



CLERKS PROVIDE HOPE FOR DOMESTIC
VIOLENCE SURVIVORS EVERY DAY

DOMESTIC VIOLENCE AWARENESS

- ▶ Every day in America, 1 in 4 women and 1 in 7 men suffer physical violence at the hands of a loved one.
- ▶ Your Florida Court Clerk can help if you are a victim of domestic violence.
- ▶ Don't stay silent. Take action today by contacting your local Court Clerk to put a stop to the fear and abuse.

How your Clerk's Office can help you file a petition for injunction

- ▶ During normal working hours, a Petition for Injunction can be filed with the Clerk's office. In some counties, local agencies will assist with filling out the needed forms. Once the forms are completed, the clerk will file the petition and notify the judge's office. The judge may enter a Temporary Injunction and Notice of Hearing will be entered; or set it for hearing without a temporary injunction.
- ▶ ***What are the circumstances to obtain an injunction?***
- ▶ **Definition:** "Domestic violence" means 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 family or household member.
- ▶ *If you are the victim of domestic violence, you may seek a restraining order if the violator:*
- ▶ Resides with you
- ▶ Has lived with you in the past as a member of the family, such as a spouse, former spouse, person related by blood or marriage
- ▶ Is a person who has lived together with you as though he/she was your spouse
- ▶ Is a person with whom you have had a child, even if you have never lived together
- ▶ ***If you are the victim of repeat violence, you may seek a restraining order if:***
- ▶ You and respondent are not related by blood
- ▶ You and respondent have no children together
- ▶ You and respondent have never lived together
- ▶ And there are two incidents of violence

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- ▶ ***If you are the victim of sexual violence you may seek a restraining order if:***
 - ▶ You have reported the sexual violence to a law enforcement agency and are cooperating in any criminal proceeding against the respondent
 - ▶ The respondent who committed the sexual violence was sentenced to a term of imprisonment in state prison and the term of imprisonment has expired or is due to expire within 90 days following the date the petition is filed.

- ▶ ***If you are the victim of dating violence, you may seek restraining order if:***
 - ▶ The dating relationship existed within the last six months
 - ▶ The nature of the relationship is characterized by the expectation of affection or sexual involvement between the parties
 - ▶ The frequency and type of interaction must be based on the party's involvement over time and on a continuous basis during the course of the relationship

- ▶ ***If you are a victim of stalking, you may seek a restraining order if:***
 - ▶ Stalking is defined in the State of Florida as "willfully, maliciously, and repeatedly following, harassing or cyberstalking" another
 - ▶ Stalking behaviors can consist of many things actual physical following of a person, continuously calling or texting, e-mailing, leaving notes or sending letters, leaving or sending objects or "gifts"...
 - ▶ Essentially, a pattern of unwanted behavior with malicious intent. Stalking involves a pattern of behavior that causes substantial emotional distress to a specific person with no legitimate purpose.

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- ▶ ***What happens after an injunction is signed?***

A hearing must be scheduled and the violator must be personally served with the following:

- ▶ Copy of the Petition
- ▶ Notice of Hearing
- ▶ Temporary Injunction
- ▶ The formal hearing will be scheduled for the next available court session. You must attend the hearing or the injunction will be dismissed. Local law enforcement agencies are noticed of all injunctions.

Additional Resources:

- ▶ [Florida Coalition Against Domestic Violence](#)
- ▶ [Florida Domestic Violence Centers](#)
- ▶ [State of Florida Domestic Violence Information](#)
- ▶ [American Bar Association Commission on Domestic Violence](#)

- ▶ ***Florida Domestic Violence Hotline: toll free (800) 500-1119***