

# SOUTH DAKOTA PROTECTION ORDER FROM ACTS OF DOMESTIC ABUSE, ACTS OF STALKING OR PHYSICAL INJURY, AND ACTS OF VULNERABLE ADULT ABUSE

*READ THESE INSTRUCTIONS AND REVIEW THE FORMS BEFORE FILLING THEM OUT*

## APPLICATION INSTRUCTIONS FOR THE VICTIM OF DOMESTIC ABUSE, STALKING/PHYSICAL INJURY, OR VULNERABLE ADULT ABUSE

**REQUIREMENTS OF THE LAW.** You may seek a protection order from “domestic abuse,” from “stalking”/“physical injury,” or from “vulnerable adult abuse.” If you do not qualify for a domestic abuse protection order, you may still qualify for a protection order for stalking/physical injury or vulnerable adult abuse. In order for the judge to grant a protection order, you must meet certain criteria.

**RESIDENCE REQUIREMENT.** You should file in the county where you, the respondent, or another party you seek to protect with the protection order resides.

### IF YOU ARE SEEKING A PROTECTION ORDER FOR DOMESTIC ABUSE

**YOU MUST HAVE A PERSONAL RELATIONSHIP WITH THE RESPONDENT.** You must have a personal relationship with the individual against whom you are seeking an order of protection (the alleged abuser). An alleged abuser can be a (1) spouse or former spouse; (2) person in a significant romantic relationship with you or has recently been in one during the past twelve months; (3) person with whom you have a child or are expecting a child with; (4) a parent or child, including a relationship by adoption, guardianship, or marriage; or (5) a sibling, including whole or half blood, adoption or marriage. If your relationship is not one of the above, you cannot seek a protection order for domestic abuse. You may, however, be able to receive a protection order for stalking as defined later in these instructions.

The person against whom you seek an order: (1) must have caused you physical injury or harm; (2) must have attempted to cause you physical injury or harm; or (3) you are afraid that the person is about to cause you physical injury or harm. You may also be eligible for a domestic abuse protection order if the person has: (1) violated a protection order or no contact order; (2) has participated in stalking/harassment; or (3) has committed a crime of violence against you. If the person has not done any of these things, or you do not have a personal relationship with them, you cannot seek a protection order for domestic abuse. You may, however, be able to receive a protection order for stalking or for vulnerable adult abuse as defined later in these instructions.

### IF YOU ARE SEEKING A PROTECTION ORDER FOR STALKING OR FROM PHYSICAL INJURY

**YOU MUST ALLEGE STALKING.** The person's acts of harassment must **seriously alarm, annoy or harass you**. The person against whom you seek a stalking order must have: (1) **followed or harassed** you in a willful and malicious manner and have done so **more than once**; or (2) made believable **threats** against you with **the intent to make you fearful of great bodily injury**; or (3) **harassed** you in a willful and malicious manner by means of verbal, electronic, digital media, mechanical, telegraphic, or written communication and have done so **more than once**. The person must intend to carry out the threats and have the apparent ability to do so, or (4) **you, as the petitioner, have suffered physical injury** because of **an assault or a crime of violence**.

**A crime of violence is** murder, manslaughter, rape, aggravated assault, riot, robbery, burglary in the first or second degree, arson, kidnapping, felony sexual contact or any other felony in the commission of which the perpetrator used force, or was armed with a dangerous weapon, or used any explosive or destructive device. It also includes an attempt or conspiracy to commit the above-described crimes.

**IF YOU ARE SEEKING A PROTECTION ORDER  
FOR VULNERABLE ADULT ABUSE**

**THERE MUST BE AN ADULT WITH A DISABILITY OR AN ELDER (AGE 65 AND OLDER) WHO IS UNABLE TO PROTECT THEMSELVES FROM ABUSE.** Such abuse can include (1) physical abuse or attempted physical abuse, (2) repeated emotional and psychological abuse by a caretaker (such as sexual exploitation, unreasonable confinement, threats of harm or harm to the property of the vulnerable adult, and harassment or ridiculing/demeaning conduct), or (3) financial exploitation by a caretaker, family member, or a person who is in a confidential relationship with the vulnerable adult (such as a guardian, conservator, or agent).

**IF YOU MEET THE LEGAL CRITERIA STATED ABOVE, YOU MAY  
COMPLETE THE FORMS WITH THE FOLLOWING INSTRUCTIONS**

1. **FILL OUT THE PETITIONER AND RESPONDENT INFORMATION SHEETS AND THE PETITION AND AFFIDAVIT FOR A PROTECTION ORDER IN ENGLISH (please print names).** You are the PETITIONER; the person against whom you seek a protection order is the RESPONDENT.
2. **THE PETITION AND AFFIDAVIT MUST BE THE TRUTH. Do not sign your name at the end of the form.** You will need to sign it before a court clerk and swear to its truth or if you are unable to take it to the Clerk's Office yourself, you may sign it before a notary.
3. **REQUIREMENT FOR AN IMMEDIATE ORDER.** If you are requesting that the judge grant you an immediate temporary protection order without the Respondent having notice of your request or an opportunity to be heard, **YOU MUST BE ABLE TO CLAIM THAT IMMEDIATE AND GREAT INJURY, LOSS OR DAMAGE WOULD OCCUR IF YOU HAD TO WAIT UNTIL A HEARING.**
4. **JUDGE MUST SIGN THE ORDER.** The judge will review your petition and affidavit. If the judge grants you a temporary protection order and/or a hearing, the clerk will prepare copies of the orders and will deliver to the sheriff's office for service on the respondent. You will need to make arrangements with the Clerk to pick up your copy.
5. **YOU MUST ATTEND THE HEARING FOR THE PROTECTION ORDER.**
6. **THE HEARING IS THE TIME SET FOR YOU TO PROVE YOUR CASE.** You will need to bring with you to the hearing any witnesses that have first-hand knowledge of the incidents that have occurred, any documentation such as pictures, phone logs, email messages, text messages, etc.

**IF THE RESPONDENT VIOLATES ANY PROTECTION ORDER,  
CALL THE POLICE IMMEDIATELY**

CASE FILING STATEMENT – Information Only; Not Retained in Case Records

Provide the Case File No. for the record you are filing into or the Case Type if initiating a new action: \_\_\_\_\_

\*A list of case types and party roles can be found here: <https://ujc.sd.gov/Attorneys/FormsDocumentation.aspx>

**Social Security Numbers (not Driver's License Numbers) must be provided for divorce, child support, & paternity cases, 42 USC 666(a)(13)(B).** All filers are **required** to provide the SSN **or** DL# for each of **their** participants regardless of the case type. Business entities must provide the EIN number in lieu of SSN or DL#.

