restraining orders into NCIC correctly and in a timely manner could result in an officer safety issue, a public safety issue and could subject your agency to possible civil liability.**

1- 2005

PROTECTION ORDER	STATUS	EXPIRES	ISSUE DATE	ISSUE TYPE	ISSUE NUMBER
1	ACTIVE	12/31/05	01/01/05	PROTECTION ORDER	12345
2	INACTIVE	06/30/04	01/01/04	PROTECTION ORDER	67890
3	ACTIVE	03/31/06	01/01/05	PROTECTION ORDER	11111
4	INACTIVE	09/30/03	01/01/03	PROTECTION ORDER	22222
5	ACTIVE	01/31/07	01/01/06	PROTECTION ORDER	33333
6	INACTIVE	07/31/02	01/01/02	PROTECTION ORDER	44444
7	ACTIVE	04/30/08	01/01/07	PROTECTION ORDER	55555
8	INACTIVE	02/28/01	01/01/01	PROTECTION ORDER	66666
9	ACTIVE	05/31/09	01/01/08	PROTECTION ORDER	77777
10	INACTIVE	10/31/00	01/01/00	PROTECTION ORDER	88888

**PROTECTION ORDERS AND FEDERAL FIREARM PROHIBITIONS
QUALIFYING RELATIONSHIPS UNDER 18 UNITED STATES CODE (U.S.C.)
SECTION 922 (g)(8)
and
SETTING THE BRADY INDICATOR (BRD) IN THE NATIONAL CRIME
INFORMATION CENTER (NCIC) DATABASE**

The NCIC Brady Indicator provides three choices: "Y" indicates the respondent is prohibited under federal law from possessing firearms, i.e., the order meets the criteria of 18 U.S.C. 922 (g)(8); "N" indicates the respondent is not prohibited under federal law from possessing firearms, i.e., the order does not meet the Title 18 Section 922 (g)(8) criteria; and "U" which indicates that it cannot be determined whether the respondent is federally prohibited from possessing firearms, i.e., it can't be determined if the order meets the federal criteria.

The "Protection Order" Prohibition in the Gun Control Act sets out specific relationships between the SUBJECT of a protection order and the PROTECTED PERSON. The federal firearm prohibition does not apply UNLESS the relationship falls within one of these categories. 18 U.S.C. 922 (g)(8) applies to a subject who is restrained from harming "an intimate partner of such person or child of such intimate partner or person."

Intimate Partner – With respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabits or has cohabited with the person. ATF Regulations: 27 C.F.R. 178.11, NCIC 2000 Manual Protection Order File, Section 2.5 (3).

Cohabitation – Requires a live-in relationship (or former live-in relationship) between two (2) individuals (can be same sex) which, in essence, is a sexual/romantic one, NOT merely a roommate.

The chart below contains relationships frequently encountered on protection orders and the appropriate determination for NCIC entry. Research should be conducted on all protection orders entered with a BRD of U (Unknown) to determine if clarifying information is available from the court, e.g., the petition may contain relationship details which don't appear in the order itself.

PROTECTED PERSON	SUBJECT	BRD		PROTECTED PERSON	SUBJECT	BRD
Spouse	Spouse	Y		Grandchild	Grandparent	N
Former-Spouse	Former-Spouse	Y		Grandparent	Grandchild	N
Unmarried Child in Common	Unmarried Child in Common	Y		Brother/Sister	Brother/Sister	N
Unmarried Currently or formerly living together unless documentation of cohabitation exists	Unmarried Currently or formerly living together unless documentation of cohabitation exists	U		Cousins	Cousins	N
Child	Parent	Y		Roommates	Roommates	N
Step-Child	Step-Parent	Y		Neighbors	Neighbors	N
Currently or formerly cohabiting	Currently or formerly cohabiting	Y		Step-Parent	Step-Child	N
Parent	Child *unless the child is the legal guardian of the parent	N		Boyfriend/Girlfriend Unless cohabitation exists	Boyfriend/Girlfriend Unless cohabitation exists	N
Nephew/Niece	Uncle/Aunt	N		Same sex cohabiting, intimate relationship	Same sex, cohabiting, intimate relationship	Y
Uncle/Aunt	Nephew/Niece	N		Stranger	Stranger	N

**INFORMATION REQUIRED FOR LAW ENFORCEMENT TO ENTER
ORDER OF PROTECTION INTO NCIC**

File # _____

Mutual Order: YES/NO (Circle One)

Date Granted: _____ - _____ - _____

Date To Expire: _____ - _____ - _____

Issuing Judge: _____

Issuing Court ORI _____

PETITIONER				RESPONDENT			
Name	_____	_____	_____	Name	_____	_____	_____
Last	First	Middle		Last	First	Middle	
Sex	_____	Race	_____	Sex	_____	Race	_____
DOB	_____ - _____ - _____			DOB	_____ - _____ - _____		
ADDRESS	_____			ADDRESS	_____		
	_____				_____		
SSN	_____ - _____ - _____			SSN	_____ - _____ - _____		
HGT	_____	WGT	_____	HGT	_____	WGT	_____
EYES	_____	HAIR	_____	EYES	_____	HAIR	_____
PLACE OF BIRTH	_____			PLACE OF BIRTH	_____		
DRIVERS LICENSE#	_____	STATE	_____	DRIVERS LICENSE#	_____	STATE	_____
VEHICLE MAKE	_____			VEHICLE MAKE	_____		
MODEL	_____	YEAR	_____	MODEL	_____	YEAR	_____
		COLOR	_____			COLOR	_____
VIN	_____			VIN	_____		
TAG	_____	STATE	_____	TAG	_____	STATE	_____

ATTACH A COPY OF THE ORDER OF PROTECTION TO THIS FORM AND DELIVER TO THE APPROPRIATE LAW ENFORCEMENT AGENCY ON THE DAY THE ORDER OF PROTECTION IS GRANTED

*One Hundred Seventh Congress
of the
United States of America
AT THE SECOND SESSION*

Begun and held at the City of Washington on Wednesday, the twenty-third day of January, two thousand and two

An Act

To amend title 10, United States Code, to provide for the enforcement and effectiveness of civilian orders of protection on military installations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Armed Forces Domestic Security Act'.

SEC. 2. FORCE AND EFFECT OF PROTECTIVE ORDERS ON MILITARY INSTALLATIONS.

(a) IN GENERAL- Chapter 80 of title 10, United States Code, is amended by inserting after section 1561 the following new section:

'Sec. 1561a. Civilian orders of protection: force and effect on military installations

'(a) FORCE AND EFFECT- A civilian order of protection shall have the same force and effect on a military installation as such order has within the jurisdiction of the court that issued such order.

'(b) CIVILIAN ORDER OF PROTECTION DEFINED- In this section, the term 'civilian order of protection' has the meaning given the term 'protection order' in section 2266(5) of title 18.

'(c) REGULATIONS- The Secretary of Defense shall prescribe regulations to carry out this section. The regulations shall be designed to further good order and discipline by members of the armed forces and civilians present on military installations.'

(b) CLERICAL AMENDMENT- The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1561 the following new item:

'1561a. Civilian orders of protection: force and effect on military installations.'

/s/

Speaker of the House of Representatives.
Vice President of the United States and
President of the Senate.

FAMILY COURT ORDER

PROTECTION ORDERS AND FEDERAL FIREARMS PROHIBITIONS

Persons subject to a qualifying protection order under federal law are generally prohibited from possessing any firearm or ammunition in or affecting commerce (or shipping or transporting any firearm or ammunition in interstate or foreign commerce, or receiving any such firearm or ammunition). Violation of this prohibition while the order remains in effect is a federal offense punishable by up to ten years imprisonment.
18 U.S.C § § 992 (g) (8), 924 (a) (2).

The following list enumerates the elements that define a qualifying protection order under the federal firearms prohibition. Generally, a defendant/respondent subject to a protection order that includes one element (indicated by a diamond) from each section listed below is covered by the federal firearms prohibition.

I. HEARING: *To meet Brady, the "YES" box on page 3, N. #2. must be checked.*

- ❖ Defendant/Respondent received **actual notice** and had an **opportunity to participate**.

II. INTIMATE PARTNER: *See page 2, section 1. Score this section Brady "YES" only if one of the following relationships has been met. (Guardian does not meet the definition of "intimate partner".)*

Plaintiff/Petitioner is an **intimate partner** of the Defendant/Respondent,
(18 U.S.C. § 921 (a) (32) that is:

- ❖ a **spouse** of Defendant/Respondent;
- ❖ a **former spouse** of Defendant/Respondent;
- ❖ an individual who is a **parent** of a child of Defendant/Respondent; **or**
- ❖ an individual who **cohabitates or has cohabited** with Defendant/Respondent.

OR

- ❖ a **child** of the Intimate Partner; **or**
- ❖ a **child** of the Defendant/Respondent

III. RESTRAINS FUTURE CONDUCT: *To meet Brady, "A" or "B" on page 3. must be checked.*

- ❖ The order **restrains** Defendant/Respondent from **harassing, stalking, or threatening** the intimate partner, child of the Defendant/Respondent, or child of the Defendant/Respondent's intimate partner; **or**
- ❖ The order restrains Defendant /Respondent from engaging in other conduct that would place the intimate partner in **reasonable fear of bodily injury** to the partner or child.

IV. CREDIBLE THREAT OR PHYSICAL FORCE: *To meet Brady, #6 on page 2 or "A" or "B" on page 3 must be checked or the "YES" box on page 3, N., #3 must be checked.*

- ❖ The order includes a finding that Defendant/Respondent is a **credible threat** to the physical safety of the intimate partner or child; **or**
- ❖ The order, by its terms, explicitly prohibits the use, attempted use, or threatened use of **physical force** against the intimate partner or child that would reasonably be expected to cause bodily injury.

For further information about firearms prohibitions or section 922 (g) (8), contact your local Field Division of the Bureau of Alcohol, Tobacco and Firearms by calling (800) 800-3855. For general information about protection orders and firearms, contact the Full Faith and Credit Project at (800) 256-5883.

STATE OF SOUTH CAROLINA)
)
COUNTY OF)

IN THE FAMILY COURT
JUDICIAL CIRCUIT

FAMILY COURT ORDER

PROTECTION FROM DOMESTIC ABUSE ACT
(For Use By Family Court Judges)

_____)

Petitioner)

vs.)

_____)

Respondent.)

FILE NO. _____
Judge: _____
Attorney for Petitioner: _____
Attorney for Respondent: _____
Court Reporter: _____

PETITIONER IDENTIFIERS

Date of Birth of Petitioner

And/or on behalf of minor family member(s) or other
Protected persons: (list name and DOB)

RESPONDENT IDENTIFIERS

SEX *	RACE *	DOB*
EYES	HAIR	SOCIAL SECURITY #
DRIVERS LICENSE #		STATE

Relationship to Petitioner: _____

Respondent's Address

*Indicates required information for entry into NCIC

CAUTION:

Weapon Involved

Weapon Present on Respondent's Property

Access to weapons

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter,
Respondent has been provided with reasonable notice and opportunity to be heard.
Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

- That the above named Respondent be restrained from committing further acts of abuse or threats of abuse.
- That the above named Respondent be restrained from any contact with the Petitioner/Plaintiff as set forth on the attached pages.

