



SOUTH DAKOTA

Each state has different requirements for getting a civil domestic violence protection order. Because it severely impedes teen victims' access to domestic violence protective orders, South Dakota's grade for protecting teen victims of dating and domestic violence is an F.

Do I Qualify for a Protection Order in South Dakota?

Type of Relationship¹

In order to qualify for a protection order, the abuser must be someone:

- You live with or used to live with
- You have a child with
- You are married to or used to be married to
- You are related to by blood, marriage or adoption

Type of Abuse²

A judge is allowed to give you a protection order when your abuser has:

- Physically abused you
- Threatened to physically abuse you
- Attempted to physically abuse you

Age

If you are 18 or older, you can get a protection order on your own without adult involvement.³ If you are under 18, the law does not say who can file for you. It will be up to the individual courts and judges whether you can get a protection order without your parent's permission. Check with a local domestic violence organization to see how your local courts handle minors who want protection orders.

How Do I Get a Protection Order?

If you want a protection order, you can go to court to request a temporary protection order. A judge can give you a temporary order that day and will schedule a full hearing within 30 days.⁴ After a full hearing, a judge can grant you a permanent protection order which lasts up to 3 years.⁵

What Can I Ask for in a Protection Order?

You may ask the court for the following in a protection order:

- Abuser must not abuse you⁶
- Temporary or exclusive use of a joint residence⁷
- Temporary child custody and visitation⁸
- Temporary child and spousal support⁹
- Abuser cannot use or must surrender firearm(s)¹⁰
- Counseling for both parties¹¹

How Much Will It Cost?

It is free.¹²

**You have the right to a safe and healthy relationship...
free from violence and free from fear.**

-
- ¹ S.D. Codified Laws §25-10-1(2).
² *Id.* §25-10-1.
³ *Id.* §26-1-1.
⁴ *Id.* §§25-10-4, 25-10-7, 25-10-7.1.
⁵ *Id.* §25-10-5.
⁶ *Id.* §§25-10-1(3), 25-10-5(1).
⁷ *Id.* §25-10-5(2).
⁸ *Id.* §25-10-5(3).
⁹ *Id.* §25-10-5(4).
¹⁰ *Id.* §25-10-24.
¹¹ *Id.* §25-10-5(5).
¹² *Id.* §25-9B-313.

You have the right to a safe and healthy relationship..
free from violence and free from fear.