

**DOMESTIC VIOLENCE  
CIVIL INJUNCTION SURVEY  
JUNE, 2007**

Office of Court Improvement  
Office of the State Courts Administrator  
Florida Supreme Court

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DOMESTIC VIOLENCE CIVIL INJUNCTION SURVEY  
OFFICE OF THE STATE COURTS ADMINISTRATOR  
June 2007

**Introduction**

Access to services is a critical component of Unified Family Court. Courts that provide early identification of service needs and related referrals, and monitor compliance with these services have the best opportunity to assist in crafting solutions that promote long-term stability in matters involving children and families.

To help assess the role of the courts and related stakeholders in providing referrals to services, the Office of Court Improvement (OCI) within Florida's Office of the State Courts Administrator conducted surveys of judges, court staff, batterers' intervention programs and domestic violence center advocates to determine what interventions are being ordered and/or recommended for respondents in civil domestic violence injunction cases. In early 2007 we received 166 responses from a wide spectrum of individuals across Florida providing a unique perspective on the judicial handling of these cases.

**Methodology**

Prior to the development of the surveys, OCI staff conducted a literature review of publications and other relevant sources. Staff queried the Family Violence Department of the National Council of Juvenile and Family Court Judges, the National Center for State Courts, the National Center for Domestic and Sexual Violence as well as administrative offices of state courts and other national advocacy organizations for prior surveys or research projects pertaining to community services recommended or ordered for respondents in civil injunction domestic violence cases. While there was information available regarding services for petitioners, surprisingly little was available regarding services for respondents. The National Center for State Courts developed a survey in 1999 entitled "*National Survey on the Specialization of Domestic Violence Case Management in the Courts*" which focused on the organization of and performance measures for specialized domestic violence courts. However, the survey was specific to referral services for victims of domestic violence and did not address the issue of community services for respondents of domestic violence injunction cases. No other relevant publications or surveys on this issue were found.

After the literature review, individual survey instruments were developed for each target participant group: judges, court administration staff, batterers' intervention program staff, and domestic violence center advocacy staff. Each of the twenty judicial circuits in Florida was represented in all four participant groups. Careful consideration was taken to ensure that participants were only asked questions for which they have firsthand knowledge due to the specific responsibilities of their professional role. The surveys and questions were formatted to allow a variety of responses. Some questions consisted of yes/no responses while others required single line answers, checkboxes, radio buttons, matrix items or open ended multi-line responses. Each participant was also able to include additional information at the end of each survey instrument. <sup>1</sup>

The surveys were administered electronically. Participants were able to link to the Florida State Courts Survey Website, allowing for individual and aggregate responses to be made on an anonymous basis. Participants also could choose to print out the survey and fax it to the Office of Court Improvement. *Table 1* summarizes the response rate.

**TABLE 1**

<b>Professional Group</b>	<b># Surveyed</b>	<b># of responses</b>	<b>Percentage</b>
Judges	300	76	25%
DV Coordinators	20	18	90%
DV Center Advocates	41	23	56%
BIP	167	49	29%

## **Survey Results**

### **Batterers' Intervention Programs and Other Community Services**

#### *BIP*

A court must consider many factors when handling domestic violence injunction cases including when to order a respondent to undergo treatment and what type of treatment is appropriate. Florida Statutes provide judges with both the discretion to rule on the particulars in individual cases and guidelines as to when referrals to batterers' intervention programs are appropriate<sup>2</sup>.

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<sup>1</sup> See Appendix for survey instruments.

<sup>2</sup> See Appendix for statutes.

When issuing a final judgment of injunction for protection against domestic violence, a court may grant the types of relief it deems proper under the circumstances of each case. This may include ordering a respondent to participate in treatment, intervention, counseling, or a certified batterers' intervention program.<sup>3</sup>

In cases where a respondent has willfully violated the ex parte temporary injunction, has been convicted of a crime involving violence or a threat of violence, or has had an injunction for protection entered against him or her after a hearing with notice, the court must order the respondent to attend a certified batterers' intervention program unless the court makes written findings of fact based on substantial evidence which state why a batterers' intervention program would be inappropriate.<sup>4</sup>

The standards for certified batterers' intervention programs are specifically set out for programs addressing intimate partner violence. The statutes caution that courts should take this into account so that referrals for appropriate treatment based on the particular circumstances and relationships in each case are made.<sup>5</sup>

Judges were asked to estimate the percentage of their final civil injunction cases in which the respondents met Florida's statutory requirement to be ordered to batterers' intervention programs. The estimated percentages vary widely from less than 1% to 90% with a majority of the judges, 45 out of 58 responses, reporting that less than 25% of their cases involve respondents who meet the statutory requirements for BIP. In addition, the majority of judges, 40 of 60, report that they refer respondents to BIPs in 90% - 100% of the cases when statutory requirements are met.

Judges may waive court ordered batterers' intervention services if they make written findings of fact based on substantial evidence that BIP is not appropriate. Judges were asked to describe situations in which they found BIP not to be appropriate. The most commonly cited reasons include:

- Recently completing BIP;
- Respondent incarcerated or will soon be incarcerated;
- Violence not driven by power and control dynamics;

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<sup>3</sup> Section 741.30(6)(a)5, Florida Statutes.

<sup>4</sup> Section 741.30(6)(e), Florida Statutes.

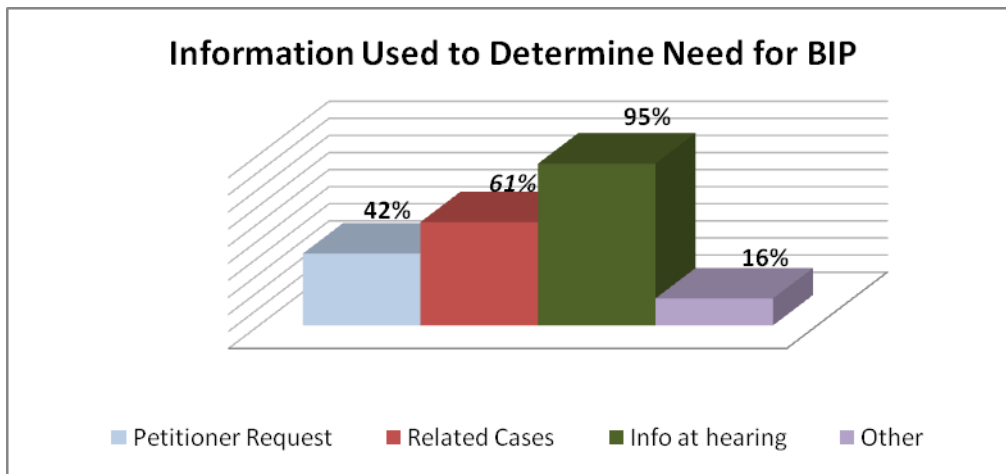
<sup>5</sup> Section 741.325(8), Florida Statutes.

- Language barriers; BIP only offered in English;
- Respondent has physical or mental impairment;
- No current relationship between petitioner and respondent; and,
- Belief that petitioner will not report respondent’s failure to complete BIP as petitioner admits allegations are made solely to avoid children being sheltered.

Judges have the ability to order BIP attendance for respondents even if they do not meet Florida’s statutory requirement for mandatory participation. Almost 62% of judges indicate that they do order BIP attendance even when not statutorily mandated.

According to the responses, the decision to order BIP is based primarily on information received at the final injunction hearing. As indicated in Table 2 below, judges also report ordering BIP attendance based on information received from related cases and on the request of the petitioners.

**Table 2**



Certified BIPs in Florida must be at least 26 weeks in length. A small percentage of judges, 15%, indicate they may order a respondent to a BIP that does not meet this program requirement. These judges report ordering a small number of respondents, 5%, to programs lasting less than 26 weeks.

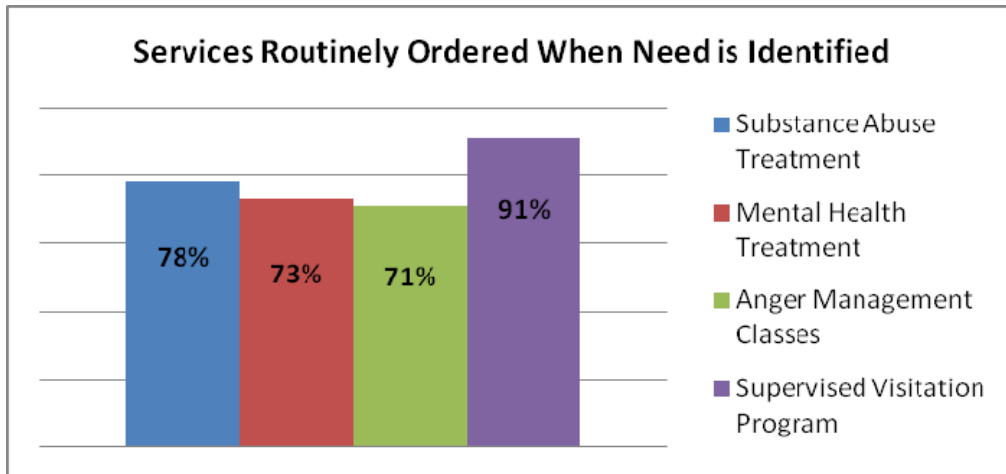
At the return hearing for a final injunction when a judge orders a BIP for the respondent, almost 76% of the BIPs report they do not provide specific referral information at that time. Forty-seven percent of the BIPs report the clerk of court provides the referral information and 26% report the court case manager provides the referral information. If the respondent is not provided

referral information on the BIP at the time of the hearing, 53% of the BIPs report they provide it later.

*Other Community Services*

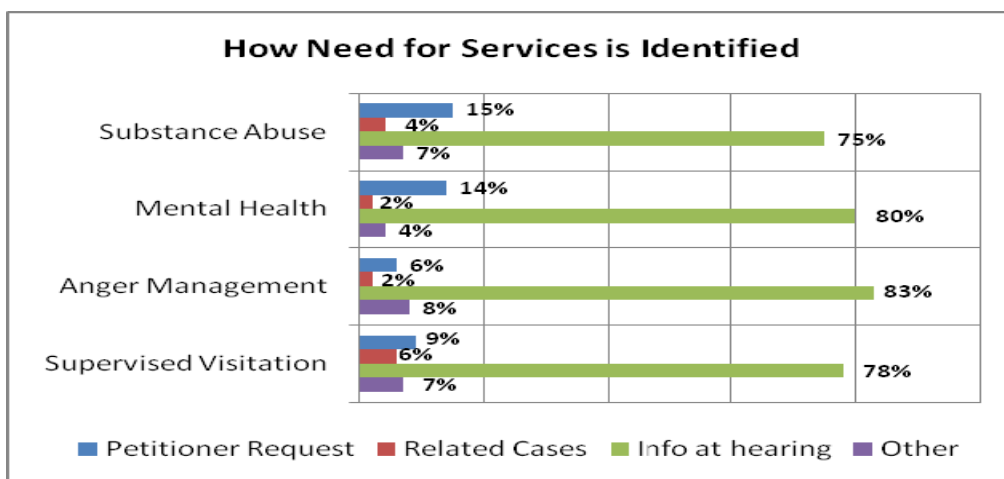
Judges report they are routinely ordering respondents to community services if there is an identified need. See Table 3.

**Table 3**



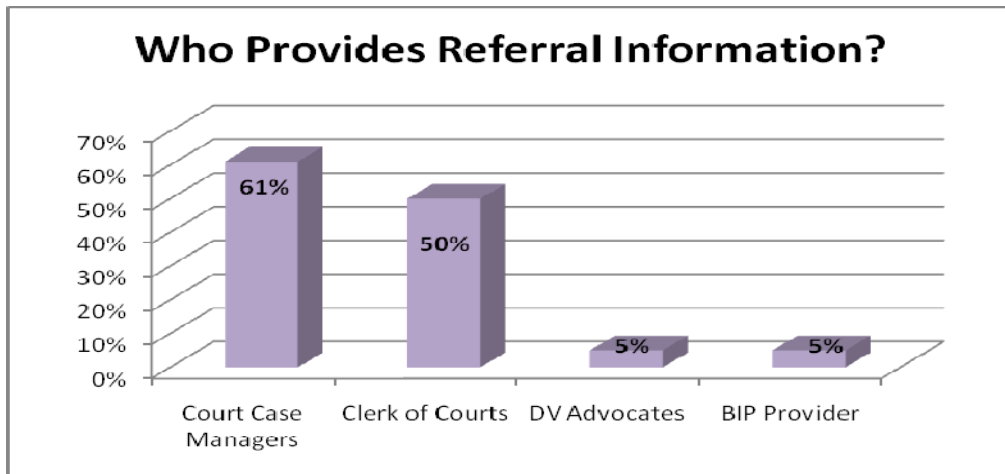
According to the judicial responses, the need for community services is typically determined based on information the judge receives at the return hearing for the final injunction. Judges also consider, to a lesser degree, requests from the petitioners and information from related cases. See Table 4 below.

**Table 4**



One hundred percent of the court case manager respondents indicate that when judges order or recommend treatment or community services for respondents, the respondents are given specific referral information at the time of the return hearing for the final injunction. The majority of the court case managers state they are responsible for providing the referral information for services. Please see Table 5 below.

**Table 5**



Domestic violence center advocates were also asked if the court routinely orders services for the respondent if the petitioner had indicated on the petition there was a need. Table 6 indicates their responses.

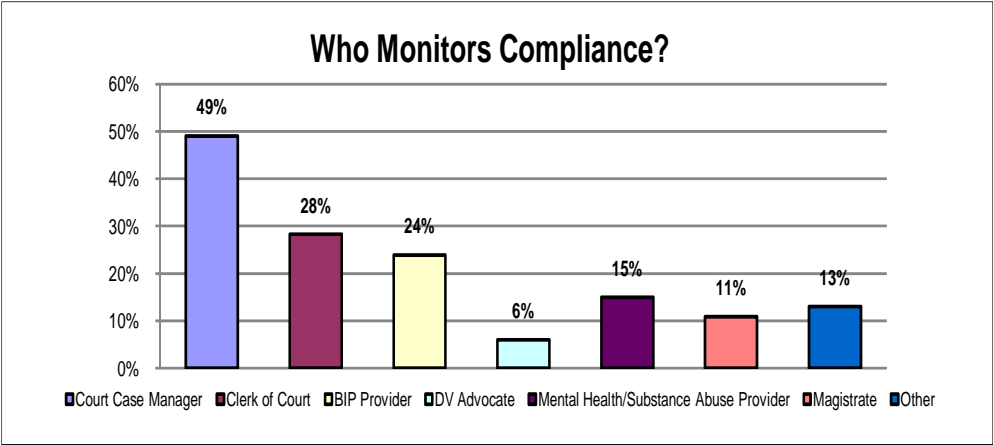
**Table 6**

Service	Yes	No	Don't Know
Substance Abuse Treatment	45%	50%	5%
BIP	50%	45%	5%
Mental Health Treatment	36%	59%	5%
Anger Management Classes	45%	50%	5%
Supervised Visitation Program	77%	18%	5%

### **Monitoring Compliance with Services**

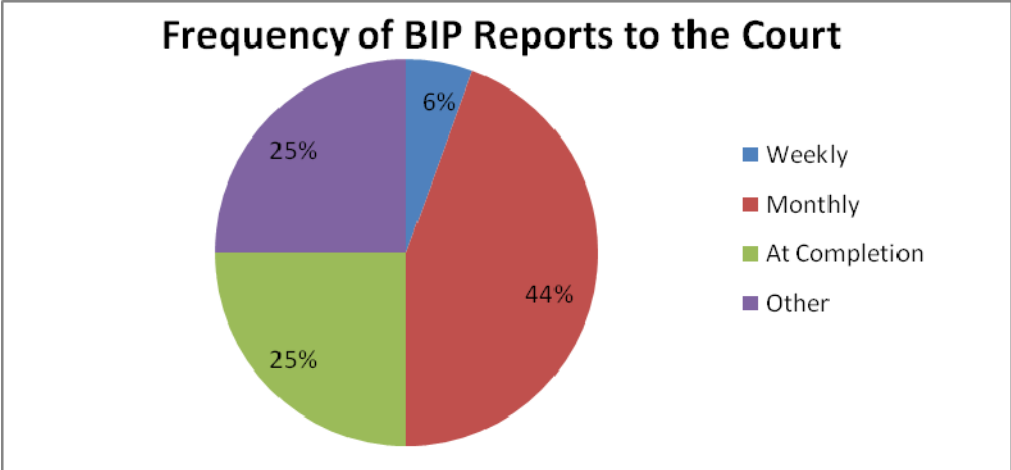
Approximately 72% of the judges report that ordered community services are monitored for compliance. Judges also indicate that a court case manager is most likely the staff responsible for compliance monitoring, followed by clerk of court staff. See Table 7 below.

**Table 7**



The BIPs report they provide the court with a varying amount of information regarding respondents’ attendance and progress in the program, ranging from weekly progress notes, monthly progress notes, notes on request, to program completion letters. Sixty-five percent of the BIPs report on aggregate program data. Forty-seven percent of the BIP respondents report that they provide data on individual respondent program attendance and progress to the judges or to court administration. See Table 8 below.

**Table 8**



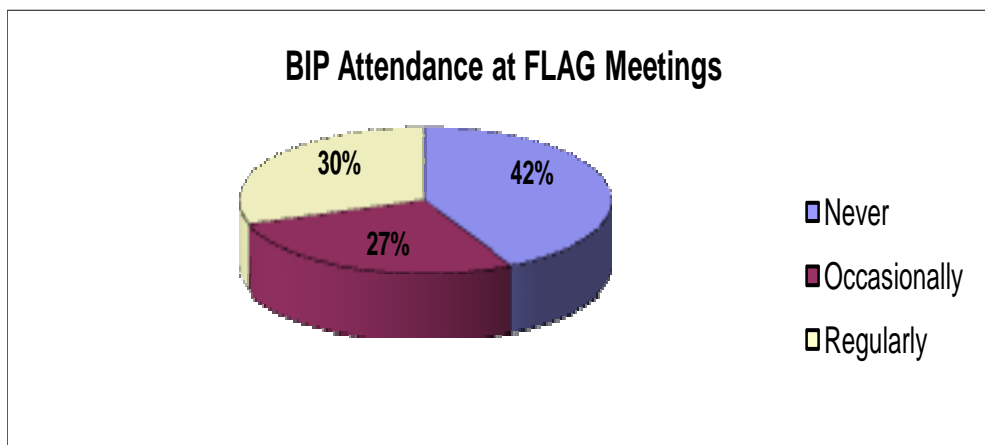
## Engaging Service Providers in the Court Process

Twenty-eight percent of BIP survey respondents indicate that a BIP representative attends the return hearing for a final judgment for protection against domestic violence. Forty-four percent of BIP representatives attend final hearings in more than one county.

Almost 96% of domestic violence shelter participants report attendance at the return hearing for a final judgment of injunction for protection against domestic violence. Advocates usually attend hearings in one county.

The BIPs were asked several questions regarding the awareness and participation of the BIPs in the courts' established Family Law Advisory Groups (FLAG). The FLAGs are convened in each circuit and are open to court staff, judges, members of the bar, social services providers, local community leaders and any other interested persons or organizations to support and advise the family court. Approximately 41% of BIPs were aware of their local FLAG with 30% regularly attending the meetings. See Table 9 below.

**Table 9**

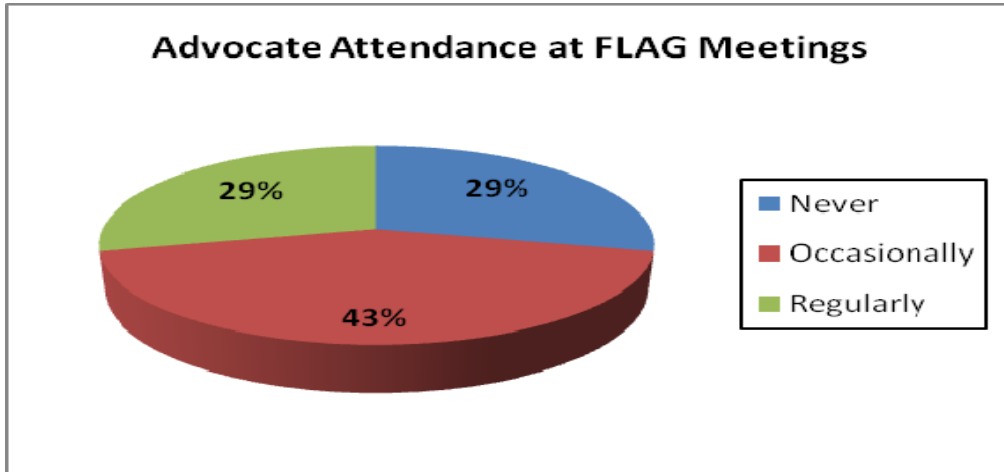


The BIPS were asked if they have ever presented information to the judges and court administration in their local circuit on the services provided by their community program. Fifty-seven percent report they had done so.

Sixty-five percent of the domestic violence centers report they have done a presentation on the role of the shelter and domestic violence advocates to the judges and court administration staff in their circuit. Approximately 44% of

the centers report they are aware of the local FLAG with 29% attending regularly. See Table 10 below.

