

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2018-035 PA/PI-CIR

**RE: INJUNCTIONS FOR PROTECTION AGAINST EXPLOITATION OF
VULNERABLE ADULTS**

The Florida Legislature recently created a new cause of action for an injunction for protection against exploitation of a vulnerable adult, effective July 1, 2018. *See* Ch. 2018-100, Laws of Florida.

In order to establish procedures for injunctions for protection against exploitation of vulnerable adults, and to comply with the newly-enacted statutory requirements set forth in sections 825.101, 825.1035, and 825.1036, Florida Statutes, and

In accordance with Article V, section 2(d), Florida Constitution, Florida Rule of Judicial Administration 2.215, and section 43.26, Florida Statutes,

IT IS ORDERED:

I. CLERK PROCEDURES FOR PETITIONS

A. Intake

1. The Clerk of the Circuit Court (“Clerk”) will assist the petitioner in filing Attachment A, Petition for Injunction for Protection Against Exploitation of a Vulnerable Adults (“Petition”).
2. If a guardianship petition under chapter 744, Fla. Stat., concerning a vulnerable adult is pending at the time of filing, the petition must be filed in that proceeding pursuant to section 825.1035, Fla. Stat. Otherwise, a petition for injunction for protection against exploitation of a vulnerable adult may only be filed in the circuit in which the vulnerable adult resides.
3. Notwithstanding any other provision of law, the Clerk may not assess an initial filing fee or service charge for Petitions filed pursuant to this Administrative Order (“AO”).
4. The Clerk will accept Petitions at the Clearwater Courthouse, the St. Petersburg Judicial Building, the West Pasco Judicial Center, and the Robert D. Sumner Judicial Center.
5. For Petitions filed at the Clearwater Courthouse, the St. Petersburg Judicial Building, or the West Pasco Judicial Center, or the Robert D. Sumner Judicial Center, the Clerk shall present the Petition to the section judge if the section judge is available. When the section judge is unavailable, the Clerk is to provide the temporary injunction as specified in the Pasco County Emergency Duty Schedule, Administrative Order 2018-033 PA-CIR, or the Pinellas County Emergency Duty Schedule, Administrative Order 2017-061 PI-CIR, or subsequent administrative orders.

6. The Clerks will not accept Petitions filed after hours. “After hours” means after 4:00 p.m. or before 8:30 a.m. on a regular work day, or at any time during holiday or weekend day. Petitions filed after hours will be received for filing and date/time stamping by the Clerk, but will be processed on the next working day. Petitioners wishing to file after hours will be informed that they may contact law enforcement or 911 if there is an emergency relating to the Respondent.

B. Assignment of Cases

1. Pasco County

Petitions will be assigned based on the U.S. Postal Service Zone Improvement Plan (“ZIP code”) of the petitioner in accordance with the procedures for assignment of guardianship cases in Pasco County as specified in Administrative Order PA-CIR-97-21, or subsequent administrative order.

2. Pinellas County

- a. Petitions will be assigned based on the ZIP code of the petitioner in accordance with the procedures for assignment of probate cases to either section 3 or section 4 in Pinellas County based on ZIP code specified in Administrative Order 2014-030 PI-CIR under 2(a) and (b), or subsequent administrative order.
- b. Unless otherwise provided in this AO, Pinellas County cases with an out of county ZIP code, an unknown ZIP code, or a ZIP code not listed in Administrative Order 2014-030 PI-CIR, or subsequent administrative order, are to be assigned in a manner that results in an even distribution of the cases between section 3 and section 4. The Administrative Office of the Courts (“AOC”) will review the case distribution at least semi-annually and as needed, adjust the percentage of such cases that are to be assigned to the Clearwater section and the percentage assigned to the St. Petersburg section in order to equalize the workload.

C. Scheduling Calendars

1. Return hearings for section 3 will be scheduled on the section judge’s calendar on Wednesdays, or such other days as may be coordinated with the Pinellas County Clerk of Court at the Clearwater Courthouse, Courtroom A, 315 Court Street, Clearwater, Florida 33756.
2. Return hearings for section 4 will be scheduled on the section judge’s calendar on Thursdays, or such other days as may be coordinated with the Pinellas County Clerk of Court at the St. Petersburg Judicial Building, Courtroom E, 545 1st Avenue North, St. Petersburg, Florida 33701.
3. Upon at least 30 days’ notice to the Pinellas County Clerk of Court by the section 3 or 4 judge, section 3 cases may be scheduled on the section 4 calendar and section 4 cases may be scheduled on the section 3 calendar.
4. Return hearings for sections A, X, I, and J will be scheduled on the section judge’s calendar

on a date determined by the section judge, at the West Pasco Judicial Center, 7530 Little Road, New Port Richey, Florida 34654.

5. The back-up judge for all proceedings under this AO is the Duty Judge.
6. For Pinellas cases assigned to either the St. Petersburg Judicial Building or the Clearwater Courthouse, the Clerk is to docket cases such that cases are calendared by first assigning a maximum of 5 cases to the 9:30 a.m. calendar and then assigning the remaining cases to the 10:30 a.m. calendar. If the 10:30 a.m. calendar exceeds 5 cases, the additional cases should be assigned to the 1:30 p.m. calendar.
7. When more than one petition for injunction for protection against exploitation is filed with parties in common and a final hearing has not been held on the first petition, the Clerk must calendar such related cases on the same date and at the same time and location.
8. These instructions on calendaring do not restrict the authority of the assigned judge to reset cases on a calendar when service of process has not been obtained. If the calendars are too large for the assigned judge or the duty judge to provide an adequate hearing, the assigned judge may move the hearing to later in the day in his or her sole discretion.

D. Clerk's Duties and Responsibilities

1. The Clerk will provide to the petitioner petition forms for the injunction, any modifications, and forms for the enforcement of any injunction entered. Additionally, the Clerk will provide the petitioner with instructions for the completion of such forms. See section II for service of process.
2. To the extent practicable, the Clerk will ensure the petitioner's privacy while completing the forms.
3. The Clerk will provide the petitioner with two certified copies of the Petition for injunction without charge.
4. The Clerk will provide a copy of the Petition to the guardian of the vulnerable adult in the event the guardian is not the petitioner.
5. If an injunction is entered, the Clerk will provide, without charge, the petitioner with certified copies of the order of injunction, so that the petitioner may effect service upon any person holding property, upon any financial institution holding property or accounts, or upon any financial institution with an open line of credit subject to the freeze.
6. The Clerk will provide petitioners with its informational brochure regarding injunctions for protection against exploitation of a vulnerable adult, published in accordance with section 825.1035, Fla. Stat.
7. The Clerk will provide to the adult protective services program a copy of every Petition filed under this AO and all orders entered on such Petitions.

II. SERVICE

1. Notwithstanding any other provision of law, the Chief Judge, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the circuit to effect service.
2. *Petition:*
 - a. When a Petition is filed, but a temporary injunction is not issued, the Clerk will furnish a copy of the Petition, any accompanying affidavits, and the notice of hearing, to the sheriff or a law enforcement agency of the county in which the respondent resides or can be located. The sheriff will then serve these documents upon the respondent as soon as possible on any day of the week and at any time of the day or night.
 - b. If the petitioner is acting in a representative capacity, the vulnerable adult will be served with a copy of the Petition, financial affidavit, and notice of hearing in the same manner as the respondent.
 - c. At the request of the sheriff, the Clerk may transmit a certified facsimile or certified, scanned copy of the Petition. The certified facsimile or certified, scanned copy may be served in the same manner as a certified copy.
 - d. The Clerk will furnish to the sheriff the information pertaining to the respondent's and, when appropriate, the vulnerable adult's, physical description to include the date of birth and location, as required by the Department of Law Enforcement.
 - e. If a party fails or refuses to acknowledge the receipt of a certified copy of a Petition and notice of hearing while in the Clerk's Office, the Clerk must note on the original Petition that service was effected.
 - f. If the respondent has been served with the Petition and notice of hearing and has failed to appear at the initial hearing on the temporary injunction, the Clerk may serve any subsequent petition for an injunction seeking an extension of time by certified mail to the respondent, rather than personal service by a law enforcement officer.
3. *Temporary Injunction:*
 - a. When a temporary injunction is issued, the Clerk will furnish a copy of the Petition, any accompanying affidavits, and the temporary injunction to the sheriff or a law enforcement agency of the county in which the respondent resides or can be located. The sheriff will then serve these documents upon the respondent as soon as possible on any day of the week and at any time of the day or night.
 - b. If the petitioner is acting in a representative capacity, the vulnerable adult will be served with a copy of the Petition, financial affidavit, and notice of hearing in the same manner as the respondent.
 - c. At the request of the sheriff, the Clerk may transmit a certified facsimile or certified,

scanned copy of the temporary injunction. The certified facsimile or certified, scanned copy may be served in the same manner as a certified copy.

