

In re the matter of:

Magistrate Court Case No.: \_\_\_\_\_

Magistrate: \_\_\_\_\_

\_\_\_\_\_  
Petitioner (First/Middle/Last)

\_\_\_\_\_  
By Parent/Guardian/Next Friend (if applicable)

v.

\_\_\_\_\_  
Respondent (First/Middle/Last)

**Law-Enforcement**

Completed Service Verification on Page \_\_\_\_\_

\_\_\_\_\_ Yes \_\_\_\_\_ No

**PETITION FOR TEMPORARY  
FINANCIAL EXPLOITATION PROTECTIVE ORDER**

*W. Va. Code § 55-7J-1*

I, \_\_\_\_\_ hereby request that this Court issue an Emergency Order of Protection pursuant to West Virginia Code § 55-7J-1 for (check all that apply) me a protected person as defined by W.Va. Code § 61-2-29(a)(4) a protected person as defined by W.Va. Code § 44A-1-4(13).

1. Respondent's relationship to the Petitioner is (check all that apply):

- spouse or former spouse;    parent of a common child;    current or former cohabitant as an intimate partner;
- other family member;    care provider;    guardian;    trustee;    payee;    power of attorney;
- other: \_\_\_\_\_

2. Petitioner is (check all that apply):

over 65 years of age;    a protected person as defined by W.Va. Code § 61-2-29(a)(4);    a protected person as defined by W.Va. Code § 44A-1-4(13).

3. Petitioner lives in this county OR this is the county of the Petitioner's new or former residence, and he/she was removed from his/her previous residence as a result of, or to prevent, abandonment, abuse, or financial exploitation.

4. My relationship to Petitioner:

- I am filing on my own behalf;
- I am the Petitioner's guardian, or limited guardian;
- I am the Petitioner's legal fiduciary. I was appointed trustee; power of attorney on or about \_\_\_\_\_ (date). (Attach a copy of the relevant documents, if available).

I am interested in the welfare of the Petitioner. I have a good-faith belief that the court's intervention is necessary and that the vulnerable adult is unable at this time to protect his or her own interests due to age, incapacity, undue influence, or duress. Describe the length and nature of your relationship to the vulnerable adult.

a. Describe the incapacity, undue influence or duress that makes the Petitioner unable to protect his or her own interests:

5. Other court cases or other restraining, protection or no-contact orders involving the Petitioner, the vulnerable adult or the Respondent.

CASE NAME	CASE NUMBER	COURT / COUNTY

**I REQUEST A FINANCIAL EXPLOITATION PROTECTION ORDER** that will grant the relief requested below:

Require the Respondent to provide an accounting of the disposition of the Petitioner's income or other resources.

Restrain the Respondent from committing or threatening to commit acts of financial abandonment, abuse, or financial exploitation against the Petitioner.

Exclude the Respondent from the Petitioner's residence.

Restrain the Respondent from coming near, and having any contact with Petitioner, in person or through others, by phone, mail, or any means, directly or indirectly, except through an attorney, or mailing or delivery by a third party of court documents.

Prohibit the Respondent from knowingly coming within, or knowingly remaining within \_\_\_\_\_ distance of the Petitioner's residence; workplace; adult day program; the premises of the long-term care facility where the vulnerable adult resides; other \_\_\_\_\_ *(please specify)*.

Restrain the Respondent from transferring the Petitioner's property for up to ninety (90) days.

Other *(please specify below)*

**STATEMENT:** The Respondent has committed or threatened to commit acts of financial exploitation as follows:

Describe the date and details of the most recent incidents or threats of financial exploitation (describe specific incidents or threats and the approximate dates):

Describe past threats or incidents of financial exploitation (*describe specific incidents or threats and their approximate dates*).

Explain any additional reasons why this order should be issued immediately. List any immediate and irreparable injury, loss, or damage that would result to the Petitioner before the Petitioner or Respondent can be served.

Efforts to give notice: Did you make efforts to give notice of your request for temporary relief to Respondent  
Petitioner? If so, describe how and when notice was given. If no notice was given, explain why not:

Other:

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**VERIFICATION**

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**STATE OF WEST VIRGINIA**

**COUNTY OF** \_\_\_\_\_

I, \_\_\_\_\_, upon oath or affirmation, say that I am the Petitioner/  
Parent/Guardian/or Next Friend of Petitioner named in this FINANCIAL EXPLOITATION PETITION and that the  
facts contained herein are true, except where they are stated to be upon information and belief, I believe them to be true.

\_\_\_\_\_  
Petitioner's Signature

Taken, subscribed, and sworn or affirmed before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Notary Public/Magistrate/Assistant/Magistrate Clerk

My commission expires on \_\_\_\_\_

**SERVICE OF PETITION AND TEMPORARY ORDER BY LAW ENFORCEMENT**

Served on respondent by \_\_\_\_\_ in \_\_\_\_\_

County, WV, on Date: \_\_\_\_\_, at Time: \_\_\_\_\_ a.m. / \_\_\_\_\_ p.m.

\_\_\_\_\_  
Law Enforcement Signature

*(Return of Service to Circuit Clerk within 5-days)*

\_\_\_\_\_  
Law Enforcement Agency