

INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM
12.980(q),
PETITION FOR INJUNCTION FOR PROTECTION AGAINST SEXUAL VIOLENCE


When should this form be used?

If you are a victim of **sexual violence** or the parent or legal guardian of a minor child who is living at home and is a victim of sexual violence, you can use this form to ask the court for a protective order prohibiting sexual violence. Sexual violence means any one incident of:

- sexual battery, as defined in chapter 794, Florida Statutes;
- a lewd or lascivious act, as defined in chapter 800, Florida Statutes, committed upon or in the presence of a person younger than 16 years of age;
- luring or enticing a child, as described in chapter 787, Florida Statutes;
- sexual performance by a child, as described in chapter 827, Florida Statutes; or
- 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. In order to get an injunction you must have reported the sexual violence to a law enforcement agency and be cooperating in the criminal proceeding if there is one. Attach the incident report by the law enforcement agency to your petition. It does not matter whether criminal charges based on the sexual violence have been filed, reduced, or dismissed by the state attorney's office. You may also seek an injunction for protection against sexual violence if the respondent was sent to prison for committing one of the sexual violence crimes listed above against you or your minor child living at home and respondent is out of prison or is getting out of prison within 90 days of your petition. Attach the notice of inmate release to your petition.

Because you are making a request to the court, you are called the **petitioner**. The person whom you are asking the court to protect you from is called the **respondent**. If you are seeking an injunction for protection against sexual violence on behalf of a minor child who is living at home, the parent or legal guardian must have been an eyewitness to, or have direct physical evidence or **affidavits** from eyewitnesses of, the specific facts and circumstances that form the basis of the petition. If you are under the age of eighteen and have never been married or had the disabilities of nonage removed by a court, one of your parents or your legal guardian must sign this petition on your behalf.

If the respondent is your **spouse**, former spouse, related to you by blood or marriage, living with you now or has lived with you in the past (if you are or were living as a family), or is the other parent of your child(ren) whether or not you have ever been married or ever lived together, you should use **Petition for Injunction for Protection Against Domestic Violence**,  Florida Supreme Court Approved Family Law Form 12.980(a), rather than this form.

This form should be typed or printed in black ink. You should complete this form (giving as much detail as possible) and sign it in the presence of a notary or in front of the **clerk of the circuit court** in the county where you live. The clerk will take your completed petition to a **judge**. You should keep a copy for your records. If you have any questions or need assistance completing this form, the

clerk or **family law intake staff** will help you.

What should I do if the judge grants my petition?

If the facts contained in your petition convince the judge that an immediate and present danger of violence exists, the judge will sign a **Temporary Injunction for Protection Against Sexual Violence**. ☞☐ Florida Supreme Court Approved Family Law Form 12.980(r). A temporary injunction is issued without notice to the respondent. The clerk will give your **petition**, the temporary injunction, and any other papers filed with your petition to the sheriff or other law enforcement officer for **personal service** on the respondent. The temporary injunction will take effect immediately after the respondent is served with a copy of it. It lasts until a full **hearing** can be held or for a period of 15 days, whichever comes first, unless the **respondent** is incarcerated, and in such instance the temporary injunction is effective for 15 days following the date the **respondent** is released from incarceration. The court may extend the temporary injunction beyond 15 days for a good reason, which may include failure to obtain **service** on the respondent.

The temporary injunction is issued "**ex parte**." This means that the judge has considered only the information presented by one side — YOU. Section I of the temporary injunction gives a date that you should appear in court for a hearing. You will be expected to testify about the facts in your petition. The respondent will be given the opportunity to testify at this hearing, also. At the hearing, the judge will decide whether to issue a **Final Judgment of Injunction for Protection Against Sexual Violence (After Notice)**, ☞☐ Florida Supreme Court Approved Family Law Form 12.980(s), which will remain in effect for a specific time period or until modified or dissolved by the court. **If you and/or the respondent do not appear, the temporary injunction may be continued in force, extended, or dismissed, and/or additional orders may be granted, including the imposition of court costs.**

If the judge signs a temporary or final injunction, the clerk will provide you with the necessary copies. **Make sure that you keep one certified copy of the injunction with you at all times!**

What can I do if the judge denies my petition?

If your petition is denied on the grounds that it appears to the court that no immediate and present danger of sexual violence exists, the court will set a full hearing on your petition. The respondent will be notified by **personal service** of your petition and the hearing. If your petition is denied, you may: amend your petition by filing a **Supplemental Affidavit in Support of Petition for Injunction for Protection**, ☞☐ Florida Supreme Court Approved Family Law Form 12.980 (g); attend the hearing and present facts that support your petition; and/or dismiss your petition.

Where can I look for more information?

Before proceeding, you should read "General Information for Self-Represented Litigants" found at the beginning of these forms. The words that are in "**bold underline**" are defined in that

section. The clerk of the circuit court or **family law intake staff** will provide you with necessary forms. For further information, see section 784.046, Florida Statutes.

INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM
12.980(h),
PETITIONER'S REQUEST FOR CONFIDENTIAL FILING OF ADDRESS

When should this form be used?

If you are the **petitioner** seeking an injunction for protection against domestic violence or sexual violence and you fear that disclosing your address to the **respondent** would put you in danger, you should complete this form and **file** it with the **clerk of the circuit court**.

You cannot use this form in a petition for injunction for protection against repeat or dating violence action.

This form should be typed or printed in black ink. After completing this form, you should **file** the original with the clerk of the circuit court in the county where your petition was filed and keep a copy for your records.

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT,
IN AND FOR ST. LUCIE COUNTY, FLORIDA

Case No.: _____

Division: DOMESTIC VIOLENCE

Petitioner,

and

Respondent.

PETITIONER'S REQUEST FOR CONFIDENTIAL FILING OF ADDRESS

I, {full legal name} _____, Petitioner in the
above action, 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 to Respondent for safety reasons pursuant to section 741.30, Florida Statutes, or section
784.046, Florida Statutes.

Dated:

Signature of Petitioner

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

I, Edwin M. Fry, Jr., 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.

EDWIN M. FRY, JR.
CLERK OF THE CIRCUIT COURT

(SEAL)

By: _____
Deputy Clerk

DOMESTIC/REPEAT VIOLENCE WORKSHEET

CASE NO. _____

General Information

1. How are you related to the Respondent? _____
2. If you are married to the Respondent, what is the date of your marriage? _____
3. Have you suffered physical domestic or repeat violence from the Respondent? _____
4. Was a law enforcement officer called as a result of domestic/repeat violence? _____
5. If yes, was a report written? _____ When was it filed? _____
6. Was an arrest made? _____ If yes, when was the Respondent arrested? _____
7. Give names/ages of any minor children between you and the Respondent? _____

Petitioner Information

8. Petitioner's name _____ Phone # _____
9. Petitioner's address _____
City _____ State _____ Zip _____
10. Petitioner's place of employment _____
11. Employer's Address _____ Phone # _____
12. Date of birth _____ Sex _____ Race _____ Height _____ Weight _____
Eye Color _____ Hair Color _____

Respondent Information

13. Respondent's name _____ Phone # _____
14. Respondent's address _____
City _____ State _____ Zip _____
15. Is Respondent currently in jail: _____ yes _____ no
16. Respondent's place of employment _____
17. Employer's address _____ Phone # _____
18. Work days and hours _____
19. Date of birth (or approx. age) _____ Sex _____ Race _____ Height _____
Weight _____ Eye Color _____ Hair Color _____
20. Scars or tattoos _____
21. Other addresses where Respondent may be found _____

22. Does the Respondent own any weapons? _____ If yes, what type? _____
23. Description of respondent's vehicle: _____

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No.: _____

Division: _____

Petitioner,

and

Respondent.

PETITION FOR INJUNCTION FOR PROTECTION AGAINST SEXUAL VIOLENCE

I, *{full legal name}* _____ being sworn, certify that the following statements are true:

SECTION I. PETITIONER (This section is about you. It must be completed.)

1. Petitioner currently lives at: *{address, city, state, zip code}* _____

Date of Birth of Petitioner: _____

[if applies]

_____ **Petitioner seeks an injunction for protection on behalf of a minor child.**

Petitioner is the parent or legal guardian of *{full legal name}* _____
_____, a minor child who is living at home.

2. Petitioner's attorney's name, address, and telephone number is: _____

(If you do not have an attorney, write "none.")

SECTION II. RESPONDENT (This section is about the person you want to be protected from. It must be completed.)

1. Respondent currently lives at: *{address, city, state, and zip code}* _____

Respondent's Driver's License number is: *{if known}* _____

2. Respondent's last known place of employment: _____

Employment address: _____

Working hours: _____

3. Physical description of Respondent:
 Race: _____ Sex: Male ___ Female ___ Date of Birth: _____
 Height: _____ Weight: _____ Eye Color: _____ Hair Color: _____
 Distinguishing marks and/or scars: _____
 Vehicle: (make/model) _____ Color: _____ Tag Number: _____
4. Other names Respondent goes by (aliases or nicknames): _____
5. Respondent's attorney's name, address, and telephone number is: _____

 (If you do not know whether Respondent has an attorney, write "unknown." If Respondent does not have an attorney, write "none.")
6. If Respondent is a minor, the address of Respondent's parent or legal guardian is: _____

SECTION III. CASE HISTORY AND REASON FOR SEEKING PETITION (This section must be completed.)

1. Petitioner has suffered sexual violence as shown by the fact that the Respondent has:
{describe the facts of violence} _____

Check here if you are attaching additional pages to continue these facts.

[all that apply]

- _____ a. Petitioner reported the sexual violence to law enforcement and is cooperating in any criminal proceeding. The incident report by law enforcement is attached. *{If there is a criminal case, include case number, if known}* _____
- _____ b. Respondent was sent to prison for committing sexual violence against Petitioner or Petitioner's minor child living at home and Respondent is out of prison or is getting out of prison within 90 days. The notice of inmate release is attached.
2. Has Petitioner ever received or tried to get an injunction for protection against domestic violence, dating violence, repeat violence, or sexual violence against Respondent in this or any other court?

() Yes () No If yes, what happened in that case? *{include case number, if known}*

3. Has Respondent ever received or tried to get an injunction for protection against domestic violence, dating violence, repeat violence, or sexual violence against Petitioner in this or any other court?
- () Yes () No If yes, what happened in that case? *{include case number, if known}*

4. Describe **any other** court case that is either going on now or that happened in the past **between Petitioner and Respondent** *{include case number, if known}*: _____

5. **Additional Information**

[**all** that apply]

- _____ a. Respondent owns, has, and/or is known to have guns or other weapons.

Describe weapon(s):

- _____ b. This or prior acts of violence have been previously reported to: *{person or agency}*

SECTION IV. INJUNCTION (This section must be completed.)

1. Petitioner asks the Court to enter an injunction prohibiting Respondent from committing any acts of violence against Petitioner and:

- a. prohibiting Respondent from going to or within 500 feet of any place Petitioner lives;
- b. prohibiting Respondent from going to or within 500 feet of Petitioner's place(s) of employment or the school that Petitioner attends; the address of Petitioner's place(s) of employment and/or school is: _____

_____;

- c. prohibiting Respondent from contacting Petitioner by telephone, mail, by e-mail, in writing, through another person, or in any other manner;

- d. ordering Respondent not to use or possess any guns or firearms;

[**all** that apply]

- _____ e. prohibiting Respondent from going to or within 500 feet of the following place(s) Petitioner or Petitioner's immediate family must go to often: _____

_____;

- _____ f. prohibiting Respondent from knowingly and intentionally going to or within 100 feet of

Petitioner's motor vehicle;
and any other terms the Court deems necessary for the safety of Petitioner and Petitioner's immediate family.

I UNDERSTAND THAT BY FILING THIS PETITION, I AM ASKING THE COURT TO HOLD A HEARING ON THIS PETITION, THAT BOTH THE RESPONDENT AND I WILL BE NOTIFIED OF THE HEARING, AND THAT I MUST APPEAR AT THE HEARING.

I UNDERSTAND THAT I AM SWEARING OR AFFIRMING UNDER OATH TO THE TRUTHFULNESS OF THE CLAIMS MADE IN THIS PETITION AND THAT THE PUNISHMENT FOR KNOWINGLY MAKING A FALSE STATEMENT INCLUDES FINES AND/OR IMPRISONMENT.

Dated: _____

Signature of Petitioner

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Fax Number: _____

STATE OF FLORIDA
COUNTY OF

Sworn to or affirmed and signed before me on _____ by _____.

NOTARY PUBLIC or DEPUTY CLERK

[Print, type, or stamp commissioned name of notary or clerk.]

_____ Personally known

_____ Produced identification

_____ Type of identification produced _____

CIVIL COVER SHEET

This civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or the other papers as required by law. This form is required for use of the Clerk of the Circuit Court for the purposes of reporting judicial workload data pursuant to Florida Statute 25.075

I. CASE STYLE

CIRCUIT COURT

CASE #: _____
JUDGE: _____

PETITIONER

VS.

RESPONDENT

II. TYPE OF CASE (Place and "x" in one box only)

- Domestic Violence
- Repeat Violence
- Dating Violence
- Sexual Violence

Date _____

SIGNATURE OF PARTY OR
ATTORNEY FOR PARTY
INITIATING ACTION:
