

Filing a Petition for a Domestic or Repeat Violence Injunction

PREPARING THE PETITION

The Petition for Injunction for Protection Against Domestic or Repeat Violence and related forms are available from the Clerk of Court Family Law Division, at the Santa Rosa County Courthouse from 8:00 a.m. to 4:30 p.m. Monday through Friday. These forms can also be completed via computers in our office at the Courthouse or be printed from our website at www.santarosaclerk.com.

If you are a victim of domestic violence, contact the Sheriff's Office immediately. On nights and weekends, the Sheriff's Office can contact the duty judge and can get a temporary restraining order that will protect you until you can file with the clerk the following working day.

"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. "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.

"Repeat Violence" means **two** incidents of violence or stalking, **one within 6 months of the filing of the petition**, which are directed against the petitioner or the petitioner's immediate family member. In order for the Court to determine the facts alleged in your petition, the petition must include **specific facts and circumstances (including dates, times, places, etc.)** that indicate an immediate and present danger of domestic violence exists and immediate restraint is necessary, pending a full hearing. The Petition has been created in a simplified form for your convenience. You must describe any previous or pending attempts by you to obtain an Injunction for Protection (and the results) and any other pending or closed cases between you and the respondent in this or any other circuit (case numbers should be included, if available.)

Please be advised that Support is not typically addressed in a domestic/repeat violence case.

Please be aware that your Petition and supporting documents are the only thing the Judge will see to make his decision. The Clerk will not relay information to the Judge on your behalf. You must put as much information in your Petition as possible so the Judge will be aware of your circumstances. You may add as much additional paper as necessary to include all incidents in your Petition.

The Petition will be your voice to the Judge.

THE CLERK WILL REQUIRE YOU TO SIGN ALL PAPERWORK UNDER OATH. PLEASE BRING PHOTO IDENTIFICATION WITH YOU WHEN YOU FILE, IF POSSIBLE.

FILING THE PETITION

The completed petition must be filed with the Clerk of Court. There is no fee for filing this petition.

Domestic Violence petitions will be accepted by the Clerk's Office between the hours of 8:00 – 4:30 Monday – Friday (except holidays when office is closed).

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There are three possible orders the Judge can issue:

- 1) Order Denying Petition** (this means that no hearing will take place and no injunction is in place. This order closes the case. If you have additional information you would like to be considered, that is different than what was in the original petition, you may complete a Supplemental Affidavit in support of the Petition and have the case reviewed again. The Judge may decide to enter a temporary injunction or may decide to leave the same order as before in place).
- 2) Order Setting Hearing** (this means that a hearing will take place but no injunction is in place. Both parties will appear at the hearing and speak with the Judge about the case. The Judge will then make a decision of whether or not a Final Judgment of Injunction should be entered or he could dismiss the case for lack of evidence).
- 3) Temporary Injunction** (this means that a hearing will take place ***and*** a temporary injunction will be in place until that hearing. A Clerk will go over the temporary with you and answer any questions you may have).

The clerk will forward the file immediately to the assigned judge. The judge will review the petition and all attachments and render a decision promptly. Once the judge has rendered a decision, all paperwork will be returned to the clerk for processing. The clerk will provide a certified copy of the appropriate Order and Notice of Hearing for you to keep at all times. If the judge did not sign the temporary injunction, you may file a Supplemental Affidavit in support of the petition - provided you have additional information to be considered.

SERVICE

The clerk will furnish a copy of the Petition, Financial Affidavit and Uniform Child Custody and Enforcement Affidavit, if any, the Notice of Hearing and Temporary Injunction, if any, to the Sheriff of the county where the respondent resides or can be found. The Sheriff will serve the respondent as soon thereafter as possible. If you want to amend your petition, dismiss the petition, or have obtained a lawyer who wants a continuance beyond the scheduled hearing, please notify the Domestic Violence Coordinator at 981-5586 as soon as possible.

COURT HEARING

Unless the Petition is denied, the clerk will give you a hearing date within 15 days. This hearing is to determine whether a cause of action exists for the Court to enter a Final judgment of injunction based on the testimony of the parties under oath. You are required to appear at the hearing to give testimony regarding the exact circumstances of the

domestic or repeat violence. All evidence must be presented at this hearing, as well as testimony from anyone who witnessed the domestic or repeat violence. Answer all questions completely. The judge will also give the respondent an opportunity to testify regarding his/her recollections of the alleged incident(s).

NOTE: This is a civil action, not a criminal hearing. The expected outcome will be a final judgment of injunction for protection, dismissal of the petition, or an order rescheduling the hearing (except in enforcement hearing, where parties may be found in contempt of court).

There will not be court reporters in the Courtroom. It will be audiotaped.

It is recommended that you seek advice from a licensed attorney. You will be provided a copy of the appropriate order promptly after the hearing. This should be kept on your person at all times.

DO NOT

- **PROVOKE THE RESPONDENT INTO VIOLATING THE ORDER.**
- **INTERFERE WITH THE LAW ENFORCEMENT OFFICERS' DUTIES WHEN SUCH ASSISTANCE HAS BEEN ORDERED BY THE COURT.**
- **INVITE THE RESPONDENT TO RETURN TO THE PREMISES WHEN HE/SHE IS ORDERED TO VACATE.**

FINAL ORDER FOR PROTECTION

The final order is valid until it is modified, dissolved by the court or expires. Only the judge can excuse or waive any provision specified in this order. The Petitioner or Respondent may move the Court to modify or dissolve an injunction at any time. Forms for modification, dismissal, and enforcement may be obtained from the Clerk of the Circuit Court or on our website, www.santarosaclerk.com. The injunction is enforceable in all counties in the State of Florida. If you have an injunction from another state, you should file it with the Santa Rosa County Sheriff's Office immediately. Likewise, if you move out of state, file your injunction with the local law enforcement agency. If you are concerned about being located by the respondent, however, it is not mandatory that you file the injunction for it to be enforceable.

It is your responsibility to report any violation of this order to the law enforcement agency, and to contact the clerk for further assistance on service of the order for protection or to file an Affidavit of Violation.

CARRY A COPY OF YOUR ORDER FOR PROTECTION AGAINST DOMESTIC OR REPEAT VIOLENCE WITH YOU AT ALL TIMES.

IMPORTANT NOTICE

THE CLERK OF COURT AND FAMILY LAW DIVISION PERSONNEL ARE AVAILABLE TO ASSIST YOU IN FILING THE APPROPRIATE FORMS AND CAN GIVE YOU INFORMATION ABOUT COURT PROCEDURES. THEY CANNOT GIVE YOU LEGAL ADVICE OR TELL YOU WHAT WILL BE THE OUTCOME OF YOUR CASE. YOU ARE ADVISED TO SEEK ADVICE FROM AN ATTORNEY.

IMPORTANT NUMBERS

Clerk of Court

Family Law Division (850) 981-5553

Court Administration

Domestic Violence Program (850) 981-5586

Santa Rosa County Sheriff (850) 983-1100

Favor House Main Line (850) 434-6600

Favor House Spouse Abuse Crisis Line (850) 434-6000

FL Domestic Violence Hotline 1-800-500-1119