

INSTRUCTIONS FOR OBTAINING A PROTECTIVE ORDER IN RICHLAND COUNTY

A. Procedure to follow if the victim and the aggressor are married or involved in a relationship with one another:

1. If the parties reside within Richland County, the party seeking protection (petitioner) must visit the Family Court (748-4868/4862) which is located on the first floor at 1701 Main Street in Columbia, South Carolina. A petition must be completed and submitted to the clerk of the Family Court.

2. The cost to file this petition is fifty-five dollars (\$55.00). A hearing will then be set within fifteen (15) days from the date of filing, and the other party will be served with a notice commanding them to appear before one of the Richland County Family Court judges.

3. There is an additional fifteen-dollar (\$15.00) cost to serve the other party with the petition. Both parties must appear at the hearing where the judge will determine whether to issue a protective order. Failure of the petitioner to appear at the hearing will likely result in the protective order not being issued.

4. If the responding party fails to appear, the court may issue a bench warrant for that individual. A bench warrant is a warrant that will allow for law enforcement authorities to detain the responding party when the responding party was properly served with a notice of the hearing. The issuance of the bench warrant will largely depend on the judge residing over the hearing.

5. In instances where the petitioner makes a request for an emergency hearing, a judge will make a decision within 24 hours as to whether there is a strong possibility of the aggressor posing as an immediate danger to the petitioner's well being. If there is such a showing, a judge will then issue an order of protection.

B. Procedure to follow if the victim and the aggressor are not married nor involved in a relationship with one another:

1. The party seeking the protection order (petitioner) has the single option to seek a trespass warrant. A trespass warrant can only be obtained when the aggressor (respondent) has trespassed on the victim's property. For example, trespass includes banging on the victim's door. The trespass warrant only protects the victim while the victim is on/in his or her land or dwelling.

2. The purpose of the trespass warrant is to avoid any contact between the aggressor and the petitioner. If the aggressor initiates any contact, threatens or assaults you, you should immediately report the incident to the military police or local law enforcement agency that has jurisdiction where the incident occurred.

