

RESTRAINING ORDER PROCESS

A **Restraining Order** is a civil order that is issued by the South Carolina Magistrate's Court for a person (the "Plaintiff") who is being harassed or stalked by another person (the "Defendant").

If granted, a Restraining Order can remain in effect for up to **one year** and can **prohibit** the Defendant from:

- 1) Abusing, or threatening to abuse the plaintiff or members of the plaintiff's family.
- 2) Entering or attempting to enter the plaintiff's place of residence, employment, or other location.
- 3) Communicating or attempting to communicate with plaintiff in a way that would violate the order

The Plaintiff must allege that the Defendant's conduct is

- Harassment or Stalking

SC Code of Laws 16-3-1700 (A) SC Code of Laws 16-3-1700 (B) SC Code of Laws 16-3-1700 (C)

You will need to fully complete the Complaint for Restraining Order. Incident report(s) may be filed with local law enforcement agency and may be included along with your Complaint.

After filing with the Magistrate's Office, the Complaint for a Restraining Order will be served on the Defendant **at least 5 days before** the court hearing.

(All forms submitted must be legible, clear enough to read, preferably typed or printed)

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. §16-03-1750(D).

IF YOU HAVE ANY FURTHER QUESTION CONTACT:

Chester County Magistrates Court

2740 Dawson Drive

Chester, SC 29706

803-581-5136 Ext. 1 Civil Department

<https://www.chestercountysc.gov/magistrate-court>

(We are not allowed to give legal advice)