

FORM SUMMARY

Name of Form: **Petition for Temporary Restraining Order and/or Injunction (Individual at Risk)**

Form Number: **CV-428**

Statutory Reference: §813.123, Wisconsin Statutes

Purpose of Form: To seek a temporary restraining order and/or injunction to prevent interference with an investigation of an individual at risk, or the delivery of protective services to an individual at risk, or a protective placement of an individual at risk, or the delivery of services to an elder adult at risk.

Who Completes It: The individual at risk, any person acting on behalf of the individual at risk, an elder adult-at-risk agency, or an adult-at-risk agency. If the petitioner is other than the actual individual at risk, the petitioner shall serve a copy of the petition on the individual at risk.

Distribution of Form: Original to court, copies to petitioner, respondent, individual at risk, and law enforcement, guardian ad litem (the court shall appoint a guardian ad litem if the individual at risk is not the petitioner).

Accompanying Forms: Generally the petition will be accompanied by a proposed temporary restraining order/notice of hearing.

New Form/Modification: Modification; last update 5/01.

Modifications: Changed vulnerable adult to individual at risk. The old vulnerable adult restraining order is now incorporated into the new individual at risk restraining order. Updated to comply with 2005 WI Act 388 (effective date 12/1/06).

Comments: An individual at risk is defined as either an:

- Adult at risk (an adult who has a physical or mental condition that substantially impairs his/her ability to care for his/her needs and who has experienced, is currently experiencing, or is at risk of experiencing physical abuse, emotional abuse, sexual abuse, treatment without consent, unreasonable confinement or restraint, financial exploitation, neglect or self-neglect)
- Elder adult at risk (a person age 60 or older who has experienced, is currently experiencing, or is at risk of experiencing physical abuse, emotional abuse, sexual abuse, treatment without consent, unreasonable confinement or restraint, financial exploitation, neglect or self-neglect.

About this form: This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.