

Interpersonal Violence Injunctions (DV, SV, Dating, Repeat, Stalking) Case Law

Florida Supreme Court

No new opinions for this reporting period.

First District Court of Appeal

No new opinions for this reporting period.

Second District Court of Appeal

Youssef v. Zaitouni, __ So. 3d __, 2018 WL 844062 (Fla. 2d DCA 2018). **INJUNCTION VACATED DUE TO LACK OF JURISDICTION**. The respondent appealed the trial court's denial of his motion to vacate a temporary injunction against him for protection against domestic violence and to dismiss the petition for the injunction on the ground that the court lacked personal jurisdiction over him. The respondent was a resident of Ohio where he had lived with his minor children five years before the couple's separation. The petitioner and the children moved to Florida ten days before filing for the injunction. The respondent was served in Ohio and asserted that he was not a Florida resident, and therefore that the trial court lacked personal jurisdiction over him. The appellate court agreed and noted that s. 741.30(6), F.S., provides that the court must have jurisdiction over the parties, and that in this case, the long-arm statute set out in s. 48.193, F.S. did not apply. The only contact the respondent had with Florida was that he had taken a few vacations in the state, and he'd had a single telephonic communication, which was not enough to support the court's jurisdiction. The case was reversed and remanded because the record provided no support for the trial court's exercise of personal jurisdiction over the respondent under the applicable statutes.

https://edca.2dca.org/DCADocs/2017/0926/170926_39_02142018_08343327_i.pdf (February 14, 2018)

Third District Court of Appeal

No new opinions for this reporting period.

Fourth District Court of Appeal

No new opinions for this reporting period.

Fifth District Court of Appeal

Curtis v. Reinhardt o/b/o R.B.C., __ So. 3d __, 2018 WL 663774 (Fla. 5th DCA 2018). **REVERSED DUE TO OVERBROAD SECTION OF ORDER**. The respondent appealed the final judgment of injunction for protection against sexual violence entered against him. The respondent claimed the child was very young and susceptible to manipulation, however, the appellate court disagreed and noted that the trial court found the testimony of the child credible and consistent concerning the occurrence of the sexual act and therefore, competent, substantial evidence supported the injunction. However, the appellate court did find that the psychosexual evaluation ordered was ambiguous, and remanded the case for the trial court to enter an order that complies with rule 1.360 by specifying the time, place, and physician's name, as well as the

manner, conditions, and scope of the evaluation. Otherwise, the appellate court affirmed on all other grounds.

<http://www.5dca.org/Opinions/Opin2018/012918/5D17-1024.op.pdf> (February 2, 2018)

Keller v. Ramseyer, ___ So. 3d ___, 2018 WL 791540 (Fla. 5th DCA 2018). **SEXUAL VIOLENCE INJUNCTIONS REVERSED**. The appellant appealed sexual violence injunctions that were issued based on the parent's testimony but after the children denied the allegations during an interview with the Child Protection Team. Appellant claimed that since there were no eyewitnesses, affidavits, or direct physical evidence to support the allegations admitted, there was not enough evidence to support the injunctions. The appellate court agreed and reversed.

<http://www.5dca.org/Opinions/Opin2018/020518/5D17-635.op.pdf> (February 9, 2018)