

## What is Domestic Violence?

“Domestic Violence” is when violence occurs between family or household members. Domestic violence also includes people who have a child together even if they do not live together.

### Does Domestic Violence have to involve physical violence or injury?

**No**, domestic violence also includes verbal abuse such as threatening and putting someone in fear of violence.

### What can I do if I am a victim of domestic violence?

If you are in danger, call 911 to get help from the police. You will be asked to tell the police where you live and what happened so the police can come and help you. If the person who hurt you has done this before, tell the police. If you are afraid, you can ask the operator to stay on the phone until the police arrive. If you do not speak English the operator can connect you with someone who speaks your language.

### What happens when the police arrive?

When the police arrive tell them as much as you can about what happened. If you are hurt show them your bruises, marks, cuts or other injuries. If this has happened before tell the police. You have a right to tell the police your side of what happened. It is called a statement. Do not have anyone else make a statement for you. If you do not speak English write out your statement in your own language and ask the officer to include it in his police report. If there are guns in your home let the police know.

### If I am not in the United States legally can I still get help for Domestic violence?

Yes, the laws are created to protect any person who is a victim of Domestic violence.

### What is an Injunction for Protection against Domestic Violence?

An Injunction is an Order from the Court telling the abuser not to commit any future acts of domestic violence against you.

### What other types of relief, if appropriate, may the Court grant?

1. The court may order the abuser out of the home.
2. The Court may order that the abuser stay away from you and places that you and your family go regularly such as work and school.
3. The Court may grant you temporary custody of your minor children and may order temporary support.
4. The Court may order the abuser to temporarily surrender all firearms and ammunition to the police.
5. The Court may also order other relief for your protection.

### What happens if the abuser violates the Injunction?

They can be arrested and face criminal charges.

### Do I have to pay money to file a Petition for Injunction Against Domestic Violence?

**No**, there is no fee or court cost.

### Where do I go to seek an Injunction for Protection Against Domestic Violence?

You go to the County Courthouse, Family Division and tell the clerk that you need an Injunction for Protection Against Domestic Violence. When you go to the courthouse try and bring identification, police reports (if you have them), an address where you can receive mail and the name and address of the person who abused you.

### How long will the Injunction last?

When you apply for an injunction a judge reviews your petition (application) and decides whether to issue a temporary injunction. The temporary injunction will be served on the abuser with a court date for hearing. The temporary injunction will be in effect for 15 days or until the hearing which ever comes first.

### What happens if the Judge denies my Petition?

If you apply for an injunction and the judge denies it, the judge may still set it for hearing to hear evidence. You can also amend your petition/application if you left out important information.



### What happens at the Hearing?

The judge will decide at the hearing whether to issue a permanent injunction. You are required to go to the hearing. The judge will listen to both sides at the hearing. If you have a witness you should bring them to the hearing. You should also bring pictures or other evidence that you want to show the judge. If the Judge finds that you are a victim of domestic violence or that you are in danger of becoming a victim of domestic violence the Judge will issue a permanent injunction for an amount of time that the Court believes is necessary to protect you.

### What will the judge consider at the hearing?

#### Some things the judge will consider are:

1. The history between you and the other person, including threats, harassment, stalking, and physical abuse.
2. Whether the other person has attempted to harm you or your family members.
3. Whether the other person has threatened to hide, take or harm your children.
4. Whether the other person has intentionally injured or killed the family pet.
5. Whether the other person has used, or threatened to use weapons against you or your family.
6. Whether the other person has stopped you from leaving or calling the police.
7. Whether the other person has a criminal history of violence or threats of violence.
8. Whether there were other Injunctions issued.
9. Whether the other person has destroyed your personal property, including, but not limited to, telephones, clothing.
10. Whether the other person has engaged in any other behavior or conduct that leads you to reasonably believe that you are in danger of becoming a victim of domestic violence.

## What if I didn't call the police?

You do not have to have reported the abuse to the police in order to get an Injunction.

## What else can I do to protect myself?

If you are in an abusive domestic relationship you should:

1. Notify someone of the abuse.
2. Talk to a counselor.
3. You can contact a victim advocate at the Florida Coalition Against Domestic Violence at 1-800-500-1119 and/or The National Domestic Violence Hotline at 1-800-799-7233.
4. Have a plan for escape.
5. Teach your children how to escape and get help.
6. Keep a set of spare keys and copies of important papers such as birth certificates, identification, social security cards, health information, and court orders in a safe place with a third party if possible.
7. If you need emergency shelter you can contact Safespace Hotline at 1-800-500-1119 available 24 hours a day.

## If I never lived with my abuser can I still seek an Injunction for Protection?

Yes, there are other Injunctions that can protect you such as Injunction for Protection against repeat violence, sexual violence and dating violence. If you have a child with your abuser you can still seek an Injunction for protection