

	<b>TITLE:</b> "Filing A Domestic Violence Injunction" Video	<b>WRITER:</b>
	<b>DATE:</b> 7-08-08	<b>Time:</b>

Video	Audio
<p>Video</p> <p><b>INJUNCTIONS for PROTECTION</b>  <u>Host on camera</u></p> <p>[Host on camera with box:]  <u>INJUNCTIONS FOR PROTECTION</u>  <i>Respondent</i>  <i>Petitioner</i></p> <p>[Full screen]  <u>DEFINITION OF VIOLENCE</u>          "Violence" is defined by Florida Statute, <b>(FS 784.046(1)(a))</b> as "any <b>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,</b> by a person against another person."</p>	<p><u>This program will provide some guidance in understanding the requirements for obtaining a Domestic violence injunction for Protection.</u></p> <p>Violence and abuse are crimes. To become a survivor of violence and on-going abuse you should seek help from, law enforcement, the court system, and community resources.</p> <p>The Pinellas County Clerk of Court's Office created this guide to provide answers about Injunctions for Protection or Restraining Orders, and how to apply for them.</p> <p>We encourage every victim of violence to first contact law enforcement.</p> <p>We are here to help you.</p> <p>An Injunction for Protection is a Civil Court Order that places restrictions on an individual referred to as the <i>Respondent</i>, who has allegedly committed acts of or made threats of violence against another individual, referred to as the <i>Petitioner</i>.</p> <p>"Violence" is defined by Florida Statute, as "any <b>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,</b> by a person against another person."</p>

[Host with Box]

“Violence” *does not* include all offensive or threatening behavior.

[Full Screen]

**Trespassing (FS 810.08),  
Criminal mischief (FS 914.22),  
Threats (FS 836),  
Tampering with a witness (FS  
914.22), and  
Harassing phone calls (FS  
365.16)**

[Host on camera with box:]

### INJUNCTION PROVISIONS

[full screen]

An Injunction may:

- Prohibit the Respondent from coming within 500 feet of your residence, place of employment, school, or any other non-public place you must go to often.
- Prohibit the Respondent from coming within 100 feet of your vehicle.
- Order the Respondent to leave a shared dwelling.

Award temporary custody of minor children you have in

- common.
- Prohibit the Respondent from possessing, buying, or using firearms.
- Order the Respondent to complete a Batterer’s Intervention Program.

“Violence” *does not* include all offensive or threatening behavior. **Trespassing, criminal mischief, threats, tampering with a witness , and harassing phone calls** are all *criminal offenses* which should be reported to law enforcement, but may not, by themselves, qualify for the issuance of an Injunction for Protection.

An Injunction should not be used as a tool to manipulate the Respondent or the Judicial System, gain access to property, or to settle issues of child custody or spousal support, but rather to protect you against a genuine and well-founded fear of violence or abuse.

An Injunction may include provisions that:

- Prohibit the Respondent from coming within 500 feet of your residence, place of employment, school, or any other non-public place you must go to often.
- Prohibit the Respondent from coming within 100 feet of your vehicle.
- Order the Respondent to leave a shared dwelling.
- Award temporary custody of minor children you have in common.
- Prohibit the Respondent from possessing, buying, or using firearms.
- Order the Respondent to complete a Batterer’s Intervention Program.

[Host on camera with box:]

## INJUNCTION TYPES

Domestic, Repeat, Dating, and Sexual.

[Full Screen]

- **DOMESTIC VIOLENCE (FS 741.28(2) and (3))** is violence or stalking that has occurred, or that you have reasonable cause to believe is going to occur, by a person who is or was a spouse, a person you are related to by blood or marriage who you have resided with as a family, or by someone you have a child with.

- **REPEAT VIOLENCE (FS 784.046(1)(b) and (2)(a))**, which is usually appropriate for neighbor-against-neighbor,

- coworker-against-coworker, or other types of relationships that are of a non-domestic or non-dating nature, is defined as two acts of violence or stalking by an individual against yourself, one of which must have occurred within the past 6 months.

- **SEXUAL VIOLENCE (FS 784.046(1)(c) and (2)(c))** is any incident of **sexual battery, a 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**

Florida law separates Injunctions for Protection into four categories: Domestic, Repeat, Dating, and Sexual. When determining the type of Injunction you need to file it is very important that you listen to all of the requirements for each type of Injunction before selecting one because choosing the incorrect type may cause your Petition for Injunction to be denied by the Judge.

- **DOMESTIC VIOLENCE** is violence or stalking that has occurred, or that you have reasonable cause to believe is going to occur, by a person who is or was a spouse, a person you are related to by blood or marriage who you have resided with as a family, or by someone you have a child with.
- **REPEAT VIOLENCE**, which is usually appropriate for neighbor-against-neighbor, coworker-against-coworker, or other types of relationships that are of a non-domestic or non-dating nature, is defined as two acts of violence or stalking by an individual against yourself, one of which must have occurred within the past 6 months.
- **SEXUAL VIOLENCE** is any incident of **sexual battery, a 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 wherein a sexual act is committed** or attempted.

