

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

Noe v. Noe, __ So. 3d __, 2017 WL 1372667 (Fla. 1st DCA 2017). **A PARTY SEEKING TO DISSOLVE AN INJUNCTION MUST DEMONSTRATE THAT THE SCENARIO UNDERLYING THE INJUNCTION NO LONGER EXISTS.** The initial injunction was ordered in 2000 and was based upon an incident of domestic violence that occurred when the parties were married and the petitioner was pregnant. The pair divorced and, after the child was born, the injunction was violated numerous times. Appellant was incarcerated in 2010. Once released, appellant motioned the court to dissolve the injunction. At the hearing on appellant's motion, the trial court decided that the evidence presented on the record supported the appellee's reasonable fear of continuing domestic violence and denied appellant's motion to dissolve the injunction. Appellant appealed, claiming that the trial court applied an incorrect standard in denying his motion and that his intervening incarceration was a sufficient change of the circumstances upon which the injunction was based to require dissolution of the injunction. The appellate court found no abuse of discretion, and affirmed the trial court's order. The court also noted that "a party seeking to dissolve an injunction must 'demonstrate that the scenario underlying the injunction no longer exists so that continuation of the injunction would serve no valid purpose.'" Here, the trial court exercised its discretion in concluding that the injunction still serves a valid purpose.
https://edca.1dca.org/DCADocs/2015/5455/155455_DC05_04132017_113500_i.pdf (April 13, 2017)

Second District Court of Appeal

No new opinions for this reporting period.

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

No new opinions for this reporting period.