STATE OF SOUTH DAKOTA)
)
COUNTY OF)

IN CIRCUIT 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:

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

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 [ ][ ] (Month/Day, Year) through [ ][ ] (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:

_____

☐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 Trial 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 Temporary Order of Protection.

_____ _____

Petitioner **Date** **Respondent** **Date**

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.