INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM 12.980(f), PETITION FOR INJUNCTION FOR PROTECTION AGAINST REPEAT VIOLENCE (06/12)

When should this form be used?

If you, or a member of your immediate family, are a victim of **repeat violence**, you can use this form to ask the court for a protective order prohibiting repeat violence. Repeat violence means that **two** incidents of violence have been committed against you or a member of your immediate family by another person, **one of which must have been within 6 months of filing this petition.** Repeat violence includes 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. 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 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.

The parent or legal guardian of any minor child *who is living at home* may seek an injunction for protection against repeat violence on behalf of the minor child. With respect to 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 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 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 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 you or a member of your immediate family are a victim of repeat violence and that an **immediate and present danger of repeat violence** to you or your family exists, the judge will sign a **Temporary Injunction for Protection Against Repeat Violence**, Florida Supreme Court Approved Family Law Form 12.980(k). 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.

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 Repeat Violence (After Notice)**, Florida Supreme Court Approved Family Law Form 12.980(l), 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 entry of a permanent injunction and the imposition of court costs. You and respondent will be bound by the terms of any injunction or order issued at the final hearing.**

IF EITHER YOU OR RESPONDENT DOES NOT APPEAR AT THE FINAL HEARING, YOU WILL BOTH BE BOUND BY THE TERMS OF ANY INJUNCTION OR ORDER ISSUED IN THIS MATTER.

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 repeat 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 help you complete any necessary forms. For further information, see Section 784.046, Florida Statutes, and Rule 12.610, Florida Family Law Rules of Procedure.

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 REPEAT 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 the following address: *{address, city, state, zip code}* _____
_____.
[Indicate **if** applicable]
___**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 the following address: *{address, city, state, and zip code}* _____
_____.
Respondent's Driver's License number is: *{if known}* _____.

2. Petitioner has known Respondent since: *{date}* _____.

3. Respondent's last known place of employment: _____
Employment address: _____
Working hours: _____

4. 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: _____

5. Other names Respondent goes by (aliases or nicknames): _____

6. 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.")

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

1. Has Petitioner ever received or tried to get an injunction for protection against domestic violence, repeat violence, dating 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}*
_____
_____

2. Has Respondent ever received or tried to get an injunction for protection against domestic violence, repeat violence, dating 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}*____
_____

3. 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}*:
_____
_____

4. Respondent has directed at least two incidents of violence, meaning 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 against Petitioner or a member of Petitioner's immediate family. One of these two incidents of violence has occurred within 6 months of the date of filing of this petition. The most recent incident (including date and location) is described below.
On *{date}* _____, at *{location}*_____,
Respondent _____
_____
_____
_____
_____
_____
_____

_____
_____
_____
_____
_____Please indicate here if you are attaching additional pages to continue these facts.

5. Other prior incidents (including dates and location) are described below:
On *{date}* _____, at *{location}*_____,
Respondent _____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____Please indicate here if you are attaching additional pages to continue these facts.

6. Petitioner genuinely fears repeat violence by Respondent. Explain:_____
_____
_____
_____
_____
_____
_____
_____

7. **Additional Information**
[Choose **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 repeat violence have been previously reported to: *{person or agency}*
_____.

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

1. ____Petitioner asks the Court to enter a TEMPORARY INJUNCTION for protection against repeat violence that will be in place from now until the scheduled hearing in this matter.

2. ____Petitioner asks the Court to enter, after a hearing has been held on this petition, a final judgment of 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;

[Choose **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 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 IF EITHER RESPONDENT OR I FAIL TO APPEAR AT THE FINAL HEARING, WE WILL BE BOUND BY THE TERMS OF ANY INJUNCTION OR ORDER ISSUED AT THAT 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

RESPONDENT'S NAME_____
ADDRESS_____
HOME PHONE_____
DATE OF BIRTH_____HT._____WT._____
HAIR COLOR_____EYE COLOR_____SEX_____RACE_____
PLACE OF EMPLOYMENT_____PHONE_____
ADDRESS_____
WORK SCHEDULE_____
VEHICLE THEY DRIVE_____YEAR_____MODEL_____
COLOR_____TAG NUMBER_____
DOES THE RESPONDENT HAVE ANY WEAPONS IN THEIR POSSESSION?
IF SO, WHAT KIND?_____
IS RESPONDENT CURRENTLY IN JAIL?_____
IF SO, WHERE?_____
IF RESPONDENT ISN'T AT HOME OR WORK, WHERE ARE OTHER PLACES THAT HE CAN BE FOUND?_____
ADDITIONAL INFORMATION ON RESPONDENT'S FAMILY: (SISTER, BROTHER, MOM OR DAD) LIST NAMES, ADDRESSES & PHONE NUMBERS_____
_____

INFORMATION SO THAT THE SHERIFF'S OFFICE CAN CONTACT YOU.
NAME_____
ADDRESS_____
PHONE DAY_____NIGHT_____
PLACE OF EMPLOYMENT_____

PETITIONER'S
NAME_____

ADDRESS_____

_____

(COMPLETED WITH PHYSICAL & BOX & ZIP CODE)

DATE OF BIRTH_____ HT._____ WT._____

HAIR COLOR_____EYE COLOR_____ SEX_____
RACE_____

PHONE
DAY_____NIGHT_____

RELATIONSHIP TO THE RESPONDENT:_____

PLACE OF
EMPLOYMENT_____

_

NEED COPY OF DRIVERS LICENSE

IN THE EIGHTH JUDICIAL CIRCUIT COURT
IN AND FOR _____COUNTY, FLORIDA

_____ Petitioner,

Case No.: _____
Div.: DV

and

_____ Respondent.

_____/

REQUEST TO DISMISS PETITION FOR INJUNCTION IF TEMPORARY INJUNCTION IS DENIED

1. I understand that I am entitled to a full, final hearing before a judge on my *Petition for Injunction for Protection Against Domestic/Repeat/Dating/Sexual Violence/Stalking* within 15 days of its filing. This hearing will determine if there will be a final/permanent injunction entered. The Respondent will be served with a copy of my *Petition* by the Alachua County Sheriff's Office. Respondent has the right to appear and be heard by the Court at the final hearing.
2. I understand that the Judge will decide today if there will be a temporary injunction (no contact order) in place during that 15 day period.
3. If my request for a temporary injunction is denied, I understand that the case might still be scheduled for a hearing. I understand that the Respondent will still be served with a copy of my *Petition* even though no temporary injunction or "no contact" was ordered by the judge.

With this knowledge, I do **NOT** believe it will be in my best interest to have a final hearing if the temporary injunction (no contact order) is not entered. In the event the temporary injunction is not entered, **I WAIVE AND GIVE UP** my right to the final hearing and request that the case be dismissed at that time. The case will **END** and my *Petition* will **NOT** be served upon the Respondent.

Petitioner Signature:

Date: