

Welcome to the launch of South Carolina's first
Orders of Protection in South Carolina
R e p o r t



Welcome

Dean William C. Hubbard
Joseph F. Rice School of Law

Opening Remarks

Justice John C. Few
South Carolina Supreme Court, Chair, South Carolina Access to Justice Commission

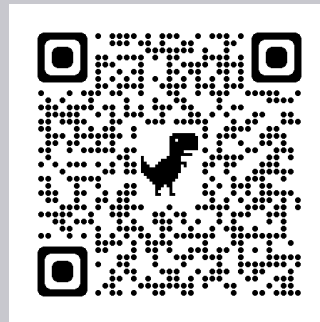
Findings

Professor Lisa Martin
Joseph F. Rice School of Law
Dr. Suzanne Swan
Departments of Women's and Gender Studies and Psychology

Panel Discussion

Sara Barber
Executive Director, SCCADVASA
Hannah Honeycutt
Executive Director, SC Access to Justice Commission
Elizabeth Chambliss
Director, NMRS Center on Professionalism and Henry Harman Edens Professor of Law

**Access the Full
Report Here**



**Please join us for a reception immediately following the program at the University of South Carolina
Joseph F. Rice School of Law**

Sponsored by the NMRS Center on Professionalism



TERMINOLOGY

01. ORDER OF PROTECTION

remedy mostly sought in Family Courts to protect against abuse; available to people who share certain relationships and have been subjected to certain conduct

02. COHABITANTS

intimate partners sharing a residence

04. RESPONDENT

person against whom an Order is sought

03. PETITIONER

person who files a case seeking an Order of Protection

05. SERVICE

formal delivery of court documents to notify a party about a case



ORDERS OF PROTECTION: WHO QUALIFIES

QUALIFYING RELATIONSHIPS

- Household Members
 - Current and former spouses
 - Current and former co-habitants
*(in the study: lived together,
never married)*
 - Co-parents
- Family Members
 - Only if sex crime is alleged



QUALIFYING CONDUCT

- Physical harm
- Bodily injury
- Assault
- Threat of physical harm
- Sex crimes

S.C. Code §§ 20-4-20, 20-4-30, Doe v. State, 421 S.C. 290 (2017).



TIMING-ORDERS OF PROTECTION

Hearings ordinarily scheduled within 15 days of filing.

Emergency hearings can occur within 24 hours after Respondent served if Petitioner requests and shows "good cause."

Why speed matters:

S.C. is the only state that does not offer temporary orders of protection to protect petitioners between filing and the hearing.

S.C. Code §§ 20-4-50, 20-4-70

TIMING-ORDERS OF PROTECTION

Orders of Protection must be entered for a fixed period of time – from 6 months to 1 year.

The Court decides how long each Order will last.

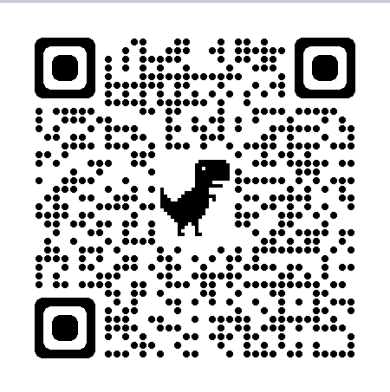
S.C. Code §§ 20-4-50, 20-4-70

THE STUDY

Case Files Collected (filed in 2019)

3,451 Order of Protection Files
45 of 46 Family Courts

SOUTH CAROLINA
access to justice

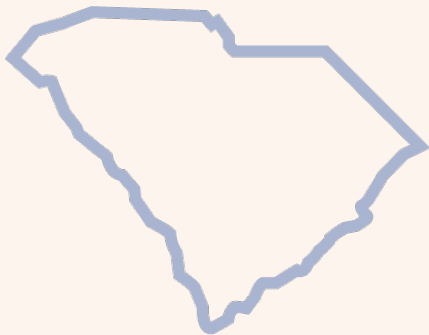


**SOUTH
CAROLINA
STATEWIDE CIVIL
LEGAL NEEDS
ASSESSMENT**



Orders of Protection in South Carolina

Lisa Martin, Suzanne Swan, Marie Maness, Jessica Pomerantz, Piper Kroll, Emma Wilkie, Jessie Cobb



UNIVERSITY OF
South Carolina

THE PEOPLE

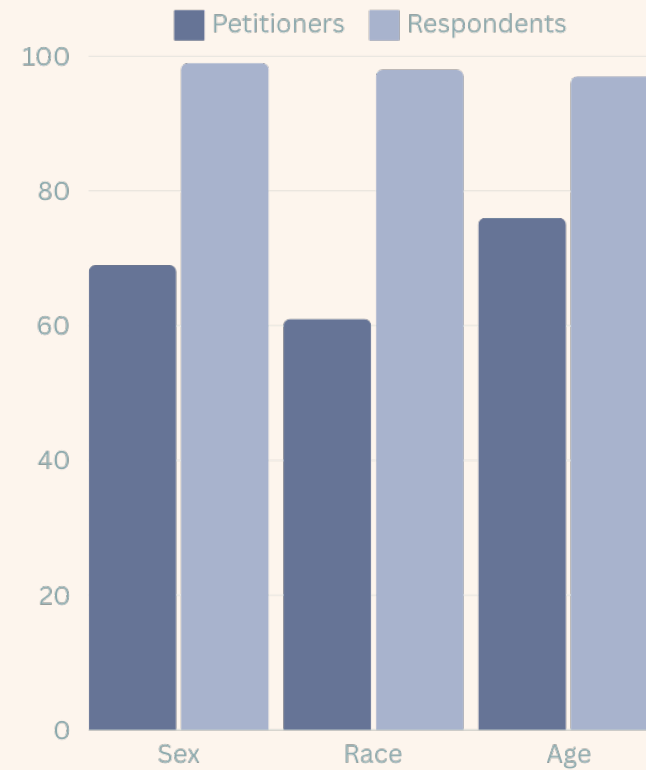
KEY FINDINGS



KEY FINDINGS

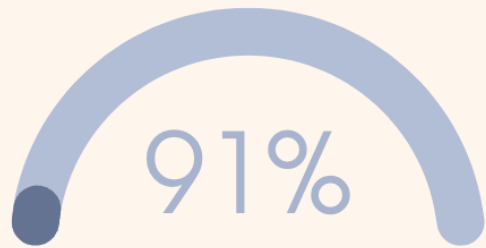
THE AMOUNT WE
KNOW ABOUT THE
PARTIES DEPENDS
UPON WHERE IN
THE STATE
PETITIONERS SEEK
HELP

PERCENTAGE OF FILES WITH DATA

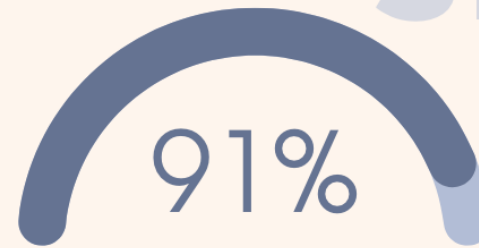


KEY FINDINGS

SEX



Petitioners*
were female

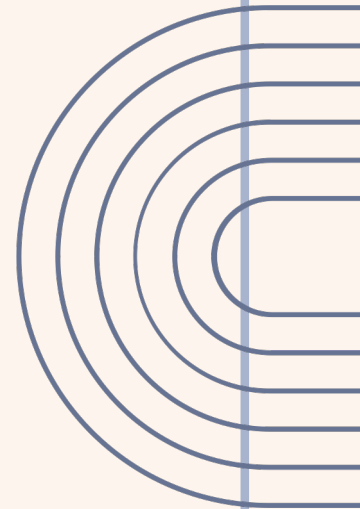
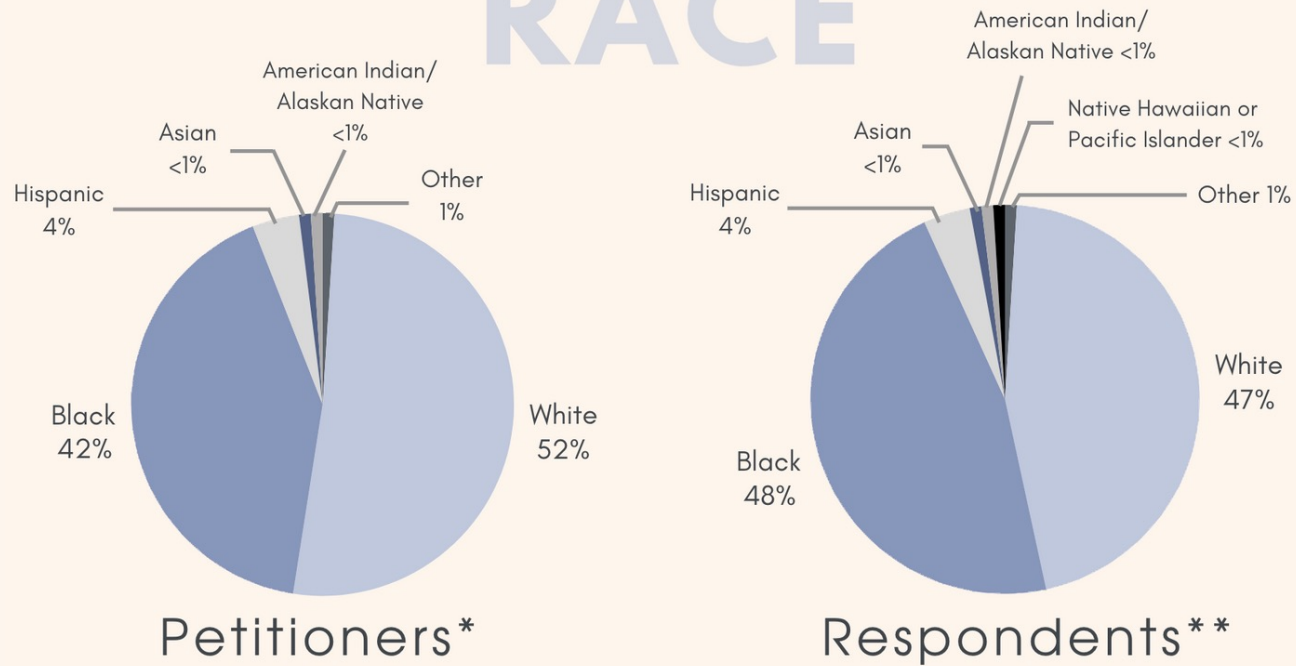


Respondents**
were male

**the vast majority of files have a female
petitioner and male respondent**

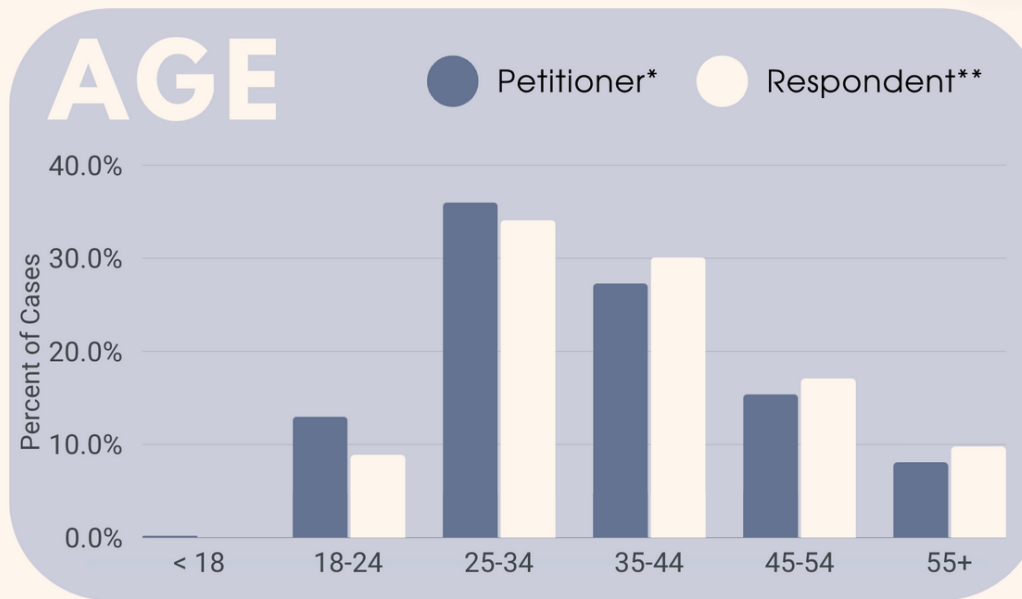
KEY FINDINGS

RACE



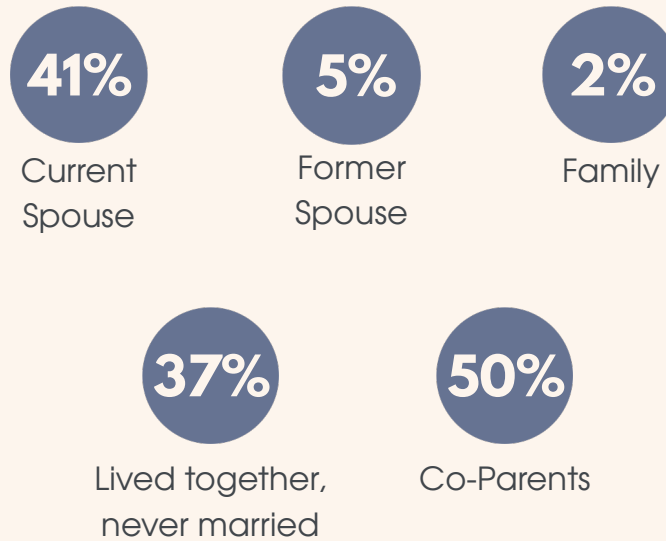
KEY FINDINGS

MOST PETITIONERS AND RESPONDENTS ARE BETWEEN 25-44 YEARS OLD



KEY FINDINGS

RELATIONSHIP OF PARTIES

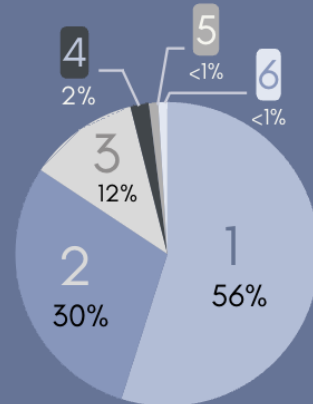


KEY FINDINGS

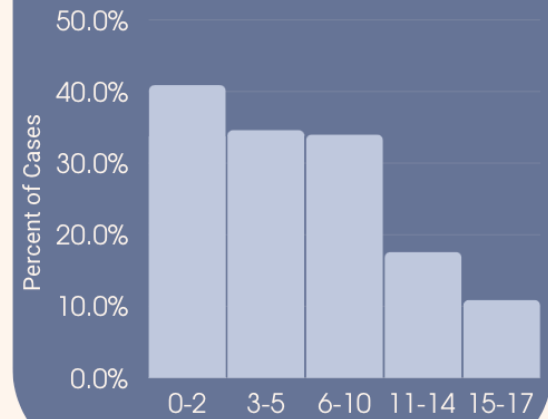
50%

Co-Parents

Number of Mutual Children



Ages of Children



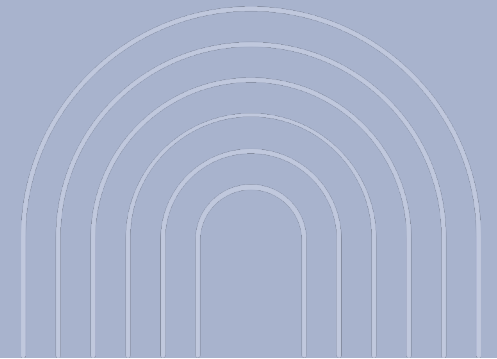
THE ABUSE

KEY FINDINGS

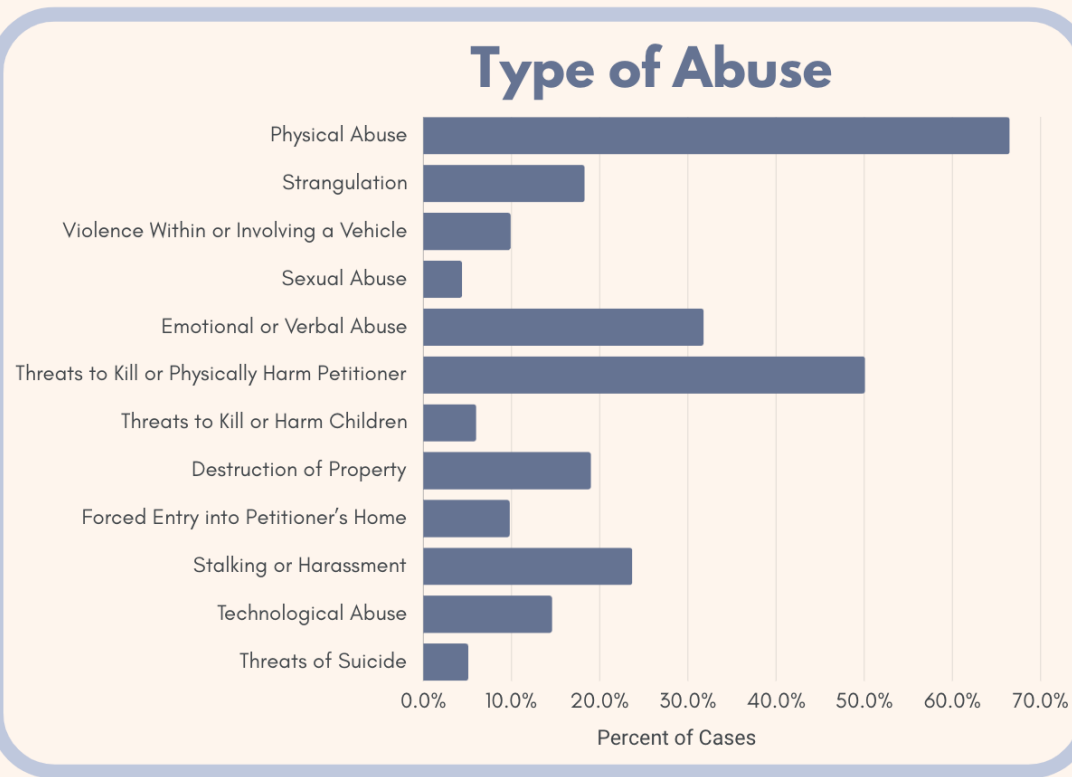




**“HE SAID, ‘YOU BELONG
TO ME UNTIL THE DAY
YOU DIE AND YOU’RE NOT
DEAD, YET!’”**



KEY FINDINGS

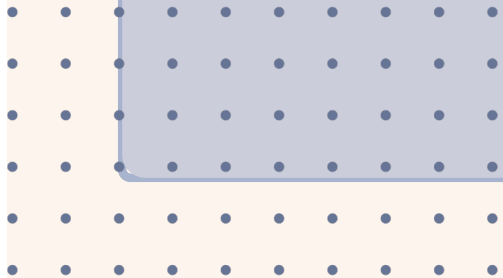
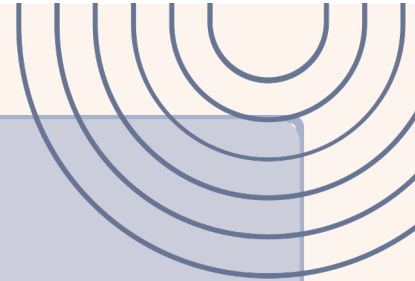


81% of
Petitioners
reported
more than
one type of
abuse.

KEY FINDINGS

**“He
messed**

...me that day that I can't
hide forever, I should be
scared and the end is
near... I moved to SC to get
away from him.”



KEY FINDINGS



18%

Petitioners report being
strangled

**“[RESPONDENT] PUT HIS HANDS
AROUND MY NECK LEAVING
MARKS. WHEN I TRIED TO PUSH
HIM OFF AND BREAK FREE, HE
BEGAN TO REPEATEDLY SLAP
AND PUNCH ME IN MY HEAD
AND ARMS.”**

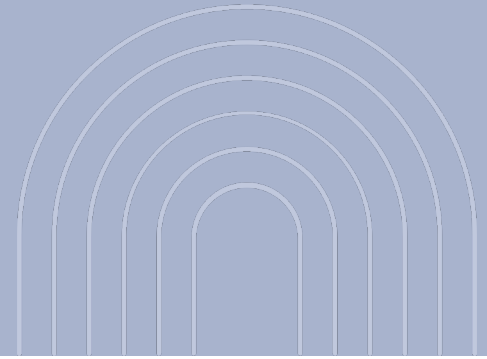
KEY FINDINGS



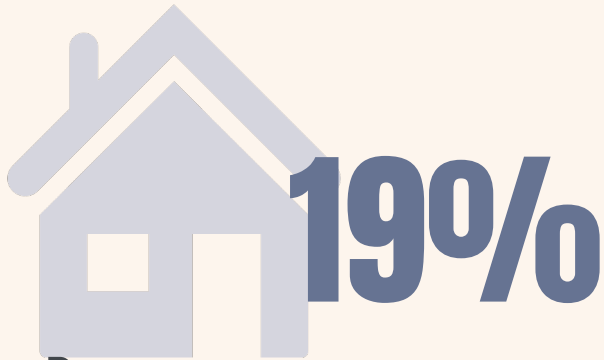
**"I KNOW THAT HE'S GOT
SOMEONE WATCHING ME
'CAUSE HE KNOWS JUST
ABOUT EVERYTHING THAT
GOES ON AND PEOPLE THAT
COME OVER."**