**felony wherein a sexual act is committed** or attempted.

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[Host on camera with box:]

For an Injunction for Protection Against Sexual Violence to be granted one of the following criteria must be met:

[Full Screen]

**(1)** You must have reported the incident to law enforcement and be cooperating in any criminal proceedings.

**(2)** The Respondent must have been sentenced to prison and the term expired or is due to expire within 90 days.

#### **DATING VIOLENCE (FS**

**784.046(1)(d) and (2)(b))** is violence or stalking that has occurred, or that you have reasonable cause to believe is going to occur, by a person you have been in a dating relationship

- with on a continuous basis within the past 6 months and that you have had an expectation of affection or sexual involvement from.

[Host on camera with box:]

#### **STANDING OF MINORS**

For an Injunction for Protection Against Sexual Violence to be granted one of the following criteria must be met:

**(1)** You must have reported the incident to law enforcement and be cooperating in any criminal proceedings *or*

**(2)** The Respondent must have been sentenced to prison and the term expired or is due to expire within 90 days.

- **DATING VIOLENCE** is violence or stalking that has occurred, or that you have reasonable cause to believe is going to occur, by a person you have been in a dating relationship with on a continuous basis within the past 6 months and that you have had an expectation of affection or sexual involvement from.

If you are a minor and are seeking an Injunction for Protection, one of your parents or your legal guardian must file the Petition on your behalf.

If you are filing a Petition for Injunction against a minor, you must provide the Clerk's Office with the full name of the minor child against whom you are filing, as well as the full name of that minor's parent or legal guardian.

HOW and WHERE TO FILE

Website full screen

Petitioner files forms with Clerks office

Map of 5 Clerk of the Court locations

[Host on camera with box:]

If in imminent danger of violence, contacting local enforcement, 24 hours a day to file an Injunction for Protection

- Pinellas County New Courthouse.  
**Civil Court Records Department  
Pinellas County New Courthouse  
315 Court Street, Room 170  
Clearwater, FL 33756  
(727) 464-3267**

**Criminal Court Customer Services  
Department  
Criminal Justice Center  
14250 49<sup>th</sup> Street North, 2<sup>nd</sup> Floor  
Clearwater, FL 33762  
(727) 464-7000**

A Petition for Injunction for Protection may be filed in the county where you currently or temporarily reside, where the Respondent resides, or where the violence occurred. There is no residency requirement nor any filing cost.

A Petition for Injunction for Protection can be filed in Pinellas County by filling out and printing the forms available on the Clerk's website or at the Clerk's Office. Once you have filled out and printed the forms they may be filed at one of five Pinellas County Clerk of Court locations between the hours of 8 a.m. and 5 p.m. excluding weekends and County holidays.

If you feel you are in imminent danger of violence you may file for an Injunction for Protection by contacting local enforcement, 24 hours a day. These Clerk's Office locations are:

- The Civil Court Records Department located in downtown Clearwater at the Pinellas County New Courthouse.

**Civil Court Records Department  
Pinellas County New Courthouse  
315 Court Street, Room 170  
Clearwater, FL 33756  
(727) 464-3267**

- The Criminal Court Customer Services Department located in east Clearwater at the Criminal Justice Center on 49<sup>th</sup> Street between the Bayside Bridge and Ulmerton Road.

**Criminal Court Customer Services  
Department  
Criminal Justice Center  
14250 49<sup>th</sup> Street North, 2<sup>nd</sup> Floor  
Clearwater, FL 33762  
(727) 464-7000**

**North County Branch Office  
29582 US Highway 19 North  
Clearwater, FL 33761  
(727) 464-8700**

**Clerk's Tyrone Branch Office  
1800 66<sup>th</sup> Street North  
St Petersburg, FL 33710  
(727) 582-7681**

**St Petersburg Branch Office  
St Petersburg Judicial Building  
545 1<sup>st</sup> Avenue North, Room 101  
St Petersburg, FL 33701  
(727) 582-7771**

[Host on camera:] or Petitioner and  
Deputy Clerk talking.

Judge in office reviewing paperwork.

**JUDGE'S DETERMINATION**  
**Judge issues an EX-Parte**  
**Temporary Injunction for Protection.**

- The North County Branch Office located in north Clearwater on US Highway 19 just south of Curlew Road.

**North County Branch Office  
29582 US Highway 19 North  
Clearwater, FL 33761  
(727) 464-8700**

- The Clerk's Tyrone Branch Office located just south of Tyrone Square Mall on 66<sup>th</sup> Street in St Petersburg.