The terms of the this order shall be effective until _____, _____.

WARNINGS TO RESPONDENT;

This order shall be enforced in any county of South Carolina and by the courts of any state, District of Columbia, any U. S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

State and federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922).

Only the Court can change this order.

For Additional Information Call:

Sheriff

Clerk of Court

Phone Number

Phone Number

A Petition for Order of Protection was filed on . I held a hearing on . Respondent was given actual notice and an opportunity to participate. Respondent did appear. After hearing the evidence, and examining the affidavits and verified pleadings, I have determined that the petition should be GRANTED, based on these facts:

1. That the Respondent and the Petitioner (check one or more):

- are husband and wife have this child/children in common: are cohabiting
 were husband and wife are household or family members were cohabiting
pursuant to S.C. Code § 20-4-20(a)(2)

2. Venue is properly in this county, since this is the county where

- a. the act of abuse occurred; or
 b. the Respondent resides; or
 c. the parties last resided together.

3. Abuse occurred on (date) at o'clock a. m. at in this manner:

4. committed this abuse.

5. was the victim(s) of this abuse.

Check here if the victim is less than 18 years old and name: _____

6. The evidence establishes that Respondent represents a credible threat to the physical safety of the victim. The Respondent used, attempted to use, or threatened to use physical force against Petitioner that is reasonably expected to cause bodily injury.

7. The Petitioner is a fit and proper person to have custody of the minor child or children.

8. Respondent is employed at and earns approximately \$ gross per month and has reasonable monthly expenses of \$

9. Petitioner is employed and earns approximately \$ gross per month, and has reasonable monthly expenses of \$ for herself and the minor children.

10. Petitioner has shown a need for child support in the amount of \$ per and Respondent has the ability to make these payments.

11. Petitioner has shown a need for temporary financial support in the amount of \$ per and Respondent has the ability to make those payments.

12. Petitioner should have the use and possession of the home and furnishings located at in , S.C., with Respondent making the mortgage and/or rental payments plus any taxes and/or insurance on the property.

13. Petitioner retained an attorney, \$ is a reasonable attorney's fee, and Respondent should contribute to this expense.

14. Other: _____

IT IS THEREFORE ORDERED THAT:

- A. Respondent is temporarily restrained, prohibited and forbidden to abuse, threaten to abuse, or molest, Petitioner or engage in any other conduct that would place Petitioner in reasonable fear of bodily injury.
- B. Respondent is temporarily restrained and prohibited from using, attempting to use, or threatening to use physical force against Petitioner that would reasonably be expected to cause bodily injury.
- C. Respondent is temporarily restrained, prohibited and forbidden to communicate or attempt to communicate with Petitioner/Respondent in any way or to enter or attempt to enter Petitioner's place of residence, employment, education or the following locations: _____
- D. Petitioner is awarded temporary custody of the minor children named: _____
- E. Respondent is awarded temporary visitation rights with the minor children as follows: _____
- F. Respondent shall pay the sum of \$ _____ each as temporary child support through the clerk of court, plus 5% court costs, making a total payment of \$ _____, commencing on _____, and each and every _____ thereafter.
- G. Respondent shall pay the sum of \$ _____ each as temporary financial support through the clerk of court, plus 5% court costs, making a total payment of \$ _____, thereafter commencing on _____, and each and every _____ thereafter.
- H. The sole, exclusive possession of the residence and furnishings located at the aforementioned address (appearing under number "11" of this order) is awarded to Petitioner with Respondent making the mortgage and/or rental payments plus any taxes and/or Insurance on the property.
- I. Respondent is temporarily restrained, prohibited, and forbidden to transfer, encumber, destroy, sell or otherwise dispose of, except in the ordinary course of business, real or personal property jointly owned or leased by the parties or in which Petitioner claims an equitable interest including, but not limited to, the following: _____
- J. Respondent shall pay \$ _____, to the Petitioner by _____ (date) as a contribution toward Petitioner's attorney fees.
- K. The following law enforcement agencies be served with a copy of this Order by the clerk of court:

- L. The law enforcement agencies listed below are directed to assist Petitioner as follows:
 - (1) Accompany Respondent to remove his personal property at:
 - (2) Accompany Petitioner to assist in placing her in possession of the residence, located at:
 - (3) Other:

RESPONSIBLE LAW ENFORCEMENT AGENCIES:

- M. IT IS FURTHER ORDERED, pursuant to S.C. Code Ann. § 20-7-420-, that
- N. Federal Firearms Prohibition, pursuant to 18 U.S.C § 922.
 - 1. Does this Order protect an intimate partner, a child of an intimate partner, or a child Respondent? YES NO
 - 2. Did the person restrained have actual notice and an opportunity to participate in the hearing? YES NO
 - 3. Does the Order find the restrained person a credible threat or explicitly prohibit the use, attempted use, or threatened use of physical force? YES NO

THE PROVISIONS OF THIS ORDER SHALL EXPIRE ON _____ (a date which is not less than 6 months and does not exceed 12 months from the date of this Order) UNLESS OTHERWISE PROVIDED BY S.C. CODE

ANN. §20-4-70.

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE PUNISHABLE BY NOT MORE THAN THIRTY DAYS IN JAIL AND A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS OR MAY CONSTITUTE CONTEMPT OF COURT PUNISHABLE BY UP TO ONE YEAR IN JAIL AND/OR A FINE NOT TO EXCEED FIFTEEN HUNDRED DOLLARS.

AND IT IS SO ORDERED.

