

Emergency Protective Services Proceeding **Instructions**

Requirements

Portage County Department of Job and Family Services Adult Protective Services Department has identified an incapacitated Adult who has been reported to have been subjected to abuse, neglect, or exploitation, and an emergency exists that necessitates immediate action by the Court. After investigation, the Department, through its counsel, the Portage County Prosecutor's Office, has determined that this person needs court ordered protective services and there is no other person who has the authority to consent to protective services on the Adult's behalf.

**Note: All paperwork must be typed. We will not accept handwritten documents.
All filings must be single-sided. We will not accept double-sided originals.
Please do not staple original paperwork. We cannot accept filings with staples.**

If an Ex Parte Order was Issued:

The Court will prepare the following:

- Entry Journalizing Ex Parte Order for Emergency Protective Services
- Entry Setting Hearing on Ex Parte Order for Emergency Protective Services

Initial filing

- Petition for Emergency Protective Services
 - Affidavit of Caseworker or APS Supervisor (Exhibit A)
 - Emergency Protective Services Plan (Exhibit B)
- Entry Setting Hearing on Petition for Emergency Protective Services
- Next of Kin of Adult & Interested Parties Entitled to Notice
- Proposed* Order Authorizing the Provision of Emergency Protective Services

Service

- Motion to Waive Service of Notice of Petition for Emergency Protective Services
- Proposed* Order Waiving Service of Notice of Petition for Emergency Protective Services and Notice of Hearing

OR

- Notice of Petition for Emergency Protective Services to Adult Local Rule 78.11 mandates service by Probate Court Investigator(s) to the Adult
- Notice of Petition for Emergency Protective Services to others
 - If Petitioner wants personal service, they may file a
 - Motion to Appoint Process Server
 - Order Regarding Process Server

Note: The Probate Court Investigator(s) will be process servers to the Adult under the Local Rules. It will be common practice for them to take notices with them when they go serve the Adult, in the event a family member or other person entitled to notice is there (that have not waived service). However, it will not be a common practice that the Court Investigator(s) will go out to serve the family members personally. If personal service is necessary, the Petitioner may nominate someone to be appointed to do service or request the Sheriff's Office do personal service.

Later Filings

- Application for Renewal of Emergency Protective Services
- Entry Authorizing Renewal of Emergency Protective Services