

CHAPTER 4
DOMESTIC VIOLENCE RESTRAINING ORDERS

Rule 5.4.1

Domestic Violence Restraining Order Hearings

A. Definitions. The initial temporary order, if granted, is referred to as a temporary restraining order or a DVTRO. The final order, if granted, is referred to as a restraining order after hearing or a DVRO.

B. Continuance of Hearing Date. A request to continue the hearing date scheduled on a DVTRO must be made either by:

1. Ex parte request prior to the scheduled hearing; or
2. In court on the day of the hearing when the case calendar is called.

C. Forms. All requests for a continuance must be submitted on the mandatory form *Request to Continue Hearing* (Judicial Council form DV-115) and the completed top portion of the mandatory form *Order on Request to Continue Hearing* (Judicial Council form DV-116).

D. Dismissal of DVTRO. A request by the protected party to dismiss the DVTRO and have the DVRO hearing taken off calendar prior to the hearing may be submitted by ex parte application using *Ex Parte Request and Order to Terminate Domestic Violence Temporary Restraining Order* (form SDSC D-001).

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Rev. 1/1/2012; Rev. 1/1/2013; Rev. 1/1/2014; Del. 1/1/2015; Adopted 1/1/2016; Rev. 1/1/2017; Rev. 1/1/2018; Rev. 1/1/2019)

Rule 5.4.2

Residence Removal Orders. A protected party requesting to have the restrained party removed from the residence must prepare and submit for the court's signature the *Order for Removal from Residence* (form SDSC D-072). If granted, the protected party must give the Sheriff two certified copies of the removal order for service.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2012; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2016)