

WHAT IS AN INJUNCTION FOR PROTECTION? (RESTRAINING ORDER)

Are you a victim of Domestic Violence?

You may be a victim of domestic violence if your abuser beats, hurts or threatens you with harm and you are either a spouse, former spouse, relative by blood or marriage, live-in (or former live-in) girlfriend or boyfriend or you have a child together. Other forms of abuse include trying to force sex, preventing you from leaving, or kidnapping or stalking you. Any of these may qualify you for an Injunction For Protection in Florida.

Can I protect myself if the abuser has never been a household or family member? (Examples: friend, neighbor, roommate, co-worker)

Yes, you may be able to get protection with a "Repeat Violence Injunction For Protection." For this type of injunction, there must be at least two incidents of violence or stalking by the same person, and at least one of those incidents must have happened in the last 6 months.

What if the abuse involves a boyfriend/girlfriend?

You may be able to get an Injunction for Protection against Dating Violence if you have had a romantic or intimate relationship with this person within the last 6 months. There is also an Injunction for Protection against Sexual Violence if your abuser is facing criminal charges for a sex-related crime against you or is currently incarcerated but due to be released soon.

How can an injunction help me?

An injunction is a court order that can:

- a. order that the abuser not commit any more acts of violence

- b. require the abuser to stay away from you, your immediate family, where you live and where you work or go to school
- c. determine who should get possession of the shared home
- d. determine temporary custody and visitation rights
- e. determine the amount of temporary child support
- f. require the abuser to undergo counseling
- g. arrange for the return of each party's property in the presence of a law enforcement officer.

How do I file for an injunction for protection?

During business hours you can go to the injunction clerk at any of the county courthouses listed at the end of this brochure. After hours, contact one of the shelters listed for assistance. You will need to write a description of the abuse. Give details about threats, weapons, bruises, drugs, alcohol, etc. You may want to write a statement ahead of time to attach to the petition. There is a place on the form to request that the abuser be excluded from your home and workplace and certain other relief.

If you want to keep your address confidential, be sure to let the clerk know.

Bring your driver's license, state identification card, passport or proper picture identification. Also bring the name and address of the abuser, physical description, place of employment, and any other place that he or she is likely to be found.

How much does it cost to file an injunction?

There is no fee for filing the paperwork for any type of domestic violence injunction.

What happens after I file the paperwork for an injunction?

The Clerk will locate a judge to review your forms. At this point, you will not see a judge. If the judge decides you are in danger of being hurt, the judge will sign a "Temporary Injunction For Protection," which is only good for up to 15 days. You will need to go and pick up your certified copy of the temporary injunction, which will include date, time and location for your hearing. The petition that you filed and the injunction are part of the public records at the Clerk's office. In the meantime, a copy of the injunction and your petition will be served on the abuser by a deputy.

What do I do if the abuser comes near me after I have filed my petition for injunction?

If the abuser tries to come near you, immediately call 911. If the abuser has not been served yet, the Sheriff's Department can serve your second copy of the injunction on the abuser at that time. Depending on your situation, you may want to consider staying with family, friends or at a domestic violence shelter until you feel safe.

What should I expect from the hearing?

At the hearing, both you and the abuser will have an opportunity to speak. Be prepared to testify in detail about the violence and why you need the protection. You may also bring family, friends, or other individuals who have witnessed the violence. Photographs of your injuries or property damage and other evidence may be helpful. You may request temporary exclusive possession of the home, temporary child custody and support and other necessary relief. At this hearing, the judge will determine whether to make the injunction permanent and will decide what relief you need. If you do not appear at the hearing, the injunction will be dismissed.

What do I do if the abuser violates the injunction?

CALL THE POLICE. The police may arrest the abuser when the officer has probable cause to believe that the abuser knowingly violated or refused to comply with the injunction. If the police do not respond, you may file an affidavit of violation at one of the Clerk's offices listed at the end of this brochure.

What other steps can I take to stay safe?

The injunction may not be enough. Make an emergency plan and go over it with your children. Call your nearest domestic violence shelter or The Women's Center and learn all you can about local resources and safety planning.

Who can answer my questions about injunctions?

► **Brevard County Legal Aid, Inc.** offers free legal advice and assistance to victims of domestic violence.

321- 631-2500, extension 11.

What other agencies in the community can help me?

► **The Women's Center** offers counseling, support groups and advocacy for victims of domestic violence:

Melbourne 321-242-3110

► **Domestic Violence Shelters** offer safe housing for victims of domestic violence and their families:

Salvation Army 321-631-2765
Serene Harbor 321-726-8282

► FLORIDA DOMESTIC VIOLENCE

HOTLINE: A hotline for urgent assistance and general information. 1-800-500-1119

To file for an Injunction For Protection, go to:

The Clerk of the Circuit Court
Moore Justice Center
2825 Judge Fran Jamieson Way
Viera, FL 32940-8006

The Clerk of the Circuit Court
Melbourne Courthouse
50 S. Nieman Avenue
Melbourne, FL 32901-1261

The Clerk of the Circuit Court
Titusville Courthouse
506 S. Palm Avenue
Titusville, FL 32796-3592



How to get an Injunction For Protection Against Domestic Violence

General education pamphlet prepared by Brevard County Legal Aid, Inc.

Rev. 2/06

**STOP
DOMESTIC
VIOLENCE**