**Clerk's Tyrone Branch Office  
1800 66<sup>th</sup> Street North  
St Petersburg, FL 33710  
(727) 582-7681**

Or the

- St Petersburg Branch Office located in the St Petersburg Judicial Building at Mirror Lake on 1<sup>st</sup> Avenue North.

**St Petersburg Branch Office  
St Petersburg Judicial Building  
545 1<sup>st</sup> Avenue North, Room 101  
St Petersburg, FL 33701  
(727) 582-7771**

A Deputy Clerk will be available to answer any questions that are not construed as legal advice when you come in to file.

Please remember that this office cannot provide legal advice. Only an attorney can legally assist you with legal advice.

Once you file your Petition, a Deputy Clerk will take it to a Judge to be reviewed. The Judge may make one of three decisions:

- If the Judge feels that your Petition meets the law's requirements and that you need protection, an Ex-Parte Temporary Injunction for Protection will be entered for you. You will then be ordered to appear at a hearing within

[Host on camera with box:]

Ex-Parte

JUDGE'S DETERMINATION  
No Ex-Parte Temporary Injunction  
For Protection issued.  
Hearing set to obtain further  
Testimony about your petition.

JUDGE'S DETERMINATION  
No Ex-Parte Temporary Injunction  
For Protection issued.

No further action will be taken.  
Petitioner returning to Clerks office  
to learn Judges decision.

Full Screen:  
Return to Clerk's Office **prior** to the  
end of the business day to find out  
the Judge's decision

Full Screen:  
Court Order  
Have your court order with you at all  
times

Host full screen:

Full Screen  
**CASA (located in St Petersburg)**  
**at telephone # (727) 898-3671**

7 to 15 days with the Respondent. Sheriff's service will notify the Respondent. At the hearing the Judge will determine whether or not you need further protection.

- The term "Ex-Parte" means that the Judge has only considered the testimony of one side: you, the Petitioner; this is why you are required to appear with the Respondent before the Judge.
- If the Judge does not feel that your Petition merits the issuance of an Ex-Parte Temporary Injunction for Protection, but wants to hear further testimony from you, he or she may order you to appear at a hearing with the Respondent, who will be notified by Sheriff's service, without issuing a Temporary Injunction for Protection.
- If the Judge does not feel that your Petition meets the law's requirements, and that further testimony would not be beneficial, he or she may deny your Petition completely, in which case no further action will be taken. The Respondent will not be notified; however, once your Petition is filed it becomes public record and is subject to full public disclosure in accordance with Florida public records law.

You will be asked to return to the Clerk's Office where you filed your Petition prior to the end of the business day to find out which decision the Judge has made.

This is called the court order.

It is extremely important to have a copy of the court order if your injunction is granted to ensure immediate protection.

It may be necessary to provide a copy of the court order to law enforcement in the event of a violation.

There are two Domestic Violence Centers in Pinellas County that provide assistance with filling out forms. Spanish translation, emergency housing, counseling, children's

**The Haven of Religious Community Services (located in Clearwater) at telephone # (727) 442-4128**

**HOST ON CAMERA**

**FULL SCREEN**

**Two Locations to Serve You:  
The Clearwater Law Library  
Old Clearwater Courthouse,  
324 South Ft. Harrison Avenue  
Clearwater  
727-464-5150**

**FULL SCREEN**

**The St. Petersburg Law Library  
St. Petersburg Judicial Building  
545 First Avenue North  
St Petersburg  
727-582-7941**

**Host on camera:**

**Full screen:**

**Civil Court Records Department at (727) 464-3267 between the hours of 8 a.m. and 5 p.m., excluding weekends and County holidays.**

programs, transportation, and other services are available. These centers are:

**CASA located in St Petersburg at telephone # (727) 898-3671**

*And*

**The Haven of Religious Community Services located in Clearwater at telephone # (727) 442-4128**

**THERE ARE ALSO TWO LEGAL SELF-HELP CENTERS AVAILABLE TO SERVE YOU IN PINELLAS COUNTY.**

**SELF-HELP CENTERS OFFER ASSISTANCE WITH FILING FORMS... A NOTARY SERVICE... AND APPOINTMENTS WITH AN ATTORNEY FOR ONLY A DOLLAR A MINUTE.**

**THERE ARE TWO CENTERS TO SERVE YOU...**

**CALL 464-5150 FOR THE CENTER IN DOWNTOWN CLEARWATER AT 324 SOUTH FT. HARRISON AVENUE IN THE OLD COURTHOUSE.**

**OR CALL 582-7941 FOR THE CENTER IN DOWNTOWN ST. PETERSBURG AT 545 FIRST AVENUE NORTH IN THE JUDICIAL BUILDING.**

If you have any questions regarding this video, the terms used in it, or the filing process, please take time to read over our website or contact **the Civil Court Records Department at (727) 464-3267** between the hours of 8 a.m. and 5 p.m., excluding weekends and County holidays.