

## Office of the State Attorney Fifth Judicial Circuit



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### Injunctions for Protection

An injunction for protection is a court order by which an individual is required to perform, or is restrained from performing, a particular act for a period of time. Failure to comply with the injunction can result in criminal or civil penalties.

For more information on what you need to file for an Injunction, contact your local Clerk of Court office or your local domestic violence center.

Florida Law requires that you NOT be charged for an injunction.

#### PROCESS FOR OBTAINING AN INJUNCTION

A petition (application) for an injunction for protection is available through the Clerk of Court.

The petition allows you to ask the judge to order:

- the abuser to STOP all acts of violence toward you
- the abuser to leave the home that you share
- the abuser to have NO CONTACT with you at all unless ordered by the judge
- the abuser to have NO CONTACT with you at your work, school or places that you spend time (like a family member's house)
- Custody and child support for minor children

If you have other requests for the judge, you should state them clearly in writing in the petition. It is important for you to state clearly what your relationship is to the abuser. You should also be prepared to explain in detail the latest violent event, any other violent events towards you or another household member and why you think violence is likely to happen again. When applying for an injunction for protection, you must provide the Clerk of the Court with a photo ID of yourself, directions to where the abuser can be found, and names and ages of children under 18.

Upon completing the petition, the Clerk will immediately give it to the judge. The judge may or may not grant you a temporary injunction and will decide what parts of the petition will be temporarily ordered. The temporary order will be valid for no more than 15 days. Sometime within the 15 days, the judge will hold a hearing for a PERMANENT injunction. At this hearing, you will have the opportunity to tell the judge, in your own words, about the abuse and what kind of protection you are asking the court to give you. The abuser (respondent) may be present at the hearing. At this hearing, the judge may change the temporary court order or leave it as originally ordered. If the judge fails to issue an injunction, you have the right to request an explanation in writing and receive a copy of it.

If you are afraid of seeing the abuser at the hearing, let the Clerk or court security know that you would like protection. You may ask a security person to walk with you to your car. You have the right to have a victim advocate present with you at the hearing.

To find a domestic violence center near you contact the Florida Domestic Violence Hotline at 1-800-500-1119.

**You must attend the hearing date to obtain a permanent Injunction. If you miss the hearing, the Injunction will be dismissed.**

Always keep one copy of your Injunction with you and another copy in a safe place.

**Remember an injunction does not guarantee your safety and does not take place of your safety plan.** It will permit the police to respond to violations.

#### TYPES OF INJUNCTIONS

**Domestic Violence Injunctions** Requires the petitioner and respondent to be family or household members who are or were living together in the same single dwelling unit, unless they have a child together. Parents of a child in common are not required to have been married or have lived together. The petitioner must show that they are a victim of domestic violence or reasonably believe that they are in immediate danger of becoming a victim.

**Repeat Violence Injunctions** Requires at least 2 or more incidents of violence or stalking by the respondent on the petitioner or an immediate family member; one must be within the past 6 months. The petitioner must fear repeat violence by the respondent.

**Dating Violence Injunctions** Requires a dating relationship within the past 6 months. The relationship must have an expectation of affection; not a causal relationship. The petitioner must show that they are a victim of dating violence and have reasonable fear that they are in immediate danger of becoming a victim of dating violence.

**Sexual Violence Injunctions** Requires the charges of sexual battery; a lewd or lascivious act upon or in presence of a person younger than 16; luring or enticing a child; and sexual performance by a child. May protect petitioner from the respondent who was jailed for the sexual violence against petitioner, and whose prison term has expired, or is due to expire within 90 days.

**Stalking Injunctions** Requires at least two incidents of stalking or cyber stalking.

Any violation of the conditions of the Injunction should be reported to law enforcement and you should ask for a copy of the report. If it is an emergency, call 911. In some cases, an arrest can be made, and criminal charges can be filed. Violations should also be reported to the Clerk of the Court. The clerk can help you fill out the paperwork to report the violation to the Judge and to the State Attorney's Office.

An Injunction for Protection issued anywhere in Florida is valid in all of Florida's counties. Injunctions for protection issued in other states or countries are also enforceable. However, anytime you relocate to another state or country, it's a good idea to file a copy of your Injunction with the local law enforcement office.