**Table 10**

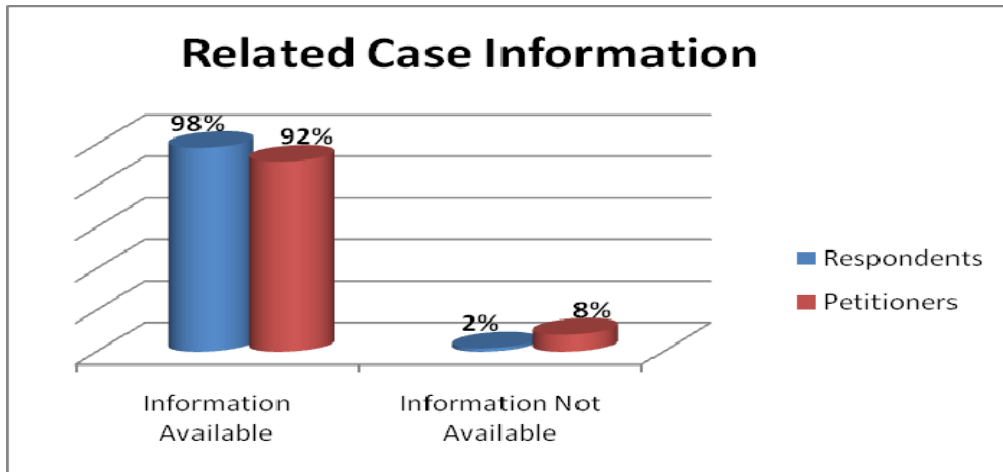


**Other Results**

*Related Case Information*

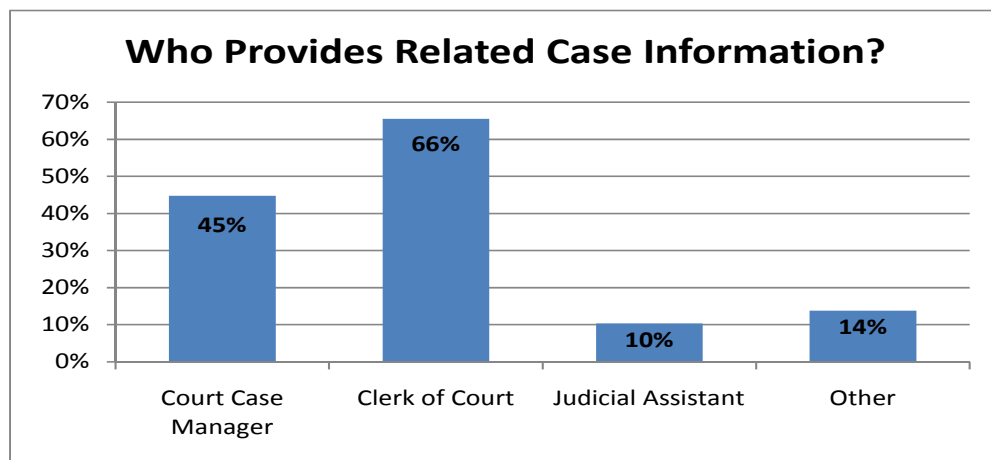
Judges indicate that they typically receive information on related cases for both respondents and petitioners. Related case information may include information on pending or past cases, both civil and criminal, for the parties in the domestic injunction case. Information from related cases may help determine the need for community services or treatment. As indicated in Table 11 below, 98% of the participating judges state they do receive information on related cases involving respondents, while slightly less, 91.7%, receive such information regarding petitioners.

**Table 11**



The judges report the clerk of court most frequently provides the related case information, followed by information provided by a court case manager. Please see Table 12 below (Responses total more than 100% as judges were able to check more than one category.)

**Table 12**



### *Child Support*

Judges were also asked if they order temporary child support at the return hearing for the final injunction if requested by the petitioner. Sixty-two percent report that they do routinely order temporary child support if requested.

### *Judicial Resources*

Each judicial circuit in Florida has court case managers or domestic violence coordinators who are responsible in differing degrees for the court case management of domestic violence injunction cases. Some court case managers have responsibilities for other family court cases, while others manage only the domestic violence civil cases. Sixty-seven percent of the court case managers report they routinely attend domestic violence injunction hearings. Of those attending injunction hearings, 69% report they attend court hearings for final injunctions for protection against domestic violence in one county.

Eighty-nine percent of court case managers report that petitioners and respondents are given specific information on how to request modification of the final injunction order at the time of the hearing.

## **Conclusion**

Early referral to services, monitoring compliance, and collaboration between the courts and service providers are critical components of Unified Family Court. Courts that successfully incorporate these concepts have the best opportunity to promote long-term stability in matters involving children and families. This survey is a first glimpse of how these components are currently integrated into domestic violence injunction cases.

The Office of Court Improvement is engaged in a major strategic planning initiative for our domestic violence court improvement unit and will use the findings from this survey to inform that process. We are indebted to the many community stakeholders who participated in this survey and in our planning efforts.

Office of the State Courts Administrator  
Office of Court Improvement  
**Domestic Violence Injunction Survey**

**DOMESTIC VIOLENCE JUDGES SURVEY**

- 1) In what judicial circuit do you hear cases?  
  
\_\_\_\_\_
- 2) Do you hear **final** judgment for protection against domestic violence cases?  
 Yes  No (Stop here and submit)
- 3) If yes, in your best estimate, what percentage of your work week is spent hearing final injunction cases?  
  
\_\_\_\_\_ %
- 4) At the final injunction hearing, are you provided information on related cases for the respondent?  
  
 Yes  No
- 5) At the final injunction hearing, are you provided information on related cases for the petitioner?  
  
 Yes  No
- 6) If yes, who provides the related case information? (Check all that apply)  
  
 Court case manager  Judicial assistant  
 Clerk of court  Other \_\_\_\_\_
- 7) Please estimate, to the best of your ability, the percentage of final injunction cases in which the respondents meet one or more of the criteria in section 741.30(6)(e), F.S. (criteria for mandatory BIP attendance)  
  
\_\_\_\_\_ %
- 8) Of this percentage of cases, how frequently do you order the respondent to attend a certified batterers' intervention program?  
  
\_\_\_\_\_ % of the time

- 9) In what percentage of cases in which respondents meet the criteria in section 741.30(6)(e), F.S. do you make written findings of fact based on substantial evidence in the final judgment that BIP **is not** appropriate?

\_\_\_\_\_ %

- 10) Please describe situations in which you have found BIP to be inappropriate when the criteria in section 741.30(6)(e), F.S. have been met.

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- 11) Do you order respondents to a batterers' intervention program even when they **do not** meet statutory requirements of section 741.30(6)(e), F.S.?

Yes  No

- 12) If yes, how do you determine the need for BIP? (Check all that apply)

Petitioner request  Information from related cases  
 Information at hearing  Other \_\_\_\_\_

- 13) Do you order respondents to batterers' intervention programs for less than 26 weeks?

Yes  No

- 14) If yes, what is the average number of weeks that you order for BIP attendance if less than 26 weeks?

\_\_\_\_\_

- 15) If yes, to your best estimate, what percentage of respondents do you order to BIPs for less than 26 weeks?

\_\_\_\_\_

- 16) If there is an identified need, do you routinely order respondents to participate in:

YES NO

Substance abuse treatment		
Mental health treatment		
Anger management classes		
Supervised visitation program		
Other		

17) How do you determine the need for such services? (Please check the source from which you most frequently receive information to determine need in each category.)

	Petitioner request	Information at hearing	Information from related cases	Other
Substance abuse treatment				
Mental health treatment				
Anger management classes				
Supervised visitation program				
Other				

18) Does anyone monitor compliance with ordered community services or treatment?

Yes  No  Don't know

19) If yes, who monitors compliance on ordered community services or treatment? (Check all that apply)

- Court case manager
- Clerk of court
- BIP provider
- Don't know
- Magistrate
- Domestic violence advocate
- Mental health or substance abuse provider
- Other \_\_\_\_\_

20) Do you routinely order temporary child support at the final injunction hearing if requested on the petition?

Yes  No

21) To your best estimate, what percentage of your final injunction orders are issued to be in effect until further order of the court (are "permanent")?

\_\_\_\_\_ %

22) If you issue final injunction orders with a specified date of expiration, what length of time do you usually specify?

- Less than 6 months       6 – 12 months  
 More than 12 months

23) Do you give petitioners and respondents specific information on how to request modification of the permanent injunction order? (i.e. participation in a supervised visitation program.)

- Yes       No

24) Please provide any additional information regarding the issuance of final injunctions for protection against domestic violence and the provision of treatment or community services:

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**THANK YOU**



8) When the court orders or recommends treatment or community services for respondents, are they given specific referral information, such as contact person, location and fees, at the time of the final injunction hearing?

- Yes  No

9) If yes, who provides the referral information? (Check all that apply)

- |   |  |
|---|--|
| <input type="checkbox"/> Court case manager | <input type="checkbox"/> Domestic violence advocate                |
| <input type="checkbox"/> Clerk of court     | <input type="checkbox"/> Bailiff                                   |
| <input type="checkbox"/> BIP provider       | <input type="checkbox"/> Mental health or substance abuse provider |
| <input type="checkbox"/> Don't know         | <input type="checkbox"/> Other _____                               |

10) If the respondent is not given referral information at the hearing, is it provided later?

- Yes  No  Don't know

11) If yes, how is it provided? (Check all that apply)

- |   |  |
|---|--|
| <input type="checkbox"/> Court case manager | <input type="checkbox"/> Domestic violence advocate                |
| <input type="checkbox"/> Clerk of court     | <input type="checkbox"/> Bailiff                                   |
| <input type="checkbox"/> BIP provider       | <input type="checkbox"/> Mental health or substance abuse provider |
| <input type="checkbox"/> Don't know         | <input type="checkbox"/> Other _____                               |

12) Does anyone monitor compliance with ordered community services or treatment?

- Yes  No  Don't know

13) If yes, who monitors compliance with ordered community services or treatment? (Check all that apply)

- |   |  |
|---|--|
| <input type="checkbox"/> Court case manager | <input type="checkbox"/> Magistrate                                |
| <input type="checkbox"/> Clerk of court     | <input type="checkbox"/> Domestic violence advocate                |
| <input type="checkbox"/> BIP provider       | <input type="checkbox"/> Mental health or substance abuse provider |
| <input type="checkbox"/> Don't know         | <input type="checkbox"/> Other _____                               |

14) Are petitioners and respondents given specific information on how to request modification of the permanent injunction order? (i.e. participation in a supervised visitation program.)

Yes  No

15) Please provide any additional information regarding the issuance of final injunctions for protection against domestic violence and the provision of treatment or community services:

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**THANK YOU**

Office of the State Courts Administrator  
Office of Court Improvement  
**Domestic Violence Injunction Survey**

**BATTERERS' INTERVENTION PROGRAM SURVEY**

- 1) In what judicial circuit(s) does your agency provide services?  
\_\_\_\_\_
- 2) What is your position at the batterers' intervention program (BIP)?  
\_\_\_\_\_
- 3) Do you or someone from your agency attend final judgment of injunction for protection against domestic violence hearings? (If no, skip to #6)
- Yes                       No
- 4) If yes, what percentage of your work week is spent at final injunction hearings?  
\_\_\_\_\_%
- 5) Do you or program staff attend domestic violence injunction hearings in:
- One county only                       Two or more counties  
 Circuit wide
- 6) Is your program aware of the Family Law Advisory Group (FLAG) in your circuit? (Each circuit has a FLAG that is open to court staff, judges, and members of the bar, social service providers, local community leaders and any other interested persons or organizations to support and advise the family court. Your circuit may convene this group, which is broader in scope than a Domestic Violence Task Force, using another name.)
- Yes                       No
- 7) If yes, how often do you or program staff attend the meetings?
- Never                       Occasionally                       Regularly

8) Have your program ever done a presentation to the judges in your circuit regarding your batterers' intervention program?

- Yes  No

9) Do you provide any data from your BIP to the judges or to court administration in your circuit?

- Yes  No

10) If yes, what type of data?

\_\_\_\_\_

11) When the judge orders a BIP for the respondent, do you provide specific referral information, such as contact person, location and fees, at the time of the final injunction hearing?

- Yes  No

12) If no, do any of the following provide the referral information? (Check all that apply)

- Court case manager  Clerk of Court  
 Bailiff  Don't know  
 Other \_\_\_\_\_

13) If the respondent is not given referral information at the hearing, do you provide it later?

- Yes  No

14) If no, who provides the referral information? (Check all that apply)

- Court case manager  Clerk of Court  
 Bailiff  Don't know  
 Other \_\_\_\_\_

15) What is your role in communicating to the court regarding attendance and progress on program participants ordered to BIP in civil injunction cases?

\_\_\_\_\_

16) If your role is monitoring attendance and progress and the respondent is not attending the BIP, at what point do you notify the court?

- After one absence
- 2-3 absences
- 4 or more absences
- N/A

17) Do you submit regular progress reports on the respondents' BIP attendance and progress for civil injunction cases to the court?

- Yes
- No

18) If yes, at what frequency?

- Weekly
- Monthly
- At completion
- Other\_\_\_\_\_

19) Please provide any additional information regarding the issuance of final injunctions for protection against domestic violence and the provision of batterers' intervention services:

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**THANK YOU**

Office of the State Courts Administrator  
Office of Court Improvement  
Domestic Violence Injunction Survey

**DOMESTIC VIOLENCE ADVOCATE SURVEY**

1) In what judicial circuit(s) does your agency provide services?

\_\_\_\_\_

2) What is your position at the domestic violence center?

\_\_\_\_\_

3) Do you or someone from your agency attend final judgment of injunction for protection against domestic violence hearings? (If no, skip to #5)

Yes                       No

4) If yes, do you attend domestic violence injunction hearings in:

One county only                       Two or more counties  
 Circuit wide

5) Is your agency aware of the Family Law Advisory Group (FLAG) in your circuit? (Each circuit has a FLAG that is open to court staff, judges, and members of the bar, social service providers, local community leaders and any other interested persons or organizations to support and advise the family court. Your circuit may convene this group, which is broader in scope than a Domestic Violence Task Force, using another name.)

Yes                       No

6) If yes, does someone from your agency attend the meetings?

Never                       Occasionally                       Regularly

7) Have your agency ever done a presentation to the judges in your circuit regarding the role of a domestic violence advocate and/or the services your agency provides?

Yes                       No

8) When the petitioner indicates on the petition that the respondent has a need for services on one or more of the following issues, does the judge routinely order services to address that issue?

