

## INDIVIDUAL AT RISK

<p>Who May Petition?</p>	<ol style="list-style-type: none"> <li>1. Individual at risk (see definitions)</li> <li>2. Any person acting on behalf of an individual at risk, an elder-adult-at-risk agency (see definitions), or an adult-at-risk agency (see definitions)</li> <li>3. If the petition is filed by a person other than the individual at risk, the petitioner shall serve a copy of the petition on the individual at risk, §813.123(2)(a)</li> </ol> <p>NOTE: If anyone other than the individual at risk petitions for the restraining order, the court must appoint a guardian ad litem (see definitions)</p>
<p>Against whom may the Petitioner bring an action?</p>	<ol style="list-style-type: none"> <li>1. Person who has interfered with, or based on prior conduct of the person may interfere with, an investigation of the individual at risk, the delivery of protective services to the individual at risk under §55.05, the delivery of protective placement under §55.06, or the delivery of services to an elder adult at risk under §46.90(5m)</li> <li>2. And that the interference complained of, if continued, would make it difficult to determine whether physical abuse, emotional abuse, sexual abuse, treatment without consent, and unreasonable confinement or restraint, financial exploitation (see definitions), neglect (see definitions), or self-neglect (see definitions) has occurred, is occurring or may recur.</li> <li>3. Person engaged in the physical abuse, emotional abuse, sexual abuse, treatment without consent, and unreasonable confinement or restraint, financial exploitation (see definitions), neglect (see definitions), harassment (see definitions), or stalking (see definitions) of an individual at risk or the mistreatment of an animal (see definitions) §813.123(4)(a)2.a. &amp; (4)(a)2.b.</li> </ol>
<p>What type of abuse must be alleged in the Petition to obtain the TRO or Injunction?</p>	<ol style="list-style-type: none"> <li>1. Interference with, or based on prior conduct of the person may interfere with, an investigation of the individual at risk, the delivery of protective services to the individual at risk under §55.05, the delivery of protective placement under §55.06, or the delivery of services to an elder adult at risk under §46.90(5m);</li> <li>2. The interference complained of, if continued, would make it difficult to determine whether physical abuse, emotional abuse, sexual abuse, treatment without consent, and unreasonable confinement or restraint, financial exploitation (see definitions), neglect (see definitions), or self-neglect (see definitions) has occurred, is occurring or may recur.</li> <li>3. Physical abuse, emotional abuse, sexual abuse, treatment without consent, and unreasonable confinement or restraint, financial exploitation (see definitions), neglect (see definitions), harassment (see definitions), or stalking (see definitions), of an individual at risk or the mistreatment of an animal (see definitions). §813.123(4)(a)2.a. &amp; (4)(a)2.b.</li> </ol>

Where can the Petition be filed (venue)?	<ol style="list-style-type: none"> <li>1. County where claim arose Sec. 801.50(2)(a)</li> <li>2. County where defendant (respondent) resides Sec. 801.50(2)(c)</li> </ol>
What will it cost to file a Petition?	No fee may be collected to file the Petition, to serve the Petition or for the cost of travel to serve the Petition. §814.61(1)(d) & 814.70
How long is a TRO in effect?	Until a hearing is held on the issuance of an Injunction. The hearing shall be within 7 days after the TRO is issued, unless an extension is granted. Sec. 813.123(4)(c)
When can the court extend a TRO?	<ol style="list-style-type: none"> <li>1. Written consent of parties or</li> <li>2. Once for 7 days upon a finding that the Respondent has not been served with a copy of the TRO although the Petitioner has exercised due diligence. Sec. 813.123(4)(c)</li> </ol>
What must the Court find in order to grant the TRO?	<ol style="list-style-type: none"> <li>1. Reasonable grounds to believe that the respondent has, or may, interfere with an investigation of the individual at risk, the delivery of protective services under §55.05 or a protective placement under §55.06 or delivery of services to an elder adult at risk under §46.90; <b>AND</b> that the interference complained of, if continued, would make it difficult to determine whether physical abuse, emotional abuse, sexual abuse, treatment without consent, and unreasonable confinement or restraint, or self-neglect has occurred, is occurring or may recur</li> <li>2. Respondent engaged in the physical abuse, emotional abuse, sexual abuse, treatment without consent, and unreasonable confinement or restraint, financial exploitation, neglect, harassment, or stalking of an individual at risk or mistreatment of an animal. §813.123(4)(a)1., 2., 2b.</li> </ol>
What can the Respondent be ordered to do if a TRO is issued?	<p>Unless the individual at risk, guardian, or guardian ad litem consents in writing and the court agrees that contact is in the best interest of the individual at risk, the respondent can be ordered to do one or more of the following:</p> <ol style="list-style-type: none"> <li>1. Avoid interference with an investigation of the elder adult at risk under §46.90 or the adult at risk under §55.043, the delivery of protective services to the individual at risk under §55.05 or a protective placement of the individual at risk under §55.06, or the delivery of services to the elder adult at risk under §46.90(5m)</li> <li>2. Cease engaging in or threatening to engage in the physical abuse, emotional abuse, sexual abuse, treatment without consent, and unreasonable confinement or restraint, financial exploitation, neglect, harassment, or stalking of an individual at risk or mistreatment of an animal.</li> <li>3. Avoid the residence of the individual at risk or any other location temporarily occupied by the individual at risk, or both</li> <li>4. Avoid contacting, or causing any person other than a party's attorney or a law enforcement officer to contact the individual at risk.</li> <li>5. Engage in any other appropriate remedy not inconsistent with the remedies requested in the petition. §813.123(4)a) &amp; (ar)</li> </ol>

Can the Court Issue a Dual TRO?	No. A TRO may be entered only against the Respondent named in the Petition. Sec. 813.123(4)(b)
Are there any other laws which might assist a Petitioner?	<ol style="list-style-type: none"> <li>1. Sec. 895.45-Victim Service Representative</li> <li>2. Chapter 950-Rights of victims and witnesses of crime, if Respondent is charged with a crime</li> <li>3. Chapter 949-Crime Victim Compensation, if victim has reported the crime and it is compensable</li> </ol>
How does a Petitioner drop a TRO or Injunction?	In Dunn County, to drop a TRO, you must appear on the date set for your hearing and ask the Judge to drop the Order. To drop an Injunction, you must make a written request, a hearing will be set and you must appear at the hearing and ask the Judge to vacate the Injunction.