

**Injunction for Protection Filing Procedure Information.**

**PETITIONS** can be filed at **the Viera courthouse : 2825 Judge Fran Jamieson Way, Viera, FL 32940 - (321) 637-6547 - Office hours are 8:00 am. to 5:00 pm.**

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.

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

**PROCEDURE:** CIRCLE & INITIAL THE **ONE** TYPE OF INJUNCTION YOU INTEND TO FILE. PLEASE READ ALL OF THE DEFINITIONS PROVIDED BEFORE MAKING YOUR SELECTION.

**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.**

## WHAT HAPPENS NEXT?

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. **IF YOU DESIGNATE AN EMAIL ADDRESS YOU WILL RECEIVE A COPY OF YOUR ORDER VIA EMAIL. IF YOU DO NOT DESIGNATE AN EMAIL ADDRESS You MUST return the next business day, to the closest Clerk's office with a valid form of identification to obtain a copy of your Order. *You can NOT call as these cases are confidential.* 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, it is your obligation 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 a Temporary Injunction has been issued, you should call 911.
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.

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

**DIVISION: FAMILY**

**CASE NUMBER: 05 - - DR - - XXDR-BC**

\_\_\_\_\_  
**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:

**DOES THIS PERSON KNOW WHERE YOU ARE LIVING?** CHECK ONE: YES  NO

**IF YOU WANT YOUR ADDRESS CONFIDENTIAL, WRITE CONFIDENTIAL**

**THIS SECTION IS ABOUT YOU**

PETITIONER'S NAME: \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

CITY, ZIP CODE: \_\_\_\_\_

HOME/CELL PHONE: \_\_\_\_\_

EMPLOYER'S NAME: \_\_\_\_\_

EMPLOYER'S ADDRESS: \_\_\_\_\_

EMPLOYER'S PHONE: \_\_\_\_\_

PETITIONER'S DOB: \_\_\_\_\_ RACE: \_\_\_\_\_ SEX: \_\_\_\_\_

IF STUDENT, SCHOOL NAME: \_\_\_\_\_

\*\*\*\*\*

**COMPLETE THIS SECTION ONLY IF YOU ARE FILING ON BEHALF OF A MINOR**

**DOES THE MINOR LIVE WITH YOU?** CHECK ONE: YES  NO

\*ARE YOU FILING ON BEHALF OF A MINOR? YES  NO

\*IF YES, PLEASE GIVE MINOR'S NAME: \_\_\_\_\_

MINOR'S DOB: \_\_\_\_\_ RACE: \_\_\_\_\_ SEX: \_\_\_\_\_

SCHOOL INFORMATION: \_\_\_\_\_

**THIS SECTION IS ABOUT THE PERSON YOU WANT TO BE PROTECTED FROM**

IF YOU ARE FILING AGAINST A MINOR, YOU MUST HAVE THE NAME OF THE PARENT OR GUARDIAN

RESPONDENT'S NAME: \_\_\_\_\_

\*\*\*NAME OF PARENT OR GUARDIAN: \_\_\_\_\_

ADDRESS (incl. city, state, zip): \_\_\_\_\_

HOME/CELL: \_\_\_\_\_ EMPLOYER PHONE: \_\_\_\_\_

EMPLOYER: \_\_\_\_\_

EMPLOYER ADDRESS: \_\_\_\_\_

OCCUPATION: \_\_\_\_\_

AUTO MAKE: \_\_\_\_\_ MODEL: \_\_\_\_\_ YEAR: \_\_\_\_\_ COLOR: \_\_\_\_\_

TAG#: \_\_\_\_\_ TAG STATE: \_\_\_\_\_ TAG TYPE (Regular or Special): \_\_\_\_\_

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

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

MARKS/FEATURES (Circle ALL that apply): MUSTACHE GOATEE BEARD GLASSES SCAR TATTOOS

PLACE OF BIRTH (if known): \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_ AGE(approx): \_\_\_\_\_ SEX:  MALE  FEMALE

RACE: \_\_\_\_\_ HEIGHT: \_\_\_\_\_ WEIGHT: \_\_\_\_\_ HAIR COLOR: \_\_\_\_\_ EYE COLOR: \_\_\_\_\_

DOES THE RESPONDENT HAVE WEAPONS?  YES  NO  UNKNOWN

TYPE OF WEAPONS? \_\_\_\_\_

OTHER LOCATIONS RESPONDENT CAN BE FOUND (List address(es) if known): \_\_\_\_\_

1. HOW DO YOU KNOW THE PARTY YOU ARE FILING AGAINST (THE RELATIONSHIP BETWEEN YOU & RESPONDENT)?

IF NEIGHBORS, WHAT IS THE APPROXIMATE DISTANCE BETWEEN HOMES? \_\_\_\_\_

**COMPLETE THIS QUESTION IF YOU SHARE CHILDREN WITH RESPONDENT**

2. LIST THE NAME(S) AND DOB OF MINOR CHILD(REN) PETITIONER & RESPONDENT HAVE IN COMMON:

**DO YOU SHARE A HOME WITH RESPONDENT (CIRCLE ONE)? YES OR NO**

**IF YES, COMPLETE THE SECTION BELOW**

3. SHARED RESIDENCE (CIRCLE ONE): OWNED / LEASED / RENTED / OTHER

NAME(S) ON THE MORTGAGE / DEED / RENTAL AGREEMENT: \_\_\_\_\_

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

Case No.: 05 - \_\_\_\_\_ - DR - \_\_\_\_\_ - XXXX-XX  
Division: CIVIL

\_\_\_\_\_  
Petitioner,  
  
and  
  
\_\_\_\_\_  
Respondent.

**REQUEST FOR CONFIDENTIAL FILING OF ADDRESS**

I, {full legal name} \_\_\_\_\_, request that the Court maintain and hold as confidential, the following address:

Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone (area code and number) \_\_\_\_\_

This request is being made for the purpose of keeping the location of my residence unknown for safety reasons pursuant to section 119.071(2)(j)1, section 741.30(3)(b)(a), section 784.046(4)(b)1, and section 784.0485(3)(b)1, Florida Statutes, or other statutory provision providing for the separate confidential filing for safety reasons.

Dated: \_\_\_\_\_  
Signature \_\_\_\_\_

**CLERK'S CERTIFICATE AS TO REQUEST FOR  
CONFIDENTIAL FILING OF ADDRESS**

I, Rachel M. Sadoff, as Clerk of the Circuit Court, do hereby certify that I received and filed the above and will keep the above address confidential, subsequent to further order of the Court relative to such confidentiality.

CLERK OF THE CIRCUIT COURT

(SEAL)

By: \_\_\_\_\_  
{Deputy Clerk}

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

Case No.: \_\_\_\_\_

Division: \_\_\_\_\_

\_\_\_\_\_  
Petitioner,

and

\_\_\_\_\_  
Respondent.

### DESIGNATION OF CURRENT MAILING AND E-MAIL ADDRESS

I, {full legal name}, \_\_\_\_\_, certify that:

#### MAILING ADDRESS:

My current mailing address is:

{Street or Post Office Box} \_\_\_\_\_

{Apartment, lot, etc.} \_\_\_\_\_

{City}, \_\_\_\_\_, {State}, \_\_\_\_\_, {Zip} \_\_\_\_\_.

{Telephone No.} \_\_\_\_\_ {Fax No.} \_\_\_\_\_.

#### E-MAIL ADDRESS:

The following is/are my e-mail address(es) for purposes of serving and receiving documents:

Primary e-mail address:

\_\_\_\_\_

Secondary e-mail address No.1:

\_\_\_\_\_

Secondary e-mail address No. 2:

\_\_\_\_\_

I understand that I must keep the clerk's office and the opposing party or parties notified of my current mailing and e-mail address(es) and that all future papers in this lawsuit will be served at the address(es) on record at the clerk's office.

I certify that a copy of this document was [check all used]  e-mailed  mailed  faxed  hand-delivered to the person(s) listed below on {date}\_\_\_\_\_.

**Other party or his/her attorney:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail Address(es): \_\_\_\_\_

**I HAVE READ EVERY STATEMENT MADE IN THIS DOCUMENT AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS DOCUMENT ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.**

\_\_\_\_\_  
Signature of Petitioner  
Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Designated E-Mail Address(es): \_\_\_\_\_  
\_\_\_\_\_

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:**

[fill in all blanks] This form was prepared for the: {choose only one}  Petitioner  Respondent

This form was completed with the assistance of:

{name of individual} \_\_\_\_\_  
{name of business} \_\_\_\_\_  
{street} \_\_\_\_\_  
{city} \_\_\_\_\_, {state} \_\_\_\_, {zip code} \_\_\_\_\_, {telephone number} \_\_\_\_\_