

STATE OF SOUTH CAROLINA)	IN THE FAMILY COURT
)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON)	
)	CASE NO: 2011-DR-10-
,)	
)	EX-PARTE ORDER
Plaintiff(s),)	
)	
v.)	
)	
)	
,)	
)	
Defendant(s).)	
_____)	

This matter comes before the court on the *ex-parte* application of the Plaintiff to suspend the visitation of the Defendant pending a hearing on his expedited motion for temporary relief. After reviewing the affidavits¹ of the Plaintiff and the minor child’s counselor, this court finds that immediate and irreparable injury, loss or damage² will result to the parties’ minor child if the *ex-parte* relief requested is not granted. Therefore pursuant to Rule 65(b), SCRC³, the Defendant’s visitation with the minor child is suspended pending hearing on the Plaintiff’s expedited motion for temporary relief. The court grants this relief because the Plaintiff has presented a *prima facie*⁴ case that continuing unsupervised visitation with the minor child is causing her irreparable harm. The order shall expire⁵ on June 13, 2011 or at such time as the order from the Plaintiff’s expedited motion for temporary relief issues. Because this matter

¹ Factual allegations to support *ex-parte* request need to be based on affidavits(s)

² Court needs to find immediate and irreparable injury loss or damage if *ex-parte* relief is not granted

³ Rule 65(b), SCRC, is the legal basis for the court’s authority to grand *ex-parte* relief

⁴ To grant *ex-parte* relief the court needs to make a *prima facie* finding that failure to grant the requested relief will lead to irreparable harm

⁵ *Ex-parte* orders require an expiration date and need to expire within ten days

involves child custody, no security is required.⁶ See Rule 65(c), SCRPC.

IT IS SO ORDERED!

PRESIDING JUDGE, FAMILY COURT

Charleston, South Carolina
_____, 201__

I SO MOVE!⁷

GREGORY S. FORMAN, ESQUIRE
ATTORNEY FOR PLAINTIFF

⁶ *Ex-parte* orders need to address the requirement of security. However Rule 65(c), SCRPC, makes such security discretionary for most family court *ex-parte* orders:

Except in divorce, child custody and non-support actions where the giving of security is discretionary, no restraining order or temporary injunction shall issue except upon the giving of security by the applicant, in such sum as the court deems proper, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained.

⁷ The attorney seeking the *ex-parte* relief actually needs to “move” for that relief