	YES	NO	DON'T KNOW
Substance abuse treatment			
Batterer's intervention program			
Mental health treatment			
Anger management classes			
Supervised visitation			
Other			

9) Is temporary child support ordered at the final injunction hearing if requested on the petition?

Yes       No       Don't know

10) Please provide any additional information regarding the issuance of final injunctions for protection against domestic violence and the provision of treatment or community services:

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**THANK YOU**

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## The 2006 Florida Statutes

### Title XLIII

#### DOMESTIC RELATIONSCapter 741

#### MARRIAGE; DOMESTIC VIOLENCEView Entire Chapter

741.2902 Domestic violence; legislative intent with respect to judiciary's role. --

(1) It is the intent of the Legislature, with respect to domestic violence cases, that at the first appearance the court shall consider the safety of the victim, the victim's children, and any other person who may be in danger if the defendant is released, and exercise caution in releasing defendants.

(2) It is the intent of the Legislature, with respect to injunctions for protection against domestic violence, issued pursuant to s. 741.30, that the court shall:

(a) Recognize that the petitioner's safety may require immediate removal of the respondent from their joint residence and that there can be inherent danger in permitting the respondent partial or periodic access to the residence.

(b) Ensure that the parties have a clear understanding of the terms of the injunction, the penalties for failure to comply, and that the parties cannot amend the injunction verbally, in

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writing, or by invitation to the residence.

(c) Ensure that the parties have knowledge of legal rights and remedies including, but not limited to, visitation, child support, retrieving property, counseling, and enforcement or modification of the injunction.

(d) Consider temporary child support when the pleadings raise the issue and in the absence of other support orders.

(e) Consider supervised visitation, withholding visitation, or other arrangements for visitation that will best protect the child and petitioner from harm.

(f) Enforce, through a civil or criminal contempt proceeding, a violation of an injunction for protection against domestic violence.

(g) Consider requiring the perpetrator to complete a batterers' intervention program. It is preferred that such program be certified under s. 741.32.

History.--s. 5, ch. 91-210; s. 4, ch. 94-134; s. 4, ch. 94-135; s. 13, ch. 94-170; s. 4, ch. 95-195; s. 11, ch. 2002-55.

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Joint Legislative Committee on Everglades Oversight (JCEO)  
Joint Legislative Sunset Committee (JCSA)  
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741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement. --

(1) There is created a cause of action for an injunction for protection against domestic violence.

(a) Any person described in paragraph (e), who is either the victim of domestic violence as defined in s. 741.28 or has reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of domestic violence, has standing in the circuit court to file a sworn petition for an injunction for protection against domestic violence.

(b) This cause of action for an injunction 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 shall be alleged in the petition.

(c) In the event a subsequent cause of action is filed under chapter 61, any orders entered therein shall take precedence

over any inconsistent provisions of an injunction issued under this section which addresses matters governed by chapter 61.

(d) A person's right to petition for an injunction shall not be affected by such person having left a residence or household to avoid domestic violence.

(e) This cause of action for an injunction may be sought by family or household members. No person shall be precluded from seeking injunctive relief pursuant to this chapter solely on the basis that such person is not a spouse.

(f) This cause of action for an injunction shall not require that either party be represented by an attorney.

(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.

(h) Nothing in this section shall affect the title to any real estate.

(i) The court is prohibited from issuing mutual orders of protection. This does not preclude the court from issuing separate injunctions for protection against domestic violence where each party has complied with the provisions of this section. Compliance with the provisions of this section cannot be waived.

(j) Notwithstanding any provision of chapter 47, a petition for an injunction for protection against domestic violence may be filed in the circuit where the petitioner currently or temporarily resides, where the respondent resides, or where the domestic violence occurred. There is no minimum requirement of residency to petition for an injunction for protection.

(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. However, subject to legislative appropriation, the clerk of the circuit court may, on a quarterly basis, submit to the Office of the State Courts Administrator a certified request for reimbursement for petitions for protection against domestic violence issued by the court, at the rate of \$40 per petition. The request for reimbursement shall be submitted in the form and manner prescribed by the Office of the State Courts Administrator. From this reimbursement, the clerk shall pay any law enforcement agency serving the injunction the fee requested by the law enforcement agency; however, this fee shall not exceed \$20.

(b) No bond shall be required by the court for the entry of an injunction.

(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).

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.

7. The clerk of the court in each county shall make available informational brochures on domestic violence when such brochures are provided by local certified domestic violence centers.

8. The clerk of the court in each county shall distribute a statewide uniform informational brochure to petitioners at the time of filing for an injunction for protection against domestic or repeat violence when such brochures become available. The brochure must include information about the effect of giving the court false information about domestic violence.

(3)(a) The sworn petition shall allege the existence of such domestic violence and shall include the specific facts and circumstances upon the basis of which relief is sought.

(b) The sworn petition shall be in substantially the following form:

PETITION FOR  
INJUNCTION FOR PROTECTION  
AGAINST DOMESTIC VIOLENCE

Before me, the undersigned authority, personally appeared Petitioner (Name) , who has been sworn and says that the following statements are true:

(a) Petitioner resides at: (address)

(Petitioner may furnish address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of the current residence to be confidential.)

(b) Respondent resides at: (last known address)

(c) Respondent's last known place of employment: (name of business and address)

(d) Physical description of respondent: \_\_\_\_\_

Race\_\_\_\_\_

Sex\_\_\_\_\_

Date of birth\_\_\_\_\_

Height\_\_\_\_\_

Weight\_\_\_\_\_

Eye color\_\_\_\_\_

Hair color\_\_\_\_\_

Distinguishing marks or scars\_\_\_\_\_

(e) Aliases of respondent: \_\_\_\_\_

(f) Respondent is the spouse or former spouse of the petitioner or is any other person related by blood or marriage to the petitioner or is any other person who is or was residing within a single dwelling unit with the petitioner, as if a family, or is a person with whom the petitioner has a child in common, regardless of whether the petitioner and respondent are or were married or residing together, as if a family.

(g) The following describes any other cause of action currently pending between the petitioner and respondent:

The petitioner should also describe any previous or pending attempts by the petitioner to obtain an injunction for protection against domestic violence in this or any other circuit, and the results of that attempt

Case numbers should be included if available.

(h) Petitioner is either a victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence because respondent has \_\_\_\_\_(mark all sections that apply and describe in the spaces below the incidents of violence or threats of violence, specifying when and where they occurred, including, but not limited to, locations such as a home, school, place of employment, or visitation exchange)\_\_\_\_\_:

\_\_\_\_\_committed or threatened to commit domestic violence defined in s. 741.28, Florida Statutes, as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another. With the exception of persons who are parents of a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

\_\_\_\_\_previously threatened, harassed, stalked, or physically abused the petitioner.

\_\_\_\_\_attempted to harm the petitioner or family members or individuals closely associated with the petitioner.

\_\_\_\_\_threatened to conceal, kidnap, or harm the petitioner's child or children.

\_\_\_\_\_intentionally injured or killed a family pet.

\_\_\_\_\_used, or has threatened to use, against the petitioner any weapons such as guns or knives.

\_\_\_\_\_physically restrained the petitioner from leaving the home or calling law enforcement.

\_\_\_\_\_a criminal history involving violence or the threat of violence (if known).

\_\_\_\_\_another order of protection issued against him or her previously or from another jurisdiction (if known).

\_\_\_\_\_destroyed personal property, including, but not limited to, telephones or other communication equipment, clothing, or other items belonging to the petitioner.

\_\_\_\_\_engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence.

(i) Petitioner alleges the following additional specific facts: (mark appropriate sections)

\_\_\_\_\_Petitioner is the custodian of a minor child or children whose names and ages are as follows:

\_\_\_\_\_Petitioner needs the exclusive use and possession of the dwelling that the parties share.

\_\_\_\_\_Petitioner is unable to obtain safe alternative housing because:

\_\_\_\_\_Petitioner genuinely fears that respondent imminently will abuse, remove, or hide the minor child or children from petitioner because:

(j) Petitioner genuinely fears imminent domestic violence by respondent.

(k) Petitioner seeks an injunction: (mark appropriate section or sections)

\_\_\_\_\_Immediately restraining the respondent from committing any acts of domestic violence.

\_\_\_\_\_Restraining the respondent from committing any acts of domestic violence.

\_\_\_\_\_Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

\_\_\_\_\_Awarding temporary custody of, or temporary visitation rights with regard to, the minor child or children of the parties, or prohibiting or limiting visitation to that which is supervised by a third party.

\_\_\_\_\_Establishing temporary support for the minor child or children or the petitioner.

\_\_\_\_\_Directing the respondent to participate in a batterers' intervention program or other treatment pursuant to s. 39.901, Florida Statutes.

\_\_\_\_\_Providing any terms the court deems necessary for the protection of a victim of domestic violence, or any minor children of the victim, including any injunctions or directives to law enforcement agencies.

(c) Every petition for an injunction against domestic violence shall contain, directly above the signature line, a statement in all capital letters and bold type not smaller than the surrounding text, as follows:

I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE

(i n i t i a l s)

(d) If the sworn petition seeks to determine issues of custody or visitation with regard to the minor child or children of the parties, the sworn petition shall be accompanied by or shall incorporate the allegations required by s. 61.522 of the Uniform Child Custody Jurisdiction and Enforcement Act.

(4) Upon the filing of the petition, the court shall set a hearing to be held at the earliest possible time. The respondent shall be personally served with a copy of the petition, financial affidavit, Uniform Child Custody Jurisdiction and Enforcement Act affidavit, if any, notice of hearing, and temporary injunction, if any, prior to the hearing.

(5)(a) When it appears to the court that an immediate and present danger of domestic violence exists, the court may grant a temporary injunction ex parte, pending a full hearing, and may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.

2. Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in s. 61.13, granting to the petitioner temporary custody of a minor child. An order of temporary custody remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child.

(b) In a hearing ex parte for the purpose of obtaining such ex parte temporary injunction, no evidence other than verified pleadings or affidavits shall be used as evidence, unless the respondent appears at the hearing or has received reasonable notice of the hearing. 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 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 the Florida Rules of Civil Procedure.

(c) Any such ex parte temporary injunction shall be effective for a fixed period not to exceed 15 days. A full hearing, as provided by this section, 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 hearing before or during a hearing for good cause shown by any party, which shall include a continuance to obtain service of process. Any injunction shall be extended if necessary to remain in full force and effect during any period of continuance.

(6)(a) Upon notice and hearing, when it appears to the court that the petitioner is either the victim of domestic violence as defined by s. 741.28 or has reasonable cause to believe he

or she is in imminent danger of becoming a victim of domestic violence, the court may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.
2. Awarding to the petitioner the exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.
3. On the same basis as provided in chapter 61, awarding temporary custody of, or temporary visitation rights with regard to, a minor child or children of the parties. An order of temporary custody or visitation remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child.
4. On the same basis as provided in chapter 61, establishing temporary support for a minor child or children or the petitioner. An order of temporary support remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting child support.
5. Ordering the respondent to participate in treatment, intervention, or counseling services to be paid for by the respondent. When the court orders the respondent to participate in a batterers' intervention program, the court, or any entity designated by the court, must provide the respondent with a list of all certified batterers' intervention programs and all programs which have submitted an application to the Department of Children and Family Services to become certified under s. 741.32, from which the respondent must choose a program in which to participate. If there are no certified batterers' intervention programs in the circuit, the court shall provide a list of acceptable programs from which the respondent must choose a program in which to participate.
6. Referring a petitioner to a certified domestic violence center. The court must provide the petitioner with a list of certified domestic violence centers in the circuit which the petitioner may contact.
7. Ordering such other relief as the court deems necessary for the protection of a victim of domestic violence, including injunctions or directives to law enforcement agencies, as provided in this section.

(b) In determining whether a petitioner has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court shall consider and evaluate all relevant factors alleged in the petition, including, but not limited to:

1. The history between the petitioner and the respondent, including threats, harassment, stalking, and physical abuse.
2. Whether the respondent has attempted to harm the petitioner or family members or individuals closely associated with the petitioner.
3. Whether the respondent has threatened to conceal, kidnap, or harm the petitioner's child or children.
4. Whether the respondent has intentionally injured or killed a family pet.
5. Whether the respondent has used, or has threatened to use, against the petitioner any weapons such as guns or knives.
6. Whether the respondent has physically restrained the petitioner from leaving the home or calling law enforcement.
7. Whether the respondent has a criminal history involving

violence or the threat of violence.

8. The existence of a verifiable order of protection issued previously or from another jurisdiction.

9. Whether the respondent has destroyed personal property, including, but not limited to, telephones or other communications equipment, clothing, or other items belonging to the petitioner.

10. Whether the respondent engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence.

In making its determination under this paragraph, the court is not limited to those factors enumerated in subparagraphs

1.-10.

(c) The terms of an injunction restraining the respondent under subparagraph (a)1. or ordering other relief for the protection of the victim under subparagraph (a)7. shall remain in effect until modified or dissolved. Either party may move at any time to modify or dissolve the injunction. No specific allegations are required. Such relief may be granted in addition to other civil or criminal remedies.

(d) A temporary or final judgment on injunction for protection against domestic violence entered pursuant to this section shall, on its face, indicate that:

1. The injunction is valid and enforceable in all counties of the State of Florida.

2. Law enforcement officers may use their arrest powers pursuant to s. 901.15(6) to enforce the terms of the injunction.

3. The court had jurisdiction over the parties and matter under the laws of Florida and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person's right to due process.

4. The date respondent was served with the temporary or final order, if obtainable.

(e) An injunction for protection against domestic violence entered pursuant to this section, on its face, may order that the respondent attend a batterers' intervention program as a condition of the injunction. Unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why batterers' intervention programs would be inappropriate, the court shall order the respondent to attend a batterers' intervention program if:

1. It finds that the respondent willfully violated the ex parte injunction;

2. The respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence; or

3. The respondent, in this state or any other state, has had at any time a prior injunction for protection entered against the respondent after a hearing with notice.

It is mandatory that such programs be certified under s. 741.32.

(f) The fact that a separate order of protection is granted to each opposing party shall not be legally sufficient to deny any remedy to either party or to prove that the parties are equally at fault or equally endangered.

(g) A final judgment on injunction for protection against domestic violence entered pursuant to this section must, on

its face, indicate that it is a violation of s. 790.233, and a first degree misdemeanor, for the respondent to have in his or her care, custody, possession, or control any firearm or ammunition.

(h) All proceedings under this subsection shall be recorded. Recording may be by electronic means as provided by the Rules of Judicial Administration.

(7) The court shall allow an advocate from a state attorney's office, an advocate from a law enforcement agency, or an advocate from a certified domestic violence center who is registered under s. 39.905 to be present with the petitioner or respondent during any court proceedings or hearings related to the injunction for protection, provided the petitioner or respondent has made such a request and the advocate is able to be present.

(8)(a)1. The clerk of the court shall furnish a copy of the petition, financial affidavit, Uniform Child Custody Jurisdiction and Enforcement Act affidavit, if any, notice of hearing, and temporary injunction, if any, to the sheriff or a law enforcement agency of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. The clerk of the court shall be responsible for furnishing to the sheriff such information on the respondent's physical description and location as is required by the department to comply with the verification procedures set forth in this section.

Notwithstanding any other provision of law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the jurisdiction to effect service. A law enforcement agency serving injunctions pursuant to this section shall use service and verification procedures consistent with those of the sheriff.

2. When an injunction is issued, if the petitioner requests the assistance of a law enforcement agency, the court may order that an officer from the appropriate law enforcement agency accompany the petitioner and assist in placing the petitioner in possession of the dwelling or residence, or otherwise assist in the execution or service of the injunction. A law enforcement officer shall accept a copy of an injunction for protection against domestic violence, certified by the clerk of the court, from the petitioner and immediately serve it upon a respondent who has been located but not yet served.

3. All orders issued, changed, continued, extended, or vacated subsequent to the original service of documents enumerated under subparagraph 1., shall be certified by the clerk of the court and delivered to the parties at the time of the entry of the order. The parties may acknowledge receipt of such order in writing on the face of the original order. In the event a party fails or refuses to acknowledge the receipt of a certified copy of an order, the clerk shall note on the original order that service was effected. If delivery at the hearing is not possible, the clerk shall mail certified copies of the order to the parties at the last known address of each party. Service by mail is complete upon mailing. When an order is served pursuant to this subsection, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service and shall notify the sheriff.

If 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 petition for injunction 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.

(b) There shall be created a Domestic and Repeat Violence Injunction Statewide Verification System within the Department of Law Enforcement. The department shall establish, implement, and maintain a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions and repeat violence injunctions issued by the courts throughout the state. Such information must include, but is not limited to, information as to the existence and status of any injunction for verification purposes.

(c)1. Within 24 hours after the court issues an injunction for protection against domestic violence or changes, continues, extends, or vacates an injunction for protection against domestic violence, the clerk of the court must forward a certified copy of the injunction for service to the sheriff with jurisdiction over the residence of the petitioner. The injunction must be served in accordance with this subsection.

2. Within 24 hours after service of process of an injunction for protection against domestic violence upon a respondent, the law enforcement officer must forward the written proof of service of process to the sheriff with jurisdiction over the residence of the petitioner.

3. Within 24 hours after the sheriff receives a certified copy of the injunction for protection against domestic violence, the sheriff must make information relating to the injunction available to other law enforcement agencies by electronically transmitting such information to the department.

4. Within 24 hours after the sheriff or other law enforcement officer has made service upon the respondent and the sheriff has been so notified, the sheriff must make information relating to the service available to other law enforcement agencies by electronically transmitting such information to the department.

5. Within 24 hours after an injunction for protection against domestic violence is vacated, terminated, or otherwise rendered no longer effective by ruling of the court, the clerk of the court must notify the sheriff receiving original notification of the injunction as provided in subparagraph 2. That agency shall, within 24 hours after receiving such notification from the clerk of the court, notify the department of such action of the court.

(9)(a) The court may enforce a violation of an injunction for protection against domestic violence through a civil or criminal contempt proceeding, or the state attorney may prosecute it as a criminal violation under s. 741.31. The court may enforce the respondent's compliance with the injunction through any appropriate civil and criminal remedies, including, but not limited to, a monetary assessment or a fine. The clerk of the court shall collect and receive such assessments or fines. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the State Treasury for deposit in the Domestic Violence Trust Fund established in s. 741.01.

(b) If the respondent is arrested by a law enforcement officer under s. 901.15(6) or for a violation of s. 741.31, the respondent shall be held in custody until brought before the court as expeditiously as possible for the purpose of

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enforcing the injunction and for admittance to bail in  
accordance with chapter 903 and the applicable rules of  
criminal procedure, pending a hearing.

(10) The petitioner or the respondent may move the court to  
modify or dissolve an injunction at any time.

History.--s. 1, ch. 79-402; s. 481, ch. 81-259; s. 4, ch.  
82-135; s. 10, ch. 84-343; s. 1, ch. 85-216; s. 1, ch. 86-264;  
s. 21, ch. 87-95; s. 1, ch. 87-395; s. 6, ch. 91-210; s. 3,  
ch. 91-306; s. 1, ch. 92-42; s. 5, ch. 94-134; s. 5, ch.  
94-135; s. 5, ch. 95-195; s. 3, ch. 96-392; s. 56, ch. 96-418;  
s. 5, ch. 97-155; s. 2, ch. 98-284; s. 158, ch. 98-403; ss.  
12, 13, ch. 2002-55; s. 6, ch. 2002-65; s. 113, ch. 2003-402;  
s. 9, ch. 2005-239.

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741.31 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

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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 includes 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.

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741.325 Guideline authority. --The Department of Children and Family Services shall promulgate guidelines to govern purpose, policies, standards of care, appropriate intervention approaches, inappropriate intervention approaches during the batterers' program intervention phase (to include couples counseling and mediation), conflicts of interest, assessment, program content and specifics, qualifications of providers, and credentials for facilitators, supervisors, and trainees. The department shall, in addition, establish specific procedures governing all aspects of program operation, including administration, personnel, fiscal matters, victim and batterer records, education, evaluation, referral to treatment and other matters as needed. In addition, the rules shall establish:

- (1) That the primary purpose of the programs shall be victim safety and the safety of the children, if present.
- (2) That the batterer shall be held accountable for acts of domestic violence.

(3) That the programs shall be at least 29 weeks in length and shall include 24 weekly sessions, plus appropriate intake, assessment, and orientation programming.

(4) That the program be a psychoeducational model that employs a program content based on tactics of power and control by one person over another.

(5) That the programs and those who are facilitators, supervisors, and trainees be certified to provide these programs through initial certification and that the programs and personnel be annually monitored to ensure that they are meeting specified standards.

(6) The intent that the programs be user-fee funded with fees from the batterers who attend the program as payment for programs is important to the batterer taking responsibility for the act of violence, and from those seeking certification. Exception shall be made for those local, state, or federal programs that fund batterers' intervention programs in whole or in part.

(7) Standards for rejection and suspension for failure to meet certification standards.

(8) That these standards shall apply only to programs that address the perpetration of violence between intimate partners, spouses, ex-spouses, or those who share a child in common or who are cohabitants in intimate relationships for the purpose of exercising power and control by one over the other. It will endanger victims if courts and other referral agencies refer family and household members who are not perpetrators of the type of domestic violence encompassed by these standards. Accordingly, the court and others who make referrals should refer perpetrators only to programming that appropriately addresses the violence committed.

History.--s. 17, ch. 95-195; s. 3, ch. 2001-183.