



JOSEPH ABRUZZO
CLERK OF THE CIRCUIT COURT & COMPTROLLER
PALM BEACH COUNTY

Injunctions for Protection



Workshop Overview

- About the Clerk of The Circuit Court & Comptroller's Office
- What is an Injunction for Protection
- Different types of injunctions
- How to request an injunction
- How to respond to an injunction
- Q & A



Clerk of the Circuit Court & Comptroller's Self-Service Center



- Clerk of the Circuit Court & Comptroller is the trustee of the county's public records and public funds.
- The Self-Service Center provides:
 - User-friendly forms/packets
 - Public access computers
 - Free Navigator Appointments for document preparation assistance
 - Notary services and more
- Clerk of the Circuit Court & Comptroller's office can only provide ministerial assistance and cannot give legal advice.

What is an Injunction for Protection?



- A court order that requires the Respondent to stay a certain distance away from the Petitioner, their residence, and workplace at all times.
- It may also prohibit the Respondent from having any kind of contact with the Petitioner.

What is an Injunction for Protection?

- Often referred to as a “Restraining Order”.
- May also give the Petitioner temporary exclusive use of a residence, temporary sole parental responsibility, temporary child support, or temporary alimony if applicable.
- Civil, not criminal, proceeding. If granted, violation of injunction is a crime.



Five Types of Injunctions for Protection in Florida

- Domestic Violence Injunction
- Dating Violence Injunction
- Repeat Violence Injunction
- Sexual Violence Injunction
- Stalking Injunction

Injunction for Protection Against Domestic Violence

- **Domestic Violence:** Assault, battery, sexual assault, sexual battery, stalking, kidnapping, false imprisonment, or any other criminal offense resulting in physical injury or death to Petitioner by someone who has the following relationship with Petitioner:

- Lives or lived together as a family, are married, formerly married, or related by blood or marriage.

OR

- Have a minor child together.



Injunction for Protection Against Domestic Violence (continued)

- Violence Requirements:

- Victim of any act of domestic violence.

OR

- Reasonable cause to believe you are in imminent danger of becoming a victim of domestic violence.



Injunction for Protection Against Domestic Violence (continued)

- **Forms:**
 - Petition for Injunction for Protection Against Domestic Violence – Form 12.980(a)
 - Date of Birth Form
 - Cover Sheet for Family Law Cases – Form 12.928
 - Notice of Related Cases – Form 12.900

- **If you need to keep your address or other information confidential:**
 - Request for Confidential Filing of Address, and/or
 - Notice of Confidential Information

Injunction for Protection Against Domestic Violence (continued)

- **Forms (continued):**
 - ❑ **If you have minor children with the other party:**
 - ❑ UCCJEA Declaration
 - ❑ Notice of Social Security Number
 - ❑ Parenting Plan (if you are requesting that the court rule on this)
 - ❑ **If you are requesting temporary child support or alimony:**
 - ❑ Financial Affidavit
 - ❑ Child Support Guideline Worksheet (prior to hearing)

All Injunction for Protection forms are available for free at all of the Clerk's courthouse locations and online at www.flcourts.org.

Injunction for Protection Against Dating Violence



- Same definition of violence as for domestic violence.
- Relationship Requirements:
 - Have or formerly had a continuing and significant relationship of romantic or intimate nature.
 - Dating relationship must have existed within the past 6 months.

Injunction for Protection Against Dating Violence (continued)

- **Violence Requirements:**

- Victim of an act of dating violence and have reasonable cause to believe you are in imminent danger or becoming a victim of another act of dating violence

OR

- Reasonable cause to believe you are in imminent danger of becoming a victim of dating violence.

Injunction for Protection Against Dating Violence (continued)

- **Forms:**
 - Petition for Injunction for Protection Against Dating Violence – Form 12.980(n)
 - Date of Birth Form
 - Cover Sheet for Family Law Cases- Form 12.928
 - Notice of Related Cases- Form 12.900

- **If you need to keep your address or other information confidential:**
 - Request for Confidential Filing of Address, or
 - Notice of Confidential Information

Injunction for Protection Against Repeat Violence



- Same definition of violence as for domestic and dating violence.
- No relationship requirement. Abuser can be anyone – neighbor or acquaintance.
- Violence Requirements:
 - 2 or more incidents of violence
 - At least one of which must have happened within the last 6 months

Injunction for Protection Against Repeat Violence

- **Forms:** (continued)
 - Petition for Injunction for Protection Against Repeat Violence – Form 12.980(f)
 - Date of Birth Form
 - Cover Sheet for Family Law Cases – Form 12.928
 - Notice of Related Cases – Form 12.900
- **If you need to keep your address or other information confidential:**
 - Request for Confidential Filing of Address, or
 - Notice of Confidential Information

Injunction for Protection Against Sexual Violence



- **Sexual Violence:** Sexual battery, lewd or lascivious act committed upon or in the presence of a person younger than 16; luring or enticing a child; sexual performance by a child; or any other forcible felony where a sexual act was committed or attempted.
- **No familial or intimate relationship required.**

Injunction for Protection Against Sexual Violence

(continued)

- **Violence Requirement:**

- Victim of sexual violence, AND
- You reported the sexual violence to the police, AND
- You are cooperating with the criminal case if there is one,

OR

- The abuser went to prison for the sexual violence and has been released or will be released within the next 90 days.

Injunction for Protection Against Sexual Violence

(continued)

- **Forms:**
 - Petition for Injunction for Protection Against Sexual Violence – Form 12.980(q)
 - Date of Birth Form
 - Cover Sheet for Family Law Cases – Form 12.928
 - Notice of Related Cases – Form 12.900

- **If you need to keep your address or other information confidential:**
 - Request for Confidential Filing of Address, and/or
 - Notice of Confidential Information

Injunction for Protection Against Stalking



- **Stalking:** The repeated following, harassment, or cyberstalking of one person by another.
- **Cyberstalking:** To engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

Injunction for Protection Against Stalking

(continued)

- No familial or intimate relationship required.
- Other Requirements:
 - Stalking must be repeated over time.
 - Have no legitimate purpose.
 - Causes you substantial emotional distress.



Injunction for Protection Against Stalking

(continued)

- **Forms:**
 - Petition for Injunction for Protection Against Stalking – Form 12.980(t)
 - Date of Birth Form
 - Cover Sheet for Family Law Cases – Form 12.928
 - Notice of Related Cases – Form 12.900

- **If you need to keep your address or other information confidential:**
 - Request for Confidential Filing of Address, and/or
 - Notice of Confidential Information

How to Request an Injunction for Protection

- Steps:

1. Fill out a Petition for Injunction

(and other forms if applicable)

- The Clerk's office or Victim Services office at the courthouse may be able to assist you. The Clerk's office cannot give you any legal advice or complete the forms for you.
- ❑ Bring police reports, hospital records, notes, witnesses, or other evidence with you if you have them.



How to Request an Injunction for Protection (continued)

2. File the Petition for Injunction:

- with the **Unified Family Court Division** of the Clerk's office. There is no filing fee.

3. The Clerk will submit the petition to a judge for review.

- You will generally need to return later that day to pick up your injunction paperwork.

To help ensure your injunction is processed same day it is advisable to file your petition well before 4:00 p.m.

How to Request an Injunction for Protection (continued)

4. Judicial Review – Judge can do one of 3 things:

- I. Grant a temporary injunction that protects you until the date of a final hearing. Final hearing will be in 15 days (unless extended by order of the court).
- II. Deny a temporary injunction, but set a final hearing to decide if a final injunction will be granted.
- III. Deny or dismiss the temporary injunction and the petition, without setting a hearing. Judge must specify why it was denied. If dismissed without hearing, the petition will be made confidential.



How to Request an Injunction for Protection (continued)



5. If the Judge sets your petition for a hearing:

- the Clerk will forward copies to the Sheriff for service on the other party.
- You will need to fill out an **Information Sheet** with the Clerk to help the Sheriff locate the other party.

How to Request an Injunction for Protection (continued)

- If the Judge denies your petition:
 - ❑ Without prejudice. You can file it again in the future if something changes or if you need to correct any errors that caused the denial.

OR

- ❑ You may also file a **Supplemental Affidavit in Support of Petition for Injunction** – Form 12.980(g):
 - This allows you to add facts or clarify facts you wrote in your original petition.
 - It will get a second review by the judge.

How to Request an Injunction for Protection (continued)

6. Show up to your hearing:

- If you do not attend the Judge may deny or dismiss your petition or may make orders in your absence.
- The Judge will likely ask you questions about your petition. The other party may be present. You should bring any witnesses or evidence you would like the Judge to consider.
- You are allowed to bring a support person/advocate, but they cannot speak to the court for you. Only an attorney can address the court for you.



Miscellaneous Injunction Forms

- **Motion for Extension of Injunction for Protection –
Form 12.980(i)**
- **Motion for Modification of Injunction for Protection –
Form 12.980(j)**
- **Petition by Affidavit for Order to Show Cause for a Violation of Final
Judgment of Injunction for Protection –
Form 12.980(w)**

How to Respond to or Contest a Petition for Injunction

- The Court cannot issue a Final Injunction without service on the Respondent and a hearing where the Respondent has the opportunity to be heard.
- If you are served with an Petition for Injunction and believe you are being falsely accused OR disagree with some of the terms requested you must show up to the hearing on the date specified on your paperwork. A Final Injunction may be issued in your absence if you do not attend.
- If you attend you will be allowed to speak to the Court about the allegations against you, present any evidence in your defense, and ask questions.

How to Respond to or Contest a Petition for Injunction (continued)

- ❑ You may also file an answer to the petition prior to hearing.
 - Not required.
 - No premade form
 - No filing fee

- ❑ You may hire and bring an attorney to represent you at the hearing, but you are not required to do so.



How to Respond to or Contest a Petition for Injunction (continued)



- You cannot ask for an Injunction for Protection against the Petitioner in your answer or by showing up at the final hearing.
- If you believe you are the victim of domestic violence caused by the Petitioner you must file your own Petition for Injunction for Protection against them.

Helpful Links

- **Free Online Injunction Forms:**
www.flcourts.org
- **Florida Coalition Against Domestic Violence:**
www.fcadv.org
- **Florida Coalition Against Sexual Violence:**
www.fcasv.org
- **Aid to Victims of Domestic Abuse (AVDA):**
www.avdaonline.org
- **YWCA Harmony House:**
www.ywcapbc.org
- **Florida Domestic Violence Hotline: 1-800-500-1119**

Q & A



QUESTIONS?



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Thank You

