

INSTRUCTIONS FOR FLORIDA FAMILY LAW FORM 12.980(b),
PETITION FOR INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE

When should this form be used?

If you are a victim of any act of domestic violence or have reasonable cause to believe that you are in imminent danger of becoming a victim of domestic violence, you can use this form to ask the court for a protective order prohibiting domestic violence. 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**. **Domestic violence includes:** assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any other criminal offense resulting in physical injury or death to petitioner by any of petitioner's family or household members who are residing in the same single dwelling unit with petitioner.

The domestic violence laws only apply to your situation 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. If the respondent is not one of the above, you should look at **Petition for Injunction for Protection Against Repeat Violence, O** Florida Family Law Form 12.980(g), to determine if your situation will qualify for an injunction for protection against repeat violence.

If you are under the age of eighteen and you have never been married or had the disabilities of nonage removed by a court, then one of your parents or your legal guardian must sign this petition with you.

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 front of a notary public or 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 are a victim of domestic violence or that an **imminent danger of domestic violence** exists, the judge will sign an immediate **Temporary Injunction for Protection Against Domestic Violence, O** Florida Family Law Form 12.980(d). 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. The temporary injunction gives a date that you should appear in court for a hearing. At that 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 Domestic Violence, O** Florida Family Law Form 12.980(e), 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 imminent danger of domestic violence exists, the court will set a full hearing, at the earliest possible time, 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, O'** Florida Family Law Form 12.980 (h); 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 Pro Se Litigants” found at the beginning of these forms. The words that are in “**bold underline**” are defined in in that section. The clerk of the circuit court or family law intake staff will help you complete any necessary domestic violence forms and can give you information about local domestic violence victim assistance programs, shelters, and other related services. You may also call the Domestic Violence Hotline at 1-800-500-1119. For further information, see chapter 741, Florida Statutes, and rule 12.610, Florida Family Law Rules of Procedure.

Special notes...

With this form you may also need to file the following:

- C **Uniform Child Custody Jurisdiction Act (UCCJA) Affidavit, O'** Florida Family Law Form 12.901(f), must be completed and filed if you are asking the court to determine issues of temporary custody or visitation with regards to a minor child.
- C **Notice of Social Security Number, O'** Florida Family Law Form 12.901(j), must be completed and filed if you are asking the court to determine issues of temporary child support.
- C **Family Law Financial Affidavit, O'** Florida Family Law Form 12.901(d) or (e), must be completed and filed if you are seeking temporary alimony or temporary child support.
- C **Child Support Guidelines Worksheet, O''** Florida Family Law Form 12.901(g), Child Support Guidelines Worksheet, MUST be filed with the court at or prior to a hearing to establish or modify child support.

Additionally, if you fear that disclosing your address to the **respondent** would put you in danger, you should complete **Petitioner's Request for Confidential Filing of Address, O'** Florida Family Law Form 12.980(i), and **file** it with the **clerk of the circuit court** and write "confidential" in the space provided on the petition.

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 DOMESTIC 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. However, **if you fear that disclosing your address to the respondent would put you in danger**, you should complete and file **Petitioner's Request for Confidential Filing of Address, O'** Florida Family Law Form 12.980(i), and write "confidential" in the space provided on this form for your address and telephone number.)

1. Petitioner currently lives at: *{street address}* _____
{city, state and zip code} _____
Telephone Number: *{area code and number}* _____

2. **Filing Fees**
[/ one only]

- ___ a. Petitioner is paying the filing fee and sheriff's or other authorized law enforcement agency's service fees.
- ___ b. Petitioner does not have enough money to pay the filing fee or service fees and is filing an Affidavit and Motion for Waiver of Fees, **O'** Florida Family Law Form 12.980(a), and a Financial Affidavit, **O'** Florida Family Law Form 12.901(d) or (e). Petitioner asks that he or she not have to pay the fees necessary to process the petition and serve the injunction and other motions or orders needed to enforce the injunction, subject to later order(s) of the Court about the payment of such fees.

3. 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: *{street address, city, state, and zip code}* _____

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

2. Respondent is:
 [/ all that apply]
- ___ a. the spouse of Petitioner. Date of Marriage: _____
 ___ b. the former spouse of Petitioner.
 Date of Marriage: _____
 Date of Divorce: _____
 ___ c. related by blood or marriage to Petitioner.
 Specify relationship: _____
 ___ d. a person who is or was living in one home with Petitioner, as if a family.
 ___ e. a person with whom Petitioner has a child in common, even if Petitioner and Respondent never were married or living together.
3. Petitioner has known Respondent since {date} _____.
4. Respondent's last known place of employment: _____
 Employment address: _____
 Working hours: _____
5. Physical description of Respondent:
 Race: ___ Sex: Male ___ Female ___ Date of Birth: _____
 Height: _____ Weight: _____ Eye Color: _____ Hair Color: _____
 Distinguishing marks or scars: _____
 Vehicle: (make/model) _____ Color: _____ Tag Number: _____
6. Other names Respondent goes by (aliases or nicknames): _____
7. 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 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 against Petitioner?
 ___ 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, including a dissolution of marriage, paternity action, or child support enforcement action, **between Petitioner and Respondent** {include city, state, and case number, if known}: _____

____ b. Petitioner cannot get another safe place to live because: _____

____ c. If kept out of the home, Respondent has the money to get other housing or may live without money at {street address} _____, {city, state, zip code} _____.

