

What happens if the Order is Violated?

You should always call law enforcement when you are in danger. The abuser can be arrested immediately. After a hearing is held, the abuser can be sentenced up to thirty (30) days in jail or a five hundred dollar (\$500) fine or up to one year and up to a fifteen hundred dollar (\$1500) fine, depending on the Court in which the violation is heard.

Is an Order of Protection the Same Thing as a Restraining Order?

No. An Order of Protection has more strict requirements and can usually be enforced more quickly than a Restraining Order. If you have an Order of Protection and your abuser violates it, law enforcement must respond. If you have a restraining order, you will probably have to take your abuser back to Court for relief.



Other Legal Representation and Materials:

Lawhelp.org/sc is South Carolina's guide to hundreds of free legal resources such as:

- Information about your rights and legal responsibilities
- Legal forms and court documents

Sclegal.org is a statewide website that contains:

- Information for the public in all civil law areas
- Legal library

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**South Carolina
Legal Services**

Balancing the Scales of Justice

ORDER OF PROTECTION:

What You Need to Know



Our Mission

South Carolina Legal Services is a statewide law firm that provides civil legal services to protect the rights and represent the interests of low-income South Carolinians.

Free Services

1 (888) 346-5592

www.lawhelp.org/sc/online-intake

contactus@sclegal.org

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What is an Order of Protection?

An Order of Protection is a court order providing protection to you or to minor children age 18 or younger living in the home. Orders of Protection are issued by the civil Family Court.

Who can get an Order?

You can file for an Order of Protection if you or any minor children in the household have been a victim of abuse. "Abuse" could be physical harm, bodily injury, assault or **the threat of physical harm**, or a sexual criminal offense committed by a family or household member.

The order can be issued against:

- An abusive current or former spouse
- Someone with whom you have a child in common
- A current or previous live-in partner

If the person who caused the abuse does not fit into one of those categories, you may need to file for a Restraining Order in magistrate's court.



What Help Can an Order of Protection Provide?

A temporary Order of Protection can order the abuser to stop threatening or abusing you, stop attempted or actual communication with you (including through social media), and order the abusive person to stay away from places such as school(s), work, or children's daycare. It can also include:

- Custody
- Visitation
- Child support
- Spousal support
- Possession of the home
- Restraining orders against selling or destroying property
- Pet protections
- Possession of personal property, such as clothes or vehicles
- Not possessing firearms
- Attorney's fees

How Long will the Order Last?

The Order will last from six (6) months to One (1) year and may be extended for good cause shown, if a request to extend is filed with the Court at least thirty (30) days before the Order expires. Good cause includes a new incident of abuse, threat or other circumstance that warrants the Order being continued for safety purposes.

When should I file for an Order of Protection?

File as soon as possible after the abuse (or threat of physical harm) happens. Filing quickly lets the Court and the judge know that you take the matter seriously and fear further abuse.

How Do I apply for an Order of Protection?

Visit www.sccorderofprotection.com for free forms and detailed instructions.

Where to Apply?

You can file the Petition for the Order with the Clerk of Family Court:

- In the South Carolina county where the abuse happened; OR
- In the South Carolina county where the abuser lives; OR
- In the South Carolina county where you and the abuser last lived together.

