

EX PARTE ELDER ABUSE PROTECTION ORDER

(Elder Abuse Protection Order and Enforcement Act)
§§ 38-9F-1 to 38-9F-12, Ala. Code 1975
 Amended Order

State of Alabama Unified Judicial System Form C-91 (Page 1 of 3)

Rev. 12/18

Court Case Number: _____
(Number)

In the Circuit Court of _____ County, Alabama
(Name of County)

PLAINTIFF (Victim)

First Middle Last

Date of Birth (DOB) of Plaintiff (Victim)

Other Designated Person(s) [List Name(s)]:

Other Designated Persons(s) [List DOB(s)]:

DEFENDANT

Defendant's Telephone Number and Home Address: _____

First Middle Last

CAUTION: WEAPONS INVOLVED:

- Firearm Knife Hands, Feet, Fist
- Other: _____
- Weapon Present on the Property

| SEX | RACE | DOB | HEIGHT | WEIGHT |
|-------------------------|------|-------------------------|-----------------|--------|
| | | | | |
| EYES | HAIR | DISTINGUISHING FEATURES | | |
| | | | | |
| DRIVER'S LICENSE NUMBER | | STATE | EXPIRATION DATE | |
| | | | | |
| VEHICLE | | | TAG NUMBER | |
| | | | | |

THE COURT HEREBY FINDS:

Pursuant to the sworn Affidavit/Petition and/or testimony of the Plaintiff seeking protection from elder abuse, the Court finds that it has jurisdiction over the parties and matter under the law of the State and the Defendant is being provided with sufficient notice, including notice of his right to request a hearing within 10 days of service, in order to protect his or her rights to due process. Additional terms of this order follow on succeeding pages.

- A temporary order is necessary to prevent elder abuse.
- The Defendant represents a risk of imminent potential harm to the Plaintiff.

The terms of this order shall be effective until _____ (date) or further order of the Court.

THIS ORDER IS VALID AND ENFORCEABLE IN ALL COUNTIES IN THE STATE OF ALABAMA. LAW ENFORCEMENT OFFICERS MAY USE THEIR ARREST POWERS PURSUANT TO SECTION 15-10-3, ALA. CODE 1975, TO ENFORCE THE TERMS OF THE ORDER.

ONLY THE COURT CAN CHANGE THIS ORDER.

§§ 38-9F-1 to 38-9F-12, Ala. Code 1975

Original - Court Record Copy - Law Enforcement Copy - Plaintiff Copy - Defendant Copy - Probate Court (if applicable)

Judge's Initials: _____

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Court Case Number: _____
(Number)

In the Circuit Court of _____ County, Alabama
(Name of County)

THE COURT HEREBY ORDERS THAT (Check all that apply):

(1) The Defendant is enjoined from threatening to commit or committing acts of abuse, as defined in the Elder Abuse Protection Order and Enforcement Act, against the: Plaintiff; and/or any designated person, to-wit: _____
(Name of Person)

(2) The Defendant is restrained and enjoined from: Harassing Stalking Annoying Telephoning Contacting Communicating with: the Plaintiff; OR
 Threatening or engaging in conduct that would place the following in reasonable fear of bodily injury: the Plaintiff; and/or any designated person, to wit: _____
(Name of Person)

(3) The Defendant is ordered to stay away from: the Plaintiff's residence; place of employment; and/or any specified place frequented by the Plaintiff that the Defendant has no legitimate reason to frequent, to-wit: _____
(Place)

(4) The Defendant is removed and excluded from the residence of the Plaintiff, regardless of ownership of the residence.

(5) The Defendant is ordered to provide to the Plaintiff possession and use of an: automobile and/or other essential personal effects regardless of ownership; and the appropriate law enforcement officer, to-wit: _____ (Name) is directed to accompany the Plaintiff to the residence of the Plaintiff or other specified locations as necessary to protect the Plaintiff from abuse.

(6) The Defendant is prohibited from: transferring; concealing; encumbering; or otherwise disposing of specified property mutually owned or leased by the parties or in which the Plaintiff had an ownership interest within the last 12 months, to-wit: _____
(Please describe property).

(7) The Defendant is prohibited from transferring the funds, benefits, property, resources, belongings, or assets of the Plaintiff to any person other than the Plaintiff.

(8) The Defendant is restrained and enjoined from exercising control over the funds, benefits, property, resources, belongings, or assets of the Plaintiff.

(9) The Defendant is ordered to provide an accounting of the disposition of the Plaintiff's income and other resources, and of the Plaintiff's debts and expenses.

(10) The Defendant is restrained from exercising any powers the Defendant has been granted as the Plaintiff's agent under power of attorney.

(11) The Defendant is ordered to comply with the instructions of the Plaintiff's guardian, conservator, or agent under power of attorney.

(12) The following relief is ordered and deemed necessary to provide for the safety and welfare of the: Plaintiff; and/or any designated person, to-wit: _____ (Name of person) as follows: _____
(Describe relief)

This matter is set for a final hearing on _____ (date) at _____ (time) to be held at _____ (place).

The Defendant is advised that he or she has the right to counsel at this final hearing at his or her expense, but not counsel appointed by the court.

Date

Judge

Original - Court Record Copy - Law Enforcement Copy - Plaintiff Copy - Defendant Copy - Probate Court (if applicable)

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(Number)

In the Circuit Court of _____ County, Alabama

(Name of County)

RETURN ON SERVICE

Return receipt(s) of certified mail received in this office on _____
[Date(s)]

I certify that I personally delivered a copy(ies) of the Elder Abuse Protection Order to _____ in
[Name(s)]
_____ County, Alabama on _____
[Name of County(ies)] [Date(s)]

(Date)

(Server's Signature)

(Type of Process Server)

(Office Address of Server)

(Office Telephone Number of Server)

Original - Court Record Copy - Law Enforcement Copy - Plaintiff Copy - Defendant Copy - Probate Court (if applicable)

Judge's Initials: _____