

What about Bond Requirements?

If the abuser was arrested for being violent towards you, he or she might have a bond requirement to stay away from you. If you are not sure about your abuser's bond requirements, you should call the Solicitor's office to ask.

Enforcement

You should always call law enforcement when you are in danger. 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.



National Domestic Violence Hotline:

1-800-799-SAFE (7233)

National Abuse & Rape Hotline:

1-800-656-HOPE (4673)

Additional information may be found at:

LawHelp.org/SC

South Carolina's guide to free legal resources

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South Carolina
BAR FOUNDATION
Lawyers Sustaining Justice



**South Carolina
Legal Services**

Balancing the Scales of Justice

Types of Domestic Violence Protection: Orders of Protection

vs.

Restraining Orders



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.

For Free Services

1 (888) 346-5592

contactus@sclegal.org

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

No. These terms are often used interchangeably, but an Order of Protection has more strict requirements and can usually be enforced more quickly than a Restraining Order. There are several different types of Restraining Orders. Both Orders of Protection and Restraining Orders are issued by Judges.

Facts about Orders of Protection

WHO: You may be able to get an Order of Protection if the abuser is a spouse, former spouse, the other parent of your child, or a person of the opposite sex that you live with or used to live with romantically.

WHAT: It is a court order to keep the abuser from abusing or threatening you. It may also temporarily address issues of child custody, support, visitation, and property.

WHEN: You can apply for it after physical domestic violence, threats of bodily harm, or sexual crimes have occurred.

WHERE: The petition for an Order of Protection should be filed with the Clerk of Court in the county where you live, where the abuser lives, or where you last lived together.

HOW: You can file a petition for an Order of Protection on your own. An attorney may be helpful, but is not necessary. There is no filing fee. A domestic violence advocate may be able to help you with the paperwork. A hearing will be scheduled in Family Court. You will need to speak in court and provide as much additional evidence as possible about the abuse. If there are witnesses to the abuse, they should go to court with you.



What should I do if I need someone else to stay away from me, such as a roommate or sibling?

If you did not have the kind of romantic relationship with the abuser that is required to get an Order of Protection, you may be able to get a Restraining Order in Magistrate Court ordering the abuser to stay away from you. You should contact your local Magistrate Court for the correct procedure. There may be a filing fee. You will need to bring proof and/or witnesses to court on the day of your hearing to prove that you need a Restraining Order.

What is a Mutual Restraining Order?

- A Mutual Restraining Order prevents both parties from doing something. Sometimes judges grant Mutual Restraining Orders instead of granting an Order of Protection.
- Sometimes two people agree to a Mutual Restraining Order not to harass each other. You should be careful about agreeing to a Mutual Restraining Order if you really need an Order of Protection. Mutual Restraining Orders have the same effect on both people. They do not imply that one person was at fault.

What does it mean when my divorce decree or custody order mentions a Restraining Order?

- A Restraining Order is simply an order from the court telling someone NOT to do something. If that person does it anyway, he or she can face penalties including jail time or fines. The Restraining Order could deal with the abuse, such as a Restraining Order against the abuser not to harass you. Or, it could be something completely different, such as a Restraining Order not to sell property that you have in common with your husband or wife.

