

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

_____,
Petitioner,

Case No.:
Division:

and

_____,
Respondent.

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

_____ has filed a Petition for Injunction for Protection Against Exploitation of a Vulnerable Adult under section 825.1035, Florida Statutes, seeking an injunction to protect _____ who has been identified as a “Vulnerable Adult.” References to “Vulnerable Adult” are to _____. If the Petition was filed by the Vulnerable Adult, then references to “the Petitioner” are also to the Vulnerable Adult. If the Petition was filed by someone other than the Vulnerable Adult, as permitted under the statute, then references to “the Petitioner” are to the person who signed and filed the Petition seeking an injunction to protect the Vulnerable Adult.

The Petition and other papers filed in this Court have been reviewed. Under the laws of Florida, the Court has jurisdiction over the Vulnerable Adult, the Petitioner, the subject matter, and has jurisdiction over the Respondent upon service of the temporary injunction.

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 I. 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 Injunction for Protection Against Exploitation of a Vulnerable Adult, which would remain in effect until modified or dissolved by the Court. **The hearing will be before The Honorable _____, at _____** 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 ANY PARTY 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 the time of the hearing scheduled above.

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: 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 DISMISSED.

REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES. 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 ADA Coordinator at the Administrative Office of the Courts by letter at 173 NE Hernando Avenue, Room 408, Lake City, Florida 32055, by telephone at (386) 758-2163, if you are hearing or voice impaired call 711, or by e-mail sent to ADAmail@jud3.flcourts.org 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.

SECTION II. FINDINGS

The statements made under oath by Petitioner make it appear that section 825.1035, Florida Statutes, applies. It also appears that an immediate and present danger of exploitation of the Vulnerable Adult exists. There is a likelihood of irreparable harm and nonavailability of an adequate remedy at law. There is a substantial likelihood of success on the merits. The threatened injury to the Vulnerable Adult outweighs possible harm to the Respondent. Granting a temporary injunction will not disserve the public interest. This temporary injunction provides for the Vulnerable Adult's physical or financial safety.

SECTION III. TEMPORARY INJUNCTION AND TERMS

This temporary injunction is effective until the hearing set above and in no event for longer than 15 days, unless extended by court order. If a final 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 of the State 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 may ask the Court to change or end this injunction.

Any violation of this injunction, whether or not at the invitation of Petitioner, the Vulnerable Adult, or anyone else, may subject Respondent to civil or indirect criminal contempt proceedings, including the imposition of a fine or imprisonment, and may also result in an award of economic damages and attorney's fees and courts costs as provided by section 825.1035, Florida Statutes. Furthermore:

(a) Except as provided in paragraph (b) below, a person who willfully violates an injunction for protection against exploitation of a vulnerable adult commits a misdemeanor of the first degree, punishable as provided in sections 775.082 or 775.083, Florida Statutes. A person may violate such injunction by:

- 1. Refusing to vacate the dwelling shared with the Vulnerable Adult if ordered to do so by the injunction;**
- 2. Going to or being within 500 feet of the Vulnerable Adult's residence if ordered to stay away;**
- 3. Exploiting or unduly influencing the Vulnerable Adult;**
- 4. Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the Vulnerable Adult;**
- 5. Telephoning, contacting, or otherwise communicating with the Vulnerable Adult directly or indirectly, unless the injunction specifically allows indirect contact through a third party;**
- 6. Knowingly and intentionally coming within 100 feet of the Vulnerable Adult's motor vehicle, regardless of whether that vehicle is occupied if ordered to stay away; or**
- 7. Defacing or destroying the Vulnerable Adult's personal property.**

(b) 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, Florida Statutes. The term "conviction" means a determination of guilt which is the result

of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

As permitted by statute, the Court may order any financial institution holding assets of the Vulnerable Adult to pay the Clerk of the Circuit Court from unencumbered assets of the Vulnerable Adult, if any, a fee of \$75 if the assets of the petitioner are between \$1,500 and \$5,000 or a fee of \$200 if the assets are in excess of \$5,000. The Court may rely on the estimate of the value of the assets in the petition when assessing the fee. The fee shall be taxed as costs against the Respondent if the Court enters a final injunction.

ORDERED and ADJUDGED: This is a Temporary Injunction for Protection Against Exploitation of a Vulnerable Adult. The person identified as a Vulnerable Adult is _____, and references to the Vulnerable Adult are to _____.

1. **Exploitation Prohibited.** Respondent shall not commit, or cause any other person to commit, any acts of exploitation, as defined in section 825.103(1), Florida Statutes, of the Vulnerable Adult. Respondent shall not commit any other violation of the injunction through an intentional unlawful threat, word or act against the Vulnerable Adult.

2. **Provisions concerning the home.** (Initial the following paragraphs if they apply)

_____ **Possession of the Home.** The Vulnerable Adult and NOT the Respondent shall have temporary possession of the home or other dwelling (“home”) located at: _____.

_____ **Transfer of Possession of the Home.** A law enforcement officer with jurisdiction over the home shall place the Vulnerable Adult in possession of the home and accompany the Vulnerable Adult to the home for that purpose, if requested.

_____ **Personal Items.** Respondent, **in the presence of a law enforcement officer**, may return to the home at a time arranged with the law enforcement department with jurisdiction over the home, for the purpose of obtaining his or her clothing and items of personal health and hygiene and tools of the trade. A law enforcement officer with jurisdiction over the home from which these items are to be retrieved shall accompany Respondent to the home and stand by to ensure that he/she vacates the home with only his/her personal clothing, toiletries, tools of the trade, and any items listed in the following paragraph. The law enforcement agency shall not be responsible for storing or transporting any property. **IF TEMPORARY POSSESSION OF THE HOME IS AWARDED TO THE VULNERABLE ADULT AND NOT TO THE RESPONDENT, AND THE RESPONDENT GOES TO THE HOME WITHOUT A LAW ENFORCEMENT OFFICER, IT IS A VIOLATION OF THIS TEMPORARY INJUNCTION.**

_____ **Damage or removal:** Respondent shall not damage or remove any furnishings or fixtures from the parties' former shared premises.

_____ **Other tangible personal property:** _____

3. **Other provisions concerning contact.** (Initial the following paragraphs if they apply)

_____ Unless otherwise provided, Respondent shall have no contact with the Vulnerable Adult. Respondent shall not directly or indirectly contact the Vulnerable Adult in person, by mail, e-mail, fax, telephone, through another person, or in any other manner. Further, Respondent shall not contact or have any third-party contact with anyone connected with the Vulnerable Adult's employment or school to inquire about the Vulnerable Adult or to send any messages to the Vulnerable Adult. Unless otherwise provided, Respondent shall not go to, in, or within 500 feet of the home of the Vulnerable Adult, the current or any subsequent place of employment of the Vulnerable Adult or the following other places (if requested in the Petition) where the Vulnerable Adult goes often:

_____ Respondent may not knowingly come within 100 feet of the Vulnerable Adult's automobile at any time whether or not it is occupied.

4. **Provisions concerning assets.** (Initial the following paragraphs if they apply)

_____ The Respondent will have no access to the following described assets of the Vulnerable Adult held at the depository(ies) or financial institution(s) listed below, even if titled jointly with the Respondent, or in the Respondent's name only. The following described assets and lines of credit of the Vulnerable Adult are hereby frozen.

Name:	Address:	Account Number:
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_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Pending the hearing scheduled above or further order of the Court, the following specified living expenses of the vulnerable adult will continue to be paid as follows:

_____ Respondent will continue to pay

_____ Petitioner (if other than the Vulnerable Adult) will continue to pay

_____ Additional terms concerning assets:

5. **Mailing Address or Designated E-Mail Address(es).** Respondent shall notify the Clerk of the Court of any change in either his or her mailing address, or designated e-mail address(es), within 10 days of the change. All further papers (excluding the final injunction, if entered without Respondent being present at the hearing, and pleadings requiring personal service) shall be served either by mail to Respondent's last known mailing address or by e-mail to Respondent's designated e-mail address(es). Service shall be complete upon mailing or e-mailing.

6. **Additional order(s) necessary to protect the Vulnerable Adult from exploitation:**

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

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

1. The County Sheriff, or any other authorized law enforcement officer, is ordered to serve this temporary injunction upon Respondent as soon as possible after its issuance. Except

where the Vulnerable Adult is the Petitioner, the County Sheriff, or any other authorized law enforcement officer, is ordered to serve this temporary injunction upon the Vulnerable Adult as soon as possible after its issuance. If any assets are frozen under section 4 of this temporary injunction, the County Sheriff, or any other authorized law enforcement officer, is ordered to serve this temporary injunction upon the financial institution(s) where assets subject to dissipation are held or where a credit line may be exploited as soon as possible after its issuance.

2. **This injunction is valid in all counties of the State of Florida.** Violation of this temporary injunction should be reported to the appropriate law enforcement agency. Law enforcement officers of the jurisdiction in which a violation of this temporary injunction occurs shall enforce the provisions of this temporary injunction and are authorized to arrest without warrant pursuant to section 901.15, Florida Statutes, for any violation of its provisions which constitutes a criminal act under Florida Statutes.
3. THIS TEMPORARY INJUNCTION IS ENFORCEABLE IN ALL COUNTIES OF FLORIDA AND LAW ENFORCEMENT OFFICERS MAY EFFECT ARRESTS PURSUANT TO SECTION 901.15(6), FLORIDA STATUTES. The arresting agent shall notify the State Attorney's Office immediately after arrest.
4. **Reporting alleged violations.**
 - (1) In the event of a violation of an amended injunction for protection against exploitation of a Vulnerable Adult when the person who violated such amended injunction has not been arrested, the Petitioner may contact the Clerk of the Circuit Court of the county in which the violation is alleged to have occurred and complete an affidavit in support of the violation.
 - (2) The affidavit shall be filed with the Clerk of the Circuit Court. If the affidavit alleges that a crime has been committed, the Clerk of the Circuit Court or the office assisting the Petitioner shall also forward a copy of the affidavit to the appropriate law enforcement agency for investigation. Within 20 days after receipt of the affidavit, the local law enforcement agency shall complete its investigation and forward the affidavit and a report containing the agency's findings to the State Attorney. The State Attorney shall determine within 30 business days whether its office will proceed to 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.
 - (3) If, based on its familiarity with the case, the court has knowledge that the Vulnerable Adult is in immediate danger if the court fails to act before the decision of the State Attorney to prosecute, it should immediately issue an order of appointment of the State Attorney to file a motion for an order to show cause as to why the Respondent should not be held in contempt. If the court does not issue an order of appointment of the State Attorney, it shall immediately notify the State Attorney that the court is proceeding to enforce the violation through a ruling of criminal contempt.

DONE AND ORDERED in _____ {county}, Florida on

_____.

CIRCUIT JUDGE

COPIES TO:

Sheriff of _____ County

Petitioner: (or his or her attorney)

_____ by U.S. Mail

_____ by hand-delivery in open court

_____ by e-mail to designated e-mail address(es)

Vulnerable Adult (if other than Petitioner):

_____ by U.S. Mail

_____ by hand delivery in open court

_____ by e-mail to designated e-mail address(es)

Respondent:

_____ forwarded to the Sheriff for service

_____ State's Attorney's Office

_____ other: _____

Adult Protective Services:

EMAIL ADDRESS@ myflfamilies.com

I CERTIFY the foregoing is a true copy of the original **Temporary Injunction for Protection Against Exploitation of a Vulnerable Adult** as it appears on file in the office of the Clerk of the Circuit Court of _____ County, Florida, and that I have furnished copies of this order as indicated above.

CLERK OF THE CIRCUIT COURT

(SEAL)

By: _____
{Deputy Clerk or Judicial Assistant}