- d. The Clerk will furnish to the sheriff the information pertaining to the respondent's and, when appropriate, the vulnerable adult's, physical description to include the date of birth and location, as required by the Department of Law Enforcement.
 - e. The Clerk will certify a copy of all orders issued, changed, continued, extended, or vacated subsequent to the original service of the original Petition, notice of hearing, or temporary injunction and deliver the certified copy to the parties at the time of the entry of the order.
 - f. If a party fails or refuses to acknowledge the receipt of a certified copy of an order at the initial hearing, the Clerk must note on the original Petition that service was effected.
 - g. If it is not possible to deliver an order directly following the hearing at which it is issued, the Clerk will mail certified copies of such orders to the parties at their respective last known mailing addresses. When an order is served in this manner, the Clerk will notify the sheriff of such service and prepare a written certification to be placed in the court file specifying the time, date, and method of service.
 - h. If the respondent has been served with the temporary injunction and has failed to appear at the initial hearing on the temporary injunction, the Clerk may serve any subsequent petition for an injunction seeking an extension of time by certified mail to the respondent, rather than personal service by a law enforcement officer.
 - i. Within 24 hours after the court issues an injunction or changes, continues, extends, or vacates such an injunction, the Clerk must forward certified copy of the order to the sheriff with jurisdiction over the petitioner for service.
 - j. Within 24 hours after an injunction is terminated or rendered no longer effective by ruling of the court, the Clerk must notify the sheriff receiving original notification of the injunction.
 - k. Service on a depository or financial institution must be effected by a law enforcement agency as provided in section 655.0201, Fla. Stat.
4. *Final Injunction:*
- a. If it is not possible to deliver a final injunction directly following the hearing at which it is issued, the Clerk will mail certified copies of such orders to the parties at their respective last known mailing addresses. When an order is served in this manner, the Clerk will notify the sheriff of such service and prepare a written certification to be placed in the court file specifying the time, date, and method of service.
 - b. If a party fails or refuses to acknowledge the receipt of a certified copy of an order at the final hearing, the Clerk must note on the original Petition that service was effected.

- c. Within 24 hours after an injunction is terminated or rendered no longer effective by ruling of the court, the Clerk must notify the sheriff receiving original notification of the injunction.
- d. Service on a depository or financial institution must be effected by a law enforcement agency as provided in section 655.0201, Fla. Stat.

III. LAW ENFORCEMENT

1. Municipal police departments located in Pinellas and Pasco Counties and their individual sworn officers are authorized to effect service of process instead of the Pinellas or Pasco Sheriff's Office when provided a certified copy of an injunction for protection against exploitation of a vulnerable adult upon arriving at a call for police service.
2. **Pasco County** – When serving an injunction for protection against exploitation of a vulnerable adult, law enforcement officers must serve it in accordance with Attachment B, Notice To All Local Law Enforcement Agencies (“Notice”). The Pasco Clerk must attach the Notice to a certified copy of the injunction to be served on the respondent. The Clerk must also provide Attachment C, Return of Service/Certificate of Non-service, when forwarding the injunction for service to law enforcement, including to sheriffs of other Florida counties or to another law enforcement agency, where the respondent resides or can be found. After service of process has been made, the law enforcement officer who served the injunction must immediately file Attachment C, Return of Service/Certificate of Non-service. If attempts at service of process are unsuccessful, the law enforcement officer attempting service must immediately file Attachment C, Return of Service/Certificate of Non-service with the relevant facts that indicate the reason for non-service.
3. **Pinellas County** – When serving an injunction for protection against exploitation of a vulnerable adult, law enforcement officers must serve it in accordance with Attachment B, Notice. The Pinellas Clerk must attach the Notice to a certified copy of the injunction to be served on the respondent. The Clerk must also provide Attachment C, Return of Service/Certificate of Non-service, when forwarding the injunction for service to law enforcement, including to sheriffs of other Florida counties or to another law enforcement agency, where the respondent resides or can be found. After service of process has been made, the law enforcement officer who served the injunction must immediately file Attachment C, Return of Service/Certificate of Non-service.
4. Service of process authorized by this procedure will give the Court personal jurisdiction over the respondent.
5. Nothing herein changes the existing policy that gives primary responsibility for service of injunctions against exploitation of a vulnerable adult in Pinellas and Pasco Counties to the Pinellas and Pasco County Sheriffs. However, if a municipal police agency receives a call for initial service of an injunction, and the agency believes an immediate harm might occur if the injunction is not served immediately, the agency may elect to serve the injunction. The agency must immediately notify the appropriate Pinellas or Pasco County Sheriff's Office upon serving injunctions under these circumstances.

IV. DUTY JUDGE

1. The duty judge must be available to handle overflow cases and otherwise provide assistance to the assigned judge.
2. The duty judge must maintain sufficient time on his or her calendar on the assigned day so that the duty judge has time to handle return hearings and handle other duty matters.
3. If the duty judge assignment conflicts with any other commitment, the duty judge must make arrangements with a fellow judge to exchange the assignment.
4. Judges assigned to the civil division should not be assigned duty or accept an exchange of duty responsibility during jury trial weeks.
5. The assigned judge is responsible for providing timely notification of the exchange to all persons affected by the exchange.
6. Post-judgment motions will be heard by the assigned section judge.

V. INTERPRETERS

1. The AOC will provide spoken language interpreters as needed for a non-English speaking or limited-English-proficient vulnerable adult, petitioner, and/or respondent in accordance with Fla. R. Jud. Admin. 2.560.
2. Such interpreter will be appointed as specified in Administrative Order 2018-034 PA/PI-CIR, Interpreters for Non-English Speaking Persons, Limited-English Proficient Persons, and Deaf or Hard of Hearing Persons, or subsequent administrative order.

VI. COURT REPORTING

1. All proceedings relating to petitions for injunction for protection against exploitation of a vulnerable adult must be recorded pursuant to section 825.1035, Fla. Stat.
2. Such court reporting will be performed in accordance with the Court Reporting Plan, Administrative Order 2017-022 PA/PI-CIR, or subsequent administrative order.

VII. VIOLATIONS

1. The Clerk will assist the petitioner in filing a petition alleging violation of injunction under this AO. The Clerk will immediately forward such affidavit to the assigned judge's section.
2. The judge will review the affidavit and make a determination of the appropriate action. If the judge determines that the affidavit alleges that a crime has been committed under section 825.1036, Fla. Stat., the Clerk will forward a copy of the affidavit to the appropriate law enforcement agency for investigation.

3. Within 20 days after receipt of the affidavit, the local law enforcement agency will complete its investigation and forward to the state attorney the affidavit and a report containing the agency's findings.
4. When state attorney office receives the report from the local law enforcement agency, the state attorney's office will then determine, within 30 business days, whether its office will file criminal charges, prepare a motion for an order to show cause as to why the respondent should not be held in criminal contempt, prepare both as alternative findings, or file notice that the case remains under investigation or is pending subject to another action.

VIII. ATTACHMENTS

The Court may revise the Attachments to this AO without further amendment to this AO.

DONE AND ORDERED in Chambers at St. Petersburg, Pinellas County, Florida, this _____ day of June, 2018.

ORIGINAL SIGNED ON JUNE 29, 2018
BY ANTHONY RONDOLINO, CHIEF JUDGE

Attachment A – (1) Petition for Injunction for Protection Against Exploitation of a Vulnerable Adult & (2) Consent Form
Attachment B – Notice to All Local Law Enforcement Agencies – Pasco/Pinellas
Attachment C – Return of Service/Certificate of Non-service – Pasco/Pinellas
Attachment D – Temporary Injunction
Attachment E – Final Injunction
Attachment F – Miscellaneous Orders

cc: All Judges
The Honorable Bernie McCabe, State Attorney
The Honorable Bob Dillinger, Public Defender
The Honorable Paula O'Neil, Clerk of the Circuit Court, Pasco County
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas County
The Honorable Chris Nocco, Pasco County Sheriff
The Honorable Bob Gualtieri, Pinellas County Sheriff
Ita M. Neymotin, Regional Counsel, Second District
Ngozi Acholonu, Assistant Regional Counsel
Gay Inskeep, Trial Courts Administrator
Lillian Simon, Director of Administrative Services for Pasco County
Kimberly Thompson, Director of Criminal Courts, Pasco County Clerk's Office
Nichole Alvarez-Sowles, Chief Operations Officer, Pasco County Clerk's Office
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR PASCO/PINELLAS COUNTY**

IN RE:

_____,
Alleged Vulnerable Adult,

_____,
Petitioner,

v.

Case Number: _____

UCN: _____

Division: _____

_____,
Respondent.

_____ /

**PETITION FOR INJUNCTION FOR PROTECTION
AGAINST EXPLOITATION OF A VULNERABLE ADULT**

Before me, the undersigned authority, personally appeared the petitioner, *{Name}* _____
who has been sworn and says that the following statements are true:

SECTION I: ALLEGED VULNERABLE ADULT

(This section is about the alleged vulnerable adult. It must be completed.)

1. The alleged vulnerable adult's name and date of birth: _____

2. The alleged vulnerable adult resides at: *{street address}* _____
{city, state, and zip code} _____
Telephone Number: *{area code and number}* _____
3. The relationship between the alleged vulnerable adult and the Petitioner: _____

4. The relationship between the alleged vulnerable adult and the Respondent: _____

SECTION II: PETITIONER

1. Petitioner's contact information: _____
Telephone number: *{area code and number}* _____

2. Petitioner's attorney's name, address, and telephone number: _____

(If the Petitioner does not have an attorney, write "none".)

SECTION III: RESPONDENT

(This section is about the person you want the alleged vulnerable adult to be protected from. It must be completed.)

1. The respondent resides at: *{last known address}* _____

2. The respondent's last known place of employment is: *{name of business and address}* _____

Working hours: _____
3. Physical description of the respondent: _____

Race: _____ Sex: Male _____ / Female: _____ Date of birth: _____
Height: _____ Weight: _____ Eye color: _____ Hair color: _____
Distinguishing marks or scars: _____
4. Aliases of the respondent *{nicknames or other names the respondent goes by}*: _____

5. Respondent's attorney's name, address, and telephone number: _____

(If you do not know whether the respondent has an attorney, write "unknown". If the respondent does not have an attorney, write "none".)

SECTION IV: CASE/REPORT HISTORY AND REASON FOR SEEKING PETITION

(This section must be completed.)

1. The respondent is associated with the alleged vulnerable adult as follows: _____

2. The following describes any other cause of action currently pending between the petitioner and the respondent, any proceeding under chapters 393 and 744 concerning the alleged vulnerable adult, and any previous or pending attempts by the petitioner to obtain an injunction for protection against exploitation of the alleged vulnerable adult in this or any other circuit; related case numbers, if available, and the results of any such attempts:

3. The following describes the petitioner’s knowledge of any reports made to a law enforcement or government agency, including, but not limited to, the Department of Elderly Affairs, the Department of Children and Families, and the adult protective services program relating to the abuse, neglect, or exploitation of the alleged vulnerable adult; any investigations performed by a government agency relating to abuse, neglect, or exploitation of the alleged vulnerable adult, and the results of any such reports or investigations:

4. The petitioner knows the alleged vulnerable adult is either a victim of exploitation or the petitioner has reasonable cause to believe the alleged vulnerable adult is, or is in imminent danger of becoming, a victim of exploitation because the respondent has: *{describe in the spaces below the incidents or threats of exploitation}*:

5. The following describes the petitioner’s knowledge of the alleged vulnerable adult’s dependence on the respondent for care; alternative provisions for the alleged vulnerable adult’s care in the absence of the respondent, if necessary; available resources the alleged vulnerable adult has to access such alternative provisions; and the alleged vulnerable adult’s willingness to use such alternative provisions:

6. The petitioner knows the alleged vulnerable adult maintains assets, accounts, or lines of credit at the following financial institution(s): *{list name, address, and account number of each}*:

| | Name of Financial Institution | Address | Account Number |
|----|--------------------------------------|----------------|-----------------------|
| a. | _____ | _____ | _____ |
| b. | _____ | _____ | _____ |
| c. | _____ | _____ | _____ |
| d. | _____ | _____ | _____ |
| e. | _____ | _____ | _____ |

7. The petitioner believes that the alleged vulnerable adult's assets to be frozen are: *{mark one}*

- Worth less than \$1,500;
- Worth between \$1,500 and \$5,000; or
- Worth more than \$5,000.

8. The petitioner genuinely fears imminent exploitation for the alleged vulnerable adult by the respondent.

SECTION IV: REQUEST FOR INJUNCTION

(This section must be completed.)

1. The petitioner seeks an injunction for the protection of the alleged vulnerable adult, including: *{mark appropriate section or sections}*

- Prohibiting the respondent from having any direct or indirect contact with the alleged vulnerable adult.
- Immediately restraining the respondent from committing any acts of exploitation against the alleged vulnerable adult.
- Freezing the assets of the alleged vulnerable adult held at *{name and address of depository or financial institution}* _____

even if titled jointly with the respondent, or in the respondent's name only, in the court's discretion.

- Freezing the credit lines of the alleged vulnerable adult at *{name and address of financial institution}*
-
-

even if titled jointly with the respondent, in the court's discretion.

- Providing any terms the court deems necessary for the protection of the alleged vulnerable adult or his or her assets, including any injunctions or directives to law enforcement agencies.
- Suspend durable power of attorney.
2. Should the court enter an injunction freezing assets and credit lines, the petitioner believes that the critical expenses of the alleged vulnerable adult will be paid for or provided by the following persons or entities, or the petitioner requests that the following expenses be paid notwithstanding the freeze: *{for each expense, list the name of the payee, address, account number if known, amount, and a brief explanation of why the payment is critical}*

| | Payee Name | Address | Acct. No. | Amount | Explanation |
|----|------------|---------|-----------|--------|-------------|
| a. | _____ | _____ | _____ | _____ | _____ |
| b. | _____ | _____ | _____ | _____ | _____ |
| c. | _____ | _____ | _____ | _____ | _____ |
| d. | _____ | _____ | _____ | _____ | _____ |
| e. | _____ | _____ | _____ | _____ | _____ |

I ACKNOWLEDGE THAT PURSUANT TO SECTION 415.1034, FLORIDA STATUTES, ANY PERSON WHO KNOWS, OR HAS REASONABLE CAUSE TO SUSPECT, THAT A VULNERABLE ADULT HAS BEEN OR IS BEING ABUSED, NEGLECTED, OR EXPLOITED HAS A DUTY TO IMMEDIATELY REPORT SUCH KNOWLEDGE OR SUSPICION TO THE CENTRAL ABUSE HOTLINE. I HAVE REPORTED THE ALLEGATIONS IN THIS PETITION TO THE CENTRAL ABUSE HOTLINE.

I HAVE READ EACH STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

(Initials)

Dated: _____

Signature of Petitioner

STATE OF FLORIDA
COUNTY OF _____

Sworn to or affirmed and signed before me by physical presence or online notarization this
_____ day of _____, 20____, by

(Name of Affiant)

NOTARY PUBLIC OR DEPUTY CLERK

{SEAL}

*{Print, type, or stamp commissioned name
of notary or clerk.}*

_____ Personally known

_____ Produced identification

Type of identification produced: _____

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR PASCO/PINELLAS COUNTY**

IN RE:

_____,
Alleged Vulnerable Adult,

_____,
Petitioner,

v.

Case Number: _____

UCN: _____

Division: _____

_____,
Respondent.

_____ /

CONSENT FOR PETITIONER TO FILE ON BEHALF OF A VULNERABLE ADULT

I consent to a Petition for Injunction being filed against _____.
(Respondent)

I wish to designate _____ to petition on my behalf
for an injunction for protection against exploitation.

Signature

Print Name

Address: *{street address}* _____

{city, state, and zip code} _____

Date

IMPORTANT NOTICE TO ALL LOCAL LAW ENFORCEMENT AGENCIES

This injunction must be read aloud to the respondent. This injunction must be personally served on the respondent. It cannot be served on any other person. Any questions on service should be referred to the Pinellas County Sheriff's Office, Fugitive Section (727-582-6192). Once service has been made pursuant to section 825.1035(10), Florida Statutes, this service information form must be completed and faxed to the Pinellas County Sheriff's Office, Fugitive Section (727-582-6142). The agency serving the injunction must complete a Return of Service form and forward it to the Pinellas County Clerk of the Circuit Court's Office, 315 Court Street, Clearwater, FL 33756.

SERVICE INFORMATION

Served on: _____

(Name of Respondent)

Race: _____ Sex: _____ Date of birth: _____

Date served: _____ Time served: _____

Address where served: _____

Served by: _____

(Name of Officer)

Agency: _____

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR PASCO/PINELLAS COUNTY**

IN RE:

_____,
Alleged Vulnerable Adult,

_____,
Petitioner,

v.

Case Number: _____

UCN: _____

Division: _____

_____,
Respondent.

_____ /

**TEMPORARY INJUNCTION FOR PROTECTION
AGAINST EXPLOITATION OF A VULNERABLE ADULT (WITHOUT NOTICE)**

The Petition for Injunction for Protection against Exploitation of a Vulnerable Adult under section 825.1035, Florida Statutes, and other papers filed in this Court have been reviewed. This Court has jurisdiction over the vulnerable adult and the subject matter under Florida law. The Petitioner has standing.

It is intended that this protection order meet the requirements of 18 U.S.C. Section 2265, and therefore intended that it be accorded full faith and credit by the court of another state or Indian tribe and enforced as if it were the order of the enforcing state or of the Indian tribe.

SECTION 1. NOTICE OF HEARING

Because this Temporary Injunction for Protection against Exploitation of a Vulnerable Adult has been issued without prior notice to Respondent, the Petitioner and Respondent are instructed that they are scheduled to appear and testify at a hearing regarding this matter on *{date}* _____, at _____ a.m./p.m., when the Court will consider whether to issue a Final Judgment of Injunction for Protection against Exploitation of a Vulnerable Adult, which would remain in effect until modified or dissolved by the Court, and whether the Court should order additional relief, such as freezing accounts. The hearing will be held before The Honorable *{presiding judge}* _____ at *{location}* _____.

If Petitioner and/or Respondent do not appear, this temporary injunction may be continued in force, extended, dismissed, and/or additional orders may be granted, including entry of a permanent injunction and the imposition of court costs. Petitioner and Respondent will be bound by the terms

of any injunction or order issued at the final hearing.

IF EITHER PETITIONER OR RESPONDENT DOES NOT APPEAR AT THE FINAL HEARING, HE OR SHE WILL BE BOUND BY THE TERMS OF ANY INJUNCTION OR ORDER ISSUED IN THIS MATTER.

All witnesses and evidence, if any, must be presented at this time.

NOTICE: Because this is a civil case, there is no requirement that these proceedings be transcribed at public expense.

YOU ARE ADVISED THAT IN THIS COURT:

- .. a. A court reporter is provided by the court.
- .. b. An electronic recording only is provided by the court. A party may arrange in advance for the services of and provide for a court reporter to prepare a written transcript of the proceedings at that party's expense.

A RECORD, WHICH INCLUDES A TRANSCRIPT, MAY BE REQUIRED TO SUPPORT AN APPEAL. THE PARTY SEEKING THE APPEAL IS RESPONSIBLE FOR HAVING THE TRANSCRIPT PREPARED BY A COURT REPORTER. THE TRANSCRIPT MUST BE FILED WITH THE REVIEWING COURT OR THE APPEAL MAY BE DENIED.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the (office that handles accommodations) at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

SECTION II: FINDINGS

The statements made under oath by Petitioner make it appear that section 825.1035, Fla. Stat., applies to the parties. The Court finds that an immediate and present danger of exploitation of the vulnerable adult exists. It also appears to the Court that there is a likelihood of irreparable harm to the vulnerable adult, and nonavailability of an adequate remedy at law. The Court further finds that there is a substantial likelihood that Petitioner will be successful in obtaining an injunction upon the merits. Additionally, the Court finds that the threatened injury to the vulnerable adult outweighs any possible harm to Respondent in granting this temporary injunction. This injunction provides for the vulnerable adult's physical or financial safety. Granting this temporary injunction will not in any way disserve the public interest.

SECTION III: TEMPORARY INJUNCTION AND TERMS

This injunction will be effective until the hearing set above and in no event longer than 15 days, unless extended by court order. If a final order of injunction is issued, the terms of this temporary injunction will be extended until service of the final injunction is effected upon Respondent. This injunction is valid and enforceable in all counties in Florida. The terms of this injunction may not be changed by either party alone or by both parties together. Only the Court may modify the terms of this injunction. Either party may ask the Court to change or end this injunction.

Any violation of this injunction may subject the Respondent to prosecution under section 825.1036, Fla. Stat.

In addition, any violation of this injunction, whether or not at the invitation of Petitioner, vulnerable adult, or anyone else, may subject Respondent to civil or indirect criminal contempt proceedings, including the imposition of a fine or imprisonment. Certain willful violations of the terms of this injunction, such as: refusing to vacate the dwelling that the parties share; going to or being within 500 feet of the vulnerable adult's residence; exploiting or unduly influencing the vulnerable adult; committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the vulnerable adult; telephoning, contacting, or otherwise communicating with the vulnerable adult directly or indirectly if prohibited by this injunction, knowingly and intentionally coming within 100 feet of the vulnerable adult's motor vehicle, regardless of whether that vehicle is occupied; or defacing or destroying the vulnerable adult's personal property constitutes a misdemeanor of the first degree punishable by up to one year in jail, as provided in section 775.082, Fla. Stat., or section 775.083, Fla. Stat. A person who has two or more prior convictions for violation of an injunction or foreign protection order against the same victim, and who subsequently commits a violation of any injunction or foreign protection order against the same victim, commits a felony of the third degree, punishable as provided in sections 775.082, 775.083, or 775.084, Fla. Stat., pursuant to section 825.1036, Fla. Stat. In addition, it is a federal criminal felony offense, punishable by up to life imprisonment, depending on the nature of the violation, to cross state lines or enter Indian country for the purpose of engaging in conduct that is prohibited by this injunction. 18 U.S.C. Section 2262.

It is **ORDERED AND ADJUDGED**:

1. **Exploitation prohibited.** Respondent may not commit, or cause any other person to commit, any acts of exploitation against the vulnerable adult. "Exploitation" means: knowingly obtaining or using, or endeavoring to obtain or use, an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who: (1) stands in a position of trust and confidence with the elderly person or disabled adult; or (2) has a business relationship with the elderly person or disabled adult.

"Exploitation" also means: obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elderly person's or disabled adult's funds, assets, or

property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who knows or reasonably should know that the elderly person or disabled adult lacks the capacity to consent;

“Exploitation” may also mean a breach of a fiduciary duty to an elderly person or disabled adult by the person’s guardian, trustee who is an individual, or agent under a power of attorney which results in an unauthorized appropriation, sale, or transfer of property. An unauthorized appropriation occurs when the elderly person or disabled adult does not receive the reasonably equivalent financial value in goods or services, or when the fiduciary violates any of these duties:

1. For agents appointed under chapter 709:
 - a. Committing fraud in obtaining their appointments;
 - b. Abusing their powers;
 - c. Wasting, embezzling, or intentionally mismanaging the assets of the principal or beneficiary; or
 - d. Acting contrary to the principal’s sole benefit or best interest; or
2. For guardians and trustees who are individuals and who are appointed under chapter 736 or chapter 744, Fla. Stat.:
 - a. Committing fraud in obtaining their appointments;
 - b. Abusing their powers; or
 - c. Wasting, embezzling, or intentionally mismanaging the assets of the ward or beneficiary of the trust.

“Exploitation” also means misappropriating, misusing, or transferring without authorization money belonging to an elderly person or disabled adult from an account in which the elderly person or disabled adult placed the funds, owned the funds, and was the sole contributor or payee of the funds before the misappropriation, misuse, or unauthorized transfer of (1) personal accounts; (2) joint accounts created with the intent that only the elderly person or disabled adult enjoys all rights, interests, and claims to moneys deposited into such account; or (3) convenience accounts created in accordance with section 655.80, Fla. Stat.

In addition to the above, “exploitation” means intentionally or negligently failing to effectively use an elderly person’s or disabled adult’s income and assets for the necessities required for that person’s support and maintenance, by a caregiver or a person who stands in a position of trust and confidence with the elderly person or disabled adult.

Any inter vivos transfer of money or property valued in excess of \$10,000 at the time of the transfer, whether in a single transaction or multiple transactions, by a person age 65 or older to a nonrelative whom the transferor knew for fewer than 2 years before the first transfer and for which the transferor did not receive the reasonable equivalent financial value in goods or services creates a permissive presumption that the transfer was the result of exploitation. This applies regardless of whether the transfer or transfers are denoted by

the parties as a gift or loan, except it does not apply to a valid loan evidenced in writing that includes definite repayment dates. However, if any repayment of any such loan is in default, in whole or in part, for more than 65 days, the presumption applies.

2. **No contact.** Respondent may not have any contact with the vulnerable adult unless otherwise provided in this section.

a. Unless otherwise provided herein, Respondent may have no contact with the vulnerable adult. Respondent may not directly or indirectly contact the vulnerable adult in person, by mail, e-mail, telephone, fax, through another person, or in any other manner. Further, Respondent may not contact or have any third party contact anyone connected with the vulnerable adult's employment or school, if applicable, to inquire about the vulnerable adult or to send any messages to the vulnerable adult. Unless otherwise provided herein, **Respondent may not go to, in, or within 500 feet of the vulnerable adult's current residence:** {address}

_____, or any residence to which the vulnerable adult may move, or the vulnerable adult's place of employment, if applicable: {address}

_____; or where the vulnerable adult attends school, if applicable: {address}

_____; or the following place(s) where the vulnerable adult goes often: {address(es)}

_____.
The Respondent may not knowingly come within 100 feet of the vulnerable adult's automobile at any time.

b. Other provisions regarding contact: _____

3. **Mailing Address.** Respondent must notify the Clerk of the Circuit Court of any change in his or her mailing address, or designated e-mail address(es), within 10 days of the change. All further papers (excluding pleadings requiring personal service) will be served by mail to Respondent's last known address. Such service by mail will be complete upon mailing. Section 825.1035, Fla. Stat. Service is complete upon mailing.

4. **Additional order(s) necessary to protect the vulnerable adult from exploitation.**

5. **Temporary Exclusive Use and Possession of Home**

a. _____ **Possession of the Home.** _____ Petitioner _____ Respondent has temporary exclusive use and possession over the dwelling located at: _____

- b. _____ **Transfer of Possession of the Home.** A law enforcement officer with jurisdiction over the home will accompany _____ Petitioner _____ Respondent to the home, and shall place _____ Petitioner _____ Respondent in possession of the home.
- c. _____ **Personal Items.** _____ Petitioner _____ Respondent, in the presence of a law enforcement officer, may return to the premises described above on *{date}* _____, at _____ a.m./p.m., or time arranged with the law enforcement department with jurisdiction over the home, accompanied by a law enforcement officer only, to obtain his or her clothing and items of personal health and hygiene and tools of the trade. A law enforcement officer with jurisdiction over the premises will go with _____ Petitioner _____ Respondent to the home and stand by to insure that he or she vacates the premises with only his or her personal clothing, toiletries, tools of the trade, and any specific items listed below. The law enforcement agency is not responsible for storing or transporting any property.
- d. _____ Petitioner _____ Respondent may not damage or remove any furnishings or fixtures from the parties' former shared residence.

If the Respondent is not awarded possession of the home and goes to the home without a law enforcement officer, it is a violation of this injunction.

- e. _____ The following other personal possessions may also be removed from the premises at this time: _____

- i. _____ If Respondent provides services to the vulnerable adult, the following services required for the vulnerable adult will continue to be provided: _____

 These services will now be provided by: _____
- f. If Respondent was the vulnerable adult's caregiver, caregiving services will now be provided to the vulnerable adult by: _____
- g. _____ Other: _____

6. **Assets.** The Court finds probable cause that exploitation has occurred. Assets held solely in the name of the respondent may only be frozen on an ex parte basis if the petition and affidavit demonstrate to the court probable cause that such assets are traceable to the unlawful exploitation of the vulnerable adult, that such assets are likely to be returned to the vulnerable adult after a final evidentiary hearing, and that no other adequate remedy at law is reasonably available.

- a. The following assets will be frozen:

| | Name of Financial Institution | Address | Account Number |
|----|--------------------------------------|----------------|-----------------------|
| 1. | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ |

- 4. _____
- 5. _____

b. Assets held by a trust may be frozen only by an order of the court if all the trustees of a trust are served with process and are given reasonable notice before any hearing on the petition.

- .. The trustee(s) has/have been properly served.
- .. The trustee(s) has/have **not** been properly served.
- .. Assets held by a trust will be frozen at this time.
- .. Assets held by a trust will **not** be frozen at this time.

The following assets held in trust will be frozen:

| | Name of Financial Institution | Address | Account Number |
|----|--------------------------------------|----------------|-----------------------|
| 1. | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ |

c. The following credit lines will be frozen:

| | Name of Financial Institution | Address | Account Number |
|----|--------------------------------------|----------------|-----------------------|
| 1. | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ |

d. Lines of credit held by a trust may be frozen only by an order of the court if all the trustees of the trust are served with process and are given reasonable notice before any hearing on the petition.

- .. The trustee(s) has/have been properly served.
- .. The trustee(s) has/have **not** been properly served.
- .. Lines of credit held by a trust will be frozen at this time.
- .. Lines of credit held by a trust will **not** be frozen at this time.

The following lines of credit held in trust will be frozen:

| | Name of Financial Institution | Address | Account Number |
|----|--------------------------------------|----------------|-----------------------|
| 1. | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ |

e. Where this injunction freezes Respondent's assets, only the proceeds of the exploitation will be affected as follows:

f. _____ The following assets under the temporary freeze will be returned to the vulnerable adult as follows:

g. _____ The following assets under the temporary freeze will remain under the temporary freeze until ownership can be determined.

h. _____ If the Court orders an asset and credit freeze, the Court also orders that living expenses of the vulnerable adult continue to be paid as follows:

.. The assets are between \$1500 and \$5000. The following financial institution(s) holding assets belonging to the vulnerable adult is/are ordered to pay to the Clerk of the Circuit Court \$75 from unencumbered assets of the vulnerable adult:

OR

.. The assets are over \$5000. The following financial institution(s) holding assets belonging to the vulnerable adult is/are ordered to pay to the Clerk of the Circuit Court \$200 from unencumbered assets of the vulnerable adult:

SECTION IV. DIRECTIONS TO LAW ENFORCEMENT OFFICER IN ENFORCING THIS INJUNCTION

{Unless ordered otherwise by the judge, all provisions of this injunction are considered mandatory provisions and should be interpreted as part of this injunction.}

1. The Sheriff or County, or any other authorized law enforcement officer, is ordered to serve this temporary injunction upon Respondent as soon as possible after its issuance.
2. **This injunction is valid and enforceable in all counties in Florida.** Violation of this injunction should be reported to the appropriate law enforcement agency. Law

enforcement officers of the jurisdiction in which a violation of this injunction occurs shall enforce the provisions of this injunction and are authorized to arrest without warrant pursuant to section 901.15, Fla. Stat., for any violation of its provisions.

3. THIS INJUNCTION IS ENFORCEABLE IN ALL COUNTIES OF FLORIDA, AND LAW ENFORCEMENT OFFICERS MAY EFFECT ARRESTS PURSUANT TO SECTION 901.15(6), FLA. STAT. The arresting agent will notify the State Attorney's Office immediately after arrest.
4. **Reporting alleged violations.** If Respondent violates the terms of this injunction and there has not been an arrest, Petitioner may contact the Clerk of the Circuit Court of the county in which the violation occurred and complete an affidavit in support of the violation, or the Petitioner may contact the State Attorney's Office for assistance in filing an action for indirect civil contempt or indirect criminal contempt. Upon receiving such a report, the State Attorney is hereby appointed to prosecute such violations by indirect criminal contempt proceedings, or the State Attorney may decide to file a criminal charge, if warranted by the evidence.
5. **Respondent, upon service of this temporary injunction, is deemed to have knowledge of and to be bound by all matters occurring at the hearing and on the face of this injunction.**

DONE AND ORDERED at _____, _____ County, Florida this _____ day of _____, 20_____.

CIRCUIT JUDGE

COPIES TO:

- .. Sheriff of Pasco County
- .. Sheriff of Pinellas County

Petitioner:

- .. By U.S. Mail
- .. By hand delivery

Vulnerable Adult:

- .. By U.S. Mail
- .. By hand delivery

Respondent:

- .. Forwarded to sheriff for service
- .. By hand delivery
- .. State Attorney's Office

.. Department of Children and Families, Adult Protective Services Program

.. Other: _____

If assets or lines of credit are ordered to be frozen, the depositor(ies) or financial institution(s) were served with this injunction in accordance with section 655.0201, Fla. Stat., as follows:

If assets or lines of credit are held by a trust ordered to be frozen, the depositor(ies) or financial institution(s) were served with this injunction in accordance with section 655.0201, Fla. Stat., as follows:

I CERTIFY the foregoing is a true copy of the original as it appears on file in the office of the Clerk of the Circuit Court, and that I have furnished copies of this order as indicated above.

CLERK OF THE CIRCUIT COURT

[SEAL]

CLERK OF THE CIRCUIT COURT

By: _____
Deputy Clerk

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR PASCO/PINELLAS COUNTY**

IN RE:

_____,
Alleged Vulnerable Adult,

_____,
Petitioner,

v.

Case Number: _____

UCN: _____

Division: _____

_____,
Respondent.

_____/

**FINAL JUDGMENT OF INJUNCTION FOR PROTECTION
AGAINST EXPLOITATION OF A VULNERABLE ADULT (AFTER NOTICE)**

The Petition for Injunction for Protection against Exploitation of a Vulnerable Adult under section 825.1035, Florida Statutes, and other papers filed in this Court have been reviewed. This Court has jurisdiction of the parties and the subject matter under Florida law.

It is intended that this protection order meet the requirements of 18 U.S.C. Section 2265, and therefore intended that it be accorded full faith and credit by the court of another state or Indian tribe and enforced as if it were the order of the enforcing state or of the Indian tribe.

SECTION 1. HEARING

This cause came before the Court for a hearing to determine whether an Injunction for Protection against Exploitation of Vulnerable Adult in this case should be:

- .. Issued
- .. Modified
- .. Extended.

The hearing was attended by:

- .. Petitioner _____
- .. Petitioner's Counsel _____
- .. The vulnerable adult named in the petition _____
- .. Vulnerable adult guardian _____

.. Vulnerable adult counsel _____
 .. Respondent _____
 .. Respondent's Counsel _____
 .. Petitioner failed to appear _____
 .. Respondent failed to appear _____
 .. Financial institution representative _____
 .. Trustee(s): _____
 .. Other: _____

SECTION II. FINDINGS

On {date} _____, a notice of this hearing was served on Respondent together with a copy of Petitioner's petition to this Court and the temporary injunction, if issued. Service was within the time required by Florida law, and Respondent was afforded reasonable notice and an opportunity to be heard in a manner that protected Respondent's right to due process.

On {date} _____, a notice of this hearing was served on the vulnerable adult named in the Petition together with a copy of Petitioner's petition to this Court and the temporary injunction, if issued. Service was within the time required by Florida law. If appropriate, a copy has been provided to the vulnerable adult's guardian.

On {date} _____, a notice of this hearing was served on the following financial institutions: _____ together with a copy of Petitioner's petition to this Court and the temporary injunction, if issued. Service was within the time required by Florida law.

On {date} _____, a notice of this hearing was served on the following trustees: _____ together with a copy of Petitioner's petition to this Court and the temporary injunction, if issued. Service was within the time required by Florida law.

After hearing the testimony of each party present and of any witnesses, or upon the consent of the Respondent, the Court finds that, based on the specific facts of this case:

- .. that the vulnerable adult is a victim of exploitation or is in imminent danger of becoming a victim of exploitation by Respondent;
- .. there is a likelihood of irreparable harm and nonavailability of an adequate remedy at law;
- .. the threatened injury to the vulnerable adult outweighs possible harm to the respondent;
- .. the prior freeze of the assets of the respondent only affects the proceeds of such exploitation and there is a substantial likelihood that such assets will be ordered to be returned to the vulnerable adult;
- .. the relief provides for the vulnerable adult's physical or financial safety.

III. INJUNCTION AND TERMS

This injunction will be in full force and effect until:

- .. Further order of the Court or
- .. {date}_____.

This injunction is valid and enforceable in all counties of Florida. The terms of this injunction may not be changed by either party alone or by both parties together. Only the Court may modify the terms of this injunction. Either party make ask the Court to change or end this injunction at any time.

Any violation of this injunction by the respondent may result in prosecution under section 825.1036, Fla. Stat.

In addition, any violation of this injunction, whether or not at the invitation of the Petitioner or vulnerable adult or anyone else, may subject Respondent to civil or indirect criminal contempt proceedings, including the imposition of a fine or imprisonment. Certain willful violations of the terms of this injunction: refusing to vacate the dwelling that the parties share; going to or being within 500 feet of the vulnerable adult's residence; exploiting or unduly influencing the vulnerable adult; committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the vulnerable adult; telephoning, contacting, or otherwise communicating with the vulnerable adult directly or indirectly, unless the injunction specifically allows indirect contact through a third party; knowingly and intentionally coming within 100 feet of the vulnerable adult's motor vehicle, regardless of whether that vehicle is occupied; or defacing or destroying the vulnerable adult's personal property constitutes a misdemeanor of the first degree punishable by up to one year in jail, as provided in section 775.082, Fla. Stat., or section 775.083, Fla. Stat. A person who has two or more prior convictions for violation of an injunction or foreign protection order against the same victim, and who subsequently commits a violation of any injunction or foreign protection order against the same victim, commits a felony of the third degree, punishable as provided in sections 775.082, 775.083, or 775.084, Fla. Stat., pursuant to section 825.1036, Fla. Stat. In addition, it is a federal criminal felony offense, punishable by up to life imprisonment, depending on the nature of the violation, to cross state lines or enter Indian country for the purpose of engaging in conduct that is prohibited by this injunction. 18 U.S.C. Section 2262.

It is **ORDERED AND ADJUDGED:**

1. **Exploitation prohibited.** Respondent may not commit, or cause any other person to commit, any acts of exploitation against the vulnerable adult. "Exploitation" means: knowingly obtaining or using, or endeavoring to obtain or use, an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who: (1) stands in a position of trust and confidence with the elderly person or disabled adult; or (2) has a business relationship with the elderly person or disabled adult.

“Exploitation” also means: obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elderly person’s or disabled adult’s funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who knows or reasonably should know that the elderly person or disabled adult lacks the capacity to consent;

“Exploitation” may also mean a breach of a fiduciary duty to an elderly person or disabled adult by the person’s guardian, trustee who is an individual, or agent under a power of attorney which results in an unauthorized appropriation, sale, or transfer of property. An unauthorized appropriation occurs when the elderly person or disabled adult does not receive the reasonably equivalent financial value in goods or services, or when the fiduciary violates any of these duties:

1. For agents appointed under chapter 709:
 - a. Committing fraud in obtaining their appointments;
 - b. Abusing their powers;
 - c. Wasting, embezzling, or intentionally mismanaging the assets of the principal or beneficiary; or
 - d. Acting contrary to the principal’s sole benefit or best interest; or
2. For guardians and trustees who are individuals and who are appointed under chapter 736 or chapter 744, Fla. Stat.:
 - a. Committing fraud in obtaining their appointments;
 - b. Abusing their powers; or
 - c. Wasting, embezzling, or intentionally mismanaging the assets of the ward or beneficiary of the trust.

“Exploitation” also means misappropriating, misusing, or transferring without authorization money belonging to an elderly person or disabled adult from an account in which the elderly person or disabled adult placed the funds, owned the funds, and was the sole contributor or payee of the funds before the misappropriation, misuse, or unauthorized transfer of (1) personal accounts; (2) joint accounts created with the intent that only the elderly person or disabled adult enjoys all rights, interests, and claims to moneys deposited into such account; or (3) convenience accounts created in accordance with section 655.80, Fla. Stat.

In addition to the above, “exploitation” means intentionally or negligently failing to effectively use an elderly person’s or disabled adult’s income and assets for the necessities required for that person’s support and maintenance, by a caregiver or a person who stands in a position of trust and confidence with the elderly person or disabled adult.

Any inter vivos transfer of money or property valued in excess of \$10,000 at the time of the transfer, whether in a single transaction or multiple transactions, by a person age 65 or older to a nonrelative whom the transferor knew for fewer than 2 years before the first transfer and for which the transferor did not receive the reasonable equivalent financial

value in goods or services creates a permissive presumption that the transfer was the result of exploitation. This applies regardless of whether the transfer or transfers are denoted by the parties as a gift or loan, except it does not apply to a valid loan evidenced in writing that includes definite repayment dates. However, if any repayment of any such loan is in default, in whole or in part, for more than 65 days, the presumption applies.

2. **No contact.** Respondent may not have any contact with the vulnerable adult unless otherwise provided in this section.
 - a. Unless otherwise provided herein, Respondent may have no contact with the vulnerable adult. Respondent may not directly or indirectly contact the vulnerable adult in person, by mail, e-mail, telephone, fax, through another person, or in any other manner. Further, Respondent may not contact or have any third party contact anyone connected with the vulnerable adult's employment or school, if applicable, to inquire about the vulnerable adult or to send any messages to the vulnerable adult. Unless otherwise provided herein, **Respondent may not go to, in, or within 500 feet of the vulnerable adult's current residence:** {address}

_____, or any residence to which the vulnerable adult may move, or the vulnerable adult's place of employment, if applicable: {address}

_____; or where the vulnerable adult attends school, if applicable: {address}

_____; or the following place(s) where the vulnerable adult goes often: {address(es)}

_____.
 - b. _____ The Respondent may not knowingly come within 100 feet of the vulnerable adult's automobile at any time.
 - c. Other provisions regarding contact: _____
3. **Evaluation/Counseling.** Within 10 days of the date of this injunction, Respondent must enroll in and, thereafter without delay, complete the following. Respondent must provide proof of such enrollment to the Clerk of the Circuit Court within 30 days of the date of this injunction:
 - .. i. counseling services, to be paid for by the Respondent.
 - .. ii. Other _____
4. **Mailing Address.** Respondent must notify the Clerk of the Circuit Court of any change in his or her mailing address within 10 days of the change. All further papers (excluding pleadings requiring personal service) will be served by mail to Respondent's last known address. Such service by mail will be complete upon mailing. Section 825.1035, Fla. Stat.

5. **Temporary Exclusive Use and Possession of Home**

.. **Possession of the Home.** Petitioner has temporary exclusive use and possession over the dwelling located at: _____

.. **Transfer of Possession of the Home.** A law enforcement officer with jurisdiction over the home will accompany Respondent to the home, and shall place Petitioner in possession of the home.

.. **Personal Items.** Respondent, in the presence of a law enforcement officer, may return to the premises described above on *{date}* _____, at _____ a.m./p.m., or time arranged with the law enforcement department with jurisdiction over the home, , accompanied by a law enforcement officer only, to obtain his or her clothing and items of personal health and hygiene and tools of the trade. A law enforcement officer with jurisdiction over the premises will go with Respondent to the home and stand by to insure that he or she vacates the premises with only his or her personal clothing, toiletries, tools of the trade, and any specific items listed below. The law enforcement agency is not responsible for storing or transporting any property.

If the Respondent is not awarded possession of the home and goes to the home without a law enforcement officer, it is a violation of this injunction.

.. The following other personal possessions may also be removed from the premises at this time: _____

.. If Respondent provides services to the vulnerable adult, the following services required for the vulnerable adult will continue to be provided: _____

These services will now be provided by: _____

.. If Respondent was the vulnerable adult’s caregiver, caregiving services will now be provided to the vulnerable adult by: _____

.. Other: _____

6. **Assets.** The Court finds probable cause that exploitation has occurred. Assets held solely in the name of the respondent may only be frozen if the Petitioner demonstrates to the court probable cause that such assets are traceable to the unlawful exploitation of the vulnerable adult, that such assets are likely to be returned to the vulnerable adult after a final evidentiary hearing, and that no other adequate remedy at law is reasonably available.

a. The following assets will be frozen:

| | Name of Financial Institution | Address | Account Number |
|----|--------------------------------------|----------------|-----------------------|
| 1. | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ |

- 3. _____
- 4. _____
- 5. _____

b. Assets held by a trust may be frozen only by an order of the court if all the trustees of a trust are served with process and are given reasonable notice before any hearing on the petition.

- .. The trustee(s) has/have been properly served.
- .. The trustee(s) has/have **not** been properly served.
- .. Assets held by a trust will be frozen at this time.
- .. Assets held by a trust will **not** be frozen at this time.

The following assets held in trust will be frozen:

| | Name of Financial Institution | Address | Account Number |
|----|--------------------------------------|----------------|-----------------------|
| 1. | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ |

c. The following credit lines will be frozen:

| | Name of Financial Institution | Address | Account Number |
|----|--------------------------------------|----------------|-----------------------|
| 1. | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ |

d. Lines of credit held by a trust may be frozen only by an order of the court if all the trustees of the trust are served with process and are given reasonable notice before any hearing on the petition.

- .. The trustee(s) has/have been properly served.
- .. The trustee(s) has/have not been properly served.
- .. Lines of credit held by a trust will be frozen at this time.
- .. Lines of credit held by a trust will **not** be frozen at this time.

The following lines of credit held in trust will be frozen:

| | Name of Financial Institution | Address | Account Number |
|----|--------------------------------------|----------------|-----------------------|
| 1. | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ |

3. _____
4. _____
5. _____

Where this injunction freezes Respondent’s assets, only the proceeds of the exploitation will be affected as follows: _____

“ The following assets under the temporary freeze will be returned to the vulnerable adult as follows: _____

“ The following assets under the temporary freeze will remain under the temporary freeze until ownership can be determined: _____

7. Final Cost Judgment.

“ A final cost judgment is entered against Respondent in favor of the Petitioner for all taxable costs.

“ A final cost judgment is entered against Respondent in favor of the Clerk of Circuit Court for all the Clerk’s filing fees and service charges.

SECTION IV. DIRECTIONS TO LAW ENFORCEMENT OFFICER IN ENFORCING THIS INJUNCTION

{Unless ordered otherwise by the judge, all provisions of this injunction are considered mandatory provisions and should be interpreted as part of this injunction.}

1. **This injunction is valid and enforceable in all counties in Florida.** Violation of this injunction should be reported to the appropriate law enforcement agency. Law enforcement officers of the jurisdiction in which a violation of this injunction occurs shall enforce the provisions of this injunction and are authorized to arrest without warrant pursuant to section 901.15, Fla. Stat., for any violation of its provisions.
2. **THIS INJUNCTION IS ENFORCEABLE IN ALL COUNTIES OF FLORIDA, AND LAW ENFORCEMENT OFFICERS MAY EFFECT ARRESTS PURSUANT TO SECTION 901.15(6), FLA. STAT.** The arresting agent will notify the State Attorney’s Office immediately after arrest.
3. **Reporting alleged violations.** If Respondent violates the terms of this injunction and there has not been an arrest, Petitioner may contact the Clerk of the Circuit Court of the county

in which the violation occurred and complete an affidavit in support of the violation, or the Petitioner may contact the State Attorney's Office for assistance in filing an action for indirect civil contempt or indirect criminal contempt. Upon receiving such a report, the State Attorney is hereby appointed to prosecute such violations by indirect criminal contempt proceedings, or the State Attorney may decide to file a criminal charge, if warranted by the evidence.

4. **Respondent, upon service of this injunction, is deemed to have knowledge of and to be bound by all matters occurring at the hearing and on the face of this injunction.**
5. **The temporary injunction, if any, entered in this case is extended until such time as service of this injunction is effected upon Respondent.**

DONE AND ORDERED at _____, _____ County, Florida this _____ day of _____, 20_____.

CIRCUIT JUDGE

COPIES TO:

- .. Sheriff of Pasco County
- .. Sheriff of Pinellas County

Petitioner:

- .. By U.S. Mail
- .. By hand delivery in open court
(Petitioner must acknowledge receipt in writing on the face of the original order – see below)
- .. By counsel

Vulnerable Adult:

- .. By U.S. Mail
- .. By hand delivery in open court
(Vulnerable adult must acknowledge receipt in writing on the face of the original order – see below)
- .. By counsel

Respondent:

- .. Forwarded to sheriff for service
- .. By hand delivery in open court
(Respondent must acknowledge receipt in writing on the face of the original order – see below)
- .. By certified mail
(may only be used when Respondent is present at the hearing and Respondent fails or refuses to acknowledge the receipt of the certified copy of this injunction)
- .. By counsel

- .. State Attorney's Office
- .. Department of Children and Families, Adult Protective Services Program
- .. Other: _____

If assets or lines of credit are ordered to be frozen, the depositor(ies) or financial institution(s) were served with this injunction in accordance with section 655.0201, Fla. Stat., as follows:

If assets or lines of credit are held by a trust ordered to be frozen, the depositor(ies) or financial institution(s) were served with this injunction in accordance with section 655.0201, Fla. Stat., as follows:

I CERTIFY the foregoing is a true copy of the original as it appears on file in the office of the Clerk of the Circuit Court, and that I have furnished copies of this order as indicated above.

CLERK OF THE CIRCUIT COURT

[SEAL]

CLERK OF THE CIRCUIT COURT

By: _____
Deputy Clerk

ACKNOWLEDGMENT

I, _____, acknowledge receipt of a certified copy of this injunction for Protection.

Petitioner

ACKNOWLEDGMENT

I, _____, acknowledge receipt of a certified copy of this injunction for Protection.

Vulnerable adult

ACKNOWLEDGMENT

I, _____, acknowledge receipt of a certified copy of this injunction for Protection.

Respondent

Mailing Address

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR PASCO/PINELLAS COUNTY**

IN RE:

_____,
Alleged Vulnerable Adult,

_____,
Petitioner,

v.

Case Number: _____

UCN: _____

Division: _____

_____,
Respondent.

_____ /

**ORDER SETTING HEARING ON PETITION FOR INJUNCTION FOR PROTECTION
AGAINST EXPLOITATION OF A VULNERABLE ADULT**

A Petition for Injunction for Protection against Exploitation of a Vulnerable Adult filed under section 825.1035, Florida Statutes, has been reviewed. This Court has jurisdiction of the parties and of the subject matter. Upon review of the Petition, this Court concludes that an Injunction for Protection against Exploitation of a Vulnerable Adult pending the hearing scheduled below, **NOT** to be entered at this time, but that an injunction may be entered after the hearing, depending on the findings made by the Court at that time.

FINDINGS

The Court finds that based on the facts, as stated in the Petition alone and without a hearing on the matter, there is no appearance that immediate danger of becoming a victim of exploitation exists. Therefore, there is not a sufficient factual basis upon which the Court can enter a Temporary Injunction for Protection against Exploitation of a Vulnerable Adult. A hearing is scheduled on the Petition Injunction for Protection against Exploitation of a Vulnerable Adult, in Section II of this Order. Petitioner may amend or supplement the Petition at any time to state further reasons why a Temporary Injunction should be ordered which would be in effect until the hearing scheduled below.

NOTICE OF HEARING

Petitioner and Respondent are ordered to appear and testify at a hearing on the Petition for Injunction for Protection against Exploitation of a Vulnerable Adult on:

_____, _____, _____, 20____ at _____ a.m. / p.m. at:
day of week month day year time

- “ ST. PETERSBURG JUDICIAL BUILDING, 545 1ST AVENUE NORTH,
ST. PETERSBURG, FL 33701, COURTROOM _____;
- “ CLEARWATER COURTHOUSE, 315 COURT STREET, CLEARWATER, FL 33756,
COURTROOM _____;
- “ WEST PASCO JUDICIAL CENTER, 7530 LITTLE ROAD, NEW PORT RICHEY, FL
34654, COURTROOM _____;

at which time the Court will consider whether a Final Judgment of Injunction for Protection against Exploitation of a Vulnerable Adult will remain in effect until a fixed date set by the Court or until modified or dissolved by the Court.

If Petitioner and/or Respondent do not appear, orders may be entered, including entry of a permanent Injunction, final cost judgment for all taxable costs, and imposition of clerk’s fees and charges. Petitioner and Respondent will be bound by the terms of any injunction or order issued at the final hearing.

IF EITHER PETITIONER OR RESPONDENT DO NOT APPEAR AT THE FINAL HEARING, HE OR SHE WILL BE BOUND BY THE TERMS OF ANY INJUNCTION OR ORDER ISSUED IN THE MATTER.

All witnesses and evidence, if any, must be presented at this time.

NOTICE: There is no requirement that these proceedings be transcribed at public expense.
YOU ARE ADVISED THAT IN THIS COURT:

- “ a court reporter is provided by the court.
- “ electronic recording only is provided by the court. A party may arrange in advance for the services of and provide for a court reporter to prepare a written transcript of the proceedings at the party’s expense.

A RECORD, WHICH INCLUDES A TRANSCRIPT, MAY BE REQUIRED TO SUPPORT AN APPEAL. THE PARTY SEEKING THE APPEAL IS RESPONSIBLE FOR HAVING THE TRANSCRIPT PREPARED BY A COURT REPORTER. THE TRANSCRIPT MUST BE FILED WITH THE REVIEWING COURT OR THE APPEAL MAY BE DENIED.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the (office that handles accommodations) at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

Nothing in this order limits the Petitioner's right to dismiss the petition.

DONE AND ORDERED at _____, _____ County, Florida this
_____ day of _____, 20_____.

CIRCUIT JUDGE

COPIES TO:

- .. Sheriff of Pasco County
- .. Sheriff of Pinellas County

Petitioner:

- .. by U.S. Mail
- .. by hand delivery in open court
- .. by e-mail to designated e-mail address(es)
- .. counsel

Alleged Vulnerable Adult:

- .. by U.S. Mail
- .. by hand delivery in open court
- .. by e-mail to designated e-mail address(es)
- .. counsel

Respondent:

- .. forwarded to sheriff for service
- .. State Attorney's Office
- .. Department of Children and Families, Adult Protective Services Program
- .. Other: _____

I CERTIFY the foregoing is a true copy of the original Order Setting Hearing on Petition for Injunction for Protection against Exploitation of a Vulnerable Adult as it appears on file in the office of the Clerk of the Circuit Court and that I have furnished copies of this order as indicated above.

CLERK OF THE CIRCUIT COURT

[SEAL]

CLERK OF THE CIRCUIT COURT

By: _____
{Deputy Clerk or Judicial Assistant}

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR PASCO/PINELLAS COUNTY**

IN RE:

_____,
Alleged Vulnerable Adult,

_____,
Petitioner,

v.

Case Number: _____

UCN: _____

Division: _____

_____,
Respondent.

_____ /

**ORDER OF CONTINUANCE AND RESCHEDULING HEARING ON
PETITION FOR INJUNCTION FOR PROTECTION
AGAINST EXPLOITATION OF A VULNERABLE ADULT**

This Court having determined that one or both parties have demonstrated good cause to warrant a continuance of the return hearing in this cause and

- .. Petitioner _____;
- .. Alleged Vulnerable Adult appeared _____;
- .. Respondent appeared _____;
- .. Parties stipulated [] in open court [] in writing;

it is

- .. **ORDERED AND ADJUDGED** that the Temporary Injunction without Notice entered herein will remain in full force and effect until further Order of this Court. It is further ordered that the Clerk of Court will immediately forward a copy of this Order, together with a copy of the Temporary Injunction without Notice, to the appropriate County Sheriff's Office.

OR

- .. **ORDERED AND ADJUDGED** that the Petition for Temporary Injunction was DENIED previously and remains as such.

It is further **ORDERED AND ADJUDGED** that:

- .. The return hearing on the Petition for Injunction for Protection against Exploitation of a Vulnerable Adult will be rescheduled before the assigned Judge. The party or its

representing counsel for whom this Order of Continuance is granted will be responsible for rescheduling the return hearing before the assigned judge as soon as possible;

OR

.. The return hearing on the Petition for Injunction for Protection against Exploitation of a Vulnerable Adult will be rescheduled by the Clerk of the Circuit Court on the next available regular Exploitation of a Vulnerable Adult Injunction (EVAI) calendar.

OR

.. The return hearing on the Petition for Injunction for Protection against Exploitation of a Vulnerable Adult will be heard on:

_____, _____, _____, 20____ at _____ a.m. / p.m.,
day of week month day year time

before the Honorable Judge _____ at:

.. ST. PETERSBURG JUDICIAL BUILDING, 545 1ST AVENUE NORTH,
ST. PETERSBURG, FL 33701, COURTROOM _____;

.. CLEARWATER COURTHOUSE, 315 COURT STREET, CLEARWATER,
FL 33756, COURTROOM _____;

.. WEST PASCO JUDICIAL CENTER, 7530 LITTLE ROAD, NEW PORT RICHEY,
FL 34654, COURTROOM _____;

.. Other: _____.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the (office that handles accommodations) at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

DONE AND ORDERED at _____, _____ County, Florida this _____ day of _____, 20_____.

CIRCUIT JUDGE

COPIES TO:

- .. Sheriff of Pasco County
- .. Sheriff of Pinellas County

Petitioner:

- .. by U.S. Mail
- .. by hand delivery in open court
- .. by counsel

Alleged Vulnerable Adult:

- .. by U.S. Mail
- .. by hand delivery in open court
- .. by counsel

Respondent:

- .. forwarded to sheriff for service
- .. by counsel
- .. State Attorney's Office

- .. Department of Children and Families, Adult Protective Services Program

- .. Other: _____

I CERTIFY the foregoing is a true copy of the original Order of Continuance and Rescheduling Hearing on Petition for Injunction for Protection against Exploitation of a Vulnerable Adult as it appears on file in the office of the Clerk of the Circuit Court, and that I have furnished copies of this order as indicated above.

CLERK OF THE CIRCUIT COURT

[SEAL]

CLERK OF THE CIRCUIT COURT

By: _____
{Deputy Clerk or Judicial Assistant}

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR PASCO/PINELLAS COUNTY**

IN RE:

_____,
Alleged Vulnerable Adult,

_____,
Petitioner,

v.

Case Number: _____

UCN: _____

Division: _____

_____,
Respondent.

_____ /

**ORDER EXTENDING INJUNCTION FOR PROTECTION
AGAINST EXPLOITATION OF A VULNERABLE ADULT**

THIS CAUSE came before the Court on _____, upon Petitioner's motion for extension of injunction for protection against vulnerable adult and it appearing to the Court as follows:

1. **Ex parte.** The claims in the motion for extension of injunction for protection make it appear to the Court that there is an immediate and present danger of exploitation of a vulnerable adult, as required under section 825.1035, Florida Statutes.

OR

2. **Joint Stipulation.** The parties stipulated to the Court orally or in writing that the injunction should be extended so that an evidentiary hearing can be set for a later date, which is indicated below.

The previously entered injunction is extended until {date} _____. A full hearing on the motion is scheduled for _____, 20____ at _____ a.m. / p.m., at:

month day year time

- ST. PETERSBURG JUDICIAL BUILDING, 545 1ST AVENUE NORTH, ST. PETERSBURG, FL 33701, COURTROOM _____;
- CLEARWATER COURTHOUSE, 315 COURT STREET, CLEARWATER, FL 33756, COURTROOM _____;
- WEST PASCO JUDICIAL CENTER, 7530 LITTLE ROAD, NEW PORT RICHEY, FL 34654, COURTROOM _____;
- Other: _____.

NOTICE: Because this is a civil case, there is no requirement that these proceedings be transcribed at public expense.

YOU ARE ADVISED THAT IN THIS COURT:

- .. a court reporter is provided by the court.
- .. electronic recording only is provided by the court. A party may arrange in advance for the services of and provide for a court reporter to prepare a written transcript of the proceedings at the party's expense.

A RECORD, WHICH INCLUDES A TRANSCRIPT, MAY BE REQUIRED TO SUPPORT AN APPEAL. THE PARTY SEEKING THE APPEAL IS RESPONSIBLE FOR HAVING THE TRANSCRIPT PREPARED BY A COURT REPORTER. THE TRANSCRIPT MUST BE FILED WITH THE REVIEWING COURT OR THE APPEAL MAY BE DENIED.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the (office that handles accommodations) at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

1. After notice and hearing. Respondent was served with a copy of the temporary injunction and/or final judgment of injunction, if applicable, and a notice of this hearing within the time required by Florida law and was afforded an opportunity to be heard. The notice and opportunity to be heard were sufficient to protect Respondent's right to due process. The following persons attended the hearing:

- .. Petitioner/Vulnerable Adult
- .. Respondent

2. Other. _____.

DONE AND ORDERED at _____, _____ County, Florida this _____ day of _____, 20_____.

CIRCUIT JUDGE

COPIES TO:

- .. Sheriff of Pasco County
- .. Sheriff of Pinellas County

Petitioner:

- .. by U.S. Mail
- .. by hand delivery in open court
(Petitioner must acknowledge receipt in writing on the face of the original order – see below)
- .. Counsel

Vulnerable adult:

- .. By U.S. Mail
- .. By hand delivery in open court
(Vulnerable adult must acknowledge receipt in writing on the face of the original order – see below)
- .. Counsel

Respondent:

- .. Forwarded to sheriff for service
- .. By hand delivery in open court
(Respondent must acknowledge receipt in writing on the face of the original order – see below)
- .. By certified mail
(may only be used when Respondent is present at the hearing and Respondent fails or refuses to acknowledge the receipt of the certified copy of this injunction)
- .. Counsel

- .. State Attorney’s Office
- .. Department of Children and Families, Adult Protective Services Program
- .. Other: _____

If assets or lines of credit are ordered to be frozen, the depositor(ies) or financial institution(s) were served with this injunction in accordance with section 655.0201, Florida Statutes as follows:

If assets or lines of credit are held by a trust ordered to be frozen, the depositor(ies) or financial institution(s) were served with this injunction in accordance with section 655.0201, Florida Statutes as follows:

I CERTIFY the foregoing is a true copy of the original as it appears on file in the office of the Clerk of the Circuit Court, and that I have furnished copies of this order as indicated above.

CLERK OF THE CIRCUIT COURT

[SEAL]

CLERK OF THE CIRCUIT COURT

By: _____
{Deputy Clerk or Judicial Assistant}

ACKNOWLEDGMENT

I, _____, acknowledge receipt of a certified copy of this injunction for Protection.

Petitioner

ACKNOWLEDGMENT

I, _____, acknowledge receipt of a certified copy of this injunction for Protection.

Vulnerable adult

ACKNOWLEDGMENT

I, _____, acknowledge receipt of a certified copy of this injunction for Protection.

Respondent

Mailing Address

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR PASCO/PINELLAS COUNTY**

IN RE:

_____,
Alleged Vulnerable Adult,

_____,
Petitioner,

v.

Case Number: _____

UCN: _____

Division: _____

_____,
Respondent.

_____/

**ORDER DENYING PETITION FOR INJUNCTION FOR PROTECTION
AGAINST EXPLOITATION OF A VULNERABLE ADULT**

The Court has reviewed the Petition for an Injunction for Protection against Exploitation of Vulnerable Adult under section 825.1035, Florida Statutes, filed in this cause and finds that Petitioner has failed to comply with one or more statutory requirements applicable to that petition, including the following:

- .. Petitioner has failed to allege in a petition for protection against exploitation of vulnerable adult that he or she is a vulnerable adult within the meaning of section 825.1035, Florida Statutes, or that Petitioner is a guardian of a vulnerable adult, a person or organization acting on behalf of the alleged vulnerable adult with consent of the alleged vulnerable adult or his or her guardian, or person who has simultaneously filed with the instant petition a petition for determination of incapacity and appointment of an emergency temporary guardian with respect to the alleged vulnerable adult.
- .. Petitioner has used a petition form other than that which is approved by the Court and that form lacks the required statutory components.
- .. Petitioner has failed to complete a mandatory portion of the petition.
- .. Petitioner has failed to sign the petition.
- .. Petitioner has failed to allege facts sufficient to support the entry of an injunction for protection against exploitation of vulnerable adult because: _____

Other: _____

It is therefore, **ORDERED AND ADJUDGED** that the Petition is denied without prejudice to amend or supplement the petition to cure the above-stated defect(s).

DONE AND ORDERED at _____, _____ County, Florida this _____ day of _____, 20_____.

CIRCUIT JUDGE

COPIES TO:

Petitioner:

- .. by U.S. Mail
- .. by hand delivery by counsel

Alleged Vulnerable Adult:

- .. by U.S. Mail
- .. by hand delivery
- .. by counsel

I CERTIFY the foregoing is a true copy of the original Order Denying Petition for Injunction for Protection against Exploitation of Vulnerable Adult as it appears on file in the office of the Clerk of the Circuit Court, and that I have furnished copies of this order as indicated above.

CLERK OF THE CIRCUIT COURT

[SEAL]

CLERK OF THE CIRCUIT COURT

By: _____
Deputy Clerk

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR PASCO/PINELLAS COUNTY**

IN RE:

_____,
Alleged Vulnerable Adult,

_____,
Petitioner,

v.

Case Number: _____

UCN: _____

Division: _____

_____,
Respondent.

_____ /

**ORDER OF DISMISSAL OF PETITION FOR INJUNCTION FOR PROTECTION
AGAINST EXPLOITATION OF A VULNERABLE ADULT**

THIS CAUSE came before the Court on *{date}* _____, upon Petitioner's action for injunction for protection against exploitation of vulnerable adult. Based upon the following circumstances, the Court dismisses the Petition:

{choose all that apply}

- .. Petitioner requested a dismissal in writing.
- .. Petitioner failed to appear at the hearing scheduled in this cause.
- .. Petitioner appeared at the hearing, but desires to voluntarily dismiss this action.
- .. The evidence presented is insufficient under Florida law (section 825.1035, Florida Statutes), to allow the Court to issue an injunction for protection against exploitation of vulnerable adult.
- .. Other: _____

Accordingly, this case is dismissed without prejudice.

DONE AND ORDERED at _____, _____ County, Florida this _____ day of _____, 20____.

CIRCUIT JUDGE

COPIES TO:

- .. Sheriff of Pasco County
- .. Sheriff of Pinellas County

Petitioner:

- .. by U.S. Mail
- .. by hand delivery in open court
- .. by counsel

Vulnerable Adult:

- .. by U.S. Mail
- .. by hand delivery in open court
- .. by counsel

Respondent

- .. by U.S. Mail
- .. by hand delivery in open court
- .. by counsel

- .. State Attorney's Office

- .. Department of Children and Families, Adult Protective Services Program

- .. Other: _____

I CERTIFY the foregoing is a true copy of the original Order of Dismissal of Petition for Injunction for Protection against Exploitation of Vulnerable Adult as it appears on file in the office of the Clerk of the Circuit Court, and that I have furnished copies of this order as indicated above.

CLERK OF THE CIRCUIT COURT

[SEAL]

CLERK OF THE CIRCUIT COURT

By: _____
Deputy Clerk