

**CIVIL
INJUNCTIONS
FOR
PROTECTION
AGAINST DOMESTIC,
DATING, SEXUAL, AND
REPEAT VIOLENCE**



**INFORMATION
FOR
PETITIONERS**

This project was supported by Grant No. 2007-WF-AX-0062 awarded by the Violence Against Women Grants Office, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice or the Florida Department of Children and Families.

WHAT IS AN INJUNCTION?

You have the right to file a petition to ask the court to issue an order called an injunction against a particular person, who has been physically violent with you and/or has placed you in fear of physical violence. The purpose is to legally prevent him or her from having contact with you by ordering him or her to stay away from your home, your car, your place of employment, and other places the court finds necessary. He or she is also forbidden to contact you by phone, in writing, by email, or in person. Injunctions can include other relief that the court feels is appropriate. If you are under 18 years old, ask the court clerk about an adult filing on your behalf.

WHICH ONE DO I CHOOSE?

There are four kinds of civil injunctions: domestic violence, sexual violence, dating violence, and repeat violence. There are different requirements for each type of injunction. The type of petition that you file depends on your relationship with the other person and what has occurred.

Domestic Violence

Do you now or have you in the past lived with the other person as if a “family”?

“Family” includes people who you are related to by blood or marriage (spouses, ex-spouses, parents, grandparents, aunts, uncles) parties intimately involved and living together but never married, adopted children, step-parents and step-children, and others.

OR

Do you and the other person have a child together?

If you answered “YES” to either of these domestic violence questions, then you may wish to file a petition for an injunction for protection against domestic violence.

Sexual Violence

Sexual violence injunctions can be filed:

1. If your answers to the domestic violence questions are “NO”,
AND
2. If the other person committed one of the following acts: sexual battery defined by Chapter 794, lewd and lascivious act upon or in the presence of a child younger than 16, lured or enticed a child as described in chapter 787, required a child to sexually perform as in Chapter 827, or committed any forcible felony wherein a sexual act was committed or attempted (Ask the deputy clerk for definitions of these acts if you do not know what they are to decide if they apply to your situation.),
AND
3. If you have reported the sexual violence to law enforcement and are cooperating with any criminal proceeding, then you may file for this kind of injunction.

OR

You can also file a sexual violence injunction if the other person has been in prison for sexual violence against you, and the term of imprisonment expires within ninety days.

Dating Violence

Have you and the other person dated each other in the last six months?

AND

Did you have an expectation of affection or sexual involvement with the other person?

AND

Did you interact with the other person on a frequent and continuous basis during the relationship?

If you answered “YES” to **ALL** of these questions about dating, and the **other person has been violent toward you**, then you can file a petition for an injunction for protection against dating violence.

The other person will get a copy of everything that you write in the petition and all of the court papers. You should contact a victim advocate and have a safety plan.

Repeat Violence

If your answers to the questions about the other kinds of injunctions for domestic, sexual, and dating violence petitions are “NO”, then you can file a petition for an injunction against repeat violence. This petition could be used for neighbors, coworkers, students, relatives who have never lived together, etc. But, for this type of injunction, there must have been **two incidents** of physical violence, threats of violence, or stalking, and one of these must have occurred in the last six months.

WHAT DO I DO WITH THE PACKET?

If you can afford an attorney or if legal aid is available, it is always best to get legal assistance. If you cannot get an attorney, you can contact a victim advocacy agency to help you fill out the forms. A list of domestic violence centers in your area is available in the clerk’s office or at www.fcadv.org. Otherwise, you can file these papers on your own.

Read the instructions carefully and complete each section of the forms with all of the information that you can provide. Try to write neatly or type the petition, so that the judge can read it.

It is important to include dates and locations of all violent incidents or threats of violence.

Include all information that you have about other court cases with you and the other party, children, finances, and places that the other person may be located to be served with copies.

After you complete the forms, submit them to the clerk’s office. You will sign under oath that all information you provided is true and correct.

The other person will get a copy of everything that you write in the petition and all of the court papers. You should contact a victim advocate and have a safety plan.

For all types of injunctions, in the appropriate section, you may want to include all details of what the other person has done to you: scratching, punching, biting, kicking, throwing things at you, pulling hair, burning you, pushing, using a weapon, slapping, shoving, strangling, rape, unwanted kissing or touching, unwanted rough or violent sexual activity, pinning you down, destroying property, keeping you from leaving or from calling law enforcement, threatening to hurt you, harassing you, following you, threatening to or causing harm to a pet, causing you injury in any way, or making threats to commit suicide.

WHAT HAPPENS NEXT?

Three things can happen after you file the petition:

1. The judge can enter a **Temporary Injunction for Protection**. This order will only be in effect until the hearing, which cannot be more than 15 days away. Read it carefully. **The other person will be served with a copy.** If the other person contacts you before the hearing, report it to law enforcement.
2. The judge can enter an **Order Setting Hearing Only**. This means that there is **no injunction** in effect until the hearing. **The other person will be served with a copy.**
3. The judge can **deny the petition** and should give reasons in writing why the petition was denied. **The other person will not be served with a copy.** You can file a supplemental petition with additional information that may make a difference in the judge’s decision.

WHAT DO I BRING TO COURT?

Witnesses

Witnesses must come to court to testify. Letters from witnesses are not allowed. You may subpoena witnesses, but there is a fee. You may contact the clerk for information. Police officers usually require a subpoena in advance to attend hearings.

Evidence

Pictures, phone records, messages, etc. that you want the court to consider.

Proof of Income

If you are asking for child support or alimony, you must bring a financial affidavit or proof of income such as pay stubs, tax returns, etc.

Documents

Car titles and deeds to home or other shared property .

Copies of Any Other Court Orders

involving you and the other person such as divorce, custody, child support, etc .

WHAT ABOUT THE HEARING?

The purpose of the hearing is for the judge to decide whether or not to issue a final injunction. The judge decides the time period for the injunctions. If both parties appear and want to proceed, the judge can listen to both parties, witnesses, and review the evidence.

If a final injunction is entered, read it carefully. Ask the judge or court staff if you have any questions or concerns. If the other person violates the order, report it immediately. If a change is needed or you want a dismissal, contact the court. **You cannot give the other party permission to violate the order.**

RESOURCES: Ask the deputy clerk for information about court interpreters for your hearing, the local domestic violence center, and other resources in your community.