

# INJUNCTION FOR PROTECTION: VULNERABLE ADULT



## Who is a Vulnerable Adult?

- An adult with impaired ability to:
  - Perform normal activities of daily living
  - Provide for own care or protection
- Impairment is due to any of the following: disability (mental, emotional, sensory, long-term physical or developmental), brain damage, or infirmities of aging

\*Per section 415.102(28), Florida Statutes

## What Constitutes Exploitation?

- Depriving the vulnerable adult of their funds or property
- Depriving the vulnerable adult with diminished capacity of funds or property
- Breach of a fiduciary duty to the vulnerable adult
- Bank account misuse
- Failure to provide necessities

\*Per section 825.103(1), Florida Statutes

# Who May File a Petition?

- A vulnerable adult in imminent danger of being exploited
- The guardian of a vulnerable adult who is in imminent danger of being exploited
- A person or organization acting with the consent of the vulnerable adult, or his or her guardian
- A person who simultaneously files a petition for determination of incapacity and appointment of an emergency temporary guardian with respect to the vulnerable adult

## Filing a Petition:

- If a guardianship is pending, the petition must be filed in that case; otherwise, it must be filed in the circuit where the vulnerable adult resides.

### *Effect of Providing False Information to the Court*

*A person making false statements in a petition for an injunction against the exploitation of a vulnerable adult is subject to criminal penalties and perjury prosecution pursuant to section 837.02, Florida Statutes.*

## Contact Information:

**Indian River County Courthouse**

2000 - 16th Avenue, Room 158

Vero Beach, FL 32960

(772) 770-5185

[www.clerk.indian-river.org](http://www.clerk.indian-river.org)

**Florida Abuse Hotline:**

1-800-96ABUSE (1-800-962-2873)

TTY: 1-800-955-8771



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