2. The home is:
[/ one only]

- ____ a. owned or rented by Petitioner and Respondent jointly.
- ____ b. solely owned or rented by Petitioner.
- ____ c. solely owned or rented by Respondent.

SECTION V. TEMPORARY CUSTODY OF MINOR CHILD(REN) (Complete this section **only** if you are seeking temporary custody of any minor child. You must be the natural parent, adoptive parent, or guardian by court order of the minor child(ren). If you are asking the court to determine issues of temporary custody with regards to a minor child, you must also complete and file a **Uniform Child Custody Jurisdiction Act (UCCJA) Affidavit, O'** Florida Family Law Form 12.901(f)).

Note: If the paternity of the minor child(ren) listed below has not been established through either marriage or court order, the Court may deny temporary custody, visitation, and/or support.

1. Petitioner is the natural parent, adoptive parent, or guardian by court order of the minor child(ren) whose name(s) and age(s) is (are) listed below.

Name	Place of Birth	Birth date	Sex
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

2. The minor child(ren) whom Petitioner is seeking temporary custody of:
[/ one only]

- ____ a. saw the domestic violence described in this petition happen.
- ____ b. were at the place where the domestic violence happened but did not see it.
- ____ c. were not there when the domestic violence happened this time but have seen previous acts of domestic violence by Respondent.
- ____ d. have not witnessed domestic violence by Respondent.

3. Name **any other** minor child(ren) who were there when the domestic violence happened. Include child(ren)'s name, age, sex, and parents' names. _____

4. **Visitation**

[/ all that apply]

___ a. Petitioner requests that the Court order reasonable visitation by Respondent with the minor child(ren), as follows: _____

___ b. Petitioner requests that the Court order supervised exchange of the minor child(ren) or exchange through a responsible person designated by the Court. The following person is suggested as a responsible person for purposes of such exchange. Explain: _____

___ c. Petitioner requests that the Court limit visitation by Respondent with the minor child(ren). Explain: _____

___ d. Petitioner requests that the Court prohibit visitation by Respondent with the minor child(ren) because Petitioner genuinely fears that Respondent imminently will abuse, remove, or hide the minor child(ren) from Petitioner. Explain: _____

SECTION VI. TEMPORARY SUPPORT (Complete this section **only** if you are seeking financial support from the respondent. You must also complete and file a **Financial Affidavit, O'** Florida Family Law Form 12.901(d) or (e). In addition, a **Notice of Social Security Number, O'** Florida Family Law Form 12.901(j), must be filed if you are seeking child support. A **Child Support Guidelines Worksheet, O''** Florida Family Law Form 12.901(g), must be filed with the court at or prior to a hearing to establish or modify child support.)

[/ all that apply]

___ 1. Petitioner claims a need for the money he or she is asking the Court to make Respondent pay, and Respondent has the ability to pay that money.

___ 2. Petitioner requests that the Court order Respondent to pay the following temporary alimony to Petitioner. (Petitioner must be married to Respondent to ask for temporary alimony.)
Temporary Alimony Requested \$_____ every () week () other week () month.

___ 3. Petitioner requests that the Court order Respondent to pay the following temporary child support to Petitioner. (The respondent must be the natural parent, adoptive parent, or guardian by court order of the minor child(ren) for the court to order the respondent to pay child support.) Temporary child support is requested in the amount of \$_____ every () week () other week () month.

SECTION VII. INJUNCTION (This section summarizes what you are asking the Court to include in the injunction. This section must be completed.)

1. Petitioner asks the Court to enter a TEMPORARY INJUNCTION for protection against domestic 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 on injunction prohibiting Respondent from committing any acts of domestic violence against Petitioner **and:**
a. prohibiting Respondent from going to or within 500 feet of any place the Petitioner lives;

b. prohibiting Respondent from going to or within 500 feet of the Petitioner's place(s) of employment or school; the address of Petitioner's place(s) of employment or school is: _____

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

[/ all that apply]

_____ d. prohibiting Respondent from going to or within 500 feet of the following place(s) Petitioner or Petitioner's minor child(ren) must go often {include address}: _____

_____ e. granting Petitioner temporary exclusive use and possession of the home Petitioner and Respondent share;

_____ f. granting Petitioner temporary exclusive custody of the parties' minor child(ren);

_____ g. establishing visitation rights with the parties' minor child(ren);

_____ h. granting temporary alimony for Petitioner;

_____ i. granting temporary child support for the minor child(ren);

_____ j. ordering Respondent to participate in treatment, intervention, and/or counseling services;

_____ k. referring Petitioner to a certified domestic violence center; and

any other terms the Court deems necessary for the protection of Petitioner and/or Petitioner's child(ren), including injunctions or directives to law enforcement agencies, as provided in section 741.30, Florida Statutes.

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

I HAVE READ EVERY STATEMENT MADE IN THIS PETITION, AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

(initials)

Dated: _____

Signature of Petitioner

STATE OF FLORIDA
COUNTY OF _____

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

NOTARY PUBLIC— DEPUTY CLERK

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

_____ Personally known

_____ Produced identification

_____ Type of identification produced _____