

INJUNCTIONS FOR PROTECTION

PROCEDURE

There are five types of injunctions for protection, which are defined as follows:

1. Domestic Violence
2. Repeat Violence
3. Dating Violence
4. Sexual Violence
5. Stalking

Definition of violence: Any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death by a person against another person.

1. Domestic Violence Injunction

Domestic violence means an assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

Definition of family or household member: Family or household member means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in a single dwelling unit.

2. Repeat Violence Injunction

Repeat violence means two incidents of violence or stalking committed by the respondent, one of which must have occurred within 6 months of the filing of the petition, which are directed against the petitioner or the petitioner's family.

3. Dating Violence Injunction

Dating violence means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship will be determined based on consideration of the following factors: (1) A dating relationship must have existed within the past 6 months; (2) The nature of the relationship must have been characterized by the expectation of

affection or sexual involvement between the parties; and (3) The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship. The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

4. Sexual Violence Injunction

Sexual violence means any one incident of: (1) Sexual battery as defined in Chapter 794, Florida Statutes; (2) A lewd or lascivious act as defined in Chapter 800, F.S., committed in the presence of a person younger than 16 years of age; (3) Luring or enticing a child as described in Chapter 787, F.S.; (4) Sexual performance by a child as described in Chapter 827, F.S.; or (5) Any other forcible felony wherein a sexual act is committed or attempted, regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the State Attorney.

5. Stalking Injunction

Stalking means threats, harassment, cyber stalking, aggravated stalking, physically abusing, and any course of conduct or pattern of conduct directed at the petitioner, family members or individuals close to the petitioner, composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. This includes but is not limited to intentionally injuring or killing a family pet; using or threatening to use a weapon such as a gun or knife against the petitioner; or destroying personal property, including but not limited to telephones or other communication equipment, clothing, or other items belonging to the petitioner.

FILING FEE

No filing fee shall be charged for an Injunction for Protection Against Domestic Violence, Repeat Violence, Dating Violence, Sexual Violence, or Stalking.

PROCEDURE

1. Your statement must be brief but specific as the Judge bases his/her decision on the information contained in your statement. The clerk cannot tell you what to include in your statement or offer any other legal advice.
2. Upon completion of the required pleadings, the clerk will submit the file to the Judge for consideration.
3. After reviewing your petition, the Judge will either deny the petition without further hearing, schedule a hearing without issuing a Temporary Injunction, or issue a Temporary Injunction and

schedule a hearing to determine whether a Final Judgment should be entered. If the Judge issues a Temporary Injunction or an Order Setting Hearing, **you must pick up your copies from our office where you filed.** Two (2) sets of certified copies of the Temporary Injunction will be issued to you. The first set is your's and should be kept with you at all times. The second set may be used by the sheriff to serve the Respondent.

4. If a hearing is scheduled, **YOU MUST APPEAR AT THE HEARING.** The respondent will be directed to appear at this hearing also. The Judge will take testimony from you and from the Respondent.
5. If the Respondent commits another act of violence against you or returns to the property after being restrained from doing so, you should call 911. If the Respondent violates any other provisions of the Injunction for Protection, you can report to local sheriff, or file a violation with the Clerk.
6. In order to support or dispute any claims made in the petition filed with the Court, you may bring any witnesses or evidence you have to the scheduled court hearing.