

**PLAINTIFF'S DIRECTIONS FOR RESTRAINING ORDER
BEAUFORT COUNTY MAGISTRATE COURT**

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.

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.

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.

Beaufort County Magistrate
104 Ribaut Road
Beaufort, SC 29902
Telephone: (843) 255-5700
Fax: (843) 255-9516

**STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT**

**CIVIL CASE NUMBER
IN THE MAGISTRATE'S COURT**

PLAINTIFF(S)

MAILING ADDRESS

CITY, STATE, ZIP

TELEPHONE

VS

**COMPLAINT AND MOTION
FOR RESTRAINING ORDER
(Harassment and Stalking)**

DEFENDANT(S)

MAILING ADDRESS

CITY, STATE, ZIP

TELEPHONE

The Plaintiff alleges:

1. The Plaintiff lives in Beaufort County, South Carolina.
2. The Defendant lives at _____ (Street Address), which is in Beaufort County, SC.
3. The Harassment or Stalking occurred in Beaufort County, South Carolina.
4. The Plaintiff further alleges that the following conduct occurred by the defendant on the times, dates and places listed below, and such conduct falls within the definition of:

___ HARASSMENT, FIRST DEGREE (16-3-1700 (A)), OR

___ HARRASSMENT, SECOND DEGREE (16-3-1700 (B)), OR

___ STALKING (16-3-1700 (C)

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

5. On _____, 20____, at ____:____ o'clock, ____M, at _____

(Street Address) which is in Beaufort County, SC, the conduct complained of occurred when the Defendant:

6. On _____, 20____, at ____:____ o'clock, ____M, at _____

(Street Address) which is in Beaufort County, SC, the conduct complained of occurred when the Defendant:

7. On _____, 20____, at ____:____ o'clock, ____M, at _____

(Street Address) which is in Beaufort County, SC, the conduct complained of occurred when the Defendant:

8. 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 location.
- 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 of South Carolina)
)
 My Commission expires: _____)

 Signature of Plaintiff or Person Filing

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. 16-3-170 (D).

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

PETITIONER/PLAINTIFF INFORMATION:

DATE: _____

NAME: _____

ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP CODE:** _____

HOME PHONE NUMBER: _____

CELL PHONE NUMBER: _____

DATE OF BIRTH: _____ **AGE:** _____

DRIVER'S LICENSE NUMBER/STATE: _____ / _____

SEX: MALE / FEMALE **RACE:** _____

HEIGHT: _____ **WEIGHT:** _____ **EYE COLOR:** _____ **HAIR COLOR:** _____

PLACE OF EMPLOYMENT: _____

WORK ADDRESS: _____

WORK PHONE NUMBER: _____

RESPONDENT/DEFENDANT INFORMATION:

PLEASE COMPLETE AS MUCH AS POSSIBLE

NAME: _____

ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP CODE:** _____

HOME PHONE NUMBER: _____

CELL PHONE NUMBER: _____

DATE OF BIRTH: _____ **AGE:** _____

DRIVER'S LICENSE NUMBER/STATE: _____ / _____

SEX: MALE / FEMALE **RACE:** _____

HEIGHT: _____ **WEIGHT:** _____ **EYE COLOR:** _____ **HAIR COLOR:** _____

PLACE OF EMPLOYMENT: _____

WORK ADDRESS: _____

WORK PHONE NUMBER: _____

SECTION 16-3-1750. Action seeking a restraining order against a person engaged in harassment or stalking; jurisdiction and venue; forms; enforceability.

- (A) Pursuant to this article, the magistrate's court has jurisdiction over an action seeking a restraining order against a person engaged in harassment in the first or second degree or stalking.
- (B) An action for a restraining order must be filed in the county in which:
 - (1) The defendant resides when the action commences;
 - (2) The harassment in the first or second degree or stalking occurred; or
 - (3) The plaintiff resides if the defendant is a nonresident of the State or cannot be found.
- (C) A complaint and motion for a restraining order may be filed by any person. The complaint must:
 - (1) Allege that the defendant is engaged in harassment in the first or second degree or stalking and must state the time, place, and manner of the acts complained of, and other facts and circumstances upon which relief is sought;
 - (2) Be verified; and
 - (3) Inform the defendant of his right to retain counsel to represent him at the hearing on the complaint.
- (D) The magistrate's court must provide forms to facilitate the preparation and filing of a complaint and motion for a restraining order by a plaintiff not represented by counsel. The court must not charge a fee for filing a complaint and motion for a restraining order against a person engaged in harassment or stalking. However, the court shall assess a filing fee against the non-prevailing party in an action for a restraining order. The court may hold a person in contempt of court for failure to pay this filing fee.
- (E) A restraining order remains in effect for a fixed period of time of not less than one year, as determined by the court on a case-by-case basis.
- (F) Notwithstanding another provision of law, a restraining order or a temporary restraining order issued pursuant to this article is enforceable throughout this State.

HISTORY: 1995 Act No. 94, Section 1; 2002 Act No. 175, Section 1, eff. March 5, 2002; 2005 Act No. 106, Section 7, eff. January 1, 2006.