**“HE LURKS AROUND MY
JOB AND MY HOUSE
AND I DON’T EVEN FEEL
SAFE AT MY FAMILY’S
HOUSE EITHER.”**



KEY FINDINGS



Petitioners report property
was destroyed

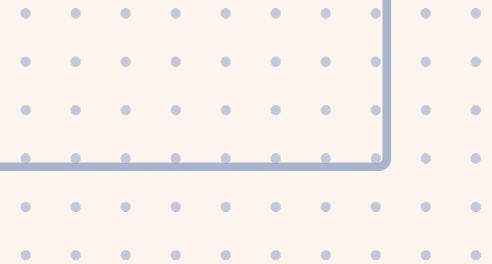
"HE FLOODED MY HOME BY
KICKING THE TOILET AND
CUTTING THE WATER
HEATER. UPON ARRIVAL
TODAY, THE WALLS WERE
KNOCKED OUT THROUGHOUT
MY HOME."

KEY FINDINGS

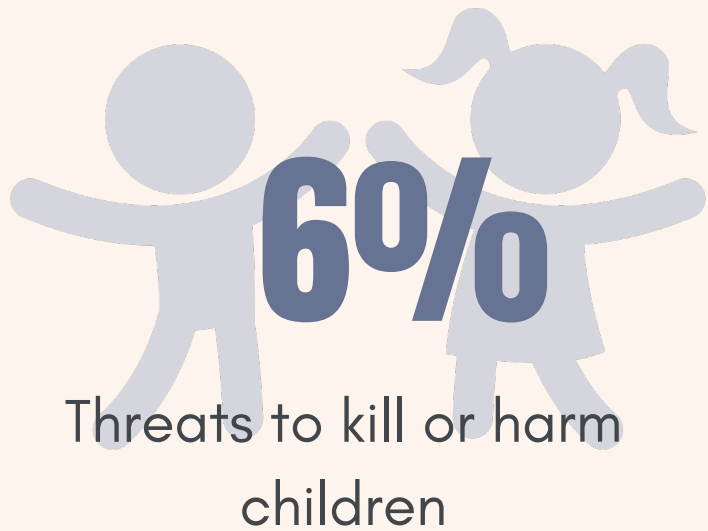


Petitioners reported
violence within or involving
a vehicle

**“HE KEPT TRYING TO MAKE
ME WRECK THE CAR BY
JERKING THE WHEEL AND
GRABBING ME BY THE
THROAT.”**

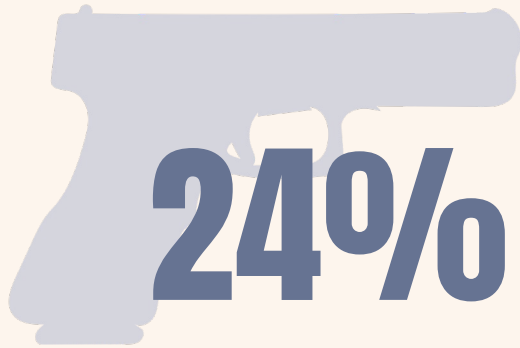


KEY FINDINGS



"I ARRIVED HOME AT 10:30PM TO FIND HIM IRATE WITH THE KIDS AND MYSLEF. HE THREATENED TO PUNCH MY 15-YEAR-OLD AND TO BREAK HER NOSE. HE THREATENED TO BREAK MY 18-YEAR-OLD SON'S NECK."

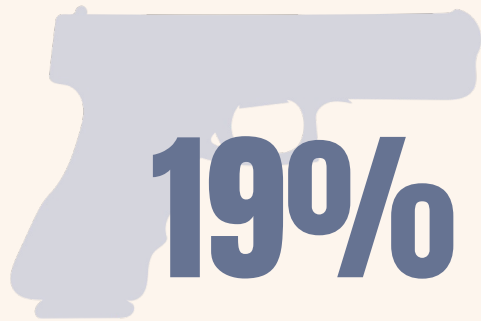
KEY FINDINGS



Respondent used or had
access to a weapon

**"WE HAD AN ARGUMENT AND
HE TOOK HIS POCKET KNIFE
OUT OF HIS LEFT POCKET
AND STABBED ME IN MY LEFT
ARM. THE ARGUMENT WAS
OVER MISPLACING HIS TRUCK
KEY."**

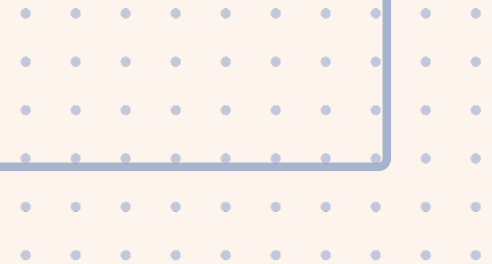
KEY FINDINGS



A weapon was involved in the abuse.

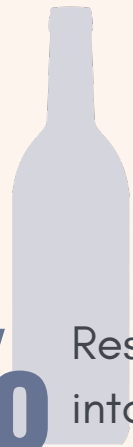
*Note: More than half were firearms.

**"HE PULLED OUT HIS
GUN AND TOLD ME HE
WOULD SHOOT ME WITH
IT IF I TRIED TO LEAVE
HIM."**



KEY FINDINGS

14%



Respondent was intoxicated and/or had a substance use problem

“HIS DRINKING PROBLEM IS ONGOING AND GETTING WORSE. I AM VERY AFRAID THAT IF HE DOESN’T GET HELP WITH HIS DRINKING PROBLEM, HE WILL SERIOUSLY HARM ME OR MY CHILDREN.”

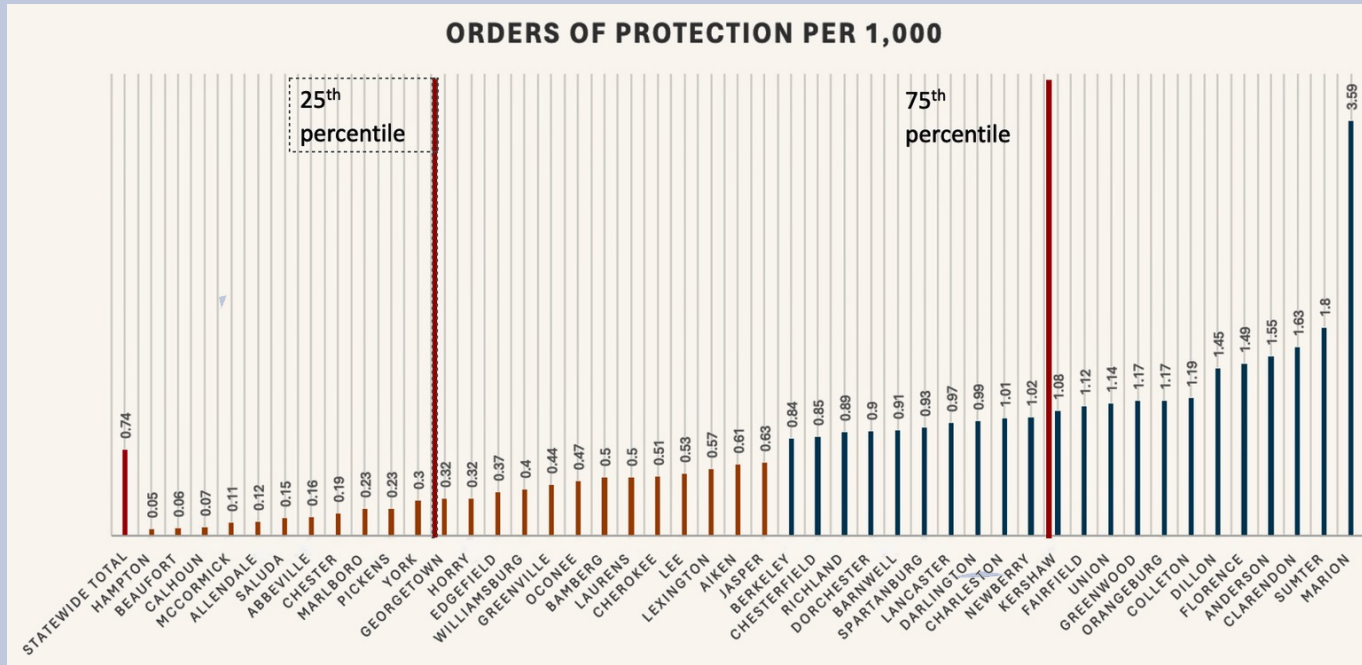
THE PROCESS

KEY FINDINGS



KEY FINDINGS

HOW LIKELY PEOPLE ARE TO SEEK AN ORDER OF PROTECTION VARIES BY WHERE THEY LIVE.



KEY FINDINGS



3,451 CASES COLLECTED

1,572 ORDERS OF PROTECTION GRANTED

**46% OF CASES
RESULT IN AN
ORDER OF
PROTECTION.**

KEY FINDINGS

Lawyer Representation

A faint, light blue graphic of a pair of scales of justice is centered behind the text. The scales are balanced, with a vertical line down the center. The background of the entire graphic is a light beige color with a blue border and decorative lines on the left and right sides.

13%

Petitioner Only
Represented

6%

Both Parties
Represented

7%

Respondent Only
Represented

75%

Neither Party
Represented

KEY FINDINGS

PARTIES ARE FAR MORE LIKELY TO BE REPRESENTED BY LAWYERS IN SOME COUNTIES THAN IN OTHERS.

COUNTY RATE OF LEGAL REPRESENTATION	RANGE
PETITIONERS	0-90%
RESPONDENTS	0-30%

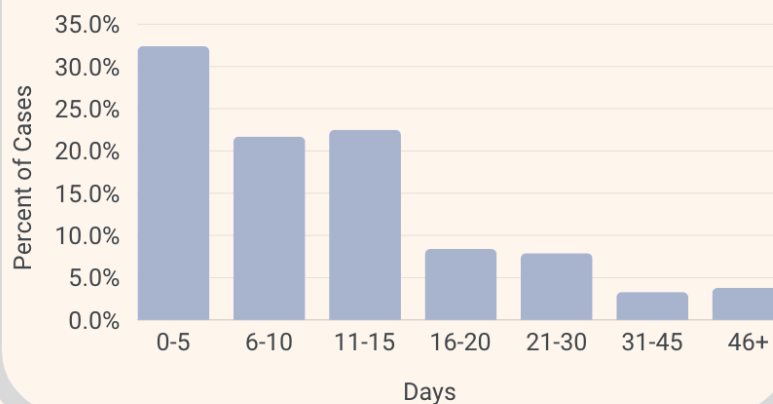
KEY FINDINGS

THE SPEED WITH WHICH
PETITIONERS ARE
PROTECTED DEPENDS
UPON WHERE IN THE
STATE THEY FILE.

14
days

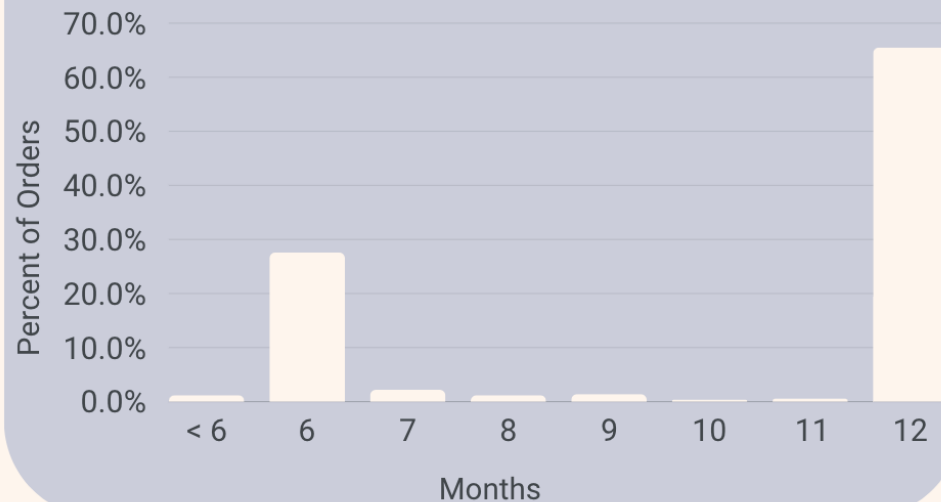
Average time between
filing and entry of an
Order of Protection

**Days Between Filing and Entry
of Order of Protection**



KEY FINDINGS

Duration of Order of Protection



**THE LENGTH
OF TIME
PETITIONERS ARE
PROTECTED
DEPENDS UPON
WHERE IN THE
STATE THEY FILE.**

PRELIMINARY RECOMMENDATIONS

Increase Data Accessibility



Expand Protections

The People

Expand qualifying relationships to cover dating partners

The Abuse

Expand qualifying conduct to cover stalking

The Process

Establish temporary orders of protection