

DOMESTIC VIOLENCE

**IT ISN'T JUST WRONG.
IT'S A CRIME.**

WHAT IS DOMESTIC VIOLENCE?

Under the provisions of Section 741.28, F.S., *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.* This includes acts such as:

Physical Abuse—pushing, slapping, kicking, punching, choking, and beating (Section 741.30 F.S.)

Emotional/Verbal Abuse—threats, verbal intimidation, following and stalking, or acting out in anger (Section 741.30 F.S.)

Sexual Abuse/Battery—any unwanted touching or forcing of someone to engage in a sexual act against his/her will (Section 784.046 F.S.)

Dating Violence—violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature (Section 784.046 F.S.)

Repeat Violence—two incidents of violence or stalking one of which must have been within 6 months of filing a petition and must have been directed against the petitioner or the petitioner's immediate family member. (Section 784.046 F.S.)

Human Trafficking—the recruitment, harboring, transportation, or obtaining a person through force, fraud, or coercion, for the purpose of a commercial sex act or in which the person induced to perform such an act is under 18 years of age (Section 787.06 F.S.)

Procuring a Person Under the Age of 18 for Prostitution—(Section 796.03 F.S.)

Lewd or Lascivious Offenses—sexual activity committed upon or in the presence of a person less than 16 years of age (Section 800.04 F.S.)

WHAT DOES THE LAW MEAN?

If someone is abusing you physically or sexually, threatening you, falsely imprisoning you, or if a family or household member is stalking you, there is a law to protect you. 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 resided together in the same single dwelling unit in the past. The law also protects you if you are currently in or have been in a violent dating relationship within the last 6 months.

ARE YOU A VICTIM OF DOMESTIC VIOLENCE?

IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, PHYSICAL, EMOTIONAL, VERBAL, OR SEXUAL ABUSE OR BATTERY, DATING VIOLENCE, HUMAN TRAFFICKING, PROSTITUTION UNDER THE AGE OF 18, OR LEWD OR LASCIVIOUS OFFENSES UPON OR IN THE PRESENCE OF SOMEONE UNDER THE AGE OF 16 or if you have reasonable cause to believe you are in imminent danger of becoming the victim of any act of domestic violence, you have the right to file a **PETITION FOR INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE**. If you are a victim of repeat violence, dating violence, sexual violence, or the parent of any minor child who is living at home and who seeks an injunction for protection against repeat, dating, or sexual violence on behalf of the minor child, or you genuinely fear repeat violence, you may ask the state attorney to file a criminal complaint. You also have the right to go to file a **PETITION FOR INJUNCTION FOR PROTECTION AGAINST REPEAT VIOLENCE, DATING VIOLENCE, OR SEXUAL VIOLENCE**.

This may include, but need not be limited to provisions that restrain the abuser from further acts of abuse; direct the abuser to leave your household; and prevent the abuser from entering your residence, school, business, or place of employment. The Clerk of the Court is required to assist you in seeking both injunctions for protection and enforcement for a violation of an injunction. Representation by an attorney is not required of either party. (Section 741.30(1)(f) F.S.) **IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, PHYSICAL, EMOTIONAL, VERBAL, OR SEXUAL ABUSE OR BATTERY, DATING VIOLENCE, HUMAN TRAFFICKING, PROSTITUTION UNDER THE AGE OF 18, OR LEWD OR LASCIVIOUS OFFENSES UPON OR IN THE PRESENCE OF SOMEONE UNDER THE AGE OF 16** you may ask the State Attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting a **PETITION FOR INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE, REPEAT VIOLENCE, DATING VIOLENCE, OR SEXUAL VIOLENCE** which may include, but need not be limited to the following:

- provisions which restrain the abuser from further acts of abuse;
- directing the abuser to leave your household;
- preventing the abuser from entering your residence, school, business, or place of employment;
- awarding you custody of your minor child or children; and
- directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.
- For safety reasons, you may furnish your address to the court in a separate confidential filing when filing the petition for injunction. You are not required to remain in a residence or household where you are a victim of domestic violence. Your address may be different from that of your partner without penalty.

HOW CAN THE LAW HELP ME?

If you have been a victim of domestic violence, if the abuser has hurt you sexually or physically, or if you are afraid that you will be hurt, Florida's domestic violence law enables you to work with the court system to help keep you safe. Contact your local domestic violence center for safety planning prior to filing for an injunction.

Go to the Clerk of the Court's Office in your county courthouse.

- Bring identification.
- Bring information about where the abuser can be located.
- Bring any other information on the abuser, such as photos or identification.
- Bring any papers relating to your case.
- Tell the clerk that you are interested in filing a **PETITION FOR INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE, REPEAT VIOLENCE, DATING VIOLENCE, OR SEXUAL VIOLENCE**.
- The Court Clerk will help you in filing the proper paperwork. By filling out these forms, you will be explaining to the judge exactly what type of protection you need and from whom you need protection.
- After you have completed the paperwork, the court may determine that danger of domestic violence exists. The court may order a **temporary injunction**, which is good for 15 days. Then a full hearing is held to consider your safety and the safety of your children.
- The abuser must be served with the injunction before it becomes effective. The injunction will tell the abuser what the judge requires and when to return to court for a hearing. This hearing will be within 15 days unless the abuser cannot be served.

- **It is important for you to attend the hearing** so that you can make sure the judge understands exactly what help you need and why. **If you do not attend, usually the judge will end the injunction.**
- After the hearing, a **final injunction** may be granted. The final injunction is valid until dissolved or amended by the court.

WHAT DO I DO IF THE ABUSER VIOLATES THE INJUNCTION?

You will receive a copy of the injunction. **Keep it with you at all times.**

- If the abuser violates the conditions of an injunction, **call the police right away.**
- The abuser may be arrested.
- If the abuser is arrested, he/she will be held until the court determines bail.
- The judge will consider your safety and the safety of your children.
- You may go to court if you wish.
- The court may order penalties as allowed by law.

IF THE INJUNCTION HAS BEEN VIOLATED, BUT NO ARREST HAS BEEN MADE, report the violation to the Clerk of the Circuit Court in the county where the violation occurred and complete an affidavit in support of the violation. The judge will determine what action should be taken for your safety and the safety of your children.

IF YOU HAVE AN OUT OF STATE COURT ORDER FOR PROTECTION AGAINST DOMESTIC VIOLENCE, federal and state law provide that law enforcement recognize and act on the order as if issued by a Florida court. This includes orders issued by courts from the District of Columbia, Indian tribes, commonwealth territories, or possessions of the United States.

EXEMPTION FROM PUBLIC INSPECTION

Under the provisions of Section 119.071(2)(j), F.S., any information which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from public inspection and examination. Any information that is not exempt or confidential but that reveals home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt, upon written request by the victim to the custodian of the records, which must include official verification that an applicable crime has occurred. Such information shall remain exempt for 5 years, after which it will become available to the public.

WHOM MAY I TALK TO FOR MORE INFORMATION?

- Florida Domestic Violence Hotline
1-800-500-1119
(For legal assistance hit prompt #3)
- Florida Abuse Hotline
1-800-962-2873
(To file confidential reports of child abuse)
- National Child Abuse Hotline
1-800-422-4453
(24 hour help line which provides crisis counseling, information and referrals)
- National Domestic Violence Hotline
1-800-799-7233
- National Teen Dating Abuse Hotline
1-866-331-9474
- National Runaway Switchboard
1-800-786-2929
<http://www.1800runaway.org/>

YOUR CASE INFORMATION

Law Enforcement Agency

Phone Number

Case Number

Date of Report

Officer's Name ID Number

(Insert local contact numbers here)

(Insert the area domestic violence center name & phone number here)

(Insert the area certified rape crisis center name & phone number here)

Notice of Legal Rights and Remedies

DID YOU KNOW?

- In Florida, a person is killed by a family member every 36 hours.
- Domestic Violence is the leading cause of injury to women.
- More than 124,000 incidents of domestic violence are reported in Florida each year involving victims young and old, male and female.

YOU HAVE RIGHTS. KNOWING YOUR LEGAL RIGHTS AND OPTIONS IS THE FIRST STEP TOWARD ENDING ABUSE.