STATE OF SOUTH DAKOTA	) IN	COURT		
COUNTY OF	)	JUDICIAL CIRCUIT		
Petitioner,	TPO NO.			
-VS-	PROTE	PETITION AND AFFIDAVIT FOR A PROTECTION ORDER		
Respondent.	(VULNERABLE ADULT)			
I,	_, being duly sworn upon oath	, state and affirm the following:		
I am: (check one) the Petitioner filing on behalf of the relationship to the Peti	Petitioner (as the "Substitute P tioner is: (describe)	etitioner"), and my		
The Petitioner is a vulnerable adult because t  a person sixty-five years of age or older w  a person eighteen years of age or older wl  own care, because of one of the following co  an intellectual disability;  infirmities of aging as manifested by or  advanced age; or  other physical dysfunctioning.	who is unable to protect himsel ho cannot protect himself or he nditions:			
The Petitioner is, or the Respondent is, a Sou				
Petitioner resides in Respondent resides in				
The Respondent is: (check all that apply)  Petitioner's family member (describe Respondent is agent under a power of attorn Petitioner's guardian  Petitioner's conservator  Petitioner's caretaker (a person who assured a person who was entrusted with Petitioner a person in whose integrity and truthfulner (for this last choice, please describe below	med responsibility for Petitioner's property ess Petitioner placed trust and o	er's health and welfare)		

## I AM ASKING THE COURT FOR A PROTECTION ORDER BASED UPON THE FACTS BELOW:

Starting or occurring on or about	(month)		(day)	(year)	at
approximatelyo'c	lock(	(am/pm), the Respon	dent committe	ed the following	act(s) of
vulnerable adult abuse against the	Petitioner	r: (check any that app	ply)		
Respondent caused Petitioner Respondent attempted to caus Respondent caused Petitioner's caused Petitioner (detail Respondent was Petitioner (detail Respondent was Petitioner's caused Respondent Res	physical he Petitione fear of imparetaker or welfare varietaker of ithe time Fearetaker of ithout Petitl the number aretaker of areasonably aretaker of usly, and reasonably aretaker of usly aret	narm or bodily injury er physical harm or baminent physical harm or was entrusted with without medical justimber, Petitioner's car Respondent defrauded or was entrusted with itioner's consent directly ber of instances, date or was entrusted with ly confined Petitioner or was entrusted with repeatedly harmed, dand times below).	odily injury. n or bodily in Petitioner's p ification and v retaker, or a p d and/or stole Petitioner's p cted obscene s and times b Petitioner's p (detail the nu Petitioner's p amaged or de Petitioner's p demeaned, ve	property at the time within Petitioner's erson in whom Petitioner's property during the sexual acts or since low).  Property during the theorem of instance property during the stroyed Petitione property during the erbally harassed,	s means. etitioner perty. he time nulated ne time es, dates ne time er's property ne time
`	-			,	
Provide a detailed description of v	<i>м</i> паі парре	ened on the aboveda	ie(s):		
-					

Yes No Don't Know	Was law enforcement called during this incident (or these incidents)?			
Yes No Don't Know	Was Respondent arrested for this incident (or incidents)?			
Yes No Don't Know	Is Respondent in jail?			
Yes No Don't Know	Has Respondent violated previous protection orders?			
	If so, against whom			
	Give the date of the violation	and the county and		
	state of the violation			
Yes No Don't Know	state of the violation Has Respondent been found guilty of violating previous protection orders?			
	If so, against whom			
	If so, against whom	and the county and		
	state of the conviction			
☐ Yes ☐ No ☐ Don't Know	Does Respondent possess guns or weapon	s?		
Yes No Don't Know	Was a weapon used in this incident (or these incidents)?			
Yes No Don't Know	Has Respondent threatened anyone with a			
		<u>F</u>		
	other similar incidents or actions that Respo			
reasons you believe it will continu	ue:			
		_		
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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. time (no longer than 5 years). 2) To grant the Protection Order for a period of 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)\_\_\_\_\_ , (state) (zip) -\_\_\_\_ C. Petitioner's place of employment (street) D. Other places (street/apt) (city)\_\_\_\_\_\_, (state)\_\_\_\_\_(zip)\_ -(street/apt)\_\_\_\_ (street/apt)\_\_\_\_ 5) To restrain Respondent from exercising any fiduciary powers on Petitioner's behalf through a courtappointed 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

belongings, or assets to any person other than Petitioner.

D. To prohibit Respondent from transferring Petitioner's funds, benefits, property, resources,

agent.

(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 B) To exclude the Respondent from Petitioner's residence. The reasons Petitioner needs this order immediately and cannot wait until the scheduled hearing are: 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. Petitioner/Substitute Petitioner (circle one) (Sign only in front of Notary or Clerk) Signed and sworn to before me on this day of , . . Notary Public/Deputy Clerk of Courts

(SEAL)

Commission Expires: