

**PLAINTIFF DIRECTIONS FOR RESTRAINING ORDER  
HAMPTON COUNTY MAGISTRATE COURT**

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 HARASSMENT OR STALKING

16-3-1700 DEFINITIONS:

- A. "HARASSMENT" MEANS A PATTERN OF INTENTIONAL, SUBSTANTIAL, AND UNREASONABLE INTRUSION IN THE PRIVATE LIFE OR A PERSON THAT CAUSES THE PERSON AND WOULD CAUSE A REASONABLE PERSON IN HIS POSITION TO SUFFER MENTAL DISTRESS.

HARASSMENT MAY INCLUDE, BUT IS NOT LIMITED TO:

1. FOLLOWING THE TARGETED PERSON AS HE MOVES FROM LOCATION TO LOCATION.
2. VISUAL, PHYSICAL, OR VERBAL CONTACT THAT IS INITIATED, MAINTAINED, OR REPEATED AFTER A PERSON HAS BEEN PROVIDED NOTICE THAT THE CONTACT IS UNWANTED.
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 BY THE TARGETED PERSON; AND
  - e. VANDALISM AND PROPERTY DAMAGE.

HARASSMENT DOES NOT INCLUDE WORDS OR CONDUCT THAT IS PROTECTED BY THE CONSTITUTION OF THIS STATE OF THE UNITED STATES, AND DOES NOT APPLY TO LAW ENFORCEMENT OFFICERS OR PROCESS SERVERS PERFORMING THEIR OFFICIAL DUTIES.

- B. "STALKING" MEANS A PATTERN OF WORDS OR CONDUCT THAT 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 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

STALKING DOES NOT INCLUDE WORDS OR CONDUCT THAT IS PROTECTED BY THE CONSTITUTION OF THIS STATE OR THE UNITED STATES AND DOES NOT APPLY TO LAW ENFORCEMENT OFFICERS OR PROCESS SERVERS PERFORMING THEIR DUTIES.

IF YOU HAVE TWO (2) INSTANCES OF STALKING OR HARASSMENT AS DESCRIBED ABOVE WITHIN THE LAST NINETY DAYS (90) YOU MAY FILE FOR A RESTRAINING ORDER BY COMPLETING THE ENCLOSED APPLICATION, HAVE IT NOTARIZED, INCLUDE A COPY OF A POLICE REPORT AND RETURN IT TO THIS OFFICE FOR FILING. 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 SIX (6) MONTHS AND PROVIDES A PENALTY FOR A FIRST OFFENSE CONVICTION FOR HARASSMENT OF A FINE OF NOT MORE THAN TWO HUNDRED DOLLARS, IMPRISONMENT FOR NOT MORE THAN THIRTY DAYS, OR BOTH.

IN THE MAGISTRATES COURT

**PLAINTIFF(S)**

VS.

**DEFENDANT(S)**

## COMPLAINT AND MOTION FOR RESTRAINING ORDER

The Plaintiff alleges:

On \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_:\_\_\_\_o'clock, M., \_\_\_\_\_  
(Street Address)

which is in \_\_\_\_\_, \_\_\_\_\_, the conduct complained of  
(County) (State)  
occurred when the defendant:

On \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_:\_\_\_\_o'clock, \_\_\_M., \_\_\_\_\_  
(Street Address)

which is in \_\_\_\_\_, \_\_\_\_\_, the conduct complained of  
(County) (State)  
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 temporarily enjoined from abusing, threatening to abuse, or molesting the plaintiff or members of the plaintiff's family.
- b. That the defendant be temporarily enjoined from entering or attempting to enter the plaintiff's place of residence, employment, education, or other locations.
- c. That the defendant be temporarily enjoined from communicating or attempting to communicate with the plaintiff in a way that would violate Article 17, Chapter 3, Title 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: \_\_\_\_\_ )

\_\_\_\_\_  
Signature of Plaintiff or Person Filing  
on Behalf of Plaintiff

**NOTICE TO RESPONDENT: YOU HAVE THE RIGHT TO EMPLOY COUNSEL TO REPRESENT YOU.**