



GENERAL INFORMATION

Types of Injunctions

It is critical to file under the appropriate Statute:

- ▶ Domestic Violence (with or without children)
- ▶ Dating Violence
- ▶ Repeat Violence (ex: neighbors, co-workers, individuals who have a third party in common – the ex-husband & the new boyfriend) – Stalking cases where there was no dating or intimate relationship are filed under this Statute
- ▶ Sexual Violence

Injunctions are Granted in Two Stages:

- ▶ Ex-parte (based solely on the Petitioner's request)
 - Lasts only for two (2) weeks until both parties come to court for a final hearing
 - Enforceable only after the Respondent is served
- ▶ After an Evidentiary (Final) Hearing
 - Generally granted for 12 months, but may be modified at any time upon petition by either party to the Court

PREPARING FOR AN EVIDENTIARY (FINAL) HEARING

What to Bring

- ▶ Any documentation you have of the incidents that led up to the petition, as well as any violations of the temporary injunction:
 - Police reports
 - Emails, Voicemails, etc
 - Photos of injuries, property damage
 - Where practical, property that was damaged (ex: torn clothing)
- ▶ Eyewitnesses to the alleged event(s). Minor children are not permitted to testify against their

own parent. Children who unrelated to the Respondent and are mature enough may be permitted to testify. No hearsay witnesses are permitted.

If the parties have had a permanent injunction previously or if Respondent violates the Temporary Injunction, and the judge grants a Final Injunction, he/she is required to also order the Respondent to attend and complete a Batterer's Intervention Program (BIP)



WHAT TO EXPECT DURING THE EVIDENTIARY (FINAL) HEARING

General

- ▶ Turn off cell phones, pagers & beepers. If it goes off during the hearing the judge may confiscate it.
- ▶ Do not chew gum or candy. No food is permitted in the courtroom.
- ▶ Only one person at a time may speak.

Witnesses

- ▶ Children under the age of 17 may not testify **against their parent** in court without prior court authorization. Other children, if mature enough, may be permitted to testify.
- ▶ Witnesses can only testify to what they have **personally** heard or seen.
- ▶ It is the responsibility of the Petitioner and Respondent to notify the Judge that they have witnesses. The Judge will decide whether or not he or she needs to hear from them.

Courtroom Set Up

- ▶ Respondent will sit on the far left side and Petitioner will sit on the far right side. A Harbor House advocate will sit next to the Petitioner for emotional support.
- ▶ The Harbor House advocate is not an attorney and cannot speak on behalf of the Petitioner.

What Happens in the Courtroom

- ▶ **If Respondent was not served**, the injunction will be automatically extended for 30 days. The Petitioner will not be given a chance to speak with the judge. If the Petitioner has any new or additional information that will help the Sheriff serve the Respondent, they are asked to give it to the Clerk.
- ▶ **If Respondent was served**, but does not appear, a "Petitioner Only" hearing will be held. The judge may ask some basic questions and then decide to grant or dismiss the injunction.

- ▶ **If Respondent appears and Petitioner does not**, the injunction is dismissed. The burden of proof is upon the Petitioner.
- ▶ **If Respondent and Petitioner both appear**, there will be a full hearing with both sides having a chance to tell their story.
 - If Respondent does not object to the injunction, the hearing will be short and the judge will have some basic questions regarding personal property, child visitation and support, etc.
 - If Respondent objects to the injunction, the judge will ask the Petitioner what act(s) of violence or threat(s) of violence caused them to come and file for the injunction.
 - Petitioner should begin with the most recent incidents that led to the filing for the injunction. The judge wants to know date(s), time(s) and place(s) the act(s) occurred. If there was physical contact, Petitioner should describe to the judge what happened. If there were threats, the Petitioner should quote what was said to them.
 - If there are witnesses or evidence (photos, emails, text messages, voicemails, police reports, etc.) they need to be presented at this time.

After Court

- ▶ Petitioner is escorted to a waiting area to wait for their paperwork. They are strongly encouraged to leave the courthouse immediately.
- ▶ Respondent must wait in the courtroom (2nd row) for 15 minutes to receive their paperwork.
- ▶ If safety is an issue (ex: Respondent's family or friends might follow Petitioner), the Petitioner may request a deputy to escort them to the parking garage.



SUPPORT & VISITATION ISSUES

Temporary Child Support

- ▶ In Florida, both parents have an obligation to financially support their children. This means that even if a party doesn't work or has never worked, the Court will impute (assign) minimum wage income to them when calculating support.
- ▶ Both parties will be asked to fill out a Child Support Calculations Worksheet.
- ▶ If one party believes the other is not being truthful, they may file a child support action with Child Support Enforcement or address the issue in a Dissolution (Divorce) or Paternity action.
- ▶ Support can be done by Income Deduction Order – meaning it comes right out of the paycheck. It still must be sent to the State Disbursement Unit and then forwarded to the other party, which can take several weeks.

If parties are not married and paternity has not legally been established, the judge will recommend that a paternity action be commenced in order to have another judge make a final order regarding visitation and support issues.

Visitation Options

- ▶ **Supervised Visitation** may be requested. The custodial parent will need to tell the judge why they feel it is necessary.
 - **Family Ties:** Visitation takes place at Cherokee school (downtown Orlando) and is supervised by trained professionals. It is only available on Saturdays and Sundays. The visits last 2 hours. There is a minimal fee for this service.
 - **Third Party:** Can be any family member or friend that the parties agree upon. The person **MUST** be present during the entire visit.
- ▶ **Monitored Exchange** may be ordered. One parent drops off the child at a safe location and waits nearby. After the other parent picks up the child, the other parent may leave.
 - **Family Ties**
 - **Saturdays & Sundays** exchange takes place at Cherokee School.
 - **Monday-Friday** exchange takes place from 8:30am-4:00pm at the Courthouse.
 - It is possible to have one drop off at the Courthouse on Thursday and then pick up at Cherokee School on the weekend.
 - Fee: \$15 per visitation cycle.
 - **Third Party:** Can be any family member, friend or daycare/school that the parties agree upon.