Date _____

, SC _____

FAMILY COURT JUDGE

I. RESTRICTIONS ON CONTACT: To more fully protect the best interests of the child, the Respondent is ordered to refrain from the following activities:

- Direct or indirect contact with the child or the child's parent, guardian, or custodian, including but not limited to, in person, by telephone, text message, email, social media, or any other means of communication.
- Contact with the child or the child's parent, guardian, or custodian at the child's school, daycare, or any other place where the child is present.
- Contact with the child or the child's parent, guardian, or custodian at the Respondent's residence or any other place where the Respondent is present.
- Contact with the child or the child's parent, guardian, or custodian at any other place where the child is present.

II. DEFINITION OF CONTACT: For purposes of this order, "contact" means any direct or indirect communication, including but not limited to, in person, by telephone, text message, email, social media, or any other means of communication.

III. RESTRICTIONS ON VISITATION: To more fully protect the best interests of the child, the Respondent is ordered to refrain from the following activities:

- Visitation with the child or the child's parent, guardian, or custodian, including but not limited to, in person, by telephone, text message, email, social media, or any other means of communication.
- Visitation with the child or the child's parent, guardian, or custodian at the child's school, daycare, or any other place where the child is present.
- Visitation with the child or the child's parent, guardian, or custodian at the Respondent's residence or any other place where the Respondent is present.
- Visitation with the child or the child's parent, guardian, or custodian at any other place where the child is present.

COPY GIVEN TO PETITIONER BY _____ (initials) COPY GIVEN TO RESPONDENT BY _____ (initials)

RESPONDENT'S HOME ADDRESS: _____

RESPONDENT'S PLACE OF EMPLOYMENT: _____

Information which may be of assistance to law enforcement: Respondent's height _____ weight _____ DL number _____

ATTACH PHOTOSTATIC COPY OF RESPONDENT'S DRIVERS LICENSE, IF AVAILABLE.

MAGISTRATE'S COURT ORDER

PROTECTION ORDERS AND FEDERAL FIREARMS PROHIBITIONS

Persons subject to a qualifying protection order under federal law are generally prohibited from possessing any firearm or ammunition in or affecting commerce (or shipping or transporting any firearm or ammunition in interstate or foreign commerce, or receiving any such firearm or ammunition). Violation of this prohibition while the order remains in effect is a federal offense punishable by up to ten years imprisonment.
18 U.S.C § § 992 (g) (8), 924 (a) (2).

The following list enumerates the elements that define a qualifying protection order under the federal firearms prohibition. Generally, a defendant/respondent subject to a protection order that includes one element (indicated by a diamond) from each section listed below is covered by the federal firearms prohibition.

I. HEARING: To meet Brady, the "YES" box on page 2, 5., C.,# 2., must be checked.

- ❖ Defendant/Respondent received actual notice and had an opportunity to participate.

II. INTIMATE PARTNER: See page 2, section 3. Score this section Brady "YES" only if one of the following relationships has been met. (Guardian does not meet the definition of "intimate partner".)

Plaintiff/Petitioner is an intimate partner of the Defendant/Respondent,
(18 U.S.C. § 921 (a) (32) that is:

- ❖ a spouse of Defendant/Respondent;
- ❖ a former spouse of Defendant/Respondent;
- ❖ an individual who is a parent of a child of Defendant/Respondent; or
- ❖ an individual who cohabitates or has cohabited with Defendant/Respondent.

OR

- ❖ a child of the Intimate Partner; or
- ❖ a child of the Defendant/Respondent

III. RESTRAINS FUTURE CONDUCT: To meet Brady, make certain page 2, 5., A. is completed.

- ❖ The order restrains Defendant/Respondent from harassing, stalking, or threatening the intimate partner, child of the Defendant/Respondent, or child of the Defendant/Respondent's intimate partner; or
- ❖ The order restrains Defendant /Respondent from engaging in other conduct that would place the intimate partner in reasonable fear of bodily injury to the partner or child.

IV. CREDIBLE THREAT OR PHYSICAL FORCE: To meet Brady, make certain page 2, 5., A. or the "YES" box on page 2, 5., C., #3 is checked.

- ❖ The order includes a finding that Defendant/Respondent is a credible threat to the physical safety of the intimate partner or child; or
- ❖ The order, by its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury.

For further information about firearms prohibitions or section 922 (g) (8), contact your local Field Division of the Bureau of Alcohol, Tobacco and Firearms by calling (800) 800-3855. For general information about protection orders and firearms, contact the Full Faith and Credit Project at (800) 256-5883

A petition for an Order of Protection was filed on _____ . Because the Family Court was not in session, I held a hearing on _____. Respondent was / was not given actual notice and an opportunity to participate. After hearing the evidence and examining the affidavits and verified pleadings, I have determined that the petition should be GRANTED, based on these facts:

1. Abuse occurred on _____ at _____ o'clock, _____ M, at _____ , _____ SC in this manner: _____

2. _____ committed this abuse; _____ was / were the victim(s) of this abuse

Check here if the victim is less than 18 years old and name: _____

3. That the abuser and the Victim (check one or more):

are husband and wife have this child/children in common are cohabiting
 were husband and wife were cohabiting

are household or family members pursuant to S.C. Code § 20-4-20(a)(2)

4. Venue is properly in this county, because:

- a. The alleged act of abuse occurred in this county; or
 b. The person who caused the abuse lives in this county; or
 c. The person who caused the abuse and I last lived together in this county.

5. The evidence establishes that Respondent represents a credible threat to the physical safety of the victim.

THEREFORE, IT IS ORDERED:

A. That _____ is restrained, prohibited and forbidden to abuse, threaten to abuse, or molest _____

B. That a copy of this Order be served upon these law enforcement agencies: _____

C. **FEDERAL FIREARMS PROHIBITION**

1. Does this Order protect an intimate partner, a child of an intimate partner or a child YES NO respondent?
2. Did the person restrained have actual notice and an opportunity to participate in the hearing? YES NO
3. Does the Order find the restrained person a credible threat or explicitly prohibit the use, YES NO attempted use, or threatened use of physical force?

D. THE PROVISIONS OF THIS ORDER SHALL EXPIRE ON _____ WHICH IS NOT LESS THAN 6 MONTHS AND DOES NOT EXCEED 12 MONTHS FROM THE DATE OF THIS ORDER, OR WHEN A FAMILY COURT ORDER IS ISSUED, WHICHEVER COMES FIRST.

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE PUNISHABLE BY NOT MORE THAN THIRTY DAYS IN JAIL AND A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS OR MAY CONSTITUTE CONTEMPT OF COURT PUNISHABLE BY UP TO ONE YEAR IN JAIL AND/OR A FINE NOT TO EXCEED FIFTEEN HUNDRED DOLLARS.

_____, _____ MAGISTRATE
_____, S.C.

COPY GIVEN To PETITIONER by _____ (INITIAL) RESPONDENT by _____ (INITIAL)

ATTACH PHOTO STATIC COPY OF RESPONDENT'S DRIVERS LICENSE, IF AVAILABLE.

COPY GIVEN TO THESE LAW ENFORCEMENT AGENCIES: _____

by _____ (initials)

MAGISTRATE'S COURT RESTRAINING ORDER

PROTECTION ORDERS AND FEDERAL FIREARMS PROHIBITIONS

Persons subject to a qualifying protection order under federal law are generally prohibited from possessing any firearm or ammunition in or affecting commerce (or shipping or transporting any firearm or ammunition in interstate or foreign commerce, or receiving any such firearm or ammunition). Violation of this prohibition while the order remains in effect is a federal offense punishable by up to ten years imprisonment.
18 U.S.C. § 992 (g) (8), 924 (a) (2).

The following list enumerates the elements that define a qualifying protection order under the federal firearms prohibition. Generally, a defendant/respondent subject to a protection order that includes one element (indicated by a diamond) from each section listed below is covered by the federal firearms prohibition.

I. HEARING: *To meet Brady, the "YES" box on page 2, D., # 2., must be checked.*

- ❖ Defendant/Respondent received **actual notice** and had an **opportunity to participate**.

II. INTIMATE PARTNER: *See page 2, section 4. Score this section Brady "YES" only if one of the following relationships has been met. (Guardian does not meet the definition of "intimate partner".)*

Plaintiff/Petitioner is an **intimate partner** of the Defendant/Respondent,
(18 U.S.C. § 921 (a) (32) that is:

- ❖ a **spouse** of Defendant/Respondent;
- ❖ a **former spouse** of Defendant/Respondent;
- ❖ an individual who is a **parent** of a child of Defendant/Respondent; **or**
- ❖ an individual who **cohabitates or has cohabited** with Defendant/Respondent.

OR

- ❖ a **child** of the Intimate Partner; **or**
- ❖ a **child** of the Defendant/Respondent

III. RESTRAINS FUTURE CONDUCT: *To meet Brady, "A" on page 2 must be checked.*

- ❖ The order **restrains** Defendant/Respondent from **harassing, stalking, or threatening** the intimate partner, child of the Defendant/Respondent, or child of the Defendant/Respondent's intimate partner; **or**
- ❖ The order restrains Defendant /Respondent from engaging in other conduct that would place the intimate partner in **reasonable fear of bodily injury** to the partner or child.

IV. CREDIBLE THREAT OR PHYSICAL FORCE: *To meet Brady, "A" on page 2 must be checked or the "YES" box on page 2., D., #3 must be checked.*

- ❖ The order includes a finding that Defendant/Respondent is a **credible threat** to the physical safety of the intimate partner or child; **or**
- ❖ The order, by its terms, explicitly prohibits the use, attempted use, or threatened use of **physical force** against the intimate partner or child that would reasonably be expected to cause bodily injury.

For further information about firearms prohibitions or section 922 (g) (8), contact your local Field Division of the Bureau of Alcohol, Tobacco and Firearms by calling (800) 800-3855. For general information about protection orders and firearms, contact the Full Faith and Credit Project at (800) 256-5883.

STATE OF SOUTH CAROLINA)

COUNTY OF _____)

IN THE MAGISTRATES COURT

_____))
 _____))
 _____))
 VS. PLAINTIFF(S))
 _____))
 _____))
 _____))
 DEFENDANTS(S)

TEMPORARY (EX PARTE)
RESTRAINING ORDER

CIVIL CASE NUMBER _____

PETITIONER IDENTIFIERS

 Date of Birth of Petitioner _____
 And/or on behalf of minor family member(s) or other
 Protected persons: (list name and DOB)

RESPONDENT IDENTIFIERS

SEX *	RACE *	DOB*
EYES	HAIR	SOCIAL SECURITY #
DRIVERS LICENSE #		STATE

Relationship to Petitioner: _____

Respondent's Address

CAUTION:

Weapon Involved

Weapon Present on Respondent's Property

Access to weapons

*Indicates required information for entry into NCIC

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter,
Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

- That the above named Respondent be restrained from committing further acts of abuse or threats of abuse.
- That the above named Respondent be restrained from any contact with the Petitioner/Plaintiff as set forth on the attached pages.

The terms of this order shall be effective until _____, _____.

WARNINGS TO RESPONDENT;

This order shall be enforced in any county of South Carolina and by the courts of any state, District of Columbia, any U. S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

Only the Court can change this order.

For Additional Information Call:

 Phone Number Sheriff

 Phone Number Clerk of Court

After the filing of a complaint and motion for a Restraining Order on _____, 2____, the Court held a hearing on _____, 2____. After hearing the evidence, and examining the affidavits and verified pleadings, the Court has determined that the plaintiff has/ has not proved by a preponderance of evidence the need for issuance of a Restraining Order.

The Court makes the Following findings of fact: (Check all that apply)

- 1. The Plaintiff lives at _____ (Street Address) which is in _____ County, _____ (State).
- 2. The Defendant lives at _____ (Street Address) which is in _____ County, _____ (State).
- 3. The Defendant is employed at _____ which is located at _____.
- 4. The Defendant :
 - is a current or former spouse of the victim.
 - is a current or former intimate partner of the minor child's parent (minor child is protected person)
 - is a parent of the victim.
 - cohabits or previously cohabited with the victim.
 - has a child in common with the victim.
 - is a person similarly situated to a spouse of the victim.
 - other: _____
- 5. The Defendant is a nonresident of this state or cannot be found.
- 6. The Harassment or Stalking, as described herein, occurred in _____ (County), South Carolina.
- 7. The Defendant has committed the following acts which constitute Harassment or Stalking:

IT IS THEREFORE ORDERED THAT (Check all that apply):

- A. The Defendant is restrained, prohibited and forbidden from abusing, threatening to abuse, or molesting the plaintiff or members of plaintiff's family.
- B. The Defendant is restrained, prohibited and forbidden from entering or attempting to enter the plaintiff's place of residence, employment, education, or the following locations: _____
- C. The Defendant is restrained, prohibited and forbidden from communicating or attempting to communicate with the plaintiff in any way.
- D. FEDERAL FIREARMS PROHIBITION -
 - 1. Does the Order protect an intimate partner, child of an intimate partner, or child of the defendant? YES NO
 - 2. Did the person restrained have actual notice and an opportunity to participate in the hearing? YES NO
 - 3. Does the Order find the restrained person a credible threat or explicitly prohibit the use, attempted use, or threatened use of physical force? YES NO
- E. A copy of this Order shall be served on the following law enforcement agencies:

The terms of this Order remain in effect until _____, 2_____, (not to exceed six months) and may be extended by this Court for good cause shown. If the defendant has been or is during the duration of this Order charged with the crime of Harassment or Stalking, the terms of this Order remain in affect until the conclusion of the defendant's trial.

Entered at _____ a.m. / p.m. on _____, 2_____.

Magistrate

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE PUNISHABLE BY THIRTY DAYS IN JAIL, A FINE OF FIVE HUNDRED DOLLARS, OR BOTH, AND IS IN ADDITION TO OTHER CRIMINAL PENALTIES WHICH MAY RESULT FROM SUCH ACTION.

TO LAW ENFORCEMENT OFFICERS:

Notwithstanding any other provision of law, the terms of this Order are enforceable throughout this State. S.C. Code Ann. § 16-3-1750(E). Any person who violates a provision of this Order is subject to a fine not to exceed \$500 or imprisonment not to exceed thirty days, or both. S.C. Code Ann. § 16-3-1770(C). Law enforcement officers shall arrest a defendant who acts in violation of this Order after service and notice of the Order have been provided. An arrest warrant is not required. S.C. Code Ann. § 16-3- 1800.

MAGISTRATE'S COURT TEMPORARY RESTRAINING ORDER

PROTECTION ORDERS AND FEDERAL FIREARMS PROHIBITIONS

Persons subject to a qualifying protection order under federal law are generally prohibited from possessing any firearm or ammunition in or affecting commerce (or shipping or transporting any firearm or ammunition in interstate or foreign commerce, or receiving any such firearm or ammunition). Violation of this prohibition while the order remains in effect is a federal offense punishable by up to ten years imprisonment.
18 U.S.C § § 992 (g) (8), 924 (a) (2).

The following list enumerates the elements that define a qualifying protection order under the federal firearms prohibition. Generally, a defendant/respondent subject to a protection order that includes one element (indicated by a diamond) from each section listed below is covered by the federal firearms prohibition.

I. HEARING: Does not meet Brady criteria – Go no further – Place an “N” in the Brady Field.

- ❖ Defendant/Respondent received **actual notice** and had an **opportunity to participate**.

II. INTIMATE PARTNER:

Plaintiff/Petitioner is an **intimate partner** of the Defendant/Respondent,
(18 U.S.C. § 921 (a) (32) that is:

- ❖ a **spouse** of Defendant/Respondent;
- ❖ a **former spouse** of Defendant/Respondent;
- ❖ an individual who is a **parent** of a child of Defendant/Respondent; **or**
- ❖ an individual who **cohabitates or has cohabited** with Defendant/Respondent.

OR

- ❖ a **child** of the Intimate Partner; **or**
- ❖ a **child** of the Defendant/Respondent

III. RESTRAINS FUTURE CONDUCT:

- ❖ The order **restrains** Defendant/Respondent from **harassing, stalking, or threatening** the intimate partner, child of the Defendant/Respondent, or child of the Defendant/Respondent's intimate partner; **or**
- ❖ The order restrains Defendant /Respondent from engaging in other conduct that would place the intimate partner in **reasonable fear of bodily injury** to the partner or child.

IV. CREDIBLE THREAT OR PHYSICAL FORCE:

- ❖ The order includes a finding that Defendant/Respondent is a **credible threat** to the physical safety of the intimate partner or child; **or**
- ❖ The order, by its terms, explicitly prohibits the use, attempted use, or threatened use of **physical force** against the intimate partner or child that would reasonably be expected to cause bodily injury.

For further information about firearms prohibitions or section 922 (g) (8), contact your local Field Division of the Bureau of Alcohol, Tobacco and Firearms by calling (800) 800-3855. For general information about protection orders and firearms, contact the Full Faith and Credit Project at (800) 256-5883.

STATE OF SOUTH CAROLINA)

COUNTY OF _____)

IN THE MAGISTRATES COURT

_____)
_____)
_____)
PLAINTIFF(S))
VS.)
_____)
_____)
DEFENDANTS(S))

RESTRAINING ORDER

CIVIL CASE NUMBER

PETITIONER IDENTIFIERS

Date of Birth of Petitioner

And/or on behalf of minor family member(s) or other
Protected persons: (list name and DOB)

RESPONDENT IDENTIFIERS

SEX *	RACE *	DOB*
EYES	HAIR	SOCIAL SECURITY #
DRIVERS LICENSE #		STATE
Relationship to Petitioner: _____		

Respondent's Address

*Indicates required information for entry into NCIC

CAUTION:

- Weapon Involved Weapon Present on Respondent's Property Access to weapons

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter,
Respondent has been provided with reasonable notice and opportunity to be heard.
Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

- That the above named Respondent be restrained from committing further acts of abuse or threats of abuse.
 That the above named Respondent be restrained from any contact with the Petitioner/Plaintiff as set forth on the attached pages.

The terms of this order shall be effective until _____, _____

WARNINGS TO RESPONDENT;

This order shall be enforced in any county of South Carolina and by the courts of any state, District of Columbia, any U. S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

State and federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922).

Only the Court can change this order.

For Additional Information Call:

Sheriff

Clerk of Court

Phone Number

Phone Number

The plaintiff in this action filed a complaint and motion for a Restraining Order on _____, _____. After reviewing the verified pleadings and affidavits, the Court determined that there existed an immediate and present danger of bodily injury to the plaintiff and, therefore, held an emergency ex parte motion hearing on _____, _____. At that hearing, the Court determined that the plaintiff proved by a preponderance of the evidence the need for a Temporary Restraining Order.

The Court made the followings findings of fact:

- 1. The Plaintiff lives at _____, which is in _____, _____.
- 2. The Defendant lives at _____, which is in _____, _____.
- 3. The Defendant is employed at _____, which is located at _____.
- 4. The Defendant is a nonresident of this state or cannot be found.
- 5. The Harassment or Stalking, as described herein, occurred in _____, South Carolina.
- 6. The Defendant has committed the following acts which constitute Harassment or Stalking:

IT IS THEREFORE ORDERED THAT

- A. The Defendant is restrained, prohibited, and forbidden from abusing, threatening to abuse, or molesting the plaintiff or members of plaintiff's family.
- B. The Defendant is restrained, prohibited, and forbidden from entering or attempting to enter the plaintiff's place of residence, employment, education, or the following locations:

- C. The Defendant is restrained, prohibited, and forbidden from communicating or attempting to communicate with the plaintiff in any way.

The terms of this Order remain in affect until _____, _____, the date of the hearing on the attached Rule to Show Cause, and may be extended by this Court at that time for good cause shown.

Entered at _____ on _____, _____.

Magistrate

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE PUNISHABLE BY THIRTY DAYS IN JAIL, A FINE OF FIVE HUNDRED DOLLARS, OR BOTH, AND IS IN ADDITION TO OTHER CRIMINAL PENALTIES WHICH MAY RESULT FROM SUCH ACTION.

TO LAW ENFORCEMENT OFFICERS:

Notwithstanding any other provision of law, the terms of this Order are enforceable throughout this State. S.C. Code Ann. § 16-3-1750(E). Any person who violates a provision of this Order is subject to a fine not to exceed \$500 or imprisonment not to exceed thirty days, or both. S.C. Code Ann. § 16-3-1770(C). Law enforcement officers shall arrest a defendant who acts in violation of this Order after service and notice of the Order have been provided. An arrest warrant is not required. S.C. Code Ann. § 16-3-1800.

ACTIVE PROTECTION ORDER RESPONSE

****WARNING - THE FOLLOWING IS AN NCIC PROTECTION ORDER RECORD. DO NOT SEARCH, DETAIN, OR ARREST BASED SOLELY ON THIS RECORD. CONTACT ENTERING AGENCY TO CONFIRM STATUS AND TERMS OF PROTECTION ORDER****

MKE/PROTECTION ORDER

ORI/MD1012600 NAM/SMITH, JOHN J SEX/M RAC/W POB/MD DOB/19701010
HGT/510 WGT/175 EYE/BRO HAI/BRO FBI/416249J4 SKN/FAR SMT/SC L EAR
FPC/121011CO141159TTCI13 MNU/AS-123456789 SOC/123456789
OLN/N222333444 OLS/MD OLY/1995
PNO/PO12345 BRD/N ISD/19980728 EXP/20000728 CTI/MD056013J
PPN/SMITH, JANE L PSX/F PPR/W PPB/19710101
PCO/THE SUBJECT IS RESTRAINED FROM ABUSING, HARASSING, ASSAULTING,
PCO/THREATENING, FOLLOWING, INTERFERING, OR STALKING THE PROTECTED
PCO/PERSON AND/OR THE CHILD OF THE PROTECTED PERSON
OCA/14-017289
MIS/100 FEET FROM RESIDENCE EXCEPT WHEN PICKING UP CHILDREN FOR
MIS/VISITATION
LIC/ABC123 LIS/MD LIY/2000 LIT/PC
VIN/2G2PM37A2G2208042 VYR/1992
VMA/DODG VMO/INT VST/4T VCO/BLK
ORI IS ANNAPOLIS POLICE DEPARTMENT MD 301 555-5555
NIC/H146203706 DTE 19980801 0000 EDT

INACTIVE PROTECTION ORDER RESPONSE

****WARNING - THE FOLLOWING IS AN EXPIRED NCIC PROTECTION ORDER RECORD. DO NOT SEARCH, DETAIN, OR ARREST BASED SOLELY ON THIS RECORD. CONTACT ENTERING AGENCY TO CONFIRM STATUS AND TERMS OF PROTECTION ORDER****

MKE/EXPIRED PROTECTION ORDER

ORI/MD1012600 NAM/SMITH, JOHN J SEX/M RAC/W POB/MD DOB/19701010
HGT/510 WGT/175 EYE/BRO HAI/BRO FBI/123456A SKN/FAR SMT/SC L EAR
FPC/121011CO141159TTCI13 MNU/AS-123456789 SOC/123456789
PNO/PO33333 BRD/N ISD/19980517 EXP/19990517 CTI/MD010023D
PPN/SMITH, RITA R PSX/F PPR/W PPB/19730319
PCO/THE SUBJECT IS RESTRAINED FROM ASSAULTING, THREATENING, ABUSING,
PCO/HARASSING, FOLLOWING, INTERFERING, OR STALKING THE PROTECTED PERSON
PCO/AND/OR THE CHILD OF THE PROTECTED PERSON
OCA/14-556678
MIS/SUBJECT IS PROHIBITED FROM CONTACTING PROTECTED PERSON AND MUST
MIS/VACATE RESIDENCE
ORI IS ANNAPOLIS POLICE DEPARTMENT MD 301 555-5555
NIC/H147359010 DTE 19980521 0000 EDT

QPO.DCFBIWAN1.NIC/H330595941

HU NOV 01 2001 05:05:34
1L01HCARLILE
DCFBIWAN1

*****WARNING - THE FOLLOWING IS AN NCIC PROTECTION ORDER RECORD. DO NOT SEARCH, DETAIN, OR ARREST BASED SOLELY ON THIS RECORD. CONTACT ENTERING AGENCY TO CONFIRM STATUS AND TERMS OF PROTECTION ORDER*****

****THE SUBJECT OF THIS RECORD IS PROHIBITED FROM RECEIVING OR POSSESSING A FIREARM UNDER FEDERAL LAW (TITLE 18, U.S.C., SECTION 922)****

MKE/PROTECTION ORDER - CAUTION

ARMED AND DANGEROUS

VIOLENT TENDENCIES

SEXUALLY VIOLENT PREDATOR - CONTACT ORI FOR DETAILED INFORMATION

EPILEPSY

ORI/DCFBIWAQ8 NAM/D0GFACE,GEORGE SEX/M RAC/W POB/IL DOB/19590110

HGT/601 WGT/210 EYE/BLU HAI/SDY FBI/654321A SKN/FAR SMT/SC L ANKL

FPC/121011C0141159TTCI13 MNU/AS-325707919 SOC/987654321

OLN/E976444 OLS/WV OLY/2004

PNO/FBICJIS01 BRD/Y ISD/20000605 EXP/20020605

PPN/D0GFACE,R0NNIE PSX/F PPR/W PPB/19600110

PCO/THE SUBJECT IS PROHIBITED FROM POSSESSING AND/OR PURCHASING A FIREARM OR PCO/OTHER WEAPON.

OCA/FBICJISCARLILE VLD/20011012 VLN/HARRY E CARLILE JR

MIS/THIS IS AN FBI CJIS TEST RECORD DO NOT ARREST OR DETAIN BASED ON THIS RECORD

MIS/ SUBJECT IS KNOWN TO POSSESS WEAPONS OF ALL TYPES AND WILL FIGHT WITH TH

MIS/POLICE UPON CONTACT SUBJECT IS A VIOLENT SEXUAL PREDATOR FOR FURTHER

MIS/INFORMATION SEE X330119388 SUBJECT HAS EPILEPSEY AND REQUIRES DAILY

MIS/MEDICATION TO CONTROL SUBJECT IS PROHIBITED FROM ANY CONTACT WITH

MIS/PETITIONERS PARENTS SUBJECT WAS SERVED WITH THIS ORDER ON 2001 OCTOBER

LIC/HEC123 LIS/WV LIY/2001 LIT/PC

ORI IS NCIC INVEST & OPER ASSIST UNIT/CJIS 000 000-0000

PPN/D0GFACE,BABY JANE PSX/F PPR/W PPB/20010101

PPN/D0GFACE,PUGSLEY PSX/M PPR/W PPB/19820310

PCO/THE SUBJECT MAY NOT THREATEN A MEMBER OF THE PROTECTED PERSON'S FAMILY OR PCO/HOUSEHOLD.

PCO/PROTECTED PERSON IS GRANTED EXCLUSIVE POSSESSION OF THE RESIDENCE OR PCO/HOUSEHOLD.

PCO/THE SUBJECT IS REQUIRED TO STAY AWAY FROM THE RESIDENCE, PROPERTY, SCHOOL,

PCO/OR PLACE OF EMPLOYMENT OF THE PROTECTED PERSON OR OTHER FAMILY OR HOUSEHOL

PCO/MEMBER.

PCO/THE SUBJECT IS RESTRAINED FROM MAKING ANY COMMUNICATION WITH THE PROTECTED

PCO/PERSON INCLUDING BUT NOT LIMITED TO, PERSONAL, WRITTEN, OR TELEPHONE

PCO/CONTACT, OR THEIR EMPLOYERS, EMPLOYEES OR FELLOW WORKERS, OR OTHERS WITH

PCO/WHOM THE COMMUNICATION WOULD BE LIKELY TO CAUSE ANNOYANCE OR ALARM THE

PCO/VICTIM.

PCO/THE SUBJECT IS AWARDED TEMPORARY CUSTODY OF THE CHILDREN NAMED.

PCO/SEE THE MISCELLANEOUS FIELD FOR COMMENTS REGARDING THE TERMS AND CONDITION

PCO/OF THE ORDER.

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