



## **STOP DOMESTIC VIOLENCE**

### **HOW TO RECEIVE AN INJUNCTION FOR PROTECTION**

#### **HAS A FAMILY OR HOUSEHOLD MEMBER HURT YOU?**

You may get an Injunction for Protection against Domestic Violence if any of the following individuals beats, hurts, stalks, or threatens you with harm:

- Spouse
- former spouse
- relative (by blood or by marriage)
- live-in (or former live-in) boyfriend/girlfriend
- person with whom you have had a child

An "Injunction for Protection Against Domestic Violence" would order the abuser to stop beating, hurting, stalking, or threatening you. It can also order the abuser to have no contact with you. You don't need a lawyer to get this court order!

#### **WHAT IF THE ABUSER IS NOT A FAMILY OR HOUSEHOLD MEMBER?**

If the person harming, threatening, or stalking you is not a family or household member, you may be able to get an Injunction for Protection Against Repeat Violence. The procedure is the same, but you must show two or more incidents of violence and you may not get custody and support.

#### **HOW TO FILE AN INJUNCTION**

1. If you are a resident of Duval County, go to the Center for Prevention of Domestic Violence located in the Courthouse Annex, 220 East Bay Street, Jacksonville, Florida. Their telephone number is (904) 630-7514. It is not necessary that your abuser was arrested or that you have filed a police report to get an injunction. If you have police reports or if your abuser was arrested, bring these documents with you when you file. Also you will need to bring picture identification, such as your driver's license or state I.D. card to enter the building.
2. Tell the worker that you want to file for an "Injunction for Protection Against Domestic Violence." You will be given an interview sheet to complete.
3. You should show the worker your police reports. You need to tell the worker what your abuser did to you, when and how often. If you want the Judge to order certain things, such as custody of your children or counseling for the abuser, you must request it in writing. There will be spaces on the forms you will be provided where you can request these things.

4. There is no filing fee to file an Injunction for Protection Against Domestic Violence.
5. After the papers are finished, the worker will take the papers to a Judge's office in the Courthouse.
6. At the Judge's office, the Judge may sign a temporary protective order which tells the abuser not to beat you or hurt you in other ways. If the Judge thinks you need more protection, then the Judge may also order the other person to leave the home and give you temporary custody of the children. This order may last 15 days or until a final hearing with you and the abuser before the Judge. The order will tell you the time and place of the final hearing. The Judge will mail you a copy of the order, or you may arrange to pick it up from the Clerk's Office.
7. Next the Sheriff will serve your abuser with the court papers, but you must be able to provide an address where your abuser can be found. If the abuser lives in another state, you may have to send the papers to the Sheriff's office in that state.

#### **WHAT HAPPENS AFTER YOU FILE?**

You will receive a copy of the order and a notice of the hearing by mail. You will have to appear in Court. Your abuser will also receive notice and will be there as well. You must be ready to tell the Judge why you need protection and what you are requesting. Make a list of the hurtful things that the abuser has done to you and the dates they were done. Bring the list to Court with you to use when telling the Judge what happened to you. Make sure you explain why you are fearful of your abuser. Bring any evidence and witnesses you have to the hearing - written statements and affidavits cannot be considered by the Judge.

At the end of the final hearing, the Judge may do one or more of the following:

- A. Grant you a Final Judgment of Injunction for Protection Against Domestic Violence. (The length of the injunction will vary from a few months to permanent and will be determined at the time of the hearing.)
- B. Grant you temporary custody of your minor child or children;
- C. Grant you temporary support for the minor children or yourself;
- D. Grant you sole use and possession of your home by ordering the abuser to leave;
- E. Order the abuser to go to counseling or a program for batterers;

#### **WHAT IF THE ABUSER DOES NOT OBEY THE ORDER?**

A violation of an injunction is a crime, punishable by jail time. If the abuser violates the order, call the police and show them your protection order. You may also need to go to the State Attorney's Office to request they be charged with violation of the injunction. If the Judge finds that the abuser violated the court order, the Judge can put the abuser in jail. If the parent of your child does not obey the child support order, call the Child Support Enforcement Program at (800) 622-5437.

### **WILL I BE DIVORCED AFTER THE FINAL HEARING?**

NO! The Injunction for Protection Against Domestic Violence is not a divorce decree. The purpose of an injunction is only to protect people and their children from family or household members who harm them.

If your Injunction for Protection Against Domestic Violence has an expiration date, you may want to extend your Injunction for Protection Against Domestic Violence for an additional period. You should return to the Duval County Courthouse approximately one month before the Injunction for Protection Against Domestic Violence expires and file for an extension.

If you decide that you want a divorce from your spouse, see a lawyer. If your income is low, call Jacksonville Area Legal Aid, Inc.

### **WHAT IF I WANT TO LEAVE THE ABUSER BUT I HAVE NOWHERE TO GO?**

Hubbard House offers temporary emergency shelter and counseling for abused women and their children. If you need to get away from the abuser and you have no friends or relatives you can stay with, you may want to call Hubbard House at 354-3114. If you are outside Duval County, call 1-800-500-1119 for the shelter nearest you.

### **Jacksonville Area Legal Aid, Inc. is supported in part by:**

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