

STATE OF SOUTH DAKOTA)
)
COUNTY OF _____)

IN _____ COURT
)
_____ JUDICIAL CIRCUIT

Petitioner,

-vs-

Respondent.

TPO NO. _____
**PETITION AND AFFIDAVIT
FOR A
PROTECTION ORDER
(VULNERABLE ADULT)**

I, _____, being duly sworn upon oath, state and affirm the following:

I am: (*check one*) the Petitioner
 filing on behalf of the Petitioner (as the “Substitute Petitioner”), and my
relationship to the Petitioner is: (*describe*)

The Petitioner is a vulnerable adult because the Petitioner is: (*check one*)

- a person sixty-five years of age or older who is unable to protect himself or herself
- a person eighteen years of age or older who cannot protect himself or herself, or provide for his or her own care, because of one of the following conditions:

- an intellectual disability;
- infirmities of aging as manifested by organic brain damage;
- advanced age; or
- other physical dysfunctioning.

The Petitioner is, or the Respondent is, a South Dakota resident.

Petitioner resides in _____ County, _____ (*state*);

Respondent resides in _____ County, _____ (*state*).

The Respondent is: (*check all that apply*)

- Petitioner’s family member (*describe Respondent’s relation*): _____
- Petitioner’s agent under a power of attorney
- Petitioner’s guardian
- Petitioner’s conservator
- Petitioner’s caretaker (a person who assumed responsibility for Petitioner’s health and welfare)
- a person who was entrusted with Petitioner’s property
- a person in whose integrity and truthfulness Petitioner placed trust and confidence

(*for this last choice, please describe below Respondent’s confidential relationship to Petitioner*):

REQUEST FOR HEARING AND PROTECTION ORDER

Based upon this Petition and Affidavit in which I truthfully set forth the details of the vulnerable adult abuse, I respectfully ask the Court to set a date to hear this matter and after hearing the evidence, to grant Petitioner a Protection Order:

- 1) To restrain Respondent from acts of vulnerable adult abuse.
- 2) To grant the Protection Order for a period of _____ time (*no longer than 5 years*).
- 3A) To exclude Respondent from Petitioner's residence listed in 4B, OR
- B) To require Respondent provide Petitioner with suitable alternative housing.
- 4) To order that Respondent shall not come within a distance of _____ from the following persons and places:
 - A. Petitioner personally
 - B. Petitioner's residence (street/apt) _____
(city) _____, (state) _____ (zip) _____ - _____
 - C. Petitioner's place of employment (street) _____
(city) _____, (state) _____ (zip) _____ - _____
 - D. Other places (street/apt) _____
(city) _____, (state) _____ (zip) _____ - _____
(street/apt) _____
(city) _____, (state) _____ (zip) _____ - _____
- 5) To restrain Respondent from exercising any fiduciary powers on Petitioner's behalf through a court-appointed guardian, conservator, guardian ad litem, agent, or another third party.
- 6) To require a peace officer accompany the party who is leaving or has left the residence while that party is removing essential personal effects.
- 7) That the Respondent be restrained from contact with Petitioner by any direct or indirect means except as authorized by a court order.
- 8) To Order other relief which I believe is necessary for the safety and welfare of Petitioner:

- 9) Where Petitioner was the victim of financial exploitation:
 - A. To direct Respondent to refrain from exercising control over Petitioner's funds, benefits, property, resources, belongings, or assets.
 - B. To require Respondent return custody or control of Petitioner's funds, benefits, property, resources, belongings, or assets.
 - C. To require Respondent follow the instructions of Petitioner's guardian, conservator, or agent.
 - D. To prohibit Respondent from transferring Petitioner's funds, benefits, property, resources, belongings, or assets to any person other than Petitioner.

