

STATE OF SOUTH DAKOTA )  
 )  
COUNTY OF \_\_\_\_\_ )

IN CIRCUIT COURT

\_\_\_\_\_ JUDICIAL CIRCUIT

\_\_\_\_\_,  
Petitioner,  
  
-vs-  
  
\_\_\_\_\_,  
Respondent.

TPO NO. \_\_\_\_\_

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

I, \_\_\_\_\_ the above named Petitioner, or the Parent/Legal Guardian of the minor child Petitioner (the Filer), being duly sworn upon oath, state and affirm the following:

At least one party to the protection order—Petitioner, Respondent (the person against whom I seek this Protection Order), or a Protected Party (a minor child in my custody also victimized by Respondent)—is a South Dakota resident. Petitioner resides in \_\_\_\_\_ County, \_\_\_\_\_ (state); Respondent resides in \_\_\_\_\_ County, \_\_\_\_\_ (state); and any Protected Parties not residing with Petitioner or Respondent, reside in \_\_\_\_\_ County, \_\_\_\_\_ (state).

**I AM ASKING THE COURT FOR A PROTECTION ORDER BASED UPON THE FACTS BELOW:**

On or about (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_ at approximately \_\_\_\_\_ o'clock \_\_\_\_\_ (am/pm), Respondent committed the following act(s) that seriously alarmed, annoyed, or harassed Petitioner (if not me, my minor child), and any Protected Parties (check all that apply):

- Respondent willfully, maliciously, and repeatedly followed Petitioner and/or any Protected Parties.
- Respondent pursued a knowing and willful course of conduct which seriously alarmed, annoyed or harassed with no legitimate purpose. The pattern of conduct was a series of acts over a period of time, however short, showing a continuing pattern of harassment.
- Respondent made a credible threat with intent to cause reasonable fear of death or great bodily injury.
- Respondent willfully, maliciously, and repeatedly harassed Petitioner and/or any Protected Parties by means of any verbal, electronic, digital media, mechanical, telegraphic, or written communication.
- Respondent caused physical injury as a result of an assault.
- Respondent committed a crime of violence.

Provide a detailed description of what happened on the above date: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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**REQUEST FOR HEARING AND PROTECTION ORDER**

Based upon this Petition and Affidavit in which I truthfully set forth the details of the stalking, physical injury, and/or crime of violence, I respectfully ask the court to set a date to hear this matter and after hearing the evidence, to grant Petitioner and any Protected Parties a Protection Order:

- 1) To Restrain Respondent from:
  - a) following or harassing, or making any credible threat with the intent to place Petitioner and any Protected Parties in reasonable fear of death or great bodily injury, SDCL 22-19A-1;
  - b) causing any injury as a result of an assault or a crime of violence, SDCL 22-1-2(9).
- 2) To grant the Protection Order for a period of \_\_\_\_\_ time (*no longer than 5 years*).
- 3) To exclude Respondent from Petitioner's residence listed in 4C.
- 4) To Order that Respondent shall not come within a distance of \_\_\_\_\_ from the following persons and places:

- A. The Petitioner personally
  - B. The following minor children named as other Protected Parties:  Additional names attached
- | Name  | Date of birth | Relationship |
|-------|---------------|--------------|
| _____ | _____         | _____        |
| _____ | _____         | _____        |
| _____ | _____         | _____        |

- C. Petitioner's residence (street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_. (zip) \_\_\_\_\_ - \_\_\_\_\_
- D. Petitioner's place employment (street) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_
- E. Other places (street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_  
(street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_  
(street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_

- 5) That Respondent be restrained from contact with Petitioner and any Protected Parties, by any direct or indirect means except as authorized by a court order.
- 6) To Order other relief which I believe is necessary for Petitioner's protection and any Protected Parties' protection, as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(If you are requesting an immediate temporary protection order without notice to Respondent and without an opportunity for Respondent to appear; you must state why you believe Petitioner or any Protected Parties will suffer immediate and irreparable injury or damage if you or they have to wait until the hearing.)*

**REQUEST FOR IMMEDIATE PROTECTION ORDER  
WITHOUT NOTICE TO THE OTHER PARTY**

I am **not** requesting an immediate Temporary Protection Order.

In addition to what I have requested in sections 1-5 above, I further request that the Court grant Petitioner and any Protected Parties an immediate Temporary Protection Order Restraining Respondent from stalking or physical injury based upon the following sworn statements and beliefs:

The reasons Petitioner and any Protected Parties need this order immediately and cannot wait until the scheduled hearing are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I believe that Petitioner, and/or any Protected Parties will suffer immediate and irreparable injury, loss or damage if not granted an immediate Temporary Protection Order without notifying Respondent and Respondent’s attorney or giving Respondent an opportunity to be heard.

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

On this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, I swear or affirm under oath that the information I have provided in this Petition and Affidavit are true and correct to the best of my knowledge. I believe Petitioner and any Protected Parties are entitled to the protection I have requested. I am asking for this protection for valid reasons and am not attempting to harass the person I am seeking protection against and am not attempting to abuse or delay the court process or any other legal action.

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

Signed and sworn to before me on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

(SEAL)

\_\_\_\_\_  
Notary Public/Deputy Clerk of Courts  
Commission Expires: