

DOMESTIC VIOLENCE AND CIVIL INJUNCTIONS

WHAT IS AN INJUNCTION?

An injunction is a court order sometimes called a “Restraining Order” that directs a person not to have any contact with you. It is one legal means of helping to protect a person from threats or acts of violence by another person. There are four (4) kinds of civil injunction petitions that can be filed with the Clerk of Court in your county: **domestic violence, sexual violence, dating violence, and repeat violence**. Each type has different requirements based on your relationship with the other person, and what occurred. Following is some information related to each type of injunction to help you determine which type of petition for an injunction you may be able to file. Please read carefully.

Domestic Violence:

A Petition for an Injunction against Domestic Violence may be filed against a person who either now or in the past has lived with you as a “family”. “Family” includes people who you are related to by blood or marriage; spouses, ex-spouses, parents, grandparents, aunts, uncles; parties intimately involved and living together but never married; adopted children; step-parents and step-children, and others **OR a person who is the parent of your child(ren), regardless of whether or not you have ever been married or lived together.**

Domestic violence includes: assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any other criminal offense resulting in physical injury or death to petitioner or petitioner’s family or household members who are residing in the same single dwelling unit with the petitioner.

What can a Domestic Violence Injunction do for you?

The injunction can provide such relief as the court deems necessary, such as:

1. Restrain the respondent from committing any acts of domestic violence;
2. Award you temporary exclusive use of the home;
3. Address issues related to support and timesharing with children;
4. Order the respondent to participate in a batterer’s invention course;
5. Require the respondent to surrender weapons to law enforcement.

Sexual Violence

A Petition for Protection against Sexual Violence may be filed if:

1. Your relationship does not meet the definition of “family” under domestic violence above **AND**
2. The other person committed one of the following acts: sexual battery defined by Florida Statutes (F.S.) Chapter 794, lewd and lascivious act upon or in the presence of a child younger than 16, lured or enticed a child as described in F.S. Chapter 787, required a child to sexually perform as in F.S. Chapter 827, or committed any forcible felony wherein a sexual act was committed or attempted

AND

3. You have reported the sexual violence to law enforcement and are cooperating with them in the criminal case.

OR

4. The other person has been in prison for sexual violence against you, and the term of imprisonment for the crime expires within the next ninety (90) days.

Dating Violence:

To petition the court for a dating violence injunction you must have:

1. Dated the other person during /over the last six (6) months.

AND

2. Had an expectation for continued affection and sexual involvement with the other person during that time.

AND

3. Interacted with the other person frequently and continuously during the relationship.

IF ALL THREE (3) of these apply to your situation, and the other person has been violent toward you, then you may file a petition for an injunction for protection against dating violence. The purpose of the injunction is to legally prevent that person from having contact with you by restricting him/her from your residence, car, place of employment, and/or other places the court finds necessary. He or she may also be ordered not to contact you by phone, in writing, by email, or in person. Please note that if you are under eighteen (18) years of age, you will need to ask the court clerk about having an adult file on your behalf.

Repeat Violence:

If your situation does not fit into the other kinds of injunctions for domestic, sexual, and dating violence, you may be able to file a petition for an injunction against repeat violence. This petition may apply to individuals such as your neighbors, co-workers, students, or relatives who have never lived with you, etc. For this type of injunction, however; there **must be at least two (2) incidents of physical violence, threats of violence or stalking, and at least one (1) of them must have occurred within the last six (6) months.**

WHAT DO I DO WITH THE PACKET?

It is always best to obtain an attorney or legal aid to represent you in your case. If you cannot get an attorney, your local victim advocacy agency may be able to help you fill out the forms. You can check with the clerk's office or go to www.fcadv.org for a list of victim advocate shelters in your area. If you must file these papers on your own, read the instructions carefully and complete each section with as much specific information as you can provide. Write neatly and clearly; be sure to include important dates, locations and specific acts or threats of violence. List any other court cases you have in your petition, as they may provide important information for the court. After you complete the required forms, you will need to sign them under oath and file them with the clerk's office.

AN INJUNCTION WAS ENTERED AGAINST ME. WHAT DOES IT MEAN?

If an injunction has been entered against you, it means that the judge has ordered you to have no contact with the petitioner. This includes any form of contact (i.e. letters, cards, phone calls, e-mail, text messages, etc.) not expressly authorized by the judge. Read the injunction carefully, as it may have special requirements such as your participation in a batterers' intervention program. It may also specify arrangements for you to obtain any personal belongings that the petitioner may have of yours.

For additional information, please visit the site for the Florida Coalition against Domestic Violence: www.fcadv.org

Other Links:

Supreme Court Forms:

http://www.flcourts.org/gen_public/family/forms_rules/index.shtml

Florida Statutes (see Chapter 741 for domestic violence)

http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Index&Title_Request=VI#TitleVI

Clerk of Court for each county within the First Circuit:

Escambia County: <http://www.escambiaclerk.com/>

Okaloosa County: <http://www.okaloosaclerk.com/>

Santa Rosa County: <http://www.santarosaclerk.com/>

Walton County: <http://www.clerkofcourts.co.walton.fl.us/>

Forms: State DV Brochures (one for petitioner and one for respondent)

