

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

### ***Florida Supreme Court***

In re Amendments to Florida Supreme Court Approved Family Law Forms—12.980(b)(1), \_\_\_ So. 3d \_\_\_, 2018 WL 3062259 (Fla. 2018). **FORM AMENDED**. The Court amended form 12.980(b)(1) to clarify that the court must record both domestic violence and stalking hearings and the recording can be transcribed at either parties' expense. Hearings on a petition for an injunction for protection against repeat violence, dating violence, and sexual violence are not required to be recorded, but can be recorded if the party's arrange to do so at their expense.

<http://www.floridasupremecourt.org/decisions/2018/sc18-697.pdf> (June 21, 2018)

### ***First District Court of Appeal***

Smith v. Daniel, \_\_\_ So. 3d \_\_\_, 2018 WL 2472584 (Fla. 1st DCA 2018). **TRIAL COURT ABUSED DISCRETION BY NOT GIVING FULL FAITH AND CREDIT TO KENTUCY DV ORDER**. A mother appealed a portion of the Final Judgment of Dissolution of Marriage that awarded the father shared parental responsibility and supervised parenting time between the father and the minor child. The appellate court reversed the part of the judgment that allowed this contact, and found that the trial court abused its discretion by not giving full faith and credit to an unexpired Kentucky injunction for protection against domestic violence that prohibited the father from coming within 500 feet of the minor child. The court also noted that there was nothing in the order showing that the trial court seriously considered the prior domestic violence when determining the best interests of the child.

[https://edca.1dca.org/DCADocs/2017/4240/174240\\_1286\\_06042018\\_10505700\\_i.pdf](https://edca.1dca.org/DCADocs/2017/4240/174240_1286_06042018_10505700_i.pdf) (June 4, 2018)

Sager v. Holgren, \_\_\_ So. 3d \_\_\_, 2018 WL 3151291 (Fla 1st DCA 2018). **ATTORNEY FEES NOT ALLOWED IN DOMESTIC VIOLENCE INJUNCTION CASE**. The father filed a petition for an injunction for protection against domestic violence on behalf of the child against the mother. A temporary injunction was entered but then dismissed, and a permanent injunction was denied because the court determined there was insufficient evidence to support the injunction. Following the dismissal, the trial court awarded the mother \$500.00 in attorney's fees pursuant to s. 57.105, F.S. The father appealed, claiming that s. 741.30(1)(g), F.S., prohibits an award of attorney's fees. The mother responded that the action was brought under the repeat violence statute found in s. 784.046, F.S., not s. 741.30, F.S., and therefore, attorney's fees were allowable. The appellate court reversed, and noted that the petition and orders used in this case were standard Florida Supreme Court approved family law forms which consistently referred to domestic violence, not repeat violence. The record also showed that the parties and the trial court proceeded under s. 741.30, F.S., and therefore, the award of attorney's fees was prohibited.

[https://edca.1dca.org/DCADocs/2017/3607/173607\\_1284\\_06282018\\_10100566\\_i.pdf](https://edca.1dca.org/DCADocs/2017/3607/173607_1284_06282018_10100566_i.pdf) (June 28, 2018)

### ***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.