**INFORMATION FOR PLAINTIFF/PETITIONER/APPLICANT:**

_____ Last/Business Name	_____ First Name	_____ Middle	_____ Suffix	
_____ Physical Address <input type="checkbox"/> Check if Same as Mailing	_____ City	_____ State	_____ Zip	
_____ Mailing Address	_____ City	_____ State	_____ Zip	
_____ Home	_____ Work	_____ Cell		
_____ Social Security No.	_____ Date of Birth	_____ Driver's License No.	_____ State	_____ Employer ID (Business)
<b>Attorney:</b>				
_____ Last Name	_____ First Name	_____ State Bar ID No.		
_____ Mailing Address	_____ City	_____ State	_____ Zip	
_____ Phone				

**INFORMATION FOR DEFENDANT/RESPONDENT/MINOR/DECEDENT/PERSON IN NEED OF PROTECTION:**

_____ Last/Business Name	_____ First Name	_____ Middle	_____ Suffix		
_____ Physical Address <input type="checkbox"/> Check if Same as Mailing	_____ City	_____ State	_____ Zip		
_____ Mailing Address	_____ City	_____ State	_____ Zip		
_____ Home	_____ Work	_____ Cell			
_____ Social Security No.	_____ Date of Birth	_____ Date of Death	_____ Driver's License No.	_____ State	_____ Employer ID (Business)
<b>Attorney:</b>					
_____ Last Name	_____ First Name	_____ State Bar ID No.			
_____ Mailing Address	_____ City	_____ State	_____ Zip		
_____ Phone					

**PETITIONER INFORMATION**

**TPO NO.:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Required Information**

\_\_\_\_\_  
**Last Name**

\_\_\_\_\_  
**First**

\_\_\_\_\_  
**Middle**

\_\_\_\_\_  
**Suffix**

Male  Female

\_\_\_\_\_  
**Date of Birth (MM/DD/YYYY)**

**Sex**

**Race:**

Asian/Pacific islander

Black

American Indian

White

Other: \_\_\_\_\_

Unknown

**Present Address / Contact Information**

\_\_\_\_\_  
**Address**

\_\_\_\_\_  
**City and State**

\_\_\_\_\_  
**Zip**

\_\_\_\_\_  
**Phone**

Is there any other lawsuit, complaint, petition or other action pending between you and the respondent?  Yes  No

If yes, what state and county is the action filed in?  
\_\_\_\_\_

**Mailing Address**

My mailing address is the same as my present address.

\_\_\_\_\_  
**Address**

\_\_\_\_\_  
**City/State/Zip**

**Driver's License Number:** \_\_\_\_\_

**License State:** \_\_\_\_\_

**SSN:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Eye Color:** \_\_\_\_\_ **Hair Color:** \_\_\_\_\_ **Weight:** \_\_\_\_\_ **Height:** \_\_\_\_\_

**Attorney contact information (if applicable)**

\_\_\_\_\_  
**Attorney name**

\_\_\_\_\_  
**Attorney mailing address**

\_\_\_\_\_  
**Attorney phone**

PETITIONER NAME: \_\_\_\_\_ TPO NO.: \_\_\_\_\_

**PLEASE READ THIS NOTICE AND INITIAL:** PER SDCL § 25-10-7, THE LAW ENFORCEMENT AGENCY SERVING THE TEMPORARY PROTECTION ORDER SHALL NOTIFY THE PETITIONER BY TELEPHONE OR WRITTEN CORRESPONDENCE WHEN THE TEMPORARY PROTECTION ORDER IS SERVED IF THE PETITIONER HAS PROVIDED TO THE LAW ENFORCEMENT AGENCY EITHER TELEPHONE NUMBER OR ADDRESS OR BOTH WHERE THE PETITIONER MAY BE CONTACTED.

As the Petitioner I understand that the Clerk of Courts will provide a copy of the protection order and notice of hearing to law enforcement for service upon the respondent. Once service of the protection order upon the respondent has been completed, I ask that the Sheriff's Office provide me notice by: *(check one or more options)*

Telephone       Email       My Mailing Address       I do not wish to be notified.

I request the Clerk of Courts to provide me with a copy of the order and notice of hearing by: *(check one)*

Email       My Mailing Address       I will personally pickup.

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Petitioner's Signature

**TPO: \_\_\_\_\_ Respondent Information Date: \_\_\_\_\_**

**Required Information**

Name: \_\_\_\_\_  
Last First Middle  
Birth Date: \_\_\_\_\_ (MM/DD/YYYY) Sex: \_\_\_\_\_ (M=Male, F=Female, U=Unknown)

Driver's License Number: \_\_\_\_\_ License State: \_\_\_\_\_ SSN: \_\_\_\_\_

Present Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ - \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ - \_\_\_\_\_

Race: \_\_\_\_\_ (A=Asian/Pacific Islander, B=Black, I=American Indian, O=Other, W=White, U=Unknown)

Eye Color: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Weight: \_\_\_\_\_ Height: \_\_\_\_\_

Distinguishing Features: \_\_\_\_\_

Phone Number 1 (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ (H=Home, W=Work, C=Cell, O=Other, F=Fax)

2 (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ (H=Home, W=Work, C=Cell, O=Other, F=Fax)

3 (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ (H=Home, W=Work, C=Cell, O=Other, F=Fax)

Misc. Indicator:  Martial Arts Expert  Explosives Expert  Known to Abuse Drugs

Medical Indicator:  Heart Condition  Alcoholic  Allergies  
 Epilepsy  Suicidal  Medication Required  
 Hemophiliac  Diabetic  
 Other \_\_\_\_\_

Interpreter needed  Language \_\_\_\_\_

Respondent Vehicles

License Plate Number	State	Year	Make	Model	Color
1. _____					
2. _____					
3. _____					

Occupation: \_\_\_\_\_ Place of Employment: \_\_\_\_\_

Work Days: \_\_\_\_\_ Work Hours: \_\_\_\_\_

Other persons at Respondent's residence: \_\_\_\_\_

Other addresses or locations (hangouts) where Respondent can be found:

Location: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ - \_\_\_\_\_

Location: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ - \_\_\_\_\_

STATE OF SOUTH DAKOTA ) IN \_\_\_\_\_ COURT  
 )  
 COUNTY OF \_\_\_\_\_ ) \_\_\_\_\_ JUDICIAL CIRCUIT

Petitioner,  -vs-  Respondent.	TPO NO. _____ <b>PETITION AND AFFIDAVIT          FOR A          PROTECTION ORDER          (VULNERABLE ADULT)</b>
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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*):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_





Yes  No  Don't Know  
 Yes  No  Don't Know  
 Yes  No  Don't Know  
 Yes  No  Don't Know

Was law enforcement called during this incident (or these incidents)?  
Was Respondent arrested for this incident (or incidents)?  
Is Respondent in jail?  
Has Respondent violated previous protection orders?

Yes  No  Don't Know

If so, against whom \_\_\_\_\_  
Give the date of the violation \_\_\_\_\_ and the county and state of the violation \_\_\_\_\_  
Has Respondent been found guilty of violating previous protection orders?  
If so, against whom \_\_\_\_\_  
Give the date of the conviction \_\_\_\_\_ and the county and state of the conviction \_\_\_\_\_

Yes  No  Don't Know  
 Yes  No  Don't Know  
 Yes  No  Don't Know

Does Respondent possess guns or weapons?  
Was a weapon used in this incident (or these incidents)?  
Has Respondent threatened anyone with a weapon?

Provide a detailed description of other similar incidents or actions that Respondent has committed and reasons you believe it will continue: \_\_\_\_\_

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**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.

***(If you are requesting an immediate temporary protection order without notice to Respondent and without an opportunity for Respondent to appear, you must state why you believe Petitioner is in present danger of vulnerable adult abuse.)***

**REQUEST FOR IMMEDIATE PROTECTION ORDER  
WITHOUT NOTICE TO THE OTHER PARTY**

- I am not requesting an immediate Temporary Protection Order.
- Because Petitioner is in present danger of vulnerable adult abuse as defined in SDCL 22-46-1(11), in addition to what I have requested in sections 1-9 above, I request that the Court grant an immediate Temporary Protection Order:
  - A) To restrain the Respondent from committing acts of vulnerable adult abuse against Petitioner.
  - B) To exclude the Respondent from Petitioner's residence.

The reasons Petitioner needs this order immediately and cannot wait until the scheduled hearing are:

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On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, I swear or affirm under oath that the information I have provided in this Petition and Affidavit are true and correct to the best of my knowledge. I believe Petitioner is entitled to the protection I have requested. I am asking for this protection for valid reasons and am not attempting to harass Respondent and am not attempting to abuse or delay the court process or any other legal action.

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Petitioner/Substitute Petitioner (*circle one*)  
(Sign only in front of Notary or Clerk)

Signed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Notary Public/Deputy Clerk of Courts  
Commission Expires:

(SEAL)

STATE OF SOUTH DAKOTA )  
 )  
COUNTY OF \_\_\_\_\_ )

IN \_\_\_\_\_ COURT  
\_\_\_\_\_ JUDICIAL CIRCUIT

\_\_\_\_\_  
Petitioner,  
  
-vs-  
  
\_\_\_\_\_  
Respondent

TPO NO. \_\_\_\_\_  
  
**NOTICE OF HEARING,  
SUMMONS TO APPEAR,  
AND ORDER  
(VULNERABLE ADULT  
ABUSE)**

**TO THE PARTIES:**

**YOU ARE NOTIFIED** that a Petition and Affidavit has been filed with this Court seeking a Protection Order against you according to the provisions of SDCL chapter 21-65. A copy of the Petition and Affidavit together with a copy of an Ex Parte Temporary Order of Protection, if one has been issued, is attached to this Summons and is served upon you.

Temporary Order of Protection denied. Hearing only.

There will be a hearing on the Petitioner/Substitute Petitioner's Petition on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ (am/pm), in the \_\_\_\_\_ County Courthouse (Courtroom # \_\_\_\_\_) in \_\_\_\_\_, South Dakota.

**IF YOU FAIL TO APPEAR AT THE HEARING AND ANSWER THE PETITION, AN ORDER OF PROTECTION MAY BE ENTERED AGAINST YOU AS REQUESTED.**

DATED \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_.

**Service of this notice is authorized on any day including Sunday.**

\_\_\_\_\_  
Judge

Attest: \_\_\_\_\_, Clerk of Courts

By: \_\_\_\_\_, Deputy

**ACKNOWLEDGMENT OF PERSONAL SERVICE**

**I acknowledge receipt of a copy of this Notice of Hearing.**

_____	_____	_____	_____
<b>Petitioner /</b> <b>Substitute Petitioner</b> <i>(circle one)</i>	<b>Date</b>	<b>Respondent</b>	<b>Date</b>

STATE OF SOUTH DAKOTA )  
 )  
COUNTY OF )

IN CIRCUIT COURT  
  
JUDICIAL CIRCUIT

<b>VULNERABLE ADULT ABUSE</b> <input checked="" type="checkbox"/> EX PARTE TEMPORARY <input type="checkbox"/> PERMANENT  <input type="checkbox"/> MODIFICATION	<b>ORDER FOR PROTECTION</b>  TPO NO. _____
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**PETITIONER**  
\_\_\_\_\_  
First                                  Middle                                  Last

By Substitute Petitioner (name and DOB): \_\_\_\_\_  
On behalf of the Vulnerable Adult Petitioner.

V.  
**RESPONDENT**  
\_\_\_\_\_  
First                                  Middle                                  Last

Relationship to Petitioner:  
\_\_\_\_\_  
\_\_\_\_\_  
Respondent's Address:  
\_\_\_\_\_  
\_\_\_\_\_

**PETITIONER IDENTIFIERS:**  
\_\_\_\_\_  
Date of Birth of Petitioner  
  
Substitute Petitioner's Relationship to Petitioner:  
\_\_\_\_\_  
\_\_\_\_\_

**RESPONDENT IDENTIFIERS:**

SEX	RACE	HEIGHT	WEIGHT
EYES	HAIR	DATE OF BIRTH	
DRIVERS LICENSE #		STATE	EXPDATE

Distinguishing Features:  
\_\_\_\_\_  
\_\_\_\_\_

**CAUTION:**  Weapon Involved

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**THE COURT FINDS:**

That it has jurisdiction over the parties and subject matter, and the Respondent will be provided with reasonable notice and opportunity to be heard sufficient to protect the Respondent's due process rights.

**THE COURT ORDERS:**

**That the Respondent is restrained from acts of physical abuse, emotional and psychological abuse, neglect, and financial exploitation of a vulnerable adult.**

**That the Respondent is restrained from contact with the Petitioner by any direct or indirect means to the extent stated in the following pages.**

Additional findings and orders are on the following pages.

This order shall be effective \_\_\_\_\_ through \_\_\_\_\_  
Month/Day    Year                                  Month/Day    Year

Or if a permanent order is issued, until that order is served.

**Only this Court can change this Order.**

**VIOLATION OF THIS PROTECTION ORDER IS A CRIMINAL OFFENSE**

**WARNING TO RESPONDENT:** This Order shall be enforced, even without registration, by courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C.§2265). Crossing state, territorial, or tribal boundaries to violate this Order may result in federal imprisonment (See 18 U.S.C. §§2262, 2265).

**ADDITIONAL FINDINGS:**

Having considered the Petition and Affidavit presented by the Petitioner or Substitute Petitioner, this **Court FINDS:**

- A. That jurisdiction and venue are properly before this Court;
- B. That the above-named Petitioner is eligible for a vulnerable adult protection order pursuant to SDCL ch. 21-65;
- C. That the Petitioner or Substitute Petitioner has alleged that the Respondent has committed one or more acts of vulnerable adult abuse as defined by law; and
- D. That the Petitioner or Substitute Petitioner alleges that the Petitioner is in present danger of vulnerable adult abuse before the Respondent or the Respondent’s attorney can be heard in opposition.

**ADDITIONAL ORDERS:**

- 1) The Respondent is excluded from the Petitioner’s residence listed in 2B.
- 2) The Respondent shall not come within a distance of \_\_\_\_\_ from the following persons and places:
  - A. The Petitioner personally
  - B. The Petitioner’s residence (street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_
  - C. The Petitioner’s place of employment (street) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_
  - D. Other places (street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_

This distance restriction applies unless otherwise specified in this Order.

- 3) The Respondent is restrained from exercising any powers on behalf of the Petitioner through a court-appointed guardian, conservator, or guardian ad litem, an attorney in fact, or another third party.
- 4) This **Court FINDS** that Respondent has financially exploited the Petitioner pursuant to SDCL 21-65-1(7) and 21-65-12 and **ORDERS:**
  - A. The Respondent is restrained from exercising control over the funds, benefits, property, resources, belongings, or assets of the Petitioner, except as otherwise provided for in this Order.
  - B. The Respondent shall return custody or control of the funds, benefits, property, resources, belongings, or assets:
    - To the Petitioner.
    - To the Petitioner’s guardian / conservator / attorney in fact, namely \_\_\_\_\_  
(circle)
  - C. The Respondent shall follow the instructions of the guardian, conservator, or attorney in fact of the Petitioner, namely \_\_\_\_\_.
  - D. The Respondent is prohibited from transferring any funds, benefits, property, resources, belongings, or assets of the Petitioner to any person other than the Petitioner, except as otherwise provided in this Order.
- 5) Phone calls, emails, third party contact, including correspondence, direct or indirect, are not permitted, to Petitioner, except as follows:  
\_\_\_\_\_





STATE OF SOUTH DAKOTA )  
 )  
COUNTY OF \_\_\_\_\_ )

IN \_\_\_\_\_ COURT  
\_\_\_\_\_) JUDICIAL CIRCUIT

\_\_\_\_\_  
Petitioner,  
  
-vs-  
  
\_\_\_\_\_  
Respondent.

TPO NO. \_\_\_\_\_  
  
**MOTION TO MODIFY TEMPORARY  
PROTECTION ORDER  
(VULNERABLE ADULT ABUSE)**

*(Please check the box that best describes you.)*

I am  the Petitioner /  the Substitute Petitioner who petitioned for a Temporary Protection Order.

I am  the Respondent and the one against whom the Temporary Protection Order was granted.

I am requesting that the Court change certain terms in the Temporary Order of Protection. *(Describe what you would like changed in the Temporary Order of Protection.)* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe why you want the Temporary Order of Protection changed: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, I swear or affirm under oath that the information I have provided in this Motion to Modify is true and correct to the best of my knowledge. I believe I am entitled to the modification I have requested. I am asking for this modification for valid reasons and am not using this as a means to harass the other party, and am not attempting to abuse or delay the court process or any other legal action.

\_\_\_\_\_  
Petitioner / Substitute Petitioner / Respondent  
*(circle one and sign only in front of Notary or Clerk)*

Signed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public/Deputy Clerk of Courts  
Commission Expires:

(SEAL)

STATE OF SOUTH DAKOTA )  
 )  
COUNTY OF \_\_\_\_\_ )

IN \_\_\_\_\_ COURT  
\_\_\_\_\_ JUDICIAL CIRCUIT

**VULNERABLE ADULT ABUSE**  
 **EX PARTE TEMPORARY**  **PERMANENT**  
 **MODIFICATION**

## ORDER FOR PROTECTION

TPO NO. \_\_\_\_\_

### PETITIONER

First Middle Last

By Substitute Petitioner (name and DOB):

\_\_\_\_\_

On behalf of a Vulnerable Adult Petitioner.

**V.**

### RESPONDENT

First Middle Last

Relationship to Petitioner:

\_\_\_\_\_

Respondent's Address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**CAUTION:**  Weapon Involved

### PETITIONER IDENTIFIERS:

Date of Birth of Petitioner

Substitute Petitioner's Relationship to Petitioner:

\_\_\_\_\_

\_\_\_\_\_

### RESPONDENT IDENTIFIERS:

SEX	RACE	HEIGHT	WEIGHT
EYES	HAIR	DATE OF BIRTH	
DRIVERS LICENSE #		STATE	EXPDATE

Distinguishing Features:

\_\_\_\_\_

\_\_\_\_\_

### THE COURT FINDS:

That it has jurisdiction over the parties and subject matter, and the Respondent will be provided with reasonable notice and opportunity to be heard sufficient to protect the Respondent's due process rights.

### THE COURT ORDERS:

**That the Respondent is restrained from acts of physical abuse, emotional and psychological abuse, neglect, and financial exploitation of a vulnerable adult.**

**That the Respondent is restrained from contact with the Petitioner by any direct or indirect means except as authorized in this Order.**

Additional findings and orders are on the following pages.

This Order shall be effective   through    
Month/Day Year Month/Day Year

Or if a permanent order is issued, until that order is served.

**Only this Court can change this Order.**

**WARNING TO RESPONDENT:** This Order shall be enforced, even without registration, by courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. §2265). Crossing state, territorial, or tribal boundaries to violate this Order may result in federal imprisonment (18 U.S.C. §2262).

**ADDITIONAL FINDINGS:**

Having considered the Petition, Affidavit, and Motion to Modify presented by the Petitioner or Substitute Petitioner, this **Court FINDS:**

- A. That jurisdiction and venue are properly before this Court;
- B. That the above-named Petitioner is eligible for a vulnerable adult protection order pursuant to SDCL ch. 21-65;
- C. That the Petitioner or Substitute Petitioner has alleged that the Respondent has committed one or more acts of vulnerable adult abuse as defined by law; and
- D. That the Petitioner or Substitute Petitioner alleges that the Petitioner is in present danger of vulnerable adult abuse before the Respondent or the Respondent’s attorney can be heard in opposition.

**ADDITIONAL ORDERS:**

- 1) The Respondent is excluded from the Petitioner’s residence listed in 2B.
- 2) The Respondent shall not come within a distance of \_\_\_\_\_ from the following persons and places:
  - A. The Petitioner personally
  - B. The Petitioner’s residence(street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_
  - C. The Petitioner’s place of employment (street) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_
  - D. Other places (street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_  
(street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_  
(street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_

This distance restriction applies unless otherwise specified in this Order.

- 3) The Respondent is restrained from exercising any powers on behalf of the Petitioner through a court-appointed guardian, conservator, or guardian ad litem, an attorney in fact, or another third party.
- 4) This **Court FINDS** that Respondent has financially exploited the Petitioner pursuant to SDCL 21-65-1(7) and 21-65-12 and **ORDERS:**
  - A. The Respondent is restrained from exercising control over the funds, benefits, property, resources, belongings, or assets of the Petitioner, except as otherwise provided for in this Order.
  - B. The Respondent shall return custody or control of the funds, benefits, property, resources, belongings, or assets:
    - To the Petitioner.
    - To the Petitioner’s guardian / conservator / attorney in fact, namely \_\_\_\_\_  
(circle)
  - C. The Respondent shall follow the instructions of the guardian, conservator, or attorney in fact of the Petitioner, namely \_\_\_\_\_.
  - D. The Respondent is prohibited from transferring any funds, benefits, property, resources, belongings, or assets of the Petitioner to any person other than the Petitioner, except as otherwise provided in this Order.
- 5) Phone calls, emails, third party contact, including correspondence, direct or indirect, are not permitted, to Petitioner, except as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6) Other relief as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WARNING TO RESPONDENT: You may be held in contempt for violating this Protection Order even if any person protected by the Order initiates the contact or invites you to violate the Order’s prohibitions. Only the court can change the Order; the protected person cannot waive any of its provisions.**

**AND IT IS FURTHER ORDERED THAT:** the Petitioner shall, immediately upon the granting of this Order, deliver two copies of this Order and two copies of the Motion to Modify to the sheriff of this county. One copy of each shall be personally served by the sheriff upon the Respondent.

DATED \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_.

**Service of this Order is authorized on any day including Sunday.**

\_\_\_\_\_  
Judge

Attest: \_\_\_\_\_, Clerk of Courts

By: \_\_\_\_\_, Deputy

STATE OF SOUTH DAKOTA )  
 )  
 COUNTY OF )

IN CIRCUIT COURT  
 JUDICIAL CIRCUIT

<p><b>VULNERABLE ADULT ABUSE</b></p> <p><input type="checkbox"/> EX PARTE TEMPORARY    <input checked="" type="checkbox"/> PERMANENT</p> <p><input type="checkbox"/> MODIFICATION</p>	<p><b>ORDER FOR PROTECTION</b></p> <p>TPO NO. _____</p>
---	---

**PETITIONER**

First
Middle
Last

By Substitute Petitioner (name and DOB): \_\_\_\_\_

On behalf of the Vulnerable Adult Petitioner. \_\_\_\_\_

**PETITIONER IDENTIFIERS:**

Date of Birth of Petitioner

Substitute Petitioner's Relationship to Petitioner: \_\_\_\_\_

\_\_\_\_\_

**V.**

**RESPONDENT**

First
Middle
Last

Relationship to Petitioner: \_\_\_\_\_

\_\_\_\_\_

Respondent's Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**RESPONDENT IDENTIFIERS:**

SEX	RACE	HEIGHT	WEIGHT
EYES	HAIR	DATE OF BIRTH	
DRIVERS LICENSE #		STATE	EXPDATE

Distinguishing Features: \_\_\_\_\_

\_\_\_\_\_

**CAUTION:**  Weapon Involved

**THE COURT FINDS:**

That it has jurisdiction over the parties and subject matter, and the Respondent has been provided with reasonable notice and opportunity to be heard, and that in the case of an ex parte order, the Respondent will be provided with reasonable notice and opportunity to be heard sufficient to protect the Respondent's due process rights.

**THE COURT ORDERS:**

**That the Respondent is restrained from acts of physical abuse, emotional and psychological abuse, neglect, and financial exploitation of a vulnerable adult.**

**That the Respondent is restrained from contact with the Petitioner by any direct or indirect means to the extent stated in the following pages.**

Additional findings and orders are on the following pages.

This order shall be effective   through

Month/Day      Year                                      Month/Day      Year

**Only this Court can change this Order.**

**VIOLATION OF THIS PROTECTION ORDER IS A CRIMINAL OFFENSE**

**WARNING TO RESPONDENT: This Order shall be enforced, even without registration, by courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C.§2265). Crossing state, territorial, or tribal boundaries to violate this Order may result in federal imprisonment (See 18 U.S.C. §§2262, 2265).**

**ADDITIONAL FINDINGS:**

This matter came before this Court on this day and the following parties appeared personally:

- Petitioner  Petitioner's Attorney \_\_\_\_\_  Other \_\_\_\_\_
- Substitute Petitioner  S. Petitioner's Atty \_\_\_\_\_  Other \_\_\_\_\_
- Respondent  Respondent's Attorney \_\_\_\_\_  Other \_\_\_\_\_

- 1) This **Court FINDS** that, without admitting to the allegations in the Petition, the Respondent waives further hearing, findings of fact, and conclusions of law, and stipulates to the entry of an Order of Protection on the terms specified below.
- 2) Having considered the evidence presented and any affidavits and pleadings on file, this Court **FINDS**:
  - A. That jurisdiction and venue are properly before this Court;
  - B. That the above-named Petitioner is eligible for a protection order pursuant to SDCL ch.21-65;
  - C. By a preponderance of the evidence that "vulnerable adult abuse" as defined by SDCL 21-65-1(4) has occurred; and
  - D. That the Respondent had actual notice of the hearing and an opportunity to participate.

**ADDITIONAL ORDERS:**

- 1) The Respondent is excluded from the Petitioner's residence listed in 2B.
- 2) The Respondent shall not come within a distance of \_\_\_\_\_ from the following persons and places:
  - A. The Petitioner personally
  - B. The Petitioner's residence (street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_
  - C. The Petitioner's place of employment (street) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_
  - D. Other places (street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_

This distance restriction applies unless otherwise specified in this Order.

- 3) The Respondent is restrained from exercising any powers on behalf of the Petitioner through a court-appointed guardian, conservator, or guardian ad litem, an attorney in fact, or another third party.
- 4) This **Court FINDS** that Respondent has financially exploited the Petitioner pursuant to SDCL 21-65-1(7) and 21-65-12 and **ORDERS**:
  - A. The Respondent is restrained from exercising control over the funds, benefits, property, resources, belongings, or assets of the Petitioner, except as otherwise provided for in this Order.
  - B. The Respondent shall return custody or control of the funds, benefits, property, resources, belongings, or assets:
    - To the Petitioner.
    - To the Petitioner's guardian / conservator / attorney in fact, namely \_\_\_\_\_  
(circle)
  - C. The Respondent shall follow the instructions of the guardian, conservator, or attorney in fact of the Petitioner, namely \_\_\_\_\_.
  - D. The Respondent is prohibited from transferring any funds, benefits, property, resources,

belongings, or assets of the Petitioner to any person other than the Petitioner, except as otherwise provided in this Order.

5) Phone calls, emails, third party contact, including correspondence, direct or indirect, are not permitted, to Petitioner, except as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6) Other relief as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**WARNING TO RESPONDENT: VIOLATION OF THIS PROTECTION ORDER IS A CRIMINAL OFFENSE even if any person protected by the Order initiates the contact or invites you to violate the Order’s prohibitions. Only the court can change the Order; the protected person cannot waive any of its provisions.**

This order shall be enforced, even without registration, by courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C.§2265).

**AND IT IS FURTHER ORDERED THAT:** the Clerk shall, immediately upon the granting of this Order, deliver two copies of this Order to the sheriff of this county. One copy shall be personally served by the sheriff upon the Respondent unless personal service has been acknowledged below.

Dated: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**Service of this Order is authorized on any day including Sunday.**

\_\_\_\_\_  
JUDGE

Attest: /S/ \_\_\_\_\_, Clerk of Courts

By: \_\_\_\_\_, Deputy

**NOTICE OF ENTRY OF ORDER AND  
ACKNOWLEDGMENT OF PERSONAL SERVICE**

**I acknowledge receipt of a copy of this Order of Protection.**

_____ <b>Petitioner</b>	_____ <b>Date</b>	_____ <b>Respondent</b>	_____ <b>Date</b>
----------------------------	----------------------	----------------------------	----------------------

**UNDER A PERMANENT PROTECTION ORDER: You may be subject to the following federal laws: (1) Effective immediately, you may not possess, carry, ship or transport any firearm or ammunition that has been transported in interstate or foreign commerce while this Protection Order is in effect. Title 18 United States Code Section 922(g)(8). (2) If you violate this Protection Order and are convicted of an offense of domestic violence, you may be forbidden for life from possessing, carrying, shipping or transporting, any firearm or ammunition that has been transported in interstate or foreign commerce. Title 18 United States Code Section 922(g)(9). Violation of these federal laws carries a maximum penalty of ten years in prison, a \$250,000 fine, or both.**

STATE OF SOUTH DAKOTA )  
 )  
COUNTY OF \_\_\_\_\_ )

IN \_\_\_\_\_ COURT  
\_\_\_\_\_ JUDICIAL CIRCUIT

\_\_\_\_\_  
Petitioner,  
  
-vs-  
  
\_\_\_\_\_  
Respondent.

TPO NO. \_\_\_\_\_  
  
**MOTION TO MODIFY PERMANENT  
PROTECTION ORDER  
(VULNERABLE ADULT ABUSE)**

*(Please check the box that best describes you.)*

I am  the Petitioner /  the Substitute Petitioner who petitioned for a Protection Order.

I am  the Respondent and the one against whom the Permanent Protection Order was granted.

I am requesting that the Court change certain terms in the Permanent Order of Protection. *(Describe what you would like changed in the Permanent Order of Protection.)* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe why you want the Permanent Order of Protection changed: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, I swear or affirm under oath that the information I have provided in this Motion to Modify is true and correct to the best of my knowledge. I believe I am entitled to the modification I have requested. I am asking for this modification for valid reasons and am not attempting to harass the other party, and am not attempting to abuse or delay the court process or any other legal action.

\_\_\_\_\_  
Petitioner / Substitute Petitioner / Respondent  
*(circle one and sign only in front of Notary or Clerk)*

Signed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public/Deputy Clerk of Courts  
Commission Expires:

(SEAL)



STATE OF SOUTH DAKOTA )  
 )  
COUNTY OF \_\_\_\_\_)

IN \_\_\_\_\_ COURT  
\_\_\_\_\_ JUDICIAL CIRCUIT

<p>_____, Petitioner</p> <p>-vs-</p> <p>_____, Respondent</p>	<p>TPO NO. _____</p> <p><b>NOTICE OF HEARING ON MOTION TO MODIFY AND SUMMONS TO APPEAR (VULNERABLE ADULT ABUSE)</b></p>
---	---

**TO THE PARTIES:**

**YOU ARE NOTIFIED** that a Motion to Modify has been filed with this Court seeking a modification of the permanent protection order filed against you, according to the provisions of SDCL chapter 21-65. A copy of the Motion to Modify is attached to this Summons and is served upon you.

There will be a hearing on the Motion on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ M. in the \_\_\_\_\_ County Courthouse in \_\_\_\_\_ (Courtroom) in \_\_\_\_\_, South Dakota.

**IF YOU FAIL TO APPEAR AT THE HEARING AND ANSWER THE MOTION, THE ORDER OF PROTECTION MAY BE MODIFIED AS REQUESTED.**

DATED: \_\_\_\_\_

**Service of this notice is authorized on any day including Sunday.**

---

Attest: \_\_\_\_\_, Clerk of Courts

by: \_\_\_\_\_, Deputy

\_\_\_\_\_  
Judge

**ACKNOWLEDGMENT OF PERSONAL SERVICE**

**I acknowledge receipt of a copy of this Notice of Hearing.**

_____	_____	_____	_____
<b>Petitioner /</b> <b>Substitute Petitioner</b> <i>(circle one)</i>	<b>Date</b>	<b>Respondent</b>	<b>Date</b>

STATE OF SOUTH DAKOTA )  
 )  
COUNTY OF \_\_\_\_\_ )

IN \_\_\_\_\_ COURT  
\_\_\_\_\_ JUDICIAL CIRCUIT

**VULNERABLE ADULT ABUSE**

EX PARTE TEMPORARY  PERMANENT  
 MODIFICATION

**ORDER FOR PROTECTION**

TPO NO. \_\_\_\_\_

**PETITIONER**

\_\_\_\_\_

First Middle Last

By Substitute Petitioner (name and DOB):

\_\_\_\_\_

On behalf of the Vulnerable Adult Petitioner.

**V.**

**RESPONDENT**

\_\_\_\_\_

First Middle Last

Relationship to Petitioner:

\_\_\_\_\_  
\_\_\_\_\_

Respondent's Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CAUTION:**  Weapon Involved

**PETITIONER IDENTIFIERS:**

\_\_\_\_\_

Date of Birth of Petitioner

Substitute Petitioner's Relationship to Petitioner:

\_\_\_\_\_

**RESPONDENT IDENTIFIERS:**

SEX	RACE	HEIGHT	WEIGHT
EYES	HAIR	DATE OF BIRTH	
DRIVERS LICENSE #		STATE	EXPDATE

Distinguishing Features:

\_\_\_\_\_  
\_\_\_\_\_

**THE COURT FINDS:**

That it has jurisdiction over the parties and subject matter, and the Respondent has been provided with reasonable notice and opportunity to be heard.

**THE COURT ORDERS:**

**That the Respondent is restrained from acts of physical abuse, emotional and psychological abuse, neglect, and financial exploitation of a vulnerable adult.**

**That the Respondent is restrained from contact with the Petitioner by any direct or indirect means except as authorized in this Order.**

Additional findings and orders are on the following pages.

This Order shall be effective \_\_\_\_\_ through \_\_\_\_\_  
Month/Day Year Month/Day Year

**Only this Court can change this Order.**

**WARNING TO RESPONDENT:** This Order shall be enforced, even without registration, by courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. §2265). Crossing state, territorial, or tribal boundaries to violate this Order may result in federal imprisonment (18 U.S.C. §2262).

**ADDITIONAL FINDINGS:**

This matter came before this Court on this day and the following parties appeared personally:

- Petitioner  Petitioner's Attorney \_\_\_\_\_  Other \_\_\_\_\_
- Substitute Petitioner  S. Petitioner's Attorney \_\_\_\_\_  Other \_\_\_\_\_
- Respondent  Respondent's Attorney \_\_\_\_\_  Other \_\_\_\_\_

- 1) This **Court FINDS** that, without admitting to the allegations in the Petition, the Respondent waives further hearing, findings of fact, and conclusions of law, and stipulates to the entry of an Order of Protection on the terms specified below.
- 2) Having considered the evidence presented and any affidavits and pleadings on file, this **Court FINDS:**
  - A. That jurisdiction and venue are properly before this Court;
  - B. That the above-named Petitioner is eligible for a protection order pursuant to SDCL ch. 21-65;
  - C. By a preponderance of the evidence that "vulnerable adult abuse" as defined by SDCL 21-65-1(4), has occurred; and
  - D. That the Respondent had actual notice of the hearing and an opportunity to participate.

**ADDITIONAL ORDERS:**

- 1) The Respondent is excluded from the Petitioner's residence listed in 2B.
- 2) The Respondent shall not come within a distance of \_\_\_\_\_ from the following persons and places:
  - A. The Petitioner personally
  - B. The Petitioner's residence (street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_
  - C. The Petitioner's place of employment (street) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_
  - D. Other places (street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_  
(street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_  
(street/apt) \_\_\_\_\_  
(city) \_\_\_\_\_, (state) \_\_\_\_\_ (zip) \_\_\_\_\_ - \_\_\_\_\_

This distance restriction applies unless otherwise specified in this Order.

- 3) The Respondent is restrained from exercising any powers on behalf of the Petitioner through a court-appointed guardian, conservator, or guardian ad litem, an attorney in fact, or another third party.
- 4) This **Court FINDS** that Respondent has financially exploited the Petitioner pursuant to SDCL 21-65-1(7) and 21-65-12 and **ORDERS:**
  - A. The Respondent is restrained from exercising control over the funds, benefits, property, resources, belongings, or assets of the Petitioner, except as otherwise provided for in this Order.
  - B. The Respondent shall return custody or control of the funds, benefits, property, resources, belongings, or assets:
    - To the Petitioner.
    - To the Petitioner's guardian / conservator / attorney in fact, namely \_\_\_\_\_  
(circle)
  - C. The Respondent shall follow the instructions of the guardian, conservator, or attorney in fact of the Petitioner, namely \_\_\_\_\_.
  - D. The Respondent is prohibited from transferring any funds, benefits, property, resources, belongings, or assets of the Petitioner to any person other than the Petitioner, except as otherwise provided in this Order.

5) Phone calls, emails, third party contact, including correspondence direct or indirect, are not permitted, to Petitioner, except as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6) Other relief as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WARNING TO RESPONDENT: You may be held in contempt for violating this Protection Order even if any person protected by the Order initiates the contact or invites you to violate the Order’s prohibitions. Only the court can change the Order; the protected person cannot waive any of its provisions.**

**AND IT IS FURTHER ORDERED THAT:** the Petitioner shall, immediately upon the granting of this Order, deliver two copies of this Order and two copies of the Motion to Modify to the sheriff of this county. One copy of each shall be personally served by the sheriff upon the Respondent, unless personal service has been acknowledged below.

DATED \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_.

**Service of this Order is authorized on any day including Sunday.**

\_\_\_\_\_  
Judge

Attest: \_\_\_\_\_, Clerk of Courts

By: \_\_\_\_\_, Deputy

**NOTICE OF ENTRY OF ORDER AND  
ACKNOWLEDGMENT OF PERSONAL SERVICE  
I acknowledge receipt of a copy of this Order of Protection.**

\_\_\_\_\_  
**Petitioner /  
Substitute Petitioner  
(circle one)**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Respondent**

\_\_\_\_\_  
**Date**

STATE OF SOUTH DAKOTA ) IN \_\_\_\_\_ COURT  
 )  
COUNTY OF \_\_\_\_\_ ) \_\_\_\_\_ JUDICIAL CIRCUIT

TPO NO: \_\_\_\_\_

**CONTINUANCE OF TEMPORARY  
PROTECTION ORDER  
AND ORDER TO SHOW CAUSE  
(VULNERABLE ADULT ABUSE)**

\_\_\_\_\_,  
Petitioner

-vs-

\_\_\_\_\_,  
Respondent

The hearing scheduled for the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, has been rescheduled.

**IT IS HEREBY ORDERED** the Respondent shall present him/herself before the above-captioned Court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the hour of \_\_\_\_\_ M., in the \_\_\_\_\_ County Courthouse in \_\_\_\_\_ (courtroom) in \_\_\_\_\_, South Dakota before a judge of the Court to show cause, if any, why the Ex Parte Temporary Protection Order should not be made permanent within the provisions of SDCL chapter 21-65.

**IT IS FURTHER ORDERED** the Temporary Protection Order dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, on file herein, is continued through the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

DATED: \_\_\_\_\_

**Service of this notice is authorized on any day  
including Sunday.**

\_\_\_\_\_  
Judge

Attest: \_\_\_\_\_, Clerk of Courts

by: \_\_\_\_\_, Deputy

**ACKNOWLEDGMENT OF PERSONAL SERVICE**

I hereby acknowledge receipt of a copy of this Continuance of Temporary Protection Order.

\_\_\_\_\_  
Petitioner /Substitute  
Petitioner  
(circle one)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Date

STATE OF SOUTH DAKOTA )  
 )  
COUNTY OF \_\_\_\_\_ )

IN \_\_\_\_\_ COURT  
\_\_\_\_\_ JUDICIAL CIRCUIT

\_\_\_\_\_  
Petitioner,  
  
-vs-  
  
\_\_\_\_\_  
Respondent.

TPO NO. \_\_\_\_\_  
  
**MOTION TO DISMISS  
PROTECTION ORDER  
(VULNERABLE ADULT ABUSE)**

*(Please check the box that best describes you.)*

I am  the Petitioner /  the Substitute Petitioner who petitioned for a Temporary Protection Order.

I am  the Respondent and the one against whom the Temporary Protection Order was granted.

I am/We are requesting that the Court dismiss the Order of Protection that was filed in this case.

I am/We are requesting that the Order of Protection be dismissed based on the following grounds:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, I/we swear or affirm under oath that the information I/we have provided in this Motion to Dismiss is true and correct to the best of my/our knowledge. I/we believe I am/we are entitled to the modification I/we have requested. I am/We are asking for this modification for valid reasons and am/are not attempting to harass the other party, and am/are not attempting to abuse or delay the court process or any other legal action.

\_\_\_\_\_  
Petitioner / Substitute Petitioner  
*(circle one)*

\_\_\_\_\_  
Respondent

Signed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Notary Public/Deputy Clerk of Courts  
Commission Expires:

STATE OF SOUTH DAKOTA )  
 )  
COUNTY OF \_\_\_\_\_)

IN \_\_\_\_\_ COURT  
\_\_\_\_\_ JUDICIAL CIRCUIT

\_\_\_\_\_,  
Petitioner,

-vs-

\_\_\_\_\_,  
Respondent.

TPO NO: \_\_\_\_\_

**ORDER DISMISSING  
PROTECTION ORDER  
(VULNERABLE ADULT ABUSE)**

**THIS CASE IS DISMISSED:**

- 1. Based upon the request of the Petitioner.
- 2. Based upon the request of the Substitute Petitioner.
- 3. Based upon the request of the Respondent.
- 4. Based upon the failure of the Petitioner/Substitute Petitioner to appear at the hearing that was set when the Petitioner/Substitute Petitioner applied for the Order of Protection.
- 5. Based on the Court's finding that the Petitioner failed to provide sufficient evidence to support, by a preponderance of the evidence, a finding that "vulnerable adult abuse" has occurred as defined by SDCL 21-65-1(4).
- 6. Other \_\_\_\_\_

DATED: \_\_\_\_\_

\_\_\_\_\_  
Judge

Attest: \_\_\_\_\_, Clerk of Courts

by: \_\_\_\_\_, Deputy



STATE OF SOUTH DAKOTA )  
 )  
COUNTY OF \_\_\_\_\_)

IN \_\_\_\_\_ COURT  
\_\_\_\_\_ JUDICIAL CIRCUIT

---

_____ )	TPO NO. _____
Petitioner, )	<b>ORDER DENYING PETITION</b>
-vs- )	<b>FOR PROTECTION ORDER</b>
_____ )	(VULNERABLE ADULT ABUSE)
Respondent. )	

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Having examined the Petition for Protection Order, the Court finds that sufficient grounds are not alleged for relief and the Petition is denied without hearing.

Dated \_\_\_\_/\_\_\_\_/\_\_\_\_.

\_\_\_\_\_  
Judge

Attest: \_\_\_\_\_, Clerk of Courts

By: \_\_\_\_\_, Deputy

STATE OF SOUTH DAKOTA )  
 )  
COUNTY OF \_\_\_\_\_ )

IN \_\_\_\_\_ COURT  
 )  
\_\_\_\_\_ JUDICIAL CIRCUIT

\_\_\_\_\_,  
Petitioner,  
-vs-  
\_\_\_\_\_,  
Respondent.

TPO NO: \_\_\_\_\_

**ORDER GRANTING REQUEST  
TO WITHDRAW PETITION FOR  
PROTECTION ORDER  
(VULNERABLE ADULT ABUSE)**

The Petitioner/Substitute Petitioner's request to withdraw the Petition for Protection Order  
(Vulnerable Adult Abuse) is hereby granted.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge

Attest: \_\_\_\_\_, Clerk of Courts

by: \_\_\_\_\_, Deputy