

INJUNCTIONS FOR PROTECTION

BRANCH OFFICE WHERE INJUNCTION PETITIONS ARE FILED

Viera: 2825 Judge Fran Jamieson Way, Viera, Florida 32940, (321) 637-5413, option 2 then 0.
Office hours are 8:00 a.m. to 5:00 p.m.

**PROCEDURE: - CIRCLE & INITIAL THE TYPE OF INJUNCTION YOU INTEND TO FILE.
PLEASE READ THE DEFINITION OF EACH OF THE (5) DIFFERENT TYPES OF INJUNCTIONS BEFORE
MAKING YOUR SELECTION.**

There are five types of injunctions for protection, which are defined as follows:

1. Domestic Violence
2. Repeat Violence
3. Dating Violence
4. Sexual Violence
5. Stalking

Definition of violence: Any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death by a person against another person.

1. Domestic Violence Injunction

Domestic violence means an 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.

Definition of 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 a single dwelling unit.

Who may file a domestic violence injunction: Any person who is a member of a family or household that is the victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence. Any spouse or former spouse; person related by blood or marriage; person who is or was residing within a single dwelling unit as if a family; or person who has a child in common with the respondent, regardless of whether the person and respondent are or were married or residing together as if a family. **Please note that this is a summary of the statutory definition of who may file. The Clerk's Office will not determine filing eligibility; however, the judge reviewing the petition will take these guidelines into consideration.**

2. Repeat Violence Injunction

Repeat violence means two incidents of violence or stalking committed by the respondent, one of which must have occurred within 6 months of the filing of the petition, which are directed against the petitioner or the petitioner's family.

Who may file a repeat violence injunction: Any person who is the victim of repeat violence or the parent or legal guardian of any minor child who is living at home and who seeks an injunction for protection against repeat violence on behalf of the minor child. **Please note that this is a summary of the statutory definition of who may file. The Clerk's Office will not determine filing eligibility; however, the judge reviewing the petition will take these guidelines into consideration.**

3. Dating Violence Injunction

Dating violence means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship will be determined based on consideration of the following factors: (1) A dating relationship must have existed within the past 6 months; (2) The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and (3) The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship. The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

Who may file a dating violence injunction: Any person who is the victim of dating violence and has reasonable cause to believe he or she is in imminent danger of becoming the victim of another act of dating violence, or any person who has reasonable cause to believe he or she is in imminent danger of becoming the victim of an act of dating violence, or the parent or legal guardian of any minor child who is living at home and who seeks an injunction for protection against dating violence on behalf of that minor child. **Please note that this is a summary of the statutory definition of who may file. The Clerk's Office will not determine filing eligibility; however, the judge reviewing the petition will take these guidelines into consideration.**

4. Sexual Violence Injunction

Sexual violence means any one incident of: (1) Sexual battery as defined in Chapter 794, Florida Statutes; (2) A lewd or lascivious act as defined in Chapter 800, F.S., committed in the presence of a person younger than 16 years of age; (3) Luring or enticing a child as described in Chapter 787, F.S.; (4) Sexual performance by a child as described in Chapter 827, F.S.; or (5) Any other forcible felony wherein a sexual act is committed or attempted, regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the State Attorney.

Who may file a sexual violence injunction: Any person who is the victim of sexual violence or the parent or legal guardian of a minor child who is living at home who is the victim of sexual violence if either : (1)

*the person has reported the sexual violence to a law enforcement agency and is cooperating in the criminal proceeding if there is one; or (2) the respondent was sent to prison for committing one of the sexual violence crimes against the victim or minor child and the respondent is out of prison or is getting out of prison within 90 days of the petition being filed. Please note that this is a summary of the statutory definition of who may file. **The Clerk's Office will not determine filing eligibility; however, the judge reviewing the petition will take these guidelines into consideration.***

5. **Stalking Injunction**

Stalking means threats, harassment, cyber stalking, aggravated stalking, physically abusing, and any course of conduct or pattern of conduct directed at the petitioner, family members or individuals close to the petitioner, composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. This includes but is not limited to intentionally injuring or killing a family pet; using or threatening to use a weapon such as a gun or knife against the petitioner; or destroying personal property, including but not limited to telephones or other communication equipment, clothing, or other items belonging to the petitioner.

Who may file a stalking injunction: Any person who is the victim of stalking or the parent or legal guardian of a minor child who is living at home who seeks an injunction for protection against stalking on behalf of the minor child. **Please note that this is a summary of the statutory definition of who may file. The Clerk's Office will not determine filing eligibility; however, the judge reviewing the petition will take these guidelines into consideration.**

FILING FEE

No filing fee shall be charged for an Injunction for Protection Against Domestic Violence, Repeat Violence, Dating Violence, Sexual Violence, or Stalking.

PROCEDURE

The clerk will print the required pleadings for YOU to complete. Your statement must be brief but specific as the Judge bases his/her decision on the information contained in your statement. The clerk cannot tell you what to include in your statement or offer any other legal advice.

1. Upon completion of the required pleadings, the clerk will submit the file to the Judge for consideration.
2. After reviewing your petition, the Judge will either deny the petition without further hearing, schedule a hearing without issuing a Temporary Injunction, or issue a Temporary Injunction. **You MUST return the next business day, to the Clerk's Office with a valid form of identification to obtain a copy of your Order.** The Clerk's Office will provide the appropriate documents to the Brevard County Sheriff's Office for local service upon the Respondent. If the Respondent is located out of state, you are required to provide the Clerk's office with the law enforcement agency address and payment for service associated with the out of state service of the Respondent.
3. If a hearing is scheduled, **YOU MUST APPEAR AT THE HEARING.** The Respondent will be directed to appear at this hearing also. The Judge will take testimony from you and from the Respondent.
4. If the Respondent commits another act of violence against you or returns to the property after being restrained from doing so, you should call 911. If the Respondent violates any other provisions of the Injunction for Protection, you should go to the Clerk's Office during regular business hours to file a Motion for Contempt.
5. In order to support or dispute any claims made in the petition filed with the Court, you may bring any witnesses or evidence you have to the scheduled court hearing.

OFFICIAL USE ONLY

05-2022-DR- _____ -XXXX-XX

JUDGE _____ HRG DATE: _____ - _____ -2022 TIME: _____ : _____ AM / PM

PETITIONER'S NAME: _____

MAIDEN/OTHER NAMES OF PETITIONER: _____

STREET ADDRESS: _____ CITY, ZIP CODE: _____

DOB: _____ RACE: _____ SEX: _____ HOME/CELL PHONE: _____

DOES THIS PERSON KNOW WHERE YOU ARE LIVING? _____

EMPLOYER'S NAME & ADDRESS: _____

EMPLOYER'S PHONE #: _____ *ARE YOU FILING ON BEHALF OF A MINOR? YES _____ NO _____

*IF YES, PLEASE GIVE THEIR NAME(S): _____

D.O.B.: _____ RACE: _____ SEX: _____

RESPONDENT'S NAME: _____

ADDRESS: _____

CITY, STATE, ZIP CODE: _____

HOME/CELL PHONE: _____ DL#: _____

EMPLOYER NAME & ADDRESS: _____

EMPLOYER PHONE#: _____ OCCUPATION: _____

WORK SCHEDULE: M _____ T _____ W _____ TH _____ F _____ S _____ S _____

AUTO MAKE: _____ MODEL: _____ YEAR: _____ COLOR: _____

TAG#: _____ TAG STATE: _____ TAG TYPE: REG OR SPECIAL _____

VEHICLE ID #: _____ VEHICLE STYLE (Circle One): 2DR 4DR CONVERTIBLE VAN SUV TRUCK

COMPLEXION TYPE (Circle one): LIGHT MEDIUM DARK TAN RUDDY SKINTONE

MARKS/ FEATURES: MUSTACHE GOATEE BEARD GLASSES SCARS(WHERE): _____

TATTOOS: WHERE/ WHAT? _____

PLACE OF BIRTH: _____ RACE _____ MALE/FEMALE DOB _____

AGE _____ HEIGHT _____ WEIGHT _____ EYE COLOR _____ HAIR COLOR _____

DOES THE RESPONDENT HAVE WEAPONS? YES _____ NO _____ TYPE? _____

OTHER LOCATIONS RESPONDENT CAN BE FOUND? _____

1. HOW DO YOU KNOW THE PARTY YOU ARE FILING AGAINST (THE RELATIONSHIP BETWEEN THE PETITIONER & RESPONDENT)? IF NEIGHBORS, WHAT IS THE APPROX. DISTANCE BETWEEN HOMES?

2. LIST THE NAME(S), CITY OF BIRTH, AND DOB OF MINOR CHILD(REN) PETITIONER & RESPONDENT HAVE IN COMMON LIST ADDITIONAL CHILD(REN) THAT IS IN THE HOME, DOB & PARENT'S NAMES:

3. SHARED RESIDENCE: _____ OWNED _____ LEASED _____ RENTED _____ OTHER
NAME(S) ON THE MTG/LEASE/DEED/RENTAL AGREEMENT: _____

4. IF YOU CALL 911 TO YOUR HOME, WHAT LAW ENFORCEMENT AGENCY WILL RESPOND?
BREVARD COUNTY SHERIFF OR _____ CITY POLICE DEPARTMENT

***** STOP- BRING THIS FORM TO NEXT AVAILABLE CLERK *****

**IN THE CIRCUIT COURT, EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR BREVARD COUNTY, FLORIDA**

DIVISION: FAMILY

CASE NUMBER: 05 - - DR - - XXXX-XX

PETITIONER (print name of Petitioner)

RESPONDENT (print name of Respondent)

**ACKNOWLEDGMENT OF INJUNCTION FOR PROTECTION
FILING PROCEDURE INFORMATION**

I, the undersigned Petitioner in the above case, do hereby acknowledge that I have read and received a copy of the Injunction for Protection Filing Procedure Information.

Petitioner's Signature

Date

Signed and delivered in my presence this _____ day of _____, 20__.

**RACHEL M. SADOFF
Clerk of the Circuit Court**

By _____
Deputy Clerk: