

Florida State Courts System

Office of the State Courts Administrator
Office of Court Improvement

Domestic Violence Injunction Case Management Guidelines

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Domestic Violence Injunction Case Management Guidelines

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Chapter One

Florida's Court System

Florida Supreme Court

The highest Court in Florida is the Supreme Court, consisting of seven Justices. At least five Justices must participate in every case and at least four must agree for a decision to be reached. The Court's official headquarters is the Supreme Court Building in Tallahassee.

Office of the State Courts Administrator

On July 1, 1972, the Office of the State Courts Administrator (OSCA) was created with initial emphasis on the development of a uniform case reporting system to provide information on activity in the judiciary in the preparation of its operating budget and in projecting the need for judges and specialized court divisions. The State Courts Administrator serves as the liaison between the court system and the legislative branch, the executive branch, the auxiliary agencies of the Court, and national court research and planning agencies. The OSCA's legislative and communication functions are handled directly by the State Courts Administrator and her executive staff.

District Courts of Appeal

Organization

The bulk of trial court decisions that are appealed are never heard by the Supreme Court. Rather, they are reviewed by three-judge panels of the district courts of appeal. Florida did not have district courts of appeal until 1957. Until that time, all appeals were heard solely by the Supreme Court. As Florida grew rapidly in the twentieth century, however, the Supreme Court's docket became badly congested. Justice Elwyn Thomas with help from other members of the Court perceived the problem and successfully lobbied for the creation of the district-court system to provide intermediate appellate courts.

The Constitution now provides that the Legislature shall divide the State into appellate court districts and that there shall be a district court of appeal (DCA) serving each district. There are five such districts that are headquartered in Tallahassee, Lakeland, Miami, West Palm Beach, and Daytona Beach.

DCA judges must meet the same eligibility requirements for appointment to office, and they are subject to the same procedures and conditions for discipline and removal from office, as Justices of the Supreme Court. Like Supreme Court Justices, district court judges also serve terms of six years and will be eligible for successive terms under a merit retention vote of the electors in their districts. In each district court, a chief judge, who is selected by the district court judges within the district, is responsible for the administrative duties of the court.

Jurisdiction

The district courts of appeal can hear appeals from final judgments and can review certain non-final orders. By general law, the district courts have been granted the power to review final actions taken by state agencies in carrying out the duties of the executive branch of government. Additionally, the district courts have been granted constitutional authority to issue the extraordinary writs of certiorari, prohibition, mandamus, quo warranto, and habeas corpus, as well as all other writs necessary to the complete exercise of their jurisdiction.

As a general rule, decisions of the district courts of appeal represent the final appellate review of litigated cases. A person who is displeased with a district court's express decision may ask for review in the Florida Supreme Court and then in the United States Supreme Court, but neither tribunal is required to accept the case for further review. Most are denied.

Circuit Courts

Organization

The Constitution provides that a circuit court shall be established to serve each judicial circuit established by the Legislature, of which there are twenty. Within each circuit, there may be any number of judges, depending upon the population and caseload of the particular area.

To be eligible for the office of circuit judge, a person must be a resident elector of Florida and must have been admitted to the practice of law in the State for the preceding five years. Circuit court judges are elected by the voters of the circuits in nonpartisan, contested elections against other persons who choose to qualify as candidates for the position. Circuit court judges serve for six-year terms, and they are subject to the same disciplinary standards and procedures as Supreme Court Justices and district court judges. A chief judge is chosen from among the circuit judges in each judicial circuit to carry out administrative responsibilities for all trial courts (both circuit and county courts) within the circuit.

Jurisdiction

Circuit courts have general trial jurisdiction over matters not assigned by statute to the county courts and also hear appeals from county court cases. Thus, circuit courts are simultaneously the highest trial courts and the lowest appellate courts in Florida's judicial system. The majority of jury trials in Florida take place before one judge sitting as judge of the circuit court. The circuit courts are sometimes referred to as courts of general jurisdiction, in recognition of the fact that most criminal and civil cases originate at this level.

The trial jurisdiction of circuit courts includes original jurisdiction over civil disputes involving more than \$15,000; controversies involving the estates of decedents, minors, and persons adjudicated to be incompetent; cases relating to juveniles; criminal prosecutions for all felonies; tax disputes; actions to determine the title and boundaries of real property; suits for declaratory judgments that is, to determine the legal rights or responsibilities of parties under the terms of written instruments, laws, or regulations before a dispute arises and leads to litigation and requests for injunctions to prevent persons or entities from acting in a manner that is asserted to be unlawful.

Circuit court judges are also granted the power to issue the extraordinary writs of certiorari, prohibition, mandamus, quo warranto, and habeas corpus, and all other writs necessary to the complete exercise of their jurisdiction.

Unified Family Courts

Unified family court is a fully integrated, comprehensive approach to handling all cases involving children and families, while at the same time resolving family disputes in a fair, timely, efficient, and cost-effective manner. The unified family court concept began in Florida in 1991, when the legislature's Commission of Family Courts issued its report pursuant to a legislative directive to: develop specific guidelines for the implementation of a family law division within each judicial circuit; provide recommendations for statutory, rule and organizational changes; and recommend necessary support services.

Between 1991 and 2001 three Florida Supreme Court opinions were issued emphasizing the need for a family court system which would provide better protection for children in court and an improved method for resolution of family problems. In May 2001 the supreme court issued a fourth and unanimous opinion citing twelve guiding principles of a family court as a foundation for defining and implementing a model family court, including:

- Children should live in safe and permanent homes.
- Needs and best interests of children are primary considerations.
- All persons should be treated with objectivity, sensitivity, dignity and respect.
- Cases with inter-related family issues should be consolidated or coordinated.
- The court is responsible for managing its cases.
- A means of differentiating cases should be available.
- Parties should be empowered to select ways to address their individual case.

The May 2001 supreme court opinion also discussed the critical components of the model family court including court case management to monitor case progress, evaluate each case at the onset to determine the appropriate resources and the appropriate way to handle the case, and coordinate multiple cases involving one family. Furthermore, the

Supreme Court called for collaboration between the judiciary, stakeholders, and the community to provide access to an array of services for families.

In addition to case management, the coordination of related cases and access to services, other critical components of unified family court are: adequate and sufficient security personnel and equipment to ensure safe court environments; continuing education for judges and court staff; technology; the family law advisory group; and, alternative dispute resolution.

Domestic Violence and Unified Family Court

Domestic violence is a type of family court case (i.e., injunctions) and a legal issue that cuts across all types of family court cases, including dependency, dissolution, delinquency, and child support cases. Families experiencing domestic violence incidents may be involved in the court system through civil domestic violence injunction cases, other family cases such as dependency or dissolution, and criminal cases. Though this document addresses best practices for managing domestic violence injunction cases, it is designed to foster and enhance coordination and collaboration among key participants in the court system process in both family and criminal courts. The domestic violence injunction case management best practices contained here reflect and support the framework of Florida's Unified Family Courts.

County Courts

Organization

The Constitution establishes a county court in each of Florida's 67 counties. The number of judges in each county court varies with the population and caseload of the county. To be eligible for the office of county judge, a person must be an elector of the county and must have been a member of The Florida Bar for five years; in counties with a population of 40,000 or less, a person must only be a member of The Florida Bar.

County judges are eligible for assignment to circuit court, and they are frequently assigned as such within the judicial circuit that embraces their counties. County judges serve six-year terms, and they are subject to the same disciplinary standards, and to the jurisdiction of the Judicial Qualifications Commission, as all other judicial officers.

Jurisdiction

The trial jurisdiction of county courts is established by statute. The jurisdiction of county courts extends to civil disputes involving \$15,000 or less. The majority of non-jury trials in Florida take place before one judge sitting as a judge of the county court. The county courts are sometimes referred to as "the people's courts," probably because a large part of the courts' work involves voluminous citizen disputes, such as traffic offenses, less serious criminal matters (misdemeanors), and relatively small monetary disputes.

Chapter Two

Legal Bases for Case Management

The general definition for state-funded case management in the court system is found in Section 29.004(10), Florida Statutes. Guidelines for handling domestic violence injunction cases are established by Section 741.30, Florida Statutes and Rule 12.610, Florida Family Law Rules of Procedure. Additionally, case managers have all the powers and all the limitations imposed upon self-help personnel by the provisions of Rule 12.750(c) and (d), Florida Family Rules of Procedure. The specific provisions are outlined below. Please see Appendices 2A, 2B, 2C and 2D for the full verbatim text of the applicable statute and rules.

Section 29.004(10), Florida Statutes

The provisions relevant to case management and intake are shown below:

1. State-funded case management responsibilities as defined by statute include initial review and evaluation of cases, assignment of cases to court divisions or dockets, and scheduling of judicial events.
2. Case management may not include costs associated with the application of therapeutic jurisprudence principles by the courts.
3. Case management may not include case intake and records management conducted by the clerk of court.

Section 741.30, Florida Statutes

The provisions relevant to case management and intake are shown below:

1. Any person, including an officer of the court, who offers evidence or recommendations relating to the cause of action must either present the evidence or recommendations in writing to the court with copies to each party and their attorney, or must present the evidence under oath at a hearing at which all parties are present. (741.30(1)(g), F.S.)
2. The clerk of the court shall assist petitioners in seeking both injunctions for protection against domestic violence and enforcement for a violation thereof as specified in this section. (s. 741.30(2)(c)1, F.S.)
3. All clerks' offices shall provide simplified petition forms for the injunction, any modifications, and the enforcement thereof, including instructions for completion. (s. 741.30 (2)(c)2, F.S.)
4. Notwithstanding any other provision of law, the assessment of a filing fee for a petition for protection against domestic violence is prohibited by Florida Statute (s. 741.30(2)(a);

further, the clerk of the court may not assess a fee for filing a petition for protection against repeat violence, sexual violence, or dating violence (s. 784.046(3)(b)).

5. The clerk of the court shall ensure the petitioner's privacy to the extent practical while completing the forms for injunctions for protection against domestic violence. (s. 741.30(2)(c)4, F.S.)

6. The clerk of the court shall provide petitioners with a minimum of two certified copies of the order of injunction, one of which is serviceable and will inform the petitioner of the process for service and enforcement. (s. 741.30(2)(c)5, F.S.)

7. Clerks of court and appropriate staff in each county shall receive training in the effective assistance of petitioners as provided or approved by the Florida Association of Court Clerks. (s. 741.30(2)(c)6, F.S.)

Rule 12.610. Injunctions for Domestic, Repeat, Dating, and Sexual Violence

The provisions relevant to case management and intake are shown below:

1. The clerk of the court or family or domestic/repeat/dating violence intake personnel shall provide simplified forms, including instructions for completion, for any person whose circumstances meet the requirements of this rule and shall assist the petitioner in obtaining an injunction for protection against domestic, repeat, or dating violence as provided by law. (12.610 (b)(4)(A), Florida Family Law Rules)

2. A petitioner's address may be furnished to the court in a confidential filing separate from a petition or other form if, for safety reasons, a petitioner believes that the address should be concealed. The ultimate determination of a need for confidentiality must be made by the court as provided in Florida Rule of Judicial Administration 2.051. (12.610 (b)(4)(B), Florida Family Law Rules)

3. The court, with the consent of the parties, may refer the parties to mediation by a certified family mediator to attempt to resolve the details as to the above rulings. This mediation shall be the only alternative dispute resolution process offered by the court. Any agreement reached by the parties through mediation shall be reviewed by the court and, if approved, incorporated into the final judgment. If no agreement is reached the matters referred shall be returned to the court for appropriate rulings. Regardless of whether all issues are resolved in mediation, an injunction for protection against domestic violence shall be entered or extended the same day as the hearing on the petition commences. (12.610(b)(4)(C), Florida Family Law Rules).

4. Forms. The clerk of the court or family or domestic/repeat/dating violence intake personnel shall provide simplified forms including instructions for completion, for the persons whose circumstances meet the requirements of this rule and shall assist in the preparation of the affidavit in support of the violation of an order of injunction for protection against domestic, repeat, or dating violence. (12.610 (b)(7), Florida Family Law Rules).

Rule 12.750. Family Self-help Programs

According to Rule 12.750 (c), self-help personnel may:

1. Encourage self-represented litigants to obtain legal advice;
2. Provide information about available pro bono legal services, low cost legal services, legal aid programs, and lawyer referral services;
3. Provide information about available approved forms, without providing advice or recommendation as to any specific course of action;
4. Provide approved forms and approved instructions on how to complete the forms;
5. Engage in limited oral communications to assist a person in the completion of blanks on approved forms;
6. Record information provided by a self-represented litigant on approved forms;
7. Provide, either orally or in writing, definitions of legal terminology from widely accepted legal dictionaries or other dictionaries without advising whether or not a particular definition is applicable to the self-represented litigant's situation;
8. Provide, either orally or in writing, citations of statutes and rules, without advising whether or not a particular statute or rule is applicable to the self-represented litigant's situation;
9. Provide docketed case information;
10. Provide general information about court process, practice, and procedure;
11. Provide information about mediation, required parenting courses, and courses for children of divorcing parents;
12. Provide, either orally or in writing, information from local rules or administrative orders;
13. Provide general information about local court operations;
14. Provide information about community services; and
15. Facilitate the setting of hearings.

According to Rule 12.750 (d), self-help personnel shall not:

1. Provide legal advice or recommend a specific course of action for a self-represented litigant;
2. Provide interpretation of legal terminology, statutes, rules, orders, cases, or the constitution;
3. Provide information that must be kept confidential by statute, rule, or case law;
4. Deny a litigant's access to the court;
5. Encourage or discourage litigation;
6. Record information on forms for a self-represented litigant, except as otherwise provided by this rule;
7. Engage in oral communications other than those reasonably necessary to elicit factual information to complete the blanks on forms except as otherwise authorized by this rule;
8. Perform legal research for litigants;
9. Represent litigants in court; and
10. Lead litigants to believe that they are representing them as lawyers in any capacity or induce the public to rely upon them for legal advice.

Other pertinent provisions in Rule 12.750 include the following:

- Notwithstanding ethics rules that govern attorneys, certified legal interns, and other persons working under the supervision of an attorney, information given by a self-represented litigant to self-help personnel is not confidential or privileged. (Rule 12.750(f), Florida Family Law Rules).
- Notwithstanding ethics rules that govern attorneys, certified legal interns, and other persons working under the supervision of an attorney, there is no conflict of interest in providing services to both parties. (Rule 12.750(g), Florida Family Law Rules)
- Before receiving the services of a self-help program, self-help personnel shall thoroughly explain the "Notice of Limitation of Services Provided" disclaimer below. Each self-represented litigant, after receiving an explanation of the disclaimer, shall sign an acknowledgment that the disclaimer has been explained to the self-represented litigant and that the self-represented litigant understands the limitation of the services provided. The self-help personnel shall sign the acknowledgment certifying compliance with this requirement. The original shall be filed by the self-help personnel in the court file and a copy shall be provided to the self-represented litigant. (Rule 12.750(h), Florida Family Law Rules)
- Self-help programs are available to all self-represented litigants in family law cases. (Rule 12.750(j), Florida Family Law Rules.)

- Nothing in this rule shall restrict services provided by the clerk of the court or family or domestic/repeat/dating violence intake personnel pursuant to rule 12.610. (Rule 12.750(m), Florida Family Law Rules.)

APPENDIX 2A

Section 29.004, Florida Statutes - State courts system

29.004 State courts system.--For purposes of implementing s. 14, Art. V of the State Constitution, the elements of the state courts system to be provided from state revenues appropriated by general law are as follows:

- (1) Judges appointed or elected pursuant to chapters 25, 26, 34, and 35.
- (2) Juror compensation and expenses.
- (3) Reasonable court reporting and transcription services necessary to meet constitutional requirements.
- (4) Construction or lease of facilities, maintenance, utilities, and security for the district courts of appeal and the Supreme Court.
- (5) Court foreign language and sign-language interpreters and translators essential to comply with constitutional requirements.
- (6) Expert witnesses who are appointed by the court pursuant to an express grant of statutory authority.
- (7) Judicial assistants, law clerks, and resource materials.
- (8) General magistrates, special magistrates, and hearing officers.
- (9) Court administration.
- (10) Case management. Case management includes:
 - (a) Initial review and evaluation of cases, including assignment of cases to court divisions or dockets.
 - (b) Case monitoring, tracking, and coordination.
 - (c) Scheduling of judicial events.
 - (d) Service referral, coordination, monitoring, and tracking for treatment-based drug court programs under s. [397.334](#).

Case management may not include costs associated with the application of therapeutic jurisprudence principles by the courts. Case management also may not include case intake and records management conducted by the clerk of court.
- (11) Mediation and arbitration, limited to trial court referral of a pending judicial case to a mediator or a court-related mediation program, or to an arbitrator or a court-related arbitration program, for the limited purpose of encouraging and assisting the litigants in partially or completely settling the case prior to adjudication on the merits by the court. This does not include citizen dispute settlement centers under s. [44.201](#) and community arbitration programs under s. [985.304](#).
- (12) Basic legal materials reasonably accessible to the public other than a public law library. These materials may be provided in a courthouse facility or any library facility.
- (13) The Judicial Qualifications Commission.
- (14) Offices of the appellate clerks and marshals and appellate law libraries.

Appendix 2B

Sections 741.30(1)(g) and 741.30(2)(a) and (c), Florida Statutes

The provisions relevant to case management and intake are shown below:

(1)(g) Any person, including an officer of the court, who offers evidence or recommendations relating to the cause of action must either present the evidence or recommendations in writing to the court with copies to each party and their attorney, or must present the evidence under oath at a hearing at which all parties are present.

(2)(a) Notwithstanding any other provision of law, the assessment of a filing fee for a petition for protection against domestic violence is prohibited effective October 1, 2002.

(2)(c)1. The clerk of the court shall assist petitioners in seeking both injunctions for protection against domestic violence and enforcement for a violation thereof as specified in this section.

2. All clerks' offices shall provide simplified petition forms for the injunction, any modifications, and the enforcement thereof, including instructions for completion.

3. The clerk of the court shall advise petitioners of the opportunity to apply for a certificate of indigence in lieu of prepayment for the cost of the filing fee, as provided in paragraph (a). *(Please note that this language was left in the statute when the filing fees were prohibited; it is no longer relevant but is included here for technical accuracy in citing section 741.30 (2)(c).)*

4. The clerk of the court shall ensure the petitioner's privacy to the extent practical while completing the forms for injunctions for protection against domestic violence.

5. The clerk of the court shall provide petitioners with a minimum of two certified copies of the order of injunction, one of which is serviceable and will inform the petitioner of the process for service and enforcement.

6. Clerks of court and appropriate staff in each county shall receive training in the effective assistance of petitioners as provided or approved by the Florida Association of Court Clerks.

APPENDIX 2C

RULE 12.610. Injunctions for Domestic, Repeat, and Dating Violence

(a) **Application.** This rule shall apply only to temporary and permanent injunctions for protection against domestic violence and temporary and permanent injunctions for protection against repeat violence or dating violence. All other injunctive relief sought in cases to which the Family Law Rules apply shall be governed by Florida Rule of Civil Procedure 1.610.

(b) **Petitions.**

(1) **Requirements for Use.**

(A) **Domestic Violence.** Any person may file a petition for an injunction for protection against domestic violence as provided by law.

(B) **Repeat Violence.** Any person may file a petition for an injunction for protection against repeat violence as provided by law.

(C) **Dating Violence.** Any person may file a petition for an injunction for protection against dating violence as provided by law.

(2) **Service of Petitions.**

(A) **Domestic Violence.** Personal service by a law enforcement agency is required. The clerk of the court shall furnish a copy of the petition for an injunction for protection against domestic violence, financial affidavit (if support is sought), Uniform Child Custody Jurisdiction and Enforcement Act affidavit (if custody is sought), temporary injunction (if one has been entered), and notice of hearing to the appropriate sheriff or law enforcement agency of the county where the respondent resides or can be found for expeditious service of process.

(B) **Repeat Violence and Dating Violence.** Personal service by a law enforcement agency is required. The clerk of the court shall furnish a copy of the petition for an injunction for protection against repeat violence or dating violence, temporary injunction (if one has been entered), and notice of hearing to the appropriate sheriff or law enforcement agency of the county where the respondent resides or can be found for expeditious service of process.

(C) **Additional Documents.** Service of pleadings in cases of domestic, repeat, or dating violence other than petitions, supplemental petitions, and orders granting injunctions shall be governed by rule 12.080, except that service of a motion to modify or vacate an injunction should be by notice that is reasonably calculated to apprise the nonmoving party of the pendency of the proceedings.

(3) **Consideration by Court.** Upon the filing of a petition, the court shall set a hearing to be held at the earliest possible time. A denial of a petition for an ex parte injunction shall be by written order noting the legal grounds for denial. When the only ground for denial is no appearance of an immediate and present danger of domestic, repeat, or dating violence, the court shall set a full hearing on the petition for injunction with notice at the earliest possible time. Nothing herein affects a petitioner's right to promptly amend any petition, or otherwise be heard in person on any petition consistent with these rules.

(4) **Forms.**

(A) **Provision of Forms.** The clerk of the court or family or domestic/repeat/dating violence intake personnel shall provide simplified forms, including instructions for completion, for any person whose circumstances meet the requirements of this rule and shall assist the petitioner in obtaining an injunction for protection against domestic, repeat, or dating violence as provided by law.

(B) Confidential Filing of Address. A petitioner's address may be furnished to the court in a confidential filing separate from a petition or other form if, for safety reasons, a petitioner believes that the address should be concealed. The ultimate determination of a need for confidentiality must be made by the court as provided in Florida Rule of Judicial Administration 2.051.

(c) Orders of Injunction.

(1) Consideration by Court.

(A) Temporary Injunction. For the injunction for protection to be issued ex parte, it must appear to the court that an immediate and present danger of domestic, repeat, or dating violence exists. In an ex parte hearing for the purpose of obtaining an ex parte temporary injunction, the court may limit the evidence to the verified pleadings or affidavits for a determination of whether there is an imminent danger that the petitioner will become a victim of domestic, repeat, or dating violence. If the respondent appears at the hearing or has received reasonable notice of the hearing, the court may hold a hearing on the petition. If a verified petition and affidavit are amended, the court shall consider the amendments as if originally filed.

(B) Final Judgment of Injunction for Protection Against Repeat Violence. A hearing shall be conducted.

(C) Final Judgment of Injunction for Protection Against Domestic Violence. The court shall conduct a hearing and make a finding of whether domestic violence occurred or whether imminent danger of domestic violence exists. If the court determines that an injunction will be issued, the court shall also rule on the following:

- (i) whether the respondent may have any contact with the petitioner, and if so, under what conditions;
- (ii) exclusive use of the parties' shared residence;
- (iii) temporary custody of minor children;
- (iv) whether temporary visitation will occur and whether it will be supervised;
- (v) whether temporary child support will be ordered;
- (vi) whether temporary spousal support will be ordered; and
- (vii) such other relief as the court deems necessary for the protection of the petitioner.

The court, with the consent of the parties, may refer the parties to mediation by a certified family mediator to attempt to resolve the details as to the above rulings. This mediation shall be the only alternative dispute resolution process offered by the court. Any agreement reached by the parties through mediation shall be reviewed by the court and, if approved, incorporated into the final judgment. If no agreement is reached the matters referred shall be returned to the court for appropriate rulings. Regardless of whether all issues are resolved in mediation, an injunction for protection against domestic violence shall be entered or extended the same day as the hearing on the petition commences.

(2) Issuing of Injunction.

(A) Standardized Forms. The temporary and permanent injunction forms approved by the Florida Supreme Court for domestic, repeat, and dating violence injunctions shall be the forms used in the issuance of injunctions under chapters 741 and 784, Florida Statutes. Additional standard provisions, not inconsistent with the standardized portions of those forms, may be added to the special provisions section of the temporary and permanent injunction forms, or at the end of each section to which they apply, on the written approval of the chief judge of the circuit, and upon final review and written approval by the chief justice. Copies of such additional standard provisions, once approved by the chief justice, shall be sent to the chair of the Family Law Rules Committee of The Florida Bar, the chair of the Steering Committee on Families and Children in the Court, and the chair of The Governor's Task Force on Domestic and Sexual Violence.

(B) **Bond.** No bond shall be required by the court for the entry of an injunction for protection against domestic, repeat, or dating violence. The clerk of the court shall provide the parties with sufficient certified copies of the order of injunction for service.

(3) Service of Injunctions.

(A) **Temporary Injunction.** A temporary injunction for protection against domestic, repeat, or dating violence must be personally served. When the respondent has been served previously with the temporary injunction and has failed to appear at the initial hearing on the temporary injunction, any subsequent pleadings seeking an extension of time may be served on the respondent by the clerk of the court by certified mail in lieu of personal service by a law enforcement officer. If the temporary injunction was issued after a hearing because the respondent was present at the hearing or had reasonable notice of the hearing, the injunction may be served in the manner provided for a permanent injunction.

(B) Permanent Injunction.

(i) **Party Present at Hearing.** The parties may acknowledge receipt of the permanent injunction for protection against domestic, repeat, or dating violence in writing on the face of the original order. If a party is present at the hearing and that party fails or refuses to acknowledge the receipt of a certified copy of the injunction, the clerk shall cause the order to be served by mailing certified copies of the injunction to the parties who were present at hearing at the last known address of each party. Service by mail is complete upon mailing. When an order is served pursuant to this subdivision, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service and within 24 hours shall forward a copy of the injunction and the clerk's affidavit of service to the sheriff with jurisdiction over the residence of the petitioner. This procedure applies to service of orders to modify or vacate injunctions for protection against domestic, repeat, or dating violence.

(ii) **Party not Present at Hearing.** Within 24 hours after the court issues, continues, modifies, or vacates an injunction for protection against domestic, repeat, or dating violence, the clerk shall forward a copy of the injunction to the sheriff with jurisdiction over the residence of the petitioner for service.

(4) Duration.

(A) **Temporary Injunction.** Any temporary injunction shall be effective for a fixed period not to exceed 15 days. A full hearing shall be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance of the temporary injunction and of the full hearing for good cause shown by any party, or upon its own motion for good cause, including failure to obtain service.

(B) **Permanent Injunction.** Any relief granted by an injunction for protection against domestic, repeat, or dating violence shall be granted for a fixed period or until further order of court. Such relief may be granted in addition to other civil and criminal remedies. Upon petition of the victim, the court may extend the injunction for successive periods or until further order of court. Broad discretion resides with the court to grant an extension after considering the circumstances. No specific allegations are required.

(5) **Enforcement.** The court may enforce violations of an injunction for protection against domestic, repeat, or dating violence in civil contempt proceedings, which are governed by rule 12.570, or in criminal contempt proceedings, which are governed by Florida Rule of Criminal Procedure 3.840, or, if the violation meets the statutory criteria, it may be prosecuted as a crime under Florida Statutes.

(6) **Motion to Modify or Vacate Injunction.** The petitioner or respondent may move the court to modify or vacate an injunction at any time. Service of a motion to modify or vacate injunctions

shall be governed by subdivision (b)(2) of this rule. However, for service of a motion to modify to be sufficient if a party is not represented by an attorney, service must be in accord with rule 12.070, or in the alternative, there must be filed in the record proof of receipt of this motion by the nonmoving party personally.

(7) **Forms.** The clerk of the court or family or domestic/repeat/dating violence intake personnel shall provide simplified forms including instructions for completion, for the persons whose circumstances meet the requirements of this rule and shall assist in the preparation of the affidavit in support of the violation of an order of injunction for protection against domestic, repeat, or dating violence.

Commentary

1995 Adoption. A cause of action for an injunction for protection against domestic violence and repeat violence has been created by section 741.30, Florida Statutes (Supp.1994) (modified by chapter 95-195, Laws of Florida), and section 784.046, Florida Statutes (Supp. 1994), respectively. This rule implements those provisions and is intended to be consistent with the procedures set out in those provisions except as indicated in this commentary. To the extent a domestic or repeat violence matter becomes criminal or is to be enforced by direct or indirect criminal contempt, the appropriate Florida Rules of Criminal Procedure will apply.

The facts and circumstances to be alleged under subdivision 12.610(b)(1)(A) include those set forth in Florida Supreme Court Approved Family Law Form 12.980(b). An injunction for protection against domestic or repeat violence may be sought whether or not any other cause of action is currently pending between the parties. However, the pendency of any such cause of action must be alleged in the petition. The relief the court may grant in a temporary or permanent injunction against domestic violence is set forth in sections 741.30(5)-(6).

The facts and circumstances to be alleged under subdivision (b)(1)(B) include those set forth in Florida Supreme Court Approved Family Law Form 12.980(g). The relief the court may grant in a temporary or permanent injunction against repeat violence is set forth in section 784.046(7), Florida Statutes.

Subdivision (b)(4) expands sections 741.30(2)(c)1 and (2)(c)2, Florida Statutes, to provide that the responsibility to assist the petitioner may be assigned not only to the clerk of court but also to the appropriate intake unit of the court. Florida Supreme Court Approved Family Law Form 12.980(b) provides the form for a petition for injunction against domestic violence. If the custody of a child is at issue, a Uniform Child Custody Jurisdiction and Enforcement Act affidavit must be provided and completed in conformity with Florida Supreme Court Approved Family Law Form 12.902(d). If alimony or child support is sought a Financial Affidavit must be provided and completed in conformity with Florida Family Law Rules of Procedure Form 12.902(b) or 12.902(c).

Subdivision (c)(1)(A) expands chapter 95-195, Laws of Florida, and section 784.046(6)(b), Florida Statutes, to make the limitation of evidence presented at an ex parte hearing permissive rather than mandatory given the due process concerns raised by the statutory restrictions on the taking of evidence.

Unlike traditional injunctions, under subdivision (c)(2), no bond will be required for the issuance of injunctions for protection against domestic or repeat violence. This provision is consistent with the

statutes except that, unlike the statutes, it does not set a precise number of copies to be provided for service.

Subdivision (c)(3)(A) makes the procedure for service of a temporary order of injunction for protection against domestic violence and repeat violence consistent. This is intended to replace the differing requirements contained in sections 741.30(8)(a)1 and (8)(c)1 and 784.046(8)(a)1, Florida Statutes.

Subdivision (c)(3)(B) makes the procedure for service of a permanent order of injunction for protection against domestic violence and repeat violence consistent. This is intended to replace the differing requirements contained in sections 741.30(8)(a)3 and (8)(c)1 and 784.046(8)(c)1, Florida Statutes, and to specifically clarify that service of the permanent injunction by mail is only effective upon a party who is present at the hearing which resulted in the issuance of the injunction.

Subdivision (c)(4)(A) restates sections 741.30(5)(c) and 784.046(6)(c), Florida Statutes, with some expansion. This subdivision allows the court upon its own motion to extend the protection of the temporary injunction for protection against domestic or repeat violence for good cause shown, which shall include, but not be limited to, failure to obtain service. This subdivision also makes the procedures in cases of domestic and repeat violence identical, resolving the inconsistencies in the statutes.

Subdivision (c)(4)(B) makes the procedures in cases of domestic and repeat violence identical, resolving inconsistencies in the statutes. As stated in section 741.30(1)(c), Florida Statutes, in the event a subsequent cause of action is filed under chapter 61, Florida Statutes, any orders entered therein shall take precedence over any inconsistent provisions of an injunction for protection against domestic violence which addresses matters governed by chapter 61, Florida Statutes.

Subdivision (c)(5) implements a number of statutes governing enforcement of injunctions against domestic or repeat violence. It is intended by these rules that procedures in cases of domestic and repeat violence be identical to resolve inconsistencies in the statutes. As such, the procedures set out in section 741.31(1), Florida Statutes, are to be followed for violations of injunctions for protection of both domestic and repeat violence. Pursuant to that statute, the petitioner may contact the clerk of the circuit court of the county in which the violation is alleged to have occurred to obtain information regarding enforcement.

Subdivision (c)(7) expands sections 741.30(2)(c)1 and (2)(c)2, Florida Statutes, to provide that the responsibility to assist a petitioner may not only be assigned to the clerk of court but also to the appropriate intake unit of the court. This subdivision makes the procedures in cases of domestic and cases of repeat violence identical to resolve inconsistencies in the statutes.

2003 Amendment. This rule was amended to emphasize the importance of judicial involvement in resolving injunction for protection against domestic violence cases and to establish protections if mediation is used. In performing case management, court staff may interview the parties separately to identify and clarify their positions. Court staff may present this information to the court along with a proposed order for the court's consideration in the hearing required by subdivision (b). The first sentence of (c)(1)(C) contemplates that an injunction will not be entered unless there is a finding that domestic violence occurred or that there is imminent danger of domestic violence. Subdivision (c)(1)(C) also enumerates certain rulings that a judge must make after deciding to issue an injunction and before referring parties to mediation. This is intended to ensure that

issues involving safety are decided by the judge and not left to the parties to resolve. The list is not meant to be exhaustive, as indicated by subdivision (c)(1)(C)(vii), which provides for "other relief," such as retrieval of personal property and referrals to batterers' intervention programs. The prohibition against use of any "alternative dispute resolution" other than mediation is intended to preclude any court-based process that encourages or facilitates, through mediation or negotiation, agreement as to one or more issues, but does not preclude the parties through their attorneys from presenting agreements to the court. All agreements must be consistent with this rule regarding findings. Prior to ordering the parties to mediate, the court should consider risk factors in the case and the suitability of the case for mediation. The court should not refer the case to mediation if there has been a high degree of past violence, a potential for future lethality exists, or there are other factors which would compromise the mediation process.

Committee Note

1997 Amendment. This change mandates use of the injunction forms provided with these rules to give law enforcement a standardized form to assist in enforcement of injunctions. In order to address local concerns, circuits may add special provisions not inconsistent with the mandatory portions.

APPENDIX 2D

Rule 12.750. Family Self-help Programs

RULE 12.750. FAMILY SELF-HELP PROGRAMS

(a) **Establishment of Programs.** A chief judge, by administrative order, may establish a self-help program to facilitate access to family courts. The purpose of a self-help program is to assist self-represented litigants, within the bounds of this rule, to achieve fair and efficient resolution of their family law case. The purpose of a self-help program is not to provide legal advice to self-represented litigants. This rule applies only to programs established and operating under the auspices of the court pursuant to this rule.

(b) **Definitions.**

- (1) “Family law case” means any case in the circuit that is assigned to the family law division.
- (2) “Self-represented litigant” means any individual who seeks information to file, pursue, or respond to a family law case without the assistance of a lawyer authorized to practice before the court.
- (3) “Self-help personnel” means lawyer and nonlawyer personnel in a self-help program.
- (4) “Self-help program” means a program established and operating under the authority of this rule.
- (5) “Approved form” means (A) Florida Family Law Rules of Procedure Forms or Florida Supreme Court Approved Family Law Forms or (B) forms that have been approved in writing by the chief judge of a circuit and that are not inconsistent with the Supreme Court approved forms, copies of which are to be sent to the chief justice, the chair of the Family Law Rules Committee of The Florida Bar, the chair of the Family Law Section of The Florida Bar, and the chair of the Family Court Steering Committee. Forms approved by a chief judge may be used unless specifically rejected by the Supreme Court.

(c) **Services Provided.** Self-help personnel may:

- (1) encourage self-represented litigants to obtain legal advice;
- (2) provide information about available pro bono legal services, low cost legal services, legal aid programs, and lawyer referral services;
- (3) provide information about available approved forms, without providing advice or recommendation as to any specific course of action;
- (4) provide approved forms and approved instructions on how to complete the forms;
- (5) engage in limited oral communications to assist a person in the completion of blanks on approved forms;
- (6) record information provided by a self-represented litigant on approved forms;
- (7) provide, either orally or in writing, definitions of legal terminology from widely accepted legal dictionaries or other dictionaries without advising whether or not a particular definition is applicable to the self-represented litigant’s situation;
- (8) provide, either orally or in writing, citations of statutes and rules, without advising whether or not a particular statute or rule is applicable to the self-represented litigant’s situation;
- (9) provide docketed case information;
- (10) provide general information about court process, practice, and procedure;
- (11) provide information about mediation, required parenting courses, and courses for children of divorcing parents;
- (12) provide, either orally or in writing, information from local rules or administrative orders;
- (13) provide general information about local court operations;
- (14) provide information about community services; and
- (15) facilitate the setting of hearings.

(d) **Limitations on Services.** Self-help personnel shall not:

- (1) provide legal advice or recommend a specific course of action for a self-represented litigant;
- (2) provide interpretation of legal terminology, statutes, rules, orders, cases, or the constitution;
- (3) provide information that must be kept confidential by statute, rule, or case law;
- (4) deny a litigant's access to the court;
- (5) encourage or discourage litigation;
- (6) record information on forms for a self-represented litigant, except as otherwise provided by this rule;
- (7) engage in oral communications other than those reasonably necessary to elicit factual information to complete the blanks on forms except as otherwise authorized by this rule;
- (8) perform legal research for litigants;
- (9) represent litigants in court; and
- (10) lead litigants to believe that they are representing them as lawyers in any capacity or induce the public to rely upon them for legal advice.

(e) **Unauthorized Practice of Law.** The services listed in subdivision (c), when performed by nonlawyer personnel in a self-help program, shall not be the unauthorized practice of law.

(f) **No Confidentiality.** Notwithstanding ethics rules that govern attorneys, certified legal interns, and other persons working under the supervision of an attorney, information given by a self-represented litigant to self-help personnel is not confidential or privileged.

(g) **No Conflict.** Notwithstanding ethics rules that govern attorneys, certified legal interns, and other persons working under the supervision of an attorney, there is no conflict of interest in providing services to both parties.

(h) **Notice of Limitation of Services Provided.** Before receiving the services of a self-help program, self-help personnel shall thoroughly explain the "Notice of Limitation of Services Provided" disclaimer below. Each self-represented litigant, after receiving an explanation of the disclaimer, shall sign an acknowledgment that the disclaimer has been explained to the self-represented litigant and that the self-represented litigant understands the limitation of the services provided. The self-help personnel shall sign the acknowledgment certifying compliance with this requirement. The original shall be filed by the self-help personnel in the court file and a copy shall be provided to the self-represented litigant.

NOTICE OF LIMITATION OF SERVICES PROVIDED

THE PERSONNEL IN THIS SELF-HELP PROGRAM ARE NOT ACTING AS YOUR LAWYER OR PROVIDING LEGAL ADVICE TO YOU.

SELF-HELP PERSONNEL ARE NOT ACTING ON BEHALF OF THE COURT OR ANY JUDGE. THE PRESIDING JUDGE IN YOUR CASE MAY REQUIRE AMENDMENT OF A FORM OR SUBSTITUTION OF A DIFFERENT FORM. THE JUDGE IS NOT REQUIRED TO GRANT THE RELIEF REQUESTED IN A FORM.

THE PERSONNEL IN THIS SELF-HELP PROGRAM CANNOT TELL YOU WHAT YOUR LEGAL RIGHTS OR REMEDIES ARE, REPRESENT YOU IN COURT, OR TELL YOU HOW TO TESTIFY IN COURT.

SELF-HELP SERVICES ARE AVAILABLE TO ALL PERSONS WHO ARE OR WILL BE PARTIES TO A FAMILY CASE.

THE INFORMATION THAT YOU GIVE TO AND RECEIVE FROM SELF-HELP PERSONNEL IS NOT CONFIDENTIAL AND MAY BE SUBJECT TO DISCLOSURE AT A LATER DATE. IF ANOTHER PERSON INVOLVED IN YOUR CASE SEEKS ASSISTANCE FROM THIS SELF-HELP PROGRAM, THAT PERSON WILL BE GIVEN THE SAME TYPE OF ASSISTANCE THAT YOU RECEIVE.

IN ALL CASES, IT IS BEST TO CONSULT WITH YOUR OWN ATTORNEY, ESPECIALLY IF YOUR CASE PRESENTS SIGNIFICANT ISSUES REGARDING CHILDREN, CHILD

SUPPORT, ALIMONY, RETIREMENT OR PENSION BENEFITS, ASSETS, OR LIABILITIES.

I CAN READ ENGLISH.

I CANNOT READ ENGLISH. THIS NOTICE WAS READ TO ME BY

{NAME} IN

{LANGUAGE} .

SIGNATURE

AVISO DE LIMITACION DE SERVICIOS OFRECIDOS EL PERSONAL DE ESTE PROGRAMA DE AYUDA PROPIA NO ESTA ACTUANDO COMO SU ABOGADO NI LE ESTA DANDO CONSEJOS LEGALES.

ESTE PERSONAL NO REPRESENTA NI LA CORTE NI NINGUN JUEZ. EL JUEZ ASIGNADO A SU CASO PUEDE REQUERIR UN CAMBIO DE ESTA FORMA O UNA FORMA DIFERENTE. EL JUEZ NO ESTA OBLIGADO A CONCEDER LA REPARACION QUE USTED PIDE EN ESTA FORMA.

EL PERSONAL DE ESTE PROGRAMA DE AYUDA PROPIA NO LE PUEDE DECIR CUALES SON SUS DERECHOS NI SOLUCIONES LEGALES, NO PUEDE REPRESENTARLO EN CORTE, NI DECIRLE COMO TESTIFICAR EN CORTE. SERVICIOS DE AYUDA PROPIA ESTAN DISPONIBLES A TODAS LAS PERSONAS QUE SON O SERAN PARTES DE UN CASO FAMILIAR.

LA INFORMACION QUE USTED DA Y RECIBE DE ESTE PERSONAL NO ES CONFIDENCIAL Y PUEDE SER DESCUBIERTA MAS ADELANTE. SI OTRA PERSONA ENVUELTA EN SU CASO PIDE AYUDA DE ESTE PROGRAMA, ELLOS RECIBIRAN EL MISMO TIPO DE ASISTENCIA QUE USTED RECIBE.

EN TODOS LOS CASOS, ES MEJOR CONSULTAR CON SU PROPIO ABOGADO, ESPECIALMENTE SI SU CASO TRATA DE TEMAS RESPECTO A NINOS, MANTENIMIENTO ECONOMICO DE NINOS, MANUTENCION MATRIMONIAL, RETIRO O BENEFICIOS DE PENSION, ACTIVOS U OBLIGACIONES.

YO PUEDO LEER ESPANOL.

YO NO PUEDO LEER ESPANOL. ESTE AVISO FUE LEIDO A MI POR {NOMBRE} _____ EN {IDIOMA} _____.

FIRMA

If information is provided by telephone, the notice of limitation of services provided shall be heard by all callers prior to speaking to self-help staff.

(i) **Exemption.** Self-help personnel are not required to complete Florida Family Law Rules of Procedure Form 12.900(a), Disclosure From Nonlawyer, as required by rule 10-2.1, Rules Regulating The Florida Bar. The provisions in rule 10-2.1, Rules Regulating The Florida Bar, which require a nonlawyer to include the nonlawyer's name and identifying information on a form if the nonlawyer assisted in the completion of a form, are not applicable to self-help personnel unless the self-help personnel recorded the information on the form as authorized by this rule.

(j) **Availability of Services.** Self-help programs are available to all self-represented litigants in family law cases.

(k) **Cost of Services.** Self-help programs, as authorized by statute, may require self-represented litigants to pay the cost of services provided for by this rule, provided that the charge for persons who are indigent is substantially reduced or waived.

(l) **Records.** All records made or received in connection with the official business of a self-help program are judicial records and access to such records shall be governed by Florida Rule of Judicial Administration 2.051.

(m) **Domestic Violence Exclusion.** Nothing in this rule shall restrict services provided by the clerk of the court or family or domestic/repeat/dating violence intake personnel pursuant to rule 12.610.

Commentary

1998 Adoption. It should be emphasized that the personnel in the self-help programs should not be providing legal advice to self-represented litigants. Self-help personnel should not engage in any activities that constitute the practice of law or inadvertently create an attorney-client relationship. Self-help programs should consistently encourage self-represented litigants to seek legal advice from a licensed attorney. The provisions of this rule only apply to programs established by the chief judge.

Subdivision (b). This rule applies only to assistance offered in family law cases. The types of family law cases included in a family law division may vary based on local rule and it is anticipated that a local rule establishing a self-help program may also exclude types of family law cases from the self-help program. Programs may operate with lawyer personnel, nonlawyer personnel, or a combination thereof.

Subdivision (c)(2). The self-help program is encouraged to cooperate with the local bar to develop a workable system to provide this information. The program may maintain information about members of The Florida Bar who are willing to provide services to self-represented litigants. The program may not show preference for a particular service, program, or attorney.

Subdivision (c)(3). In order to avoid the practice of law, the self-help personnel should not recommend a specific course of action.

Subdivision (c)(5). Self-help personnel should not suggest the specific information to be included in the blanks on the forms. Oral communications between the self-help personnel and the self-represented litigant should be focused on the type of information the form is designed to elicit.

Subdivision (c)(8). Self-help personnel should be familiar with the court rules and the most commonly used statutory provisions. Requests for information beyond these commonly used statutory provisions would require legal research, which is prohibited by subdivision (d)(8).

Subdivision (c)(9). Self-help personnel can have access to the court's docket and can provide information from the docket to the self-represented litigant.

Subdivision (f). Because an attorney-client relationship is not formed, the information provided by a self-represented litigant is not confidential or privileged.

Subdivision (g). Because an attorney-client relationship is not formed, there is no conflict in providing the limited services authorized under this rule to both parties.

Subdivision (h). It is intended that self-represented litigants who receive services from a self-help program understand that they are not receiving legal services. One purpose of the disclosure is to prevent an attorney-client relationship from being formed. In addition to the signed disclosure, it is recommended that each program post the disclosure in a prominent place in the self-help program. The written disclosure should be available and posted in the languages that are in prevalent use in the county.

Subdivision (i). This provision is to clarify that nonlawyer personnel are not required to use Florida Family Law Rules of Procedure Form 12.900(a) because the information is included in the disclosure required by this rule. Self-help personnel are required to include their name and identifying information on any form on which they record information for a self-represented litigant.

Chapter Three

Intake

These guidelines explicitly recognize that intake for domestic violence injunction cases is designated to the clerks of the court, according to section 741.302(2)(c), Florida Statutes. Instances do exist where court administration staff or advocates have been engaged by the clerk of the court to perform intake functions. The procedures and practices outlined here are intended to provide direction and guidance on intake regardless of the agency providing intake services.

- I. Intake services should be provided by courteous, informed, well- trained staff. Training for intake staff should include the following topics:
 - A. Dynamics of domestic violence;
 - B. Domestic violence related laws, rules, and forms;
 - C. Court policies and procedures;
 - D. Victim safety/batterer tactics;
 - E. Ethics;
 - F. Unauthorized practice of law;
 - G. Cultural competence/understanding and working with persons/cultures different from one's own; and,
 - H. Local resources and programs for domestic violence victims and their families.
- II. Intake staff should have written protocols for case processing of petitions, including:
 - A. Designation of the individual who will deliver the completed petition and supporting information to the judge and how it will be delivered;
 - B. Procedures for delivering the completed order or temporary injunction to the clerk or, after hours, to the designated agency; and,
 - C. Procedures for providing the completed order or temporary injunction to the petitioner.
- III. Intake should be available 24 hours/day, seven days a week including weekends and holidays. Each circuit/county is responsible for developing procedures for after-hours access to the courts based upon local procedures, needs, and resources. Various approaches taken by circuits are shown below.
 - A. Options for obtaining, completing, and filing a petition.
The petitioner may obtain and file an after hours petition with:
 - The clerk's after-hours facility/office;
 - The designated court administration contact;
 - The local certified domestic violence center; or,
 - The local sheriff or police Department.
 - B. Conveying the petition and other filings to the duty judge or after-hours judge.
Once signed by the petitioner and notarized, the petition and other filings may be conveyed to the duty judge or after-hours judge *in person* or *via fax*

by the entity performing intake (the clerk, court administration, law enforcement, or the domestic violence center).

- C. Documentation/service of court order.

Once the judge has issued a ruling in response to the petition, a copy of the order may be *faxed or delivered to the sheriff's department for service on the respondent* (when a temporary injunction is issued and/or hearing is scheduled), another *copy provided to the petitioner*, and the *original copy delivered to the clerk's office to be filed*.
 - D. After-hours intake staff should provide for the safety and privacy of petitioners to the greatest extent possible (see IV. below for information on safety).
 - E. After-hours intake staff should be provided with written protocols to describe and document the after-hours filing process for domestic violence injunctions.
- IV. The intake provider should ensure the safety and privacy of petitioners during the intake process to the greatest extent possible (Chapter 741, F.S.). Safety and privacy concerns during intake may be addressed in several ways.
- A. Presence or availability of law enforcement or security officers in the intake area;
 - B. A separate office with secure entry for those wishing to file for injunctions; and,
 - C. A separate, private area within the clerk's office or other secured area designated for injunction intakes.
- V. Intake services should include an explanation of the court process and assistance with the process of filing for injunctions for protection. It is probably most helpful to explain the court process in the same way that it is described on the family law forms, as shown below.
- A. Eligibility for domestic violence injunctions
 1. If a person is a victim of any act of domestic violence or has reasonable cause to believe that he/she is in imminent danger of becoming a victim of domestic violence, they can use the petition form to ask the court for a protective order prohibiting domestic violence. **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 by any of petitioner's family or household members.
 2. The domestic violence laws apply to the petitioner's situation if the respondent is:
 - a. Spouse;
 - b. Former spouse;

- c. Related to petitioner by blood or marriage,
- d. Living with petitioner now or has lived with petitioner in the past as if living as a family;
- e. The other parent of petitioner's child(ren) whether or not parties have ever been married or ever lived together.

With the exception of persons who have a child in common, the family or household members must be currently residing together or have in the past resided together in the same single dwelling unit.

- 3. If the petitioner is under the age of eighteen and has never been married or had the disabilities of nonage removed by a court, then one of the petitioner's parents or legal guardian must sign the petition with the petitioner.
- 4. If the petitioner's situation does not appear to fit within the domestic violence definitions shown in 1 and 2 above, the intake staff should provide to the petitioner information regarding repeat, dating, and sexual violence injunctions to enable the individual to determine whether another type of injunction would be appropriate for his/her situation. *However, in no instance should provision of a form be denied to any individual based upon the intake person's understanding of the petitioner's eligibility for relief.*

See Appendix 3-A for a sample information form describing the various types of injunctions for petitioners.

B. Assistance with filing/Completion of forms

- 1. The petition should be typed or printed in black ink.
- 2.
 - a. If the Petitioner fears that disclosing his/her address would put him/her in danger, the petitioner should write "confidential" in the space provided on the petition, and complete the **Petitioner's Request for Confidential Filing of Address - Florida Supreme Court Approved Family Law Form 12.980(h)** - and file it along with the petition with the clerk of the circuit court.
 - b. If the petitioner inadvertently recorded his/her address on the petition form but wants to request confidential filing of address, be sure that the address information on the petition is completely obliterated (one coat of correction fluid will not cover it or conceal the information if the page is held up to the light).
 - c. Court staff and clerks should take appropriate steps to ensure that confidential address and contact information remain strictly confidential in all court documents that are public record. Many clerks' offices place the request for confidential filing of address form into a sealed envelope within the case file to prevent access to or duplication of that information.

- d. Be sure to let the petitioner know that if the court issues a temporary injunction or orders a hearing, the respondent will receive a copy of the petition along with the injunction or notice of hearing.
3. Verify that petitioner understands the petition form. It may be helpful to explain that the petition will provide the judge with the information needed to decide whether to issue an injunction.
 4. Provide information and definitions when requested by petitioner or when you determine that assistance may be needed in order for the petition to be completed. Show the petitioner the source of the information or definition being provided (statute, petition form, etc.) and avoid interpretation or giving advice.
 5. Ensure that the petition is filled out completely and accurately. Check each section of the form to be sure that all applicable blanks have been completed.
 - a. Sections I and II **must be completed** with all requested information about the petitioner and the respondent. (Note: the petitioner may request confidential filing of address and omit his/her current address from the petition form.)
 - b. Section III deals with the case history and reason for seeking an injunction. This section **must be completed**. Verify that the questions regarding past or pending cases have been answered and that the petitioner has provided a narrative description of the most recent violence or threat of violence (question #4). You may wish to read aloud the petitioner's narrative account of the violent incident so that he/she can verify that it describes the situation or incident as the petitioner intended. Ensure that any additional information requested in question 5 is provided.
 - c. Section IV addresses the temporary exclusive use and possession of the home. This section should be completed only if the petitioner is requesting the court to provide exclusive use and possession of the home shared with the respondent.
 - d. Section V addresses temporary custody of minor children and must be completed if the petitioner is seeking custody of any minor child. If the petitioner is asking the court to make a determination about custody or visitation of a minor child, the petitioner must also complete and file the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit. (Florida Supreme Court Approved Family Law Form 12.902(d).
 - e. Section VI addresses temporary financial support and must be completed if the petitioner is seeking temporary alimony or temporary child support.
 - (1) Petitioners requesting temporary child support are required to complete and file:
 - (a) The Notice of Social Security Number, (FSC Approved Family Law Form 12.902(j));
 - (b) The Family Law Financial Affidavit, (Florida Family Law Rules of Procedure Form 12.902(b) or (c); and,

- (c) The Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e).
 - (2) Petitioners requesting temporary alimony are required to complete and file the Family Law Financial Affidavit (Form 12.902 above).
 - f. Section VII of the petition summarizes what relief the petitioner is asking the court to include in the injunction; this section **must be completed**.
 - g. Once intake staff has verified the completion of the petition as described above, the petitioner should sign it in front of a notary public or the clerk's staff and submit the petition and any supporting documents to the clerk of the circuit court.
6. According to Judicial Administration Rule 2.085(d), petitioners in family cases are required to file with the court a notice of related cases, if related cases are known or reasonably ascertainable. A case is related when:
- it involves any of the same parties, children, or issues and it is pending at the time the party files a family case; or,
 - it affects the court's jurisdiction to proceed; or,
 - an order in the related case may conflict with an order on the same issues in the new case; or,
 - an order in the new case may conflict with an order in the earlier litigation.
- a. The notice of related cases shall be filed with the initial pleading by the petitioner or his/her attorney.
 - b. The notice of related cases shall be served on all parties in the related cases, the presiding judges, and the chief judge or family law administrative judge.
 - c. Each circuit may have a local administrative order that outlines the circuit's preferred practices for complying with this rule. The administrative order may also provide a Notice of Related Case(s) Form. Domestic violence case managers should check their circuits' administrative orders to ascertain the circuit's practices for filing the notice of related cases and whether there is a local Notice of Related Case(s) Form.

Please see Appendix 3-B for the text of Judicial Administration Rule 2.085(d)

C. Explain the court process to the petitioner

1. The clerk or court administration staff member delivers the petition and any additional documents (UCCJEA, etc.) to the judge designated to review domestic violence injunction petitions.
2. Once the court has reviewed the petition, it will take one of the following actions:
 - a. Grant the petition, issue a temporary injunction for protection against domestic violence, and schedule a court date for a hearing (#3 below);
 - b. Deny the petition for the temporary injunction and schedule a court date

- for a hearing (#4 below); or,
- c. Deny the petition without scheduling a court date for a hearing (#5 below).
3. If the facts contained in the petition convince the judge that the petitioner is a victim of domestic violence or that an imminent danger of domestic violence exists:
 - a. The judge will sign an order granting an immediate Temporary Injunction for Protection Against Domestic Violence.
 - b. The clerk will give the petition, the temporary injunction, and any other papers filed with the petition to the sheriff or other law enforcement officer for personal service on the respondent. The temporary injunction will take effect immediately after the respondent is served with a copy of it. Until the respondent is served by law enforcement with the temporary injunction, he or she will not be aware of or limited by the restrictions ordered in the injunction.
 - c. The temporary injunction is in effect for a fixed period of time no longer than 15 days. A full hearing will be set for a date within the 15 day timeframe. The court may re-schedule the hearing and extend the temporary injunction beyond 15 days for a good reason, including failure to obtain service on the respondent. The temporary injunction shows the date and time of the court hearing.
 - d. At that hearing, the petitioner will be expected to testify about the facts in the petition. The respondent also will be given the opportunity to testify at this hearing. At the hearing, the judge will decide whether to issue a Final Judgment of Injunction for Protection Against Domestic Violence. If the court issues a Final Judgment of Injunction, it will remain in effect for a specific time period or until modified or dissolved by the court.
 - e. If the petitioner and/or the respondent do not appear at the hearing, the temporary injunction may be continued in force, extended, or dismissed, and/or additional orders may be granted.
 - f. If the judge signs a temporary or final injunction, the clerk will provide the parties with the necessary copies.
 - g. The petitioner should be advised to make sure that he/she keeps one certified copy of the injunction him/her at all times.
 4. If the petition is denied on the grounds that it appears to the court that no imminent danger of domestic violence exists:
 - a. The court will set a full hearing on the petition at the earliest possible time.
 - b. The respondent will be notified by personal service of the petition and the hearing.
 - c. In this situation, the petitioner may file a Supplemental Affidavit in Support of Petition for Injunction for Protection (Florida Family Law Form 12.980(g)) to amend the petition and provide additional information to the court prior to the hearing. Any information provided in the supplemental

affidavit will be considered by the court in determining whether an injunction should be issued. The intake staff person should explain this process to the petitioner as well as provide the supplemental affidavit form and assistance. When the petitioner chooses to complete the supplemental affidavit, intake staff should ensure that the supplemental affidavit and any additional verified pleadings are placed in the case file as soon as possible to ensure judicial consideration of that information.

- d. It is crucial for intake staff to inform the petitioner that there is no injunctive protection in place during the time prior to the hearing.
5. If the petition is denied:
 - a. The judge will issue a written order showing the legal reasons for denial of the petition.
 - b. The clerk or other court staff will provide the petitioner with a copy of this order.
 - c. The petitioner may file a Supplemental Affidavit in Support of Petition for Injunction for Protection (Florida Family Law Form 12.980(g) to amend the petition and provide additional information to the court. Any information provided in the supplemental affidavit will be considered by the court in determining whether an injunction should be issued. The intake staff person should explain this process to the petitioner as well as provide the supplemental affidavit form and assistance.
 - d. In the event the petitioner files a supplemental affidavit, the intake staff member should convey the affidavit to the court as soon as possible.
 - e. If the court schedules a hearing on the amended petition, the petitioner should be informed of the need to attend the hearing and be prepared to present the facts that support the petition.
- VI. Whenever available, intake staff should offer petitioners access to domestic violence advocates who may assist petitioners to assess the risk/lethality of their situation, develop a safety plan for themselves and their children, and obtain access to services, support, and shelter available from the local certified domestic violence center. A number of domestic violence centers provide court advocates (on-site at intake or on-call) to assist petitioners in the intake process.
 - VII. Petitioners should be provided with information about and referrals to available community resources, legal services, and support systems and community resources, including certified domestic violence centers. The local resource directory developed by the Family Law Advisory Group (FLAG) may provide appropriate information on community resources, though some circuits have chosen to develop separate community resource listings specifically for families experiencing domestic violence.
 - VIII. When available, information regarding community services and resources should be available in all languages appropriate to the community.
 - IX. Intake staff and case managers should provide upon request information regarding court processes and procedures, the scheduling of case events, and forms and

instructions to all parties, including petitioners, respondents, and their legal representatives.

- X. Interpreters should be provided whenever needed. Interpreters are crucial for non-English speakers or those not proficient in English and those with hearing impairments so that they may fully understand and participate in the court process and proceedings. Intake staff should be aware of their circuit's procedures for obtaining or contacting interpreters and utilize those procedures as the need arises.

APPENDIX 3A

Injunction Information Form

This form describes the various types of injunctions for protection available under Florida law. Please read this information carefully so that you can request help based upon your own circumstances or situation.

Domestic Violence Injunction

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 you by any of your family or household members. Family or household members include: spouse; former spouse; related to you by blood or marriage; living with you now or in the past as if living as a family; and, the other parent of your child(ren) whether or not you've ever been married or lived together. With the exception of persons who have a child in common, the family or household members must be currently living together or have in the past lived together in the same single dwelling unit.

You can ask the court for an injunction prohibiting domestic violence if you are or have been the victim of any act of domestic violence or have reasonable cause to believe that you are in imminent danger of becoming a victim of domestic violence.

Repeat Violence Injunction

Repeat violence means two incidents of violence or stalking committed by the respondent, one of which must have been within 6 months of the filing of the petition, which are directed against the you or your immediate family member. You can ask the court for an injunction prohibiting violence if one (1) incident of stalking has occurred within the last six months, or two (2) incidents of assault, battery, or sexual battery have occurred, one of which must have occurred within the last six months.

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 dating relationship must have existed within the past 6 months; the nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and the frequency and type of interaction between the persons in the relationship must have included involvement over time and on a continuous basis. Dating violence *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. You can ask the court for an injunction prohibiting violence if you are the victim of dating violence and have reasonable cause to believe you are in imminent danger of becoming the victim of another act of dating violence. Parents or legal guardians may file a petition on behalf of a minor child.

Sexual Violence Injunction

Sexual violence means any one incident of sexual battery, a lewd or lascivious act committed upon or in the presence of a person younger than 16 years of age, luring or enticing a child, sexual performance by a child, or 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.

If you are the victim of sexual violence or the parent or legal guardian of a minor child who is living at home who is the victim of sexual violence, you can ask the court for an injunction for protection against sexual violence for yourself or on behalf of the minor child if you (or the minor child) have reported the sexual violence to a law enforcement agency and are cooperating in any criminal proceeding against the respondent, or the respondent who committed the sexual violence was sentenced to a term of imprisonment in state prison for the sexual violence and the respondent's term of imprisonment has expired or is due to expire within 90 days following the date the petition is filed.

APPENDIX 3B

Judicial Administration Rule 2.085(d)

(d) Related Cases.

(1) The petitioner in a family case shall file with the court a notice of related cases, if related cases are known or reasonably ascertainable. A case is related when:

(A) it involves any of the same parties, children, or issues and it is pending at the time the party files a family case; or

(B) it affects the court's jurisdiction to proceed; or

(C) an order in the related case may conflict with an order on the same issues in the new case; or

(D) an order in the new case may conflict with an order in the earlier litigation.

(2) "Family cases" include dissolution of marriage, annulment, support unconnected with dissolution of marriage, paternity, child support, UIFSA, custodial care of and access to children, adoption, name change, declaratory judgment actions related to premarital, marital, or postmarital agreements, civil domestic, repeat violence, dating violence, and sexual violence injunctions, juvenile dependency, termination of parental rights, juvenile delinquency, emancipation of a minor, CINS/FINS, truancy, and modification and enforcement of orders entered in these cases.

(3) The notice of related cases shall identify the caption and case number of the related case, contain a brief statement of the relationship of the actions, and contain a statement addressing whether assignment to one judge or another method of coordination will conserve judicial resources and promote an efficient determination of the actions.

(4) The notice of related cases shall be filed with the initial pleading by the filing attorney or self-represented petitioner.

(5) Each party has a continuing duty to inform the court of any proceedings in this or any other state that could affect the current proceeding.

(6) Whenever it appears to a party that two or more pending cases present common issues of fact and that assignment to one judge or another method of coordination will significantly promote the efficient administration of justice, conserve judicial resources, avoid inconsistent results, or prevent multiple court appearances by the same parties on the same issues, the party may file a notice of related cases requesting coordination of the litigation.

(7) The notice of related cases shall be served on all parties in the related cases, the presiding judges, and the chief judge or family law administrative judge.

Chapter Four

Pre-hearing Case Management (post ex parte)

The following guidelines apply to those cases where the court has ordered a domestic violence injunction hearing based upon review of the petition, regardless of whether a temporary injunction was issued.

- I. In accordance with the May 2001 Supreme Court's opinion regarding unified family courts, judges handling injunction cases should have access to and consider information about any related court cases, past or pending, in all other divisions of the court system so that coordination of services, judicial economy, and avoidance of conflicting court orders may be addressed. Likewise, case managers handling other family and domestic violence criminal cases should have access to all related case information.
 - A. Case managers should identify past and pending family, civil, and criminal cases involving the litigants in the domestic violence injunction case.
 1. Note any cases identified in the petition itself.
 2. Note related cases identified on the related cases form filed with the petition.
 3. To the extent possible, search the clerk's/court's database (or request clerk's staff to conduct the search) to identify all cases involving the litigants, including those noted by the petitioner.
 4. Using a companion case management form, record the following information for each case:
 - a. Type of case and case number
 - (1) Family law cases, including dissolution, domestic violence, paternity, dependency, child support, etc.
 - (2) Criminal cases
 - (3) Civil cases
 - b. Status of the case (pending, final disposition)
 - c. Scheduled court dates for pending cases
 - B. The companion case management form is to be placed into or attached to the front of the domestic violence injunction case file for the judge's review.

See Appendix 4-A for an example of a companion case management form for recording the above information.
- II. Case managers should verify service on the respondent prior to the hearing.

- A. Determine whether accomplishment of service is documented in the case file, usually indicated by the law enforcement agency's signed service documentation indicating the date and time service was accomplished.
- B. If there is no documentation of service in the case file, the case manager should utilize whatever automated system is available to determine whether service has in fact been accomplished, but hard copy documentation hasn't yet been placed into the file.
 - 1. Depending upon the technology and procedures in each county and circuit, the case manager may be able to access automated information regarding service directly, or he/she may need to request the clerk's staff to access such information.
 - 2. If service has been accomplished, the case manager should document which law enforcement agency accomplished service, as well as the date and time service was accomplished, and include that information in the case file.
- C. When service on the respondent cannot be verified, several approaches are taken by various circuits.
 - 1. The case remains on the docket as scheduled; if service has not been accomplished and the respondent does not appear, the case hearing is rescheduled for another date; or,
 - 2. The petitioner is contacted by the case manager, informed of the lack of service, and asked whether he/she would like to:
 - a. Reschedule the hearing so that service can be accomplished. This option provides the opportunity to avoid an unnecessary trip to court, as the hearing will be rescheduled if the respondent has not been served and does not appear;
 - or,
 - b. Proceed with the hearing as originally scheduled (respondents sometimes appear for hearings without having been officially served).
- III. Given the importance of providing permanent or long-term protection to families affected by domestic violence, case managers should alert judges to instances of multiple extensions of temporary injunctions for time periods extending beyond 30 days. Temporary injunctions do not automatically require the surrender of firearms and cannot be entered into the statewide injunction database. When long-term protection is needed, a final injunction is the appropriate mechanism for providing such protection.
- IV. All case materials, including the petition, the related case form, supporting affidavits and the companion case management form, should be provided to the judge prior to the hearing. In many circuits, the court has directed that all related case files be routinely pulled and provided to the judge along with the domestic violence injunction case file. In other circuits, the court has determined that the related case files are

pulled and provided to the judge only when specifically requested. It is incumbent on court case managers to identify the appropriate manner, materials, and timeframe for providing case materials to judges established by their circuit.

- V. In order to address possible safety concerns preventatively, the court case managers should be aware of their circuits' written safety plans, specifically as they relate to domestic violence proceedings. If a party has a serious history of violence or prior acting out in court, the court case manager should provide court security officers with a minimum of one day advance notice of potentially violent individuals who are scheduled to appear at the hearing.

Please see Appendix 4B for Family Court Security Recommendations.

- V. Court case managers should provide upon request information regarding court processes and procedures, the scheduling of case events, forms and instructions to all parties, including petitioners, respondents, and their legal representatives.
- VI. Court case managers should determine if there was a previous need for an interpreter and if so, schedule an interpreter for the hearing.

APPENDIX 4A

Companion Case Management Form (Example)

_____, Case No: _____
Petitioner Division: _____
vs
_____,
Respondent

Type of Case: ___ Domestic Violence ___ Dating Violence ___ Sexual Violence
___ Repeat Violence

Related Cases: Please indicate any legal cases involving the parties above. Indicate the status of each case, including court dates scheduled for any pending cases.

Family Cases (Dissolution, Domestic Violence, Paternity, Dependency, Child Support, etc.)

Type of Case: _____ Case #: _____ Status: _____
Type of Case: _____ Case #: _____ Status: _____
Type of Case: _____ Case #: _____ Status: _____
Type of Case: _____ Case #: _____ Status: _____
Type of Case: _____ Case #: _____ Status: _____
Type of Case: _____ Case #: _____ Status: _____

Criminal Cases

Defendant: _____ Charge: _____
Case #: _____ Status: _____
Defendant: _____ Charge: _____
Case #: _____ Status: _____
Defendant: _____ Charge: _____
Case #: _____ Status: _____

Civil Cases (non-family)

Type of Case: _____ Case #: _____ Status: _____
Type of Case: _____ Case #: _____ Status: _____
Type of Case: _____ Case #: _____ Status: _____

If no other related cases are found, please check below:

___ NO OTHER RELATED CASES FOUND

APPENDIX 4B

Family Court Security Recommendations

from the
Supreme Court Family Court Steering Committee, 2000-02

The Florida Supreme Court has identified security as one of the twelve essential elements of a model family court, and determined that it is incumbent upon Florida's courts to create a safe and secure atmosphere for the individuals who are entering family courts in ever growing numbers. The provision of security measures is a critical component in ensuring the effective operation of a family court.

An individual's experience and attitude about family court is likely to be shaped by the physical impressions and feelings he or she may have while in the courthouse. Further, it is extremely important that children are made to feel safe upon entering the courthouse, since this often sets the tone for the child's experience in the hearing room. The former Florida Supreme Court's Family Court Steering Committee (FCSC) defined security as:

The provision of adequate and sufficient security personnel and equipment to ensure that family courts are safe environments for judges, non-judicial staff, and the public.

SCOPE

Details regarding court security are, by necessity, a local matter. Chief judges, court administrators, and local law enforcement agencies are uniquely suited to make security decisions based on a wide variety of local conditions and considerations. The FCSC recommended that this security guide be used solely as an advisory resource. Clearly, all circuits are not currently capable of securing the resources necessary to implement a uniform security model. Security measures will vary from circuit to circuit based on geographic and demographic characteristics, as well as financial resources.

RECOMMENDATIONS

Staff from the Office of the State Courts Administrator (OSCA) researched other states' materials on courthouse security and developed the following recommendations, which were approved by the FCSC. Although this security guide refers to family courts and family court staff, it is not intended to imply that other court divisions would not benefit from or require similar security measures.

I. Prepare a Written Security Plan - Security in family courts is essential; improving and maintaining security should be a key objective!

Written security plans and safety procedures appear to be an imperative for all courts, regardless of division or resources; however, written security plans and safety procedures that are specific to family courts also appear to be beneficial. Security plans specific to family courts can be a part of the overall court security plan or as a separate resource. This information should be produced as a safety manual that is provided to all family court judges and personnel, as well as be reviewed and revised on a continual basis, as revisions and updates are necessary in order to maintain consistency with potential changes in courthouse structure, or any other presenting circumstances.

Issues to be considered when developing a security plan are:

- the degree of security necessary to ensure the effective operation of the family court; and
- the resources needed to establish and maintain adequate security.

During the development phase, it is critical that the family court foster a collaborative atmosphere to allow all key stakeholders in the family court process an opportunity to express safety concerns and issues. This can be accomplished through questionnaires, surveys, and staff meetings, all of which provide judges and front-line family court personnel opportunities to voice concerns regarding personal safety and courthouse security.

Security Issues Addressed in the Written Security Plan.

- ▶ ***Strategies for Security Emergencies.*** The way in which each circuit handles security emergencies can vary, but it is extremely important that standard procedures be established for publication in the safety manual, and that family court staff, courthouse security personnel, and court administration be made aware of them.

At a minimum, a family court's security plan should advise family court personnel on how to handle 1) persons who exhibit violent behavior; 2) persons who may be under the influence of drugs and/or alcohol; 3) harassing, obscene, and threatening phone calls; and 4) bomb threats, all of which can occur during the daily operations of a family court.

Staff should also be instructed on how to recognize the need for additional back-up assistance from local law enforcement, and the specific procedures to follow in order to request such assistance. In addition to training staff to immediately deal with security emergencies, a protocol for incident reporting and debriefing should be established.

- ▶ ***Incident Reporting Protocol.*** An incident reporting protocol will inform line staff, supervisory staff, and court administration of high risk areas and potentially dangerous situations experienced by staff in the performance of assigned duties. It will also provide documentation for use by court administration and court security personnel in planning necessary safety measures.

Documentation of security incidents is key to planning necessary safety measures.

Incident Reporting. Family court staff should be

specifically instructed on how to report events that occur during the course of their official duties, which represent an actual threat to the safety of judges, court employees, and/or the public. In the event of a safety incident, whether threatened or actual, the appropriate persons as indicated in the security plan should be notified immediately. The employee should then report the incident on a designated form and submit it to his/her immediate supervisor within an appropriate time-frame, as determined by each circuit. The immediate supervisor would inform court administration and courthouse security of the event, and develop a plan with the involved staff to provide necessary security during subsequent contacts with the involved persons. A designated staff person should be responsible for maintaining a file of all incident reports submitted by family court employees.

**“ given limited resources,
intelligence and forewarning are of
immense value in security
programs”
-Security Director,
Massachusetts Trial Court**

Incident Debriefing. Supervisory staff should be instructed on how to respond to incidents that compromise, or potentially compromise, staff safety by ensuring that employee needs, both physical and emotional, are met after involvement in a safety related incident. Court administration should then take steps to minimize the recurrence of such incidents.

Immediately upon receiving a verbal report of a safety incident, the supervisor is responsible for determining the employee’s physical and emotional state for possible referral for further assistance. The supervisor ensures through medical documentation that the employee has received necessary medical assistance. If necessary, the supervisor also ensures that a police report has been made of the incident, and that a copy of such is contained in the incident file. Circuits are encouraged to meet quarterly to review any reports of threatening incidents and to refine security policies and procedures as needed.

- ▶ ***Proceedings Involving Domestic Violence.*** The plan should provide specialized instructions for issues that can present during proceedings involving parties with a history of domestic violence. Family court personnel are aware that individuals who enter family courts may be seeking protection from highly abusive and dangerous situations. It is extremely important that these individuals be able to seek relief without having to confront the person from whom they are seeking protection. Confrontations between the domestic violence victim and perpetrator can occur in the parking lot of the courthouse, the hallways and stairways of the courthouse, as well as in courtroom. During family proceedings where domestic violence is a factor, court security officers should always be present in the courtroom, and constantly monitoring the waiting areas, hallways and stairways. Security guards that provide perimeter security for the courthouse should also be alert for threatening incidents that could occur in the parking lot and surrounding grounds.

Fear for personal safety in the courthouse can prevent domestic violence victims from seeking relief through the court system.

Family court staff should provide court officers with, at a minimum, a one day advanced notice of potentially violent individuals who are scheduled to appear before the court. This will allow the court officers to coordinate and organize the movements of petitioners and respondents to

ensure that the domestic violence victim does not become subject to intimidation, threats or harm. For example, the security officer can provide for special seating arrangements in the courtroom, and/or escort the victim in and out of the courthouse.

In order to ensure a safe exit from the courthouse, the court should allow the victim of a domestic violence dispute to leave the courthouse fifteen minutes before the respondent, and direct the respondent to remain in the courtroom upon conclusion of the hearing. This will allow the victim to exit the building without fear of confronting the respondent.

- ▶ ***Courthouse Security Diagram.*** The safety manual should contain a diagram that depicts where the courthouse security office and security stations are located throughout the building. It should also highlight the safest and most convenient evacuation routes should an emergency arise. Staff should also be provided with emergency contact numbers, and directed to place them near their telephones in a visible location.

- ▶ ***Security Issues Outside of the Courthouse.*** In addition to the orders courts can enter to specifically provide for the protection of a family member or child, family courts frequently refer or order families and children to service providers within the community, i.e.: private mediators, custody evaluators, parenting course providers, and supervised visitation centers. While family courts cannot be responsible for providing security for programs not operated by the court, family court judges and staff should be aware of the security issues that may arise. One way that family courts can assist community providers in this area is to meet with them on a regular basis to how the court can assist with ensuring family safety. Some examples include:
 - in a dissolution of marriage involving domestic violence, the court could order (and copy the provider) that the parents not attend the parenting class at the same time;
 - develop a screening protocol to identify families with a history of domestic violence prior to referring them to mediation;
 - in cases where there is a high level of hostility between the parties, courts could provide a room in the courthouse for private mediators to use; and
 - in order to provide for the safety of the parents and children, supervised visitation program staff need specific information regarding the reason supervised visitation was ordered and what activities should not be permitted during the visit.

Supervised visitation programs are often confronted with threats from irate program participants and there have been instances where children have been re-victimized due to the fact that the visitation supervisor was not aware of the specific allegations and in turn did not recognize certain behaviors as harmful. The Clearinghouse on Supervised Visitation, FSU School of Social Work, can provide specific information on the need for security precautions in supervised visitation settings and what courts can do to help. For more information, visit <http://familyvio.ssw.fsu.edu/>.

Once a circuit has developed a family court security plan and safety manual, it is imperative that court administration and the courthouse security office be willing to implement the necessary policies and procedures. Everyone plays a role in maintaining a safe and secure working environment; it is a team effort.

II. Provide For Family Court Security Personnel - The presence of uniformed officers is critical

to ensuring the safety of family courts.

Every court proceeding has the potential to become violent. This is especially true for family court proceedings, due to the emotional nature of the issues being deliberated. The presence of an adequate number of trained uniformed court security personnel can act as a deterrent for violent outbursts in the courthouse, providing that they are equipped with monitoring and communication equipment, which allows for quick response to alarming incidents.

Family court staff should be encouraged to establish open communication with court security personnel. On days when litigants who have the potential to become violent or be under the influence of drugs or alcohol are scheduled to appear before the court, family court staff should feel comfortable in alerting security that these individuals may require extra security attention. Security personnel should also be made aware of all family court programs located in the courthouse, as well as any security issues that can arise during the programs' daily operations. Security personnel should be made aware of potentially dangerous situations, so that planning for necessary safety measures can be executed.

Court security personnel may include: security guards, who are primarily responsible for monitoring access into the courthouse, as well as its surrounding grounds; and court officers, or bailiffs, who have primary responsibility within the court, specifically, the courtroom and judges' chambers.

Family courts should be staffed with an adequate number of security officers to provide, at a minimum:

- one security officer stationed at the entrance of the family court, providing screening and monitoring services;
- one security officer to constantly monitor all waiting rooms, corridors, and stairways; and,
- one security officer to be present during all hearings conducted in the courtroom and judges' chambers.

III. *Implement Model Family Court Design Specifications - Accessing justice begins with getting in and out of the courthouse safely.*

Following are model safety design specifications that every family court should strive to implement and utilize in order to ensure the safety of the litigants it serves.

Security Screening Stations. Safety in family courts begins with being able to enter the building safely. This can be accomplished through having reliable, full-time security screening at the entrance to ensure that no weapons or other potentially dangerous paraphernalia are brought into the courthouse. Screening can be performed by using airport-style x-ray scanners and metal detectors, or by physical bag/briefcase searches.

Security Badges. Security badges should be mandatory for all family court staff. These badges with the employee's picture will allow the employee to gain access into the courthouse, as well as into the "staff only" area of the courthouse.

Panic Buttons and Alarms. Panic buttons, placed at the family court receptionist desk located at the entrance of the family court, in the judges' chambers, in all family court staff offices, and in all waiting areas and conference rooms can be very helpful. When activated, these panic buttons will sound an alarm to notify court officers to the need for assistance.

Separate and Secure Waiting Rooms. Separate and secure waiting rooms for petitioners and respondents will provide domestic victims with a sense of security by minimizing the frequency of contact with the other party. Waiting rooms should be located near a main security checkpoint of the family court where security officers are stationed and readily available. Waiting rooms should also be equipped with panic buttons and remain locked when not in use.

Conference Rooms. Litigants may feel intimidated by having to speak with their attorneys or fill out forms in the presence of others. A conference room will provide private meeting space for litigants to consult with their attorneys and advocates, and to fill out forms. Conference rooms should also be located near a security checkpoint for close monitoring, as well as be equipped with panic buttons, and remain locked when not in use.

IV. Conduct Periodic Security Assessments - Detection of potential security problems is critical!

The regular assessment of your local security polices and procedures reduces the risk of security emergencies, as well as provides a yardstick by which their effectiveness can be measured.

Family court staff are strongly encouraged to request their courthouse security specialist to conduct periodic security assessments to identify areas of potential risk, and where security may be inadequate. Information obtained from an assessment is vital when there are:

- suspicions that explosives may be used against the courthouse
- concerns that weapons are being brought into the courthouse
- violent outbreaks in family courtrooms, halls, and waiting areas
- strangers loitering where they don't belong

V. Provide Security Training Opportunities - Training begins with getting people to think security.

Once a security plan has been developed, and safety procedures and polices are in place, it is important that family court personnel are provided training opportunities that will promote optimal personal safety. This will minimize the frequency of events that jeopardize staff and public safety.

For example, safety awareness seminars can often be coordinated through a circuit's local law enforcement agency. These seminars provide staff with the skills necessary to identify security problems before they occur, and what measures to take should they occur. Family courts may wish to consider providing self-defense training, which can also be coordinated through local law enforcement.

Chapter 5

Hearing - Case Management

- I. Courthouse facilities, including clerks' offices, courtrooms, waiting areas, parking garages, and other points of foreseeable contact between petitioners and respondents in injunction cases should be secure and managed in a manner that minimizes contact between the parties and limits opportunities for parties to intimidate or harass each other.
 - A. Separate waiting rooms or waiting areas should be provided for parties to keep petitioners and respondents from coming into contact with each other.
 - B. Where separate waiting rooms or areas are not available, petitioners may wait in the courtroom while respondents remain in the waiting area.
 - C. Regardless of the physical arrangement of waiting rooms or waiting areas, sufficient numbers of bailiffs or security officers should be present to ensure the safety of all parties as well as court personnel.
 - D. Security arrangements in the courtroom. Family court staff should provide court officers with a minimum of one-day advance notice of potentially violent individuals who are scheduled to appear at a hearing. This will allow those officers to coordinate and organize the placement and movement of petitioners and respondents to ensure that the domestic violence victim does not become subject to intimidation, threats, or harm.
 1. Parties should be separated in the courtroom by seating petitioners and respondents on opposite sides of the courtroom as they wait for their cases to be heard.
 2. Seating arrangements "in the well" of the courtroom should ensure that parties are seated so that both face the judge at the front of the courtroom rather than facing each other.
 3. If both parties are asked to stand before the judge simultaneously, there should be adequate distance between the parties and a physical barrier (such as a podium) or a person (bailiff, attorney, or advocate) in between the parties to prevent visual and/or physical intimidation.
 4. Security officers should be available to escort petitioners in and out of the courthouse.
 5. Upon conclusion of the hearing, the court should allow the petitioner to leave the courthouse immediately and direct the respondent to remain in the courtroom for fifteen minutes; this will allow the petitioner to exit the building and the parking area without fear of confronting the respondent.

- II. Contact with the parties in circuits where case managers confer or meet directly with the parties (this section based on the Post-Filing Domestic Violence Injunction Case Management recommendations approved by the Supreme Court Steering Committee on Families and Children in the Courts, 2004).
 - A. The case manager may meet *separately and privately* with the petitioner and the respondent to provide information of an educational nature regarding the following topics.
 - 1. The nature of the court process.
 - 2. The role of the case manager.
 - 3. The rights of the parties to have a judge decide the issues that exist between them.
 - 4. The difference between the civil injunction process and procedures in other types of cases, such as criminal, dependency, and domestic relations.
 - B. Victim advocates may be present at the case management meeting with the petitioner or respondent provided that the party has requested an advocate.
 - C. It is not the function of case managers to help the parties reach agreement or to obtain agreements from the parties to submit to the court.
 - D. In meeting with the petitioner, the case manager may confirm whether the relief requested in the petition is still sought and whether any additional relief is requested.
 - E. In meeting with the respondent, the case manager may ask whether the respondent objects to the petitioner's requests and whether the respondent seeks any relief. If the respondent objects to the petitioner's request, the case manager may identify the specific areas of dispute.
 - F. The case manager may have each party identify his or her exhibits and witnesses for the hearing, and may gather financial information and make preliminary child support calculations for use by the judge at the hearing.
 - G. Additional information gathered from the petitioner and the respondent to identify and clarify their positions should be submitted by the case manager to the judge in writing using some type of verified form petition or affidavit. A copy of the petition or affidavit should be provided to both parties at the same time it is provided to the judge. *Section 741.30(1)(g), Florida Statutes*. This process is necessary in order for the judge to legally consider the information collected, as judges are not allowed to engage in *ex parte* communication except in very limited circumstances.

- H. According to the Florida Supreme Court, 845 So. 2d 174 (Fla. 2003), any activity that constitutes alternative dispute resolution (ADR) may occur *only after the hearing* and must be in the form of *mediation by a certified family mediator*. (See Chapter 11 for an extended discussion on the appropriate use of ADR in cases involving domestic violence.)
- III. All necessary form orders should be made available to the court at the time of the hearing.
 - A. Given the possible outcomes of an injunction hearing, the forms to be made available are as follows.
 - 1. Order Denying Petition for Injunction for Protection Against Domestic Violence, Repeat Violence, Dating Violence or Sexual Violence, FSC form 12.980(b)(2).
 - 2. Final Judgment of Injunction for Protection Against Domestic Violence Without Minor Child(ren), FSC form 12.980(d)(1).
 - 3. Final Judgment of Injunction for Protection Against Domestic Violence With Minor Child(ren), FSC form 12.980(d)(2).
 - 4. Order of Dismissal of Temporary Injunction for Protection Against Domestic Violence, Repeat Violence, Dating Violence, or Sexual Violence, FSC form 12.980(e).
 - 5. Order Extending Injunction for Protection Against Domestic Violence, Repeat Violence, Dating Violence, or Sexual Violence, FSC form 12.980(m).
 - B. Depending upon the resources and procedures within each circuit, the case manager may provide any of the following to the judge(s) hearing injunction cases.
 - 1. Form orders with the petitioner's name and address (unless confidentially filed) and the respondent's name and address filled in on each type of form order.
 - 2. Form orders which are left completely blank to be filled in by the judge.
 - 3. Form orders which are partially completed in advance according to the judge's instructions.
- IV. Certified court interpreters, including those required under the Americans with Disabilities Act, should be available as needed at the hearing. Interpreters are crucial for non-English speakers or those not proficient in English and those with hearing impairments so that they may fully understand and participate in the court process and proceedings. Case managers should be aware of their circuit's

procedures for obtaining or contacting interpreters and utilize those procedures as needed.

- V. An advocate from a state attorney's office, law enforcement agency, or certified domestic violence center should be allowed to be present at the hearing with the petitioner or respondent provided that the party has requested an advocate.
- VI. Parties should be provided with the following information.
 - A. Referrals regarding services and resources in their community, including those programs in which the respondent is ordered to participate.
 - B. The terms of the injunction.
 - C. The possible consequences of violations.
 - D. How to proceed if the injunction is violated.
 - E. Who to call concerning other problems or issues related to the injunction.
- VII. Parties should be provided a copy of the court's order at the conclusion of the hearing. Respondents who are not present at the hearing should be personally served as soon as possible or within 24 hours.

Chapter Six

Follow-up and Compliance

Section 741.31, Florida Statutes addresses the role of the court regarding violation of an injunction for protection against domestic violence; see **Appendix 6A** for the full text of that section. This chapter addresses the role and responsibilities of the clerks and/or the court staff charged with responsibility for injunction intake and/or case management.

Monitoring and enforcing compliance with domestic violence injunctions

Monitoring and court enforcement of compliance with the terms of injunctions is crucial for injunctions to provide protection to domestic violence victims and their children. Injunction orders should contain enough specific information to ensure that compliance with required provisions is possible for the respondents and subject to monitoring and tracking by court staff.

- Specific provisions prohibiting (or allowing specified) contact with the petitioner.
- Dates, times, locations for visitation and custody exchange.
- Date and timeframe for respondent's vacation of shared dwelling (order should specify surrender of keys, garage door openers, etc.)
- Amount and timing of temporary support payments.
- Timeframes and required documentation for:
 - Firearms and ammunition surrender;
 - Enrollment in/completion of Batterers' Intervention Program (BIP) treatment;
 - and,
 - Mental health or substance abuse assessment/treatment.

Methods of enforcing compliance

- I. **Petitioner affidavit of alleged violation** - The process described in s. 741.31, F.S., outlines the process by which a petitioner may file an affidavit alleging a violation in cases where an arrest was not made.
 - A. In the event of a violation of the injunction for protection against domestic violence when there has not been an arrest, the petitioner may contact the clerk of the circuit court of the county in which the violation is alleged to have occurred. The clerk shall either assist the petitioner in the preparation of an affidavit in support of the violation or direct the petitioner to the office operated by the court within the circuit that has been designated by the chief judge of that

circuit as the central intake point for injunction violations and where the petitioner can receive assistance in the preparation of the affidavit in support of the violation.

- B. The clerk's staff or court case manager shall immediately forward the affidavit to the state attorney of that circuit and to such court or judge as the chief judge of that circuit determines to be the recipient of affidavits of violation.
- C. If the affidavit alleges a crime has been committed, the office assisting the petitioner shall also forward a copy of the petitioner's affidavit to the appropriate law enforcement agency for investigation.
- D. Unless other administrative arrangements have been made, it is the role of the court case manager to maintain contact with the State Attorney's Office regarding the actions taken by that entity with regard to filing criminal charges, preparing a motion for an order to show cause, or some other action and to ensure that the court is informed of those actions.
- E. If the court has knowledge, based on its familiarity with the case, that the petitioner, the children of the petitioner, or another person is in immediate danger if the court fails to act prior to the decision of the state attorney to prosecute, it should immediately issue an order of appointment of the state attorney to file a motion for an order to show cause as to why the respondent should not be held in contempt. If the court does not issue an order of appointment of the state attorney, it shall immediately notify the state attorney that the court is proceeding to enforce the violation through criminal contempt. Depending on the policies and procedures in each circuit, court case managers may be responsible for assisting in the preparation of orders and facilitating communication regarding the enforcement of injunctions.
- F. Whether or not there is a criminal prosecution, the court shall order the respondent to attend a batterers' intervention program if it finds a willful violation of a domestic violence injunction, unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why a batterers' intervention program would be inappropriate. The court case manager role may involve assisting in the preparation of the order, providing BIP contact information to respondents, and conducting follow-up to ensure compliance with the court's order for BIP attendance.

II. Compliance review hearings

- A. In several jurisdictions, compliance hearings are scheduled at the return hearings where final injunction orders are issued.
- B. The court schedules a compliance hearing for a future date, at which time the respondent is to appear with proof or documentation of compliance.

- C. In several jurisdictions, the respondent is given the opportunity to provide proof of compliance (either to the clerk to court staff) prior to the scheduled hearing; when such proof is provided, the respondent is “excused” from attending the hearing.
- C. The court may request documentation of compliance with any of the provisions in the final injunction order; the court should specify which provisions will be reviewed for compliance and what documentation is needed to prove compliance.
- D. The court case manager’s role is to ensure that respondents have the necessary information in order to comply with the court’s order, to ensure that the case file contains documentation of compliance submitted prior to the compliance hearing, and to assist the court in preparing any necessary orders.

III. A “tickler” system

- A. Some circuits have established and utilized a “tickler” system to initiate compliance checks at key points in time, such as deadlines established in the injunction order.
- B. Tickler systems may be set up as either automated electronic systems or manual case file systems; the logistics of the system are determined by the resources available.
- C. The tickler system alerts the case manager to a timeframe or deadline contained in the final injunction order. For example, if a respondent is given 10 days to produce documentation of the sale or surrender of firearms and ammunition, the “tickler” would alert the case manager that the 10 day timeframe has elapsed. The case manager would then ascertain whether the respondent has submitted acceptable documentation of the sale or surrender.
- D. If the respondent has not produced documentation of the required action, the case manager should alert the court and then proceed according to circuit procedures. Typically, case managers would assist in the preparation of an order to show cause requiring the respondent to appear before the court; however, each circuit may handle this process differently.
- E. The tickler system may be most effectively used to monitor the following injunction provisions, which typically include timeframes and required documentation.
 - Surrender of firearms and ammunition.
 - Enrollment in/completion of a batterers’ intervention program (BIP).
 - Assessment/treatment for substance abuse and/or mental health issues.
 - Child support payment.

Appendix 6A

Section 741.31, Florida Statutes - Violation of an injunction for protection against domestic violence

(1) In the event of a violation of the injunction for protection against domestic violence when there has not been an arrest, the petitioner may contact the clerk of the circuit court of the county in which the violation is alleged to have occurred. The clerk shall either assist the petitioner in the preparation of an affidavit in support of the violation or direct the petitioner to the office operated by the court within the circuit that has been designated by the chief judge of that circuit as the central intake point for injunction violations and where the petitioner can receive assistance in the preparation of the affidavit in support of the violation.

(2) The affidavit shall be immediately forwarded by the office assisting the petitioner to the state attorney of that circuit and to such court or judge as the chief judge of that circuit determines to be the recipient of affidavits of violation. If the affidavit alleges a crime has been committed, the office assisting the petitioner shall also forward a copy of the petitioner's affidavit to the appropriate law enforcement agency for investigation. No later than 20 days after receiving the initial report, the local law enforcement agency shall complete their investigation and forward the report to the state attorney. The policy adopted by the state attorney in each circuit under s. [741.2901\(2\)](#), shall include a policy regarding intake of alleged violations of injunctions for protection against domestic violence under this section. The intake shall be supervised by a prosecutor who, pursuant to s. [741.2901\(1\)](#), has been designated and assigned to handle domestic violence cases. The state attorney shall determine within 30 working days whether its office will proceed to file criminal charges, or prepare a motion for an order to show cause as to why the respondent should not be held in criminal contempt, or prepare both as alternative findings, or file notice that the case remains under investigation or is pending subject to some other action.

(3) If the court has knowledge, based on its familiarity with the case, that the petitioner, the children of the petitioner, or another person is in immediate danger if the court fails to act prior to the decision of the state attorney to prosecute, it should immediately issue an order of appointment of the state attorney to file a motion for an order to show cause as to why the respondent should not be held in contempt. If the court does not issue an order of appointment of the state attorney, it shall immediately notify the state attorney that the court is proceeding to enforce the violation through criminal contempt.

(4)(a) A person who willfully violates an injunction for protection against domestic violence issued pursuant to s. [741.30](#), or a foreign protection order accorded full faith and credit pursuant to s. [741.315](#), by:

1. Refusing to vacate the dwelling that the parties share;
2. Going to, or being within 500 feet of, the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;
3. Committing an act of domestic violence against the petitioner;
4. Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner;

5. Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party;
6. Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied;
7. Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle; or
8. Refusing to surrender firearms or ammunition if ordered to do so by the court

commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(b)1. It is a violation of s. [790.233](#), and a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#), for a person to violate a final injunction for protection against domestic violence by having in his or her care, custody, possession, or control any firearm or ammunition.

2. It is the intent of the Legislature that the disabilities regarding possession of firearms and ammunition are consistent with federal law. Accordingly, this paragraph shall not apply to a state or local officer as defined in s. [943.10](#)(14), holding an active certification, who receives or possesses a firearm or ammunition for use in performing official duties on behalf of the officer's employing agency, unless otherwise prohibited by the employing agency.

(5) Whether or not there is a criminal prosecution under subsection (4), the court shall order the respondent to attend a batterers' intervention program if it finds a willful violation of a domestic violence injunction, unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why a batterers' intervention program would be inappropriate.

(6) Any person who suffers an injury and/or loss as a result of a violation of an injunction for protection against domestic violence may be awarded economic damages for that injury and/or loss by the court issuing the injunction. Damages include costs and attorneys' fees for enforcement of the injunction.

History.--s. 2, ch. 86-264; s. 169, ch. 91-224; s. 6, ch. 94-134; s. 6, ch. 94-135; s. 8, ch. 95-182; s. 36, ch. 95-184; s. 6, ch. 95-195; s. 4, ch. 96-392; s. 19, ch. 96-402; s. 6, ch. 97-155; s. 3, ch. 98-284; s. 73, ch. 99-5; s. 14, ch. 2002-55.

Chapter Seven

Motions to Modify or Vacate an Injunction

According to s. 741.30, Florida Statutes, and Rule 12.1610, Florida Family Law Rules of Procedure, the petitioner or respondent may move the court to modify or vacate an injunction at any time.

Forms requesting modification of an injunction are available from the Clerk of the Court, the entity performing the intake function if different from the Clerk, and on the State Court System website at www.flcourts.org.

The form requesting modification of an injunction may also be used to request dismissal of an injunction; some courts will accept a signed, notarized statement from the moving party requesting dismissal and providing the reason(s) for the request in lieu of the form.

Once a party has requested modification or dismissal of an injunction, the court generally schedules a hearing with notice to both parties to consider the request for modification or dismissal.

In various circuits, the role of the case manager includes:

- Provision of forms/information to the moving party;
- Verification of service on the non-moving party;
- When the petitioner has requested dismissal, identify the petitioner's reasons for requesting dismissal and refer to a domestic violence advocate when the possibility of coercion exists.
- Provide both parties with referrals to appropriate community resources;
- Ensure that case file is complete prior to hearing; and,
- Assist in the preparation of form orders as directed by the court.

Chapter 8

Case Managers as Community Liaisons

In addition to providing case-specific services to litigants and to the court, domestic violence case managers or coordinators are often responsible for functioning as liaisons with other court system entities, state agencies and community service providers. Case managers may participate in meetings of formal or informal groups designed to foster communication, coordination, and problem solving at the local level. Participation in such activities enables case managers to be informed of services available and agency protocols for service provision, as well as to build relationships with those agencies and individuals crucial to providing a coordinated community response to domestic violence.

Examples of the types of groups or committees with which case managers may interact include the following:

- Family Law Advisory Group (FLAG);
- Domestic violence coordinating group;
- Domestic violence fatality review team;
- Ad hoc issues groups; and,
- Community social service councils.

In addition to involvement with the types of groups noted above, domestic violence case managers may also interact with a myriad of professionals and agencies on an individual, as-needed basis to address particular situations or concerns. The following list illustrates those most frequently involved in serving families experiencing domestic violence, but is not intended to be a comprehensive listing and is likely to vary somewhat in each community.

- Court administration, especially family court coordinators and dependency case managers
- Clerk of the court
- Domestic violence center
- Other victim service agencies
- Batterers' Intervention Programs
- State Attorney's office - victim advocates, prosecutors
- Public Defender's office
- Sheriff/police department - victim advocates, officers
- Probation office
- Department of Children & Families
- Department of Juvenile Justice

Chapter Nine

Domestic Violence Case Manager Qualifications and Training

Based upon a petition filed by the Family Court Steering Committee, on May 1, 2003 the Florida Supreme Court approved amendments to the Florida Family Law Rules of Procedure 12.610, governing domestic violence injunctions. In that ruling, the Court requested the Domestic Violence Subcommittee of the Steering Committee on Families and Children in the Court (FCC) to recommend appropriate training for case managers in domestic violence cases. The information in this chapter is the result of the Domestic Violence Subcommittee's work.

I. Qualifications

- A. Case managers shall be competent, well-qualified, and adequately trained in the law and the dynamics of domestic violence, and in the gathering and dissemination of information as outlined here.
- B. Case managers are not mediators; their case management training in mediation or alternative dispute resolution is only for the purpose of defining it and enabling case managers to avoid engaging in any form of alternative dispute resolution.

II. Training

- A. Domestic violence training may include any or all of the following substantive areas.
 - 1. Victim safety
 - 2. Abuser tactics
 - 3. The impact of domestic violence on children as victims and perpetrators
 - 4. Domestic violence related laws and forms
 - 5. Ethics
 - 6. The intersection of substance abuse and domestic violence
 - 7. Suicidality/lethality
 - 8. Policies, court rules and procedures
 - 9. Mediation (defining so as to avoid it)
 - 10. Unauthorized practice of law

11. The proper roles of the court and staff, particularly case managers
12. How to access interpreter services
13. Child support calculations
14. BIP and mental health issues/programs
15. Cultural competence/understanding and working with persons/cultures different from one's own
16. Local, state and national resources
17. Other topics deemed relevant

B. Training Logistics

1. As soon as possible but not later than within 6 months of commencement of domestic violence case management duties, case managers should complete 20 hours of domestic violence related training.
2. Each year, case managers with domestic violence case responsibilities should complete at least 12 hours of domestic violence related training.
3. New case managers shall be mentored until the initial 20 hours of training have been completed.
4. OSCA will be involved in sponsoring or co-hosting one domestic violence training event per year.

C. Monitoring

The chief judge of each circuit shall include in the annual family court report the names and training compliance of court personnel who conduct domestic violence case management activities.

Chapter Ten

The Domestic Violence Injunction Case Process: Petitioner/Victim Issues and the Roles of Court Case Managers and Domestic Violence Advocates

The domestic violence case flow chart on page 62 provides a graphic illustration of the domestic violence injunction case process from the court system's perspective. However, victims of domestic violence often must deal with a number of legal, safety, logistical, and emotional issues in addition to the court processes involved in petitioning the court for protection from domestic violence. Because no single system can adequately address all the needs of families experiencing domestic violence, it is important for those legal and societal systems involved in dealing with domestic violence to collaborate and coordinate in order to provide effective services to families in need.

This chapter describes and highlights the importance of the divergent yet complementary roles played by court case managers and domestic violence advocates. (See Appendix 9A for the mission and values statements of the State Court system and the statutory purpose and services of Florida's domestic violence centers). Using the stages of the injunction process, this chapter identifies the range of issues domestic violence victims frequently must deal with and then describes the ways in which court case managers and domestic violence advocates can assist at each stage of the process.

Stage 1: File petition for protection from domestic violence

Petitioner/Victim Issues

Access to the court or to the courthouse may be difficult due to the following factors:

- Employment - taking time off from work, possibly losing pay or jeopardizing continued employment;
- Children - finding available, affordable childcare or having to take children to the courthouse to complete paperwork and file petition;
- Transportation - affordable, timely transportation from home or work to the courthouse and back; and,
- Office hours - limited office hours at the courthouse may further complicate or limit a victim's efforts to seek help from the court.

Completion of forms - usually pro se - may be complicated by:

- Lengthy, confusing forms using legal language often unfamiliar to the general public;
- Lack of proficiency in English;
- Literacy issues; and,
- The use of denial and minimization of abuse as a survival strategy can make it very difficult for victims to recall or describe violent incidents in the petition.

Safety

- Victims and their children are often in the most danger when they attempt to leave the violent relationship.

Emotional upset/agitation

- Domestic violence victims have experienced a profound betrayal of trust through the violence inflicted by a loved one or family member;
- Fear is often accompanied by guilt, sorrow, and love for the abusive partner.
- Victims often believe that the court will not help.

Role/responsibilities of Court case managers/intake staff

To provide forms and assistance to petitioners, and privacy to the extent possible.

- Appropriate petition based on circumstances (i.e., domestic violence, repeat violence, dating violence, sexual violence).
- Other supporting forms, documents as needed (financial affidavit, UCCJEA, etc.)
- Information about court rules, procedures, and operations.
- Instructions on how to complete forms (& examples of forms).
- Referrals to community resources.
- Information regarding enforcement and violations.
- Intake staff/court case managers should provide upon request information regarding court processes and procedures, the scheduling of case events, forms and instructions to all parties, including petitioners, respondents, and their legal representatives.

Role of Domestic Violence Advocates

- Maintain confidentiality of communications with victims;
- Provide emotional support and counseling needed to allow petitioner to think clearly about the situation;
- Risk assessment and safety planning;
- Access/screening for safe shelter at the domestic violence center;
- Assist with transportation and child care;

- Assistance with completing and filing petition and other forms - the petition and other forms may be downloaded from www.flcourts.org and completed at a time and place that is safe and comfortable for the petitioner.
- The advocate or trusted other person may file the petition at the courthouse/Clerk's office on behalf of the petitioner (petition must be completed, signed, and notarized).

Stage 2: Court issues ex parte order granting or denying temporary injunction; return hearing set

Petitioner/Victim Issues

- **Increased danger** - In cases where a return hearing is set, the respondent is served with a copy of the petition, the notice of hearing, and a copy of the temporary injunction, if issued. This often produces a very angry reaction from the respondent and may substantially increase danger.
- This situation is particularly dangerous when a return hearing is scheduled without the issuance of a temporary injunction; the petitioner is likely still sharing a residence with the respondent, and has no injunctive protection against further acts of violence.

Role/responsibilities of Court case managers

- Ensure that the petitioner has copies of ex parte order/injunction, including information on violations.
- Ensure the petitioner is aware of time/place of hearing as well as the importance of attending and the consequences for not attending.
- Obtain relevant information on parties for court case file:
 - Past or current family cases - type and status;
 - Other past or current civil cases - type and status;
 - Pending criminal charges; and,
 - Criminal history record.
- Determine whether service on respondent has been accomplished.
- Court case managers should provide upon request information regarding court processes and procedures, the scheduling of case events, forms and instructions to all parties, including petitioners, respondents, and their legal representatives.
- Establish the need for an interpreter and follow circuit procedures for obtaining interpreter services if needed.

Role of Domestic Violence Advocates

- Maintain confidentiality of communications with victims.
- Continue to provide emotional support and counseling needed.
- Access to safety or safe shelter.
- Referrals to community resources as needed.
- Continued social service case management and coordination of shelter and community services.

Stage 3: Court holds return hearing to determine whether final injunction will be granted

Petitioner/Victim Issues

Access to the court or to the courthouse may be difficult due to the following factors:

- Employment;
- Children; and,
- Transportation.

Safety of the petitioner and children may be further threatened by:

- Respondent's violence or threats of violence to coerce petitioner to drop the case;
- Courthouse/courtroom safety issues;
- Respondent's access to children through shared custody, unsupervised visitation; and,
- Respondent's possession of firearms.

Family support- the continued safety and economic survival of the family may depend heavily upon:

- Custody and visitation provisions;
- Child support/alimony;
- Court-ordered treatment for respondents (BIP); and,
- The availability of counseling, shelter, and other services for victim and children.

Role/responsibilities of court case managers

- Provide the court with all necessary form orders at the time of the hearing.
- Provide litigants with:
A copy of the court's order at the conclusion of the hearing;

Referrals regarding services and resources in their community, including those programs in which the respondent is ordered to participate;
The terms of the injunction;
The possible consequences of violations;
How to proceed if the injunction is violated; and,
Who to call concerning other problems or issues related to the injunction.

- Intake staff/court case managers should provide upon request information regarding court processes and procedures, the scheduling of case events, forms and instructions to all parties, including petitioners, respondents, and their legal representatives.

Role of Domestic Violence Advocates:

- Maintain confidentiality of communications with victims;
- Continue to provide emotional support and counseling needed, including accompanying the victim/petitioner to court hearing;
- Access to safety or safe shelter;
- Referrals to community resources as needed;
- Continued social service case management and coordination of shelter and community services.

Stage 4: Enforcement of compliance with terms of injunction order

Victim Issues

Safety provisions in the injunction

- No contact
- No violence
- Firearms surrender

Treatment/family support provisions in the injunction

- BIP/other treatment for respondent
- Custody and visitation provisions
- Child support/alimony

Fear - who's responsible for tracking and enforcing compliance?

- Often, it turns out to be the petitioner
- Without systemic enforcement of compliance, injunctions offer little or no protection to victims and their children

Role/responsibilities of Court case managers

- **Monitoring compliance with injunction provisions.** Monitoring compliance with the terms of injunctions is crucial to providing protection to domestic violence victims and their children. Each circuit determines what approach(es) to use in monitoring compliance; the most frequently used are shown below.

Establish a “tickler” system to initiate compliance checks at key points in time, such as deadlines established in the injunction order.

Utilize regular or ad hoc compliance review hearings to have respondent produce proof or documentation of compliance.

Ensure that affidavits of violation filed by petitioners are reviewed and acted upon as quickly as possible.

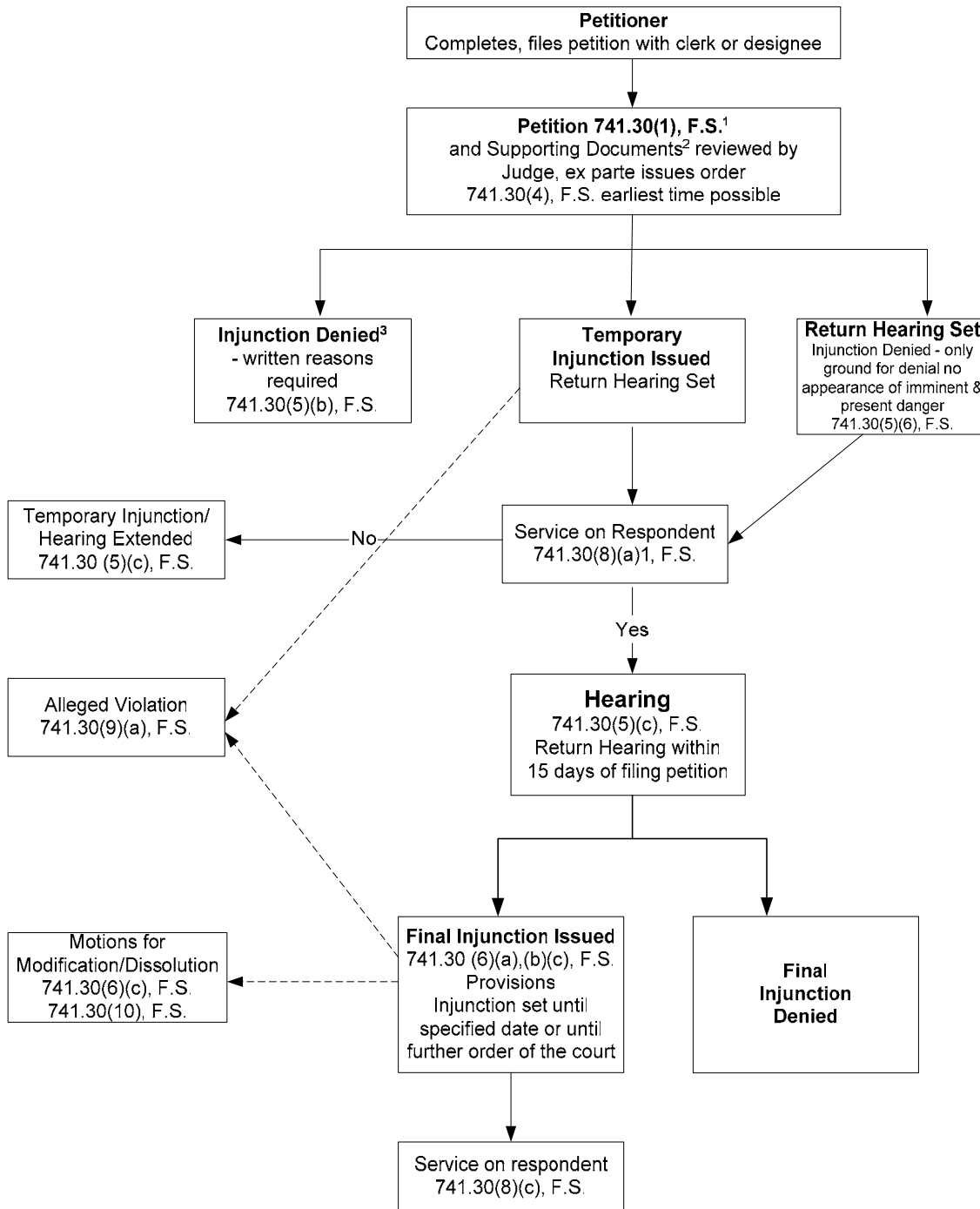
- **Enforcement of compliance with injunction orders**

Contempt orders or orders to show cause should be prepared for the judge’s consideration when respondents fail to comply with the provisions included in the court’s order, including violation of contact provisions.

Role of Domestic Violence Advocates

- Maintain confidentiality of communications with victims.
- Continue to provide emotional support and counseling needed.
- Assistance in documenting violations and filing affidavit, when needed.
- Advocacy on behalf of victim/petitioner.
- Continued social service case management and coordination of shelter and community services.

DOMESTIC VIOLENCE FLOWCHART



¹ Statutory citations are from the 2004 statutes

² Supporting Documents - UCCJEA, Financial Affidavit, Confidential Address, Child Support Guidelines Worksheet

³ Petitioner may refile/submit supplemental affidavit

Appendix 10A

Florida's state court system and domestic violence centers/advocacy agencies serve victims of domestic violence and their families based upon their legal authority and their respective missions and values. This document outlines the mission and values of the judicial branch and identifies the statutory purpose and services provided by domestic violence centers in order to identify the underpinnings of the complementary roles of court case managers and domestic violence advocates.

Florida Judicial Branch

Mission:

The mission of the judicial branch is to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.

Domestic Violence Injunction Cases - Guiding Values:

Judicial responses in cases involving domestic violence should reflect an understanding of the dynamics of family violence, victim and perpetrator behaviors, and the effects on children of exposure to violence; provide fairness to all parties; promote perpetrator accountability; and, promote the safety of the parties and their children.

Safety of the family should be a priority over the court docket, case management, attorney obligations, local court practices, and the court's convenience.

The court system should be an integral part of a coordinated community response to domestic violence.

Judges should assume a leadership role in improving the administration of justice for domestic violence cases.

Domestic Violence Centers

Statutory purpose:

The Legislature recognizes that certain persons who assault, batter, or otherwise abuse their spouses and the persons subject to such domestic violence are in need of treatment and rehabilitation. It is the intent of the Legislature to assist in the development of domestic violence centers for the victims of domestic violence and to provide a place where the parties involved may be separated until they can be properly assisted. (Section 39.901, F.S.)

Services provided:

In order to be certified, a domestic violence center must provide the following minimum services to victims of domestic violence: (Section 39.905, F.S.)

- Information and referral services;
- Counseling and case management services;
- Temporary emergency shelter for more than 24 hours;
- A 24-hour hotline;
- Training for law enforcement personnel;
- Assessment and appropriate referral of resident children; and,
- Educational services for community awareness relative to the incidence of domestic violence, the prevention of such violence, and the care, treatment, and rehabilitation for persons engaged in or subject to domestic violence.

A complete listing of certified domestic violence centers can be found at: <http://www.fcadv.org/centers.html>.

Chapter 11

Use of Alternative Dispute Resolution in Domestic Violence Injunction Cases

- I. In a recent amendment to the Florida Family Law Rules of Procedure, Rule 12.610, the Florida Supreme Court approved amendments to that rule. The amendments included the addition of a new subdivision (c)(1)(C), "Final Judgment of Injunction for Protection Against Domestic Violence" (see Appendix 2B for full text of Rule 12.610). The new subdivision requires that:
 - A. A hearing be held on the petition for injunction, at which the court must make a finding as to whether domestic violence occurred or whether an imminent danger of domestic violence exists.
 - B. If the court determines an injunction will issue, the court shall also rule on:
 - Whether the respondent may have any contact with the petitioner, and if so, under what conditions;
 - Exclusive use of the parties' shared residence;
 - Temporary child custody;
 - Whether temporary visitation will occur and whether it will be supervised;
 - Whether temporary child support will be ordered;
 - Whether temporary spousal support will be ordered; and,
 - Other such relief as the court deems necessary for the protection of the petitioner.
 - C. The court may, with the consent of the parties, refer the parties to mediation by a certified family mediator to attempt to resolve the details as to the above rulings.
 - D. The court should not refer the case to mediation if there exists a degree of past violence, a potential for future lethality, or other factors that would compromise the mediation.
 - E. *Mediation by a certified family mediator shall be the only alternative dispute resolution process offered by the court. (emphasis added)*
 - F. The court shall review any agreement reached by the parties, and if the court approves the agreement, it shall be incorporated into the final judgment. A domestic violence injunction will be entered or extended the same day as the

hearing on the petition for injunction commences.

- II. In addition to the requirements outlined in Rule 12.610, the role of court case managers with regard to interacting with parties prior to the hearing is also governed by the following statutory provision:

Any person, including an officer of the court, who offers evidence or recommendations relating to the cause of action must either present the evidence or recommendations in writing to the court with copies to each party and their attorney, or must present the evidence under oath at a hearing at which all parties are present. (741.30(1)(g), F.S.)

Therefore, any information or proposed agreements obtained by the court case manager in interacting with the parties prior to the hearing must be submitted to the court and each party in writing as noted above, or presented as evidence under oath at the hearing.

Chapter 12

Ethics and Domestic Violence Injunction Case Management

As members of the Judicial Branch, the actions of court case managers are governed by statutes, rules, circuit policies and procedures, and by ethical guidelines. While the State Court System Personnel Regulations Manual addresses political activities and unlawful acts of employees, it does not specify an ethical code of conduct for court staff. While it is beyond the purview of this document to establish such a code of conduct, it is helpful to review some basic ethic issues relevant to case management.

The following are services court staff cannot and should not provide or perform.

- Advocacy on behalf of either party.
- Legal interpretations.
- Research of statutes, court rules, and ordinances.
- Confidential case information.
- Opinions or advice regarding a course of action (legal or otherwise).
- Deny or discourage access to the courts.
- Encourage or discourage litigation.
- Subjective, selective or biased referrals.
- Confidential/protected communications with victims of domestic violence.

These limitations are based upon legal requirements as well as the mission, vision, and values of Florida's State Court System (see Appendix 9A).

Several organizations have developed sets of ethical standards for non-judicial court employees; please see Appendices 11A & 11B for two "model" standards of ethical conduct. Generally speaking, model codes of conduct address court staff actions in the following arenas:

- Abuse of Position
- Conflict of Interest
- Confidentiality
- Political Activity
- Performance of Duties

It is crucial that case managers be familiar with these standards of conduct as well as any specific standards developed or implemented in each circuit.

Appendix 12A

Model Code of Conduct National Association for Court Management -

Introduction

The National Association for Court Management (NACM) recognizes the importance of ethical conduct by its members in the administration of justice. NACM members hold positions of public trust and are committed to the highest standards of conduct. NACM members observe these standards of conduct to preserve the integrity and independence of the judiciary. The NACM Code embodies our dedication to upholding and increasing the public's confidence in the judicial branch of government, and also reflects our commitment to promoting integrity within our association and profession. NACM's members subscribe to the following Code of Conduct.

Article I. Abuse of Position and Conflict of Interest

- A. Members shall not use or attempt to use their official positions to secure unwarranted privileges or exemptions for that member or any other person.
- B. Members shall not accept, agree to accept, dispense, or solicit any gift or favor based upon an understanding that the official actions of the member would be influenced thereby.
- C. Members shall act so that they are not unduly affected or appear to be affected by kinship, position, or influence of any party or person.
- D. Members shall not request or accept any compensation or fee beyond that received from their employer for work done in the course of their public employment. However, members may engage in outside employment as long as it does not conflict with the performance of their official responsibilities or violate this code.
- E. Members shall use the resources, property, and funds under their control judiciously and solely in accordance with prescribed legal procedures.
- F. Members shall avoid conflicts of interest, or the appearance of conflicts, in the performance of their official duties.

Article II. Confidentiality

- A. Members shall not disclose to any unauthorized person confidential information.
- B. Members shall not give legal advice unless specifically required to do so as part of their official position.

Article III. Political Activity

- A. Members are free to participate in political campaigns/organizations during nonworking hours if such activity does not use, or appear to use, the member's official position or court in connection with such activities.
- B. Members who obtain their official positions by means of election are exempted from the provisions above to the extent that the member is known as the incumbent while seeking reelection and may cite appropriate judicial branch experience while campaigning.

Article IV. Performance of Duties

- A. Members should carry out their responsibilities to the public in a timely, impartial, diligent, and courteous manner, strictly adhering to the principles embodied in this code.
- B. Members shall not discriminate on the basis of, nor manifest by words or conduct, a bias or prejudice based upon race, color, religion, national origin, gender, or other groups protected by law, in the conduct of service to the court and public.
- C. Members shall enforce or otherwise carry out any properly issued rule or order of court and shall not exceed that authority except to perform other duties of their positions.
- D. Members shall promote ethical conduct as prescribed by this code and report any improper conduct by any persons to appropriate authorities.
- E. Members shall support and protect the independence of the judicial branch of government. Members shall also protect the public's interest and justice for all persons.
- F. Members shall uphold the Constitution, laws, and legal regulations of the United States and all other governments they serve and never be a party to their evasion.
- G. Members shall promote the growth and development of professional court management by improving their work skills and supporting research and development in the field.
- H. Members shall avoid any activity that would reflect adversely on their position or court.
- I. Members shall immediately report to appropriate authorities any attempt to induce them to violate these standards.

Acknowledgments: The National Association for Court Management

Appendix 12B

Model Code of Conduct for Nonjudicial Court Employees

American Judicature Society, 2004

Introduction

The holding of public employment in the court system is a public trust justified by the confidence that the citizenry reposes in the integrity of officers and employees of the judicial branch. A court employee, faithful to that trust, therefore shall observe high standards of conduct so that the integrity and independence of the courts may be preserved. Court employees shall carry out all duties assigned by law and shall put loyalty to the principles embodied in this Code above loyalty to persons or parties. A court employee shall uphold the Constitution, laws and legal regulations of the United States, the State of ___ and all governments therein, and never be a party to their evasion. A court employee shall abide by the standards set out in this Code and shall endeavor to expose violations of this Code wherever they may appear to exist.

Scope

- 1) Each jurisdiction must determine exactly which employees shall be covered by this Code. The Code should apply to all employees who directly or indirectly affect the court's operation. A suggested listing of such employees would include: court clerks, docket clerks, data processing personnel, bailiffs and judicial secretaries, as well as court managers and their staffs. This list is intended to be illustrative and does not imply that other employees should be omitted. For example, if janitors in the court building have contact with the public or have the authority to purchase supplies for the court, then the Code should apply to these employees as well.
- 2) This Code is not intended to apply to law clerks, who should be held to a higher standard of conduct, nor to court reporters, who are bound by the *Code of Professional Conduct of the National Shorthand Reporters Association*.
- 3) The term, "court employee," includes within its scope those court employees who are also court managers.
- 4) The term, "court manager," includes within its scope all court employees who have important supervisory responsibilities. Each jurisdiction must identify the particular court employees who function as managers within that court system.

Section One: Abuse of Position

- A) No employee shall use or attempt to use his or her official position to secure unwarranted privileges or exemptions for the employee or others.
- B) No employee shall accept, solicit, or agree to accept any gift, favor or anything of value based upon any understanding, either explicit or implicit, that the official actions, decisions or judgment of any employee would be influenced thereby. Gifts that do not violate this prohibition against abuse of position are further regulated in Section Three, Subsection B.6.
- C) No employee shall discriminate by dispensing special favors to anyone, whether or not for remuneration, nor shall any employee so act that the employee is unduly affected or appears to be affected by kinship, rank, position or influence of any party or person.
- D) No employee shall request or accept any fee or compensation, beyond that received by the employee in his or her official capacity, for advice or assistance given in the course of his or her public employment.
- E) Each employee shall use the resources, property and funds under the employee's official control judiciously and solely in accordance with prescribed statutory and regulatory procedures.
- F) Each employee shall immediately report to the appropriate authority any attempt to induce him or her to violate any of the standards set out above.

Section Two: Confidentiality

- A) No court employee shall disclose to any unauthorized person for any purpose any confidential information acquired in the course of employment, or acquired through unauthorized disclosure by another.
- B) Confidential information includes, but is not limited to, information on pending cases that is not already a matter

of public record and information concerning the work product of any judge, law clerk, staff attorney or other employee including, but not limited to, notes, papers, discussions and memoranda.

C) Confidential information that is available to specific individuals by reason of statute, court rule or administrative policy shall be provided only by persons authorized to do so.

D) Every court employee shall report confidential information to the appropriate authority when the employee reasonably believes this information is or may be evidence of a violation of law or of unethical conduct. No court employee shall be disciplined for disclosing such confidential information to an appropriate authority.

E) Court managers should educate court employees about what information is confidential and, where appropriate, should designate materials as confidential.

F) Court employees are not precluded from responding to inquiries concerning court procedures, but a court employee shall not give legal advice. Standard court procedures, such as the method for filing an appeal or starting a small claims action, should be summarized in writing and made available to litigants. All media requests for information should be referred to the court employee designated for that purpose.

G) No court employee shall either initiate or repeat ex parte communications from litigants, witnesses or attorneys to judges, jury members or any other person.

H) A former court employee should not disclose confidential information when disclosure by a current court employee would be a breach of confidentiality.

Section Three: Conflict of Interest

A) Every court employee shall avoid conflicts of interest, as defined below, in the performance of professional duties. Even though no misuse of office is involved, such a conflict of interest involving a court employee can seriously undermine the community's confidence and trust in the court system. Therefore, every court employee is required to exercise diligence in becoming aware of conflicts of interest, disclosing conflicts to the designated authority and ending them when they arise.

1) A conflict of interest exists when the court employee's objective ability or independence of judgment in the performance of his or her job is impaired or may reasonably appear to be impaired or when the court employee, or the employee's immediate family, as defined below, or business would derive financial gain as a result of the employee's position within the court system.

2) No conflict of interest exists if any benefit or detriment accrues to the employee as a member of a profession, business or group to the same extent as any other member of the profession, business or group who does not hold a position within the court system.

3) For the purposes of this Code, "immediate family" shall include the following, whether related by marriage, blood or adoption: spouse; dependent children; brother; sister; parent; grandparent; grandchildren; father-in-law, mother-in-law; sister-in-law, brother-in-law; son-in-law, daughter-in-law; stepfather, stepmother; stepson, stepdaughter; stepbrother, stepsister; half-brother, half-sister.

B) Prohibited Activities:

1) No court employee shall enter into any contract with the court system for services, supplies, equipment, leases or realty, apart from the employment contract relating to the employee's position, nor use that position to assist any member of his or her immediate family in securing a contract with the court system in a manner not available to any other interested party.

2) No court employee shall receive tips or other compensation for representing, assisting or consulting with parties engaged in transactions or involved in proceedings with the court system.

3) No court employee shall participate in any business decision involving a party with whom either the court employee or any member of the employee's immediate family is negotiating for future employment.

4) No former court employee shall engage in transactions or represent others in transactions or proceedings with the court system for one year after termination of employment in any matter in which the former employee was substantially involved or in any dealings with offices or positions that the former employee once held.

5) No court employee shall knowingly employ, advocate or recommend for employment any member of his or her immediate family.

6) No court employee shall solicit, accept or agree to accept any gifts, loans, gratuities, discounts, favors, hospitality or services under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the court employee in the performance of official duties.

a) Nothing in this section shall prohibit an employee from accepting a public award presented in recognition of public service.

b) Nothing in this section shall prohibit an employee from receiving a commercially reasonable loan made as part of the ordinary transaction of the lender's business.

c) Nothing in this section shall prohibit any person from donating a gift to a group of employees, e.g. all the

employees of an office or unit of the court system, provided that the value and circumstances of the gift are such that it could not be reasonably inferred that the gift would influence the employees in the performance of their official duties or that such influence was the purpose of the donor, and provided that any employee accepting such a gift promptly report the gift to the supervisor, who shall be responsible for its proper distribution. Gifts received with the understanding that they will influence employees' official actions, decisions or judgments are prohibited as abuse of office in Section One, Subsection B.

d) Nothing in this section shall prohibit any person or group from donating a gift of historical or other significant value that is given for the benefit of the court system, provided that such a gift is received on behalf of the court system by the appropriate designated authority.

C) To secure conformity to the above standards, every court employee who has authority to enter into or to approve contracts in the name of the court system shall file a financial disclosure statement with the appropriate designated authority upon beginning employment in such position, at termination of employment, and annually while so employed. Such disclosure shall include all sources of and contractual arrangements for personal income, including investments and real property, business entity income and business position income held or received by themselves, their spouses or their dependent children, and shall follow the guidelines established by the appropriate designated authority.

D) Each full-time court employee's position with the court system must be the employee's primary employment. Outside employment is permissible only if it complies with all the following criteria:

1) The outside employment is not with an entity that regularly appears in court or conducts business with the court system, and it does not require the court employee to have frequent contact with attorneys who regularly appear in the court system; and

2) The outside employment is capable of being fulfilled outside of normal working hours and is not incompatible with the performance of the court employee's duties and responsibilities; and

3) The outside employment does not require the practice of law; and

4) The outside employment does not require or induce the court employee to disclose confidential information acquired in the course of and by reason of official duties; and

5) The outside employment shall not be within the judicial, executive or legislative branch of government without written consent of both employers; and 6) Where a conflict of interest exists or may reasonably appear to exist or

where the outside employment reflects adversely on the integrity of the court, the employee shall inform the appropriate designated authority prior to accepting the other employment.

Section Four: Political Activity

A) Each employee retains the right to vote as the employee chooses and is free to participate actively in political campaigns during non-working hours. Such activity includes, but is not limited to, membership and holding office in a political party, campaigning for a candidate in a partisan election by making speeches and making contributions of time or money to individual candidates, political parties or other groups engaged in political activity. An employee who chooses to participate in political activity during off-duty hours shall not use his or her position or title within the court system in connection with such political activities.

B) With the exception of officers of the court who obtain their position by means of election, no employee shall be a candidate for or hold partisan elective office. With the same exception, an employee who declares an intention to run for partisan elective office shall take an unpaid leave of absence upon the filing of nomination papers. If elected, he or she shall resign. An employee may be a candidate for non-partisan office without separating from employment, provided that the employee complies with the requirements in this Code concerning performance of duties, conflicts of interest, etc.

C) No employee shall engage in any political activity during scheduled work hours, or when using government vehicles or equipment, or on court property. Political activity includes, but is not limited to:

1) Displaying campaign literature, badges, stickers, signs or other items of political advertising on behalf of any party, committee, agency or candidate for political office;

2) Using official authority or position, directly or indirectly, to influence or attempt to influence any other employee in the court system to become a member of any political organization or to take part in any political activity;

3) Soliciting signatures for political candidacy;

4) Soliciting or receiving funds for political purposes.

D) No employee shall discriminate in favor of or against any employee or applicant for employment on account of political contributions or permitted political activities.

Section Five: Performance of Duties

- A) Every court employee shall endeavor at all times to perform official duties properly and with diligence. Every court employee shall apply full-time energy to the business and responsibilities of the employee's office during working hours.
- B) Every court employee shall carry out responsibilities as a servant of the public in as courteous a manner as possible.
- C) Every court employee shall maintain or obtain current licenses or certificates as a condition of employment as required by law or court rule.
- D) No court employee shall alter, falsify, destroy, mutilate, backdate or fail to make required entries on any records within the employee's control. This provision does not prohibit alteration or expungement of records or documents pursuant to a court order.
- E) No court employee shall discriminate on the basis of nor manifest, by words or conduct, bias or prejudice based on race, religion, national origin, gender, sexual orientation or political affiliation in the conduct of service to the court.
- F) No court employee shall give legal advice or recommend the names of private attorneys.
- G) No court employee shall refuse to enforce or otherwise carry out any properly issued rule or order of court, nor shall court employees exceed that authority. No court employee shall be required to perform any duties outside the scope of the assigned job description.
- H) Every court employee shall immediately report violations of this Code to the appropriate designated authority.
- I) Court employees who are law students, attorneys or members of other professional groups are also bound by the appropriate professional duties of those roles.

Section Six: Court Managers

- A) Court managers regularly shall update their education.
- B) Court managers shall require employees subject to their direction and control to observe the ethical standards set out in this Code.
- C) Court managers shall diligently discharge their administrative responsibilities, maintain professional competence in judicial administration and facilitate the performance of other court employees.
- D) Court managers shall take action regarding any unethical conduct of which they may become aware, initiating appropriate disciplinary measures against an employee for any such conduct and reporting to appropriate authorities evidence of any unethical conduct by judges or lawyers.
- E) Court managers shall not act as leaders in or hold office in any political organization, make speeches for any political organization or publicly endorse a candidate for political office.

This Model Code was drafted by David T. Ozar, Cynthia Kelly and Yvette Begue and approved for promulgation by the AJS Executive Committee.

Chapter 13

Dynamics of Domestic Violence

The Cycle of Violence

The cycle of violence theory was developed by Dr. Lenore Walker based on her work with battered women (*The Battered Woman*, Lenore E. Walker, Harper & Row: New York, 1979.) Other theories have been developed to describe or explain the dynamics of domestic violence, but Dr. Walker's theory remains the most universally accepted.

Phase One- the tension building phase

Emotional abuse and "minor" battering incidents occur. Every minor battering incident has residual tension-building effects.

Tension builds as the frequency and severity of abusive incidents escalates; both partners experience the tension. The batterer is afraid of losing control of the victim, while the victim fears the violence of an acute battering incident.

In this phase, the batterer makes conscious decisions to use threats or violence to control the victim.

Phase Two - the acute battering incident

Characterized by the explosive discharge of the tensions built up during phase one; these incidents often involve very severe battering which may result in serious injury or death.

Severe violence is initiated by a "trigger" event. This may be an event in the relationship (she forgot to put mustard on the sandwich), an event completely unrelated to the relationship (getting stuck in traffic), or the batterer's internal emotional state.

Batterers often start out by justifying their behavior to themselves as wanting to teach the victim a lesson. The built-up tension and rage take over, and the violence escalates and generally ends only when the batterer has no more physical energy to expend.

Generally the violence stops only after the batterer feels the victim has learned the lesson - by this time, the victim may be severely injured.

Phase Three - kindness and contrite, loving behavior

The tension built up in phase one and discharged in phase two is now gone; the relationship feels calmer and more peaceful to both parties.

The batterer usually realizes the violence has gone too far, and often expresses contrition or remorse for his behavior by apologizing and promising never to do it again. Often, this promise is based on his belief that the victim has finally learned the "lesson" being taught.

During this phase, the batterer often behaves in a charming, loving manner towards the victim - it is this phase and this behavior that reinforces the victim's attachment to the batterer.

This phase is the time when victims find it most difficult to leave, and also the time when most victims come into contact with police, courts, and shelters (immediately after an acute battering incident).

And then the cycle begins again

The false hope and happiness of phase 3 fade rather rapidly and the cycle of violence begins again with the emotional abuse and tension building dynamic of phase one.

NOTE: Though the cycle of violence seems to accurately describe the experience of many domestic violence victims, we don't know how many or what percent of violent relationships follow this cycle. In a significant number of violent relationships, there is never a phase three - never a break in the violence.

Attitudes and Behaviors of Men Who Batter

There is no way to spot a batterer in a crowd. It is not a question of class, race or socioeconomic status. Domestic violence is a gender issue. Most batterers are male. Research has indicated that batterers often share these characteristics:

- Intimidation and violence
- Verbally abusive
- Minimizes abuse
- Substance abuse
- Breaks or strikes things in anger
- History of violence
- Projects blame for own behavior
- Cruelty to children and/or animals
- Extreme jealousy
- Controlling behavior
- Physical and social isolation of partner, children
- Dr. Jekyll/Mr. Hyde
- Rape or use of force in sex

Tactics of Power and Control

Perpetrators of domestic violence use a myriad of coercive and intimidating tactics in their attempts to control and dominate their partners. Some of these tactics are physically injurious, the majority of them are not. All are psychologically and emotionally damaging to the victim and her children. These tactics include:

Emotional and Verbal Abuse such as name-calling; constant criticism; playing mind games; humiliating partner; guilt trips; The 'silent' treatment.

Sexual Coercion such as manipulating partner into sex, including using guilt trips or threats; unwanted touching; 'playful' use of force during sex; treating partner like a sex object; drugging partner or having sex while they are too drunk or high to make a clear decision about whether or not they want to have sex.

Financial/Economic Abuse such as preventing partner from getting/keeping a job; using someone for their money; expecting sexual acts in return for spending money on partner; denying partner access to family income.

Sexism such as using belief that males are superior to females or that males should have certain privileges that females should not, to justify controlling partner; expecting males to make all the big decisions; "Rules" for the relationship that are not the same for both partners.

Using Children such as pressuring partner to get pregnant; using children as a way to create dependency; *threatening to take away the children; hurting or threatening to hurt the children*; telling or threatening to tell the children negative things about the partner.

Denying, Minimizing, Blaming such as denying the abuse or acting as if it's not that serious; not taking partner's concerns about the abuse seriously; saying the partner "caused" the abuse by something s/he did or didn't do or saying s/he deserves it; not taking responsibility for one's own behavior.

Isolation and Extreme Jealousy such as controlling who partner is friends with, where s/he goes, what s/he does or trying to; separating partner from family; not letting partner work or be involved in his/her own activities; keeping constant tabs on partner, including through pager or cell phone; accusing partner of cheating as a way of manipulating him/her; using jealousy to justify controlling behavior.

Intimidation/Threats such as using looks, actions, gestures, voice to scare partner; throwing or smashing things; displaying weapons; destroying property; 'play fighting' meant to show strength and power over partner; threatening to hurt partner or someone s/he cares about; threatening to commit suicide.

Chapter 14

Domestic Violence - Who are the Victims?

Thousands of individuals and families in Florida are affected by domestic violence each year. The table below displays offense, arrest, and court system data on domestic violence from 1992-2005.

<u>Domestic Violence Data in Florida</u>						
<u>Year</u>	<i>Total DV Offenses</i>	<i>% Change from Prior Year</i>	<i>Total DV Arrests</i>	<i>% Change from Prior Year</i>	<i>DV Injunction Case Filings</i>	<i>% Change from Prior Year</i>
1992	109,449	NA	37,796	NA	30,609	NA
1993	112,585	2.9%	37,161	-1.7%	41,711	36.3%
1994	119,930	6.5%	43,922	18.2%	46,513	11.5%
1995	131,152	9.4%	56,741	29.2%	50,357	8.3%
1996	132,704	1.2%	64,608	13.9%	53,837	6.9%
1997	136,382	2.8%	67,385	4.3%	57,465	6.7%
1998	133,345	-2.2%	64,446	-4.4%	58,335	1.5%
1999	126,044	-5.5%	63,410	-1.6%	57,523	-1.4%
2000	124,629	-1.1%	62,939	-0.7%	57,932	0.7%
2001	124,016	-0.5%	63,452	0.8%	58,945	1.7%
2002	121,834	-1.8%	66,188	4.3%	60,044	1.9%
2003	120,697	-0.9%	65,080	-1.7%	62,664	4.4%
2004	119,772	-0.8%	64,072	-1.5%	62,825	0.3%
2005					64,470	2.6%
Overall % increase from 1992-2005		10.3%			72.2%	110.6%

*Source: Florida Department of Law Enforcement. Crime in Florida, Florida Uniform Crime Report, 1992-2003. Tallahassee, FL: FDLE. Florida Statistical Analysis Center.

** Source: Office of the State Courts Administrator. FY2001-02 Statistical Reference Guide. Tallahassee, FL: OSCA, Office of Court Services.

Domestic Violence - Who are the Victims?

- According to the U.S. Department of Justice, women are the victims of domestic violence at a rate about 5 times that of men; almost 85% of domestic violence victims are women.
- Though there is variation in some categories, domestic violence occurs across all groups regardless of religion, age, income and education level, marital status, sexual orientation, and race/ethnicity.
- The National Crime Victim Survey showed that, in 1998, 876,000 women and 157,330 men were victims of violence by intimate partners.
- The OSCA Domestic Violence Court Assessment (2003) found women were petitioners in 80% of cases, while men were petitioners in 20% of cases. Conversely, men were respondents in 80% of cases, while women were respondents in 20% of the cases.
- The Florida Department of Law Enforcement reports that a total of 119,772 domestic violence offenses were reported to Florida law enforcement agencies in 2004.
- During fiscal year 2004-05, a total of 64,470 petitions for injunctions for protection from domestic violence were filed in Florida's courts.

Chapter 15

Children and Domestic Violence

Significant numbers of children are profoundly affected by domestic violence.

- Each year, it is estimated that between 3.3 million and 10 million children¹ are exposed to violence against their mothers or female caretakers by family members (Volpe, 1996).
- Children in homes where domestic violence occurs are physically abused or neglected at a rate 15 times higher than the national average (Volpe, 1996).
- Research suggests that being battered is the single most common factor among mothers of abused children. Almost two-thirds of abused children are parented by battered women. These abused children are three times more likely to have been abused by their fathers or stepfathers than by their mothers (McKay, 1994).
- Studies have shown that both child maltreatment and domestic violence occur in an estimated 30 to 60 percent of families with some form of family violence (McKay, 1994).
- Eighty to 90 percent of children living in homes with domestic violence are aware of the violence (Volpe, 1996).

The effects of domestic violence on children and adolescents.

Family violence is more traumatic for most children than street violence. The victims and perpetrators are most often people a child knows intimately and depends on for love and protection (Harvard Mental Health Letter, 1995).

Research has shown that **exposure to domestic violence may have numerous adverse effects upon children** in those families (Edwards, 1992). Examples of how children can be physically harmed by domestic violence include:

- Children can themselves be physically abused;
- Children often try to intervene to protect the adult victim, which puts them in danger from the abuser;

- Domestic abusers may use children to control the adult victim by violence or threats of violence against the children.

Adult domestic violence can have other devastating **physical consequences** for children in addition to bodily injury (Richie, 1992).

- Domestic violence can deprive children of housing, schooling, or medical care.
- Flight from domestic violence often leads to homelessness among victims and children, and is a primary reason why adolescents run away from home.

A number of **long term effects** on children of exposure to domestic violence have also been documented (Richie, 1992), as follows:

- **Psychological problems**, such as withdrawal, hypervigilance, nightmares, anxiety, depression, low self-esteem, shame, and lower verbal, cognitive, and motor abilities.
- **Physical symptoms**, often identified as reactions to stress, include sleep disorders, headaches, diarrhea, ulcers, asthma, and depression.
- **Academic problems** such as poor school performance, truancy, absenteeism, and difficulty concentrating.
- **Social and behavioral problems**, such as inability to form trusting relationships, aggressive or violent behavior, and substance abuse.

Children who witnessed the abuse of their mothers were found to be 24 times more likely to commit sexual assault crimes and 6 times more likely to commit suicide than children who did not witness such abuse (Edwards, 1992).

Often adolescents being abused engage in violent activities and are identified as juvenile offenders but not victims of abuse. The result is a lack of needed medical or mental health treatment (American Psychological Association, 1993).

References

American Psychological Association. (1993). *Violence and Youth*. Report of the American Psychological Association Commission on Violence and Youth, Vol. 1.

Edwards, M. (1992). *Reducing Family Violence: The Role of the Family Violence Council*, Juvenile and Family Court Journal, 43:1.

The Harvard Mental Health Letter. (1995). *How Does Exposure to Violence Affect Very Young Children?* Vol. 11, No. 7, January.

McKay, M. (1994). *The link between domestic violence and child abuse: Assessment and treatment considerations*. Child Welfare League of America, 73, 29-39.

Richie, W. (1992). *The Impact of Domestic Violence on the Children of Battered Women*, Children's Aid Society Newsletter, Spring: p.3.

Volpe, J.S. (1996). *Effects of Domestic Violence on Children and Adolescents: An Overview*. The American Academy of Experts in Traumatic Stress.

Chapter 16

Domestic Violence and Substance Abuse

Research has repeatedly demonstrated a relationship between substance abuse (drugs, alcohol, or both) and domestic violence. However, the nature of the relationship and the extent to which substance abuse is present in domestic violence or family violence incidents varies widely across different research efforts. One researcher writes that probably the largest contributing factor to domestic violence is alcohol. All major theorists point to the excessive use of alcohol as a key element in the dynamics of wife beating. However, it is not clear whether a man is violent because he is drunk or whether he drinks to reduce his inhibitions against his violent behavior (Gondolf, 1995).

- Researchers have found that one fourth to one half of men who commit acts of domestic violence also have substance abuse problems (Gondolf, 1995; Leonard & Jacob, 1987; Kantor & Straus, 1987).
- Over half (52.8%) of men who batter their female partners are heavy or binge drinkers (Bennett, 1995).
- Almost two-thirds of male batterers were drinking at the time of the domestic violence incidents (Bennett, 1995).
- A recent survey of public child welfare agencies conducted by the National Committee to Prevent Child Abuse found that as many as 80 percent of child abuse cases are associated with the use of alcohol and other drugs, and the link between child abuse and other forms of domestic violence is well established (McCurdy & Daro, 1994).
- About 40 percent of children from violent homes believe that their fathers had a drinking problem and that they were more abusive when drinking (Roy, 1988).
- Childhood physical abuse is associated with later substance abuse by youth (Dembo et.al., 1987).
- Fifty percent of batterers are believed to have had "addiction" problems (Faller, 1988).
- Substance abuse by one parent increases the likelihood that the substance-abusing parent will be unable to protect children if the other parent is violent (Reed, 1991).
- A study conducted by the Department of Justice of murder in families found that more than half of defendants accused of murdering their spouses -- as well as almost half of the victims -- had been drinking alcohol at the time of the incident (Bureau of Justice Statistics, 1995).
- Teachers have reported a need for protective services three times more often for children who are being raised by someone with an addiction than for other children (Hayes and Emshoff, 1993).
- Alcoholic women are more likely to report a history of childhood physical and emotional abuse than are nonalcoholic women (Miller et al., 1993; Hien & Scheier, 1996).
- Women in recovery are likely to have a history of violent trauma and are at high risk of being diagnosed with posttraumatic stress disorder (Fullilove et al., 1993).

- The societal view of substance abusers as morally weak and controlled by alcohol or other drugs actually serves some batterers. Rather than taking responsibility for their actions, they can blame their violent acts on the substance(s) they are abusing. Although drugs or alcohol may indeed be a trigger for violence, the belief that the violence will stop once the drinking or drug use stops is usually not borne out. The use of alcohol or other drugs may increase the likelihood that a batterer will commit an act of domestic violence -- because it reduces inhibitions and distorts perceptions, because alcohol is often used as an excuse for violence, and because both alcohol abuse and domestic violence tend to follow parallel escalating patterns -- but it does not fully explain the behavior (Pernanen, 1991; Steele & Josephs, 1990). The fact remains that nondrinking men also attack their partners, and for some individuals, alcohol actually inhibits violent behavior (Coleman & Straus, 1983).

References

- Bennett, L.W. (1995). Substance abuse and the domestic assault of women. *Social Work*, 40 (6), 760:772.
- Bureau of Justice Statistics. (1995). *Violence Against Women: Estimates from the Redesigned Survey*. Washington, D.C.: Bureau of Justice Statistics.
- Coleman, D.H. & Straus, M.A. (1983). Alcohol abuse and family violence. *Alcohol, Drug Abuse, and Aggression*. Springfield, IL: Charles C. Thomas, 104-124.
- Dembo, R., Dertke, M., LaVoie, L., Borders, S., Washburn, M., Schmeidler, J. (1987). Physical abuse, sexual victimization, and illicit drug use: A structural analysis among high risk adolescents. *Journal of Adolescence*, 10, 13-33.
- Faller, K.C. (1988). *Child Sexual Abuse: An Interdisciplinary Manual for Diagnosis, Case Management, and Treatment*. New York: Columbia University Press.
- Fullilove, M.T., Fullilove, R.E., Smith, M., Winkler, K., Michael, C., Panzer, P.G., & Wallace, R. (1993). Violence, trauma, post-traumatic stress disorder among women drug users. *Journal of Traumatic Stress*, 6(4), 533-543.
- Gondolf, E.W. (1995). Alcohol abuse, wife assault, and power needs. *Social Service Review*, 69(2):274-284, 1995.
- Hayes, H.R. & Emshoff, J.G. (1993). Substance abuse and family violence. *Family Violence: Prevention and Treatment*. Newbury Park, CA: Sage Publications.
- Hien, D., & Scheier, J. (1996). Trauma and short-term outcome for women in detoxification. *Journal of Substance Abuse Treatment*, 13, 227-231.
- Kantor, G., & Straus, M.A. (1987). The "drunken bum" theory of wife beating. *Social Problems*, 34(3), 213-227.

- Leonard, K.E. & Jacob, T. (1987). Alcohol, alcoholism, and family violence. *Handbook of Family Violence*. New York: Plenum, 383-406.
- McCurdy, K., & Daro, D. (1994). *Current Trends in Child Abuse Reporting and Fatalities: The Results of the 1993 Annual Fifty State Survey*. Chicago: National Committee to Prevent Child Abuse.
- Miller, B.A., Downs, W.R., & Testa, M. (1993). Interrelationships between victimization experiences and women's alcohol use. *Journal of Studies on Alcohol*, 11, 109-117.
- Pernanen, K. (1991). *Alcohol in Human Violence*. New York: Guilford.
- Reed, B.G. (1991). Linkages: Battering, sexual assault, incest, child sexual abuse, teen pregnancy, dropping out of school and the alcohol and drug connection. *Alcohol and Drugs are Women's Issues*. Metuchen, NJ: Scarecrow Press.
- Roy, M. (1988). *Children in the Crossfire: Violence in the Home: How Does it Affect Our Children?* Deerfield Beach, FL: Health Communications, Inc.
- Steele, C. & Josephs, R. (1990). Alcohol myopia: Its prized and dangerous effects. *American Psychologist*, 45, 921-933.