



Ken Burke,
Clerk of the Circuit Court
Pinellas County

THE CLERK OF COURT YOUR PUBLIC TRUSTEE

Q. What determines the issuance of an injunction?

A. There are several types of injunctions but the two most prevalent are an injunction for domestic violence and an injunction for repeat violence. Domestic Violence Injunctions involve a spouse, former spouse, person related by blood or marriage, a person who is presently residing together with you as if a family or who has resided in the past as if a family member, and a person who has a child in common with you. Repeat Violence Injunctions can be filed if you have encountered two incidents, one of which must have been within 6 months of the filing of the petition, by someone other than those listed above. This would apply if you have been a victim of battery, assault, or sexual violence. Assault is defined as an intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear that violence is imminent. Battery is defined as actually and intentionally touching or striking a person against the person's will.

The Clerk's Office has forms available for your use; however, in order for the Court to determine whether or not to grant the injunction, your petition must include specifics including dates and facts which convince the Judge that an immediate and present danger exists.

The Clerk's Office forwards the file to a Judge for review. The Judge's decision is based solely on what is contained in the written petition from that party. If granted, a temporary injunction is entered and a hearing is scheduled within 15 days to afford both sides an opportunity to be heard. An injunction is an Order on paper signed by a Judge but it is not in effect until the other person is served. At the final hearing, a Judge will decide whether or not to issue a permanent injunction.

An injunction case becomes a public record in the Clerk's Office unless a juvenile is involved or unless sealed by a Judge. A copy of the injunction file is forwarded to the State Attorney's Office. Often, people are sent to the Clerk's Office to apply for the issuance of an injunction. Only a Judge can issue the actual injunction. Another option is to file a criminal complaint with a law enforcement officer if an assault, battery, or other crime has been committed. As a condition of pre-trial release, a Judge can require a defendant to stay away from you or from certain places.

More information is available on the Clerk's website at <http://www.pinellasclerk.org> from these abuse hotlines: STATEWIDE Abuse Hotline: 1-800-500-1119 ~ CLERK'S Abuse Hotline: 1-727-464-4878.
