



QUICK REFERENCE GUIDE: RESTRAINING ORDERS

	TEMPORARY RESTRAINING ORDER (TRO/RO)	ORDER OF PROTECTION (OOP)	PERMANENT RESTRAINING ORDER (PRO)
STATUTE	<u>SC CODE § 16-3-1750</u>	<u>PROTECTION FROM DOMESTIC ABUSE ACT, SC CODE § 20, ART. 4.</u>	<u>SC CODE § 16-3-1910</u>
COURT	MAGISTRATE COURT	FAMILY COURT (MAGISTRATES CAN ISSUE AN EMERGENCY OOP AFTER-HOURS)	CIRCUIT COURT OR AND, WHEN PERPETRATOR IS A MINOR, FAMILY COURT
REQUIRED RELATIONSHIP	NO SPECIAL RELATIONSHIP NEEDED.	PARTIES MUST HAVE A "FAMILIAL" RELATIONSHIP. CAN BE CURRENT OR FORMER COHABITANTS,* CURRENT OR FORMER SPOUSES, OR CO-PARENTS.	THE DEFENDANT MUST BE CONVICTED OF (OR PLED GUILTY TO) A CRIMINAL OFFENSE IN WHICH THE PLAINTIFF WAS A WITNESS OR VICTIM.
PERSON FILING MUST PROVE BY PREPONDERANCE OF THE EVIDENCE:	<u>SC CODE § 16-3-1700</u> 1. MORE THAN ONE INCIDENT OF INTENTIONAL, SUBSTANTIAL, AND UNREASONABLE INTRUSION INTO THE PRIVATE LIFE OF A TARGETED PERSON THAT SERVES NO LEGITIMATE PURPOSE, AND 2. CAUSES THE PERSON AND WOULD CAUSE A REASONABLE PERSON IN HIS POSITION TO SUFFER DISTRESS	<u>SC CODE § 20-4-40</u> 1. FAMILIAL RELATIONSHIP BETWEEN THE PARTIES; 2. EXISTENCE OF PHYSICAL HARM, BODILY INJURY, ASSAULT, OR THE THREAT OF PHYSICAL HARM, OR SEXUAL CRIMINAL OFFENSES; AND 3. A PRESENT NEED FOR PROTECTION.	<u>SC CODE § 16-3-1910</u> 1. DEFENDANT WAS CONVICTED OF OR PLED GUILTY TO A CRIMINAL OFFENSE; 2. PLAINTIFF WAS A VICTIM OF OR WITNESS TO THAT CRIME; AND 3. A PERMANENT RESTRAINING ORDER IS NECESSARY TO PROTECT THE PLAINTIFF
DURATION & ENFORCEABILITY	ONE YEAR. ENFORCEABLE STATEWIDE.	BETWEEN SIX MONTHS AND ONE YEAR. ENFORCEABLE NATIONALLY.	ANY PERIOD OF TIME. ENFORCEABLE STATEWIDE.

*STATUTE SPECIFIES OPPOSITE-SEX COHABITANTS, BUT THIS HAS BEEN EXPANDED TO INCLUDE SAME-SEX COUPLES IN JANE DOE V. STATE OF SOUTH CAROLINA.