



CHESTERFIELD COUNTY MAGISTRATE OFFICE

RESTRAINING ORDERS

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To obtain a Restraining Order the Plaintiff must:

- 1. Show a pattern of stalking or harassment.**
- 2. Prove by a preponderance of the evidence that the Defendant has engaged in a pattern of harassment or stalking.**

SECTION 16-3-1700. Definitions. As used in this article:

(A) "Harassment in the first degree" means a pattern of intentional, substantial, and unreasonable intrusion into the private life of a targeted person that serves no legitimate purpose and causes the person and would cause a reasonable person in his position to suffer mental or emotional distress. Harassment in the first degree may include, but is not limited to:

- (1) following the targeted person as he moves from location to location;
- (2) visual or physical contact that is initiated, maintained, or repeated after a person has been provided oral or written notice that the contact is unwanted or after the victim has filed an incident report with a law enforcement agency;
- (3) surveillance of or the maintenance of a presence near the targeted person's:
 - (a) residence;
 - (b) place of work;
 - (c) school; or
 - (d) another place regularly occupied or visited by the targeted person; and
- 4) vandalism and property damage.

(B) "Harassment in the second degree" means a pattern of intentional, substantial, and unreasonable intrusion into the private life of a targeted person that serves no legitimate purpose and causes the person and would cause a reasonable person in his position to suffer mental or emotional distress. Harassment in the second degree may include, but is not limited to, verbal, written, or electronic contact that is initiated, maintained, or repeated.

(C) "Stalking" means a pattern of words, whether verbal, written, or electronic, or a pattern of conduct that serves no legitimate purpose and is intended to cause and does cause a targeted person and would cause a reasonable person in the targeted person's position to fear:

- (1) death of the person or a member of his family;
- (2) assault upon the person or a member of his family;
- (3) bodily injury to the person or a member of his family;
- (4) criminal sexual contact on the person or a member of his family;
- (5) kidnapping of the person or a member of his family; or
- (6) damage to the property of the person or a member of his family.

(D) "Pattern" means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose.

The Court does not accept written statements or estimates, even notarized ones.

It is the responsibility of each party to bring any witnesses and other evidence which they wish the court to consider.

If you wish to subpoena witnesses you must do so at the time of filing. We need the person's name, address and phone number. You will have to pay \$8.00 for filing and leave a money order in the amount of \$25.00 for each person being subpoenaed. Once the complaint is filed, a court date is set and served upon the Defendant by the Sheriff's Department. Both parties will appear in court and the judge will determine if there is sufficient evidence to issue a Restraining Order.

Restraining Orders are issued for a period of one year.

SCCA/749 (Amended 12/2015)

IN THE MAGISTRATES COURT

CIVIL CASE NUMBER

On _____, 20_____, at _____ O'clock, _____ at _____, which is in _____, _____, the conduct complained of occurred when the defendant:

On _____, 20____, at _____ O'clock, _____ at _____,
which is in _____, _____, the conduct complained of occurred when the defendant:

(State details of harassment/stalking and other facts and circumstances upon which relief is sought above. Attach additional sheets if necessary.)

6. Plaintiff requests: (Check one or more)

- ☐ a. That the defendant be enjoined from abusing, threatening to abuse, or molesting the plaintiff or members of the plaintiff's family.
- ☐ b. That the defendant be enjoined from entering or attempting to enter the plaintiff's place of residence, employment, education, or other location.
- ☐ c. That the defendant be enjoined from communicating or attempting to communicate with the plaintiff in a way that would violate Article 17, Chapter 16 of the 1976 South Carolina Code of Laws, as amended.

SWORN to and Subscribed before me)

This _____ day of _____, 20____.)

Notary Public for South Carolina
My Commission expires: _____

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Signature of Plaintiff or Person Filing
on Behalf of Plaintiff

NOTICE: THE NON-PREVAILING PARTY IN THIS ACTION IS ASSESSED A FILING FEE OF FIFTY-FIVE DOLLARS (\$55.00). THE COURT MAY HOLD A PERSON IN CONTEMPT OF COURT FOR FAILURE TO PAY THIS FILING FEE. §16-03-170(D).

NOTICE TO DEFENDANT: YOU HAVE THE RIGHT TO EMPLOY COUNSEL TO REPRESENT YOU.