

DOMESTIC VIOLENCE IT ISN'T JUST WRONG -- IT'S A CRIME

1. What Is Domestic Violence?

Under the provisions of Florida Statute 741.28, *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 who is or was residing in the same single dwelling unit.* This includes acts such as:

Physical Abuse -- Pushing, slapping, kicking, punching, choking, and beating.

Emotional/Verbal Abuse -- Threats, verbal intimidation, following and stalking, or acting out in anger.

Sexual Abuse -- Any unwanted touching or forcing of someone to engage in a sexual act against his/her will.

*(**English**) Revised 03/05/05*

2. What Does The Law Mean?

If you are being physically or sexually abused, threatened, falsely imprisoned, or stalked by a family or household member, there is a law to protect you. Family or household member means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. **With the exception of persons who have a child in common**, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit. You are also protected if you are currently in or have been in a violent dating relationship within the last 6 months.

3. Are You A Victim Of Domestic Violence?

IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, or if you have reasonable cause to believe you are in imminent danger of becoming the victim of any act of domestic violence, you have the right to file a **PETITION FOR INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE**. If you are a victim of Repeat or Dating Violence or Sexual Violence (or the parent of any minor child who is living at home and who seeks an injunction for protection against Repeat or Dating Violence or Sexual Violence on behalf of the minor child) or you genuinely fear repeat violence by the subject, you may file a

PETITION FOR INJUNCTION FOR PROTECTION AGAINST REPEAT VIOLENCE, OR DATING VIOLENCE, OR SEXUAL VIOLENCE. The Clerk of the Court is required to assist you in seeking both injunctions for protection against domestic violence and enforcement for a violation of an injunction. Representation by an attorney is not required of either party (*Florida Statute 741.30(1)(f)*).

IF YOU HAVE BEEN A VICTIM OF DOMESTIC VIOLENCE OR SEXUAL VIOLENCE, you may ask the State Attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting a **PETITION FOR INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE, OR REPEAT VIOLENCE, OR DATING VIOLENCE, OR SEXUAL VIOLENCE** which may include, but need not be limited to:

- provisions which restrain the abuser from further acts of abuse;
- directing the abuser to leave your household;
- preventing the abuse from entering your residence, school, business, or place of employment;
- awarding you custody of your minor child or children; and
- directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.

For safety reasons, you may furnish your address to the court in a separate confidential filing when filing the petition for injunction.

4. How Can The Law Help Me?

If you have been a victim of domestic violence, if the abuser has hurt you sexually or physically, or if you are afraid that you will be hurt, Florida's Domestic Violence Law enables you to work with the court system to stop the violence.

Go to the Clerk of the Court's Office in your county courthouse.

- Bring identification.
- Bring information about where the abuser can be located.
- Bring any other information on the abuser, such as photos or identification.
- Bring any papers relating to your case.
- Tell the clerk that you are interested in filing a **PETITION FOR INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE, OR REPEAT VIOLENCE, OR DATING VIOLENCE, OR SEXUAL VIOLENCE.** The Court Clerk will help you in filing the proper paperwork. By filling out these forms, you will be explaining to the judge whom you need protection from and exactly what type of protection you need.
- After you have completed the paperwork, the court may determine that danger of domestic violence exists. The court may order a **TEMPORARY INJUNCTION**, which is good for 15 days. Then a full hearing is held to

- consider your safety and the safety of your children.
- The abuser must be served with the injunction before it becomes effective. The injunction will tell the abuser what the judge requires and when to return to court for a hearing. This hearing will be within 15 days unless the abuser can not be served.
 - **IT IS IMPORTANT FOR YOU TO ATTEND THE HEARING** so that you can make sure the judge understands exactly what help you need and why. **IF YOU DO NOT ATTEND, USUALLY THE JUDGE WILL END THE INJUNCTION.**
 - After the hearing, a **FINAL INJUNCTION** may be granted. The final injunction is valid until dissolved or amended by the court.

5. What Do I Do If The Abuser Violates The Injunction?

You will receive a copy of the injunction. **Keep it with you at all times.**

- If the abuser violates the conditions of an injunction, **call the police right away.**
- The abuser may be arrested.
- If the abuser is arrested, he/she will be held until the court determines bail.
- The judge will consider your safety and the safety of your children.
- You may go to court if you wish.
- The court may order penalties as allowed by law.

IF THE INJUNCTION HAS BEEN VIOLATED, BUT NO ARREST HAS BEEN MADE, report the violation to the Clerk's Office where the violation occurred and complete an affidavit in support of the violation. The judge will determine what action should be taken for your safety and the safety of your children.

IF YOU HAVE AN OUT OF STATE COURT ORDER FOR PROTECTION AGAINST DOMESTIC VIOLENCE, federal and state law provide that law enforcement recognize and act on the order as if issued by a Florida court. This includes orders issued by courts from the District of Columbia, Indian tribes, commonwealth territory, or possessions of the United States.

6. Exemption From Public Inspection

Under the provisions of s. 119.07(3)(s), F.S., any information which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from public inspection and examination. **You must make a written request and provide official verification, such as a police report, that an applicable crime has occurred.** Such information shall remain exempt for 5 years, after which it will become available to the public.

7. Whom May I Talk To For More Information?

Florida Domestic Violence Hotline (For legal assistance hit prompt #3)	1-800-500-1119
Florida Abuse Hotline (To file confidential reports of child abuse)	1-800-962-2873
National Child Abuse Hotline (24 hour help line which provides crisis counseling, information and referrals)	1-800-422-4453
National Domestic Violence Hotline	1-800-799-7233

Local Numbers

(insert local contact numbers here)

Your Case Information

Law Enforcement Agency

Phone Number

Case Number

Date of Report

Officer's Name ID Number

DID YOU KNOW?

- In Florida, a person is killed by a family member every 36 hours.
- Domestic Violence is the leading cause of injury to women.
- More than 100,000 incidents of domestic violence are reported in Florida each year involving victims young and old, male and female.

**YOU HAVE RIGHTS . . .
KNOWING YOUR LEGAL RIGHTS AND OPTIONS
IS THE FIRST STEP TOWARD ENDING ABUSE.**

All contents copyright © 1998 FDLE except where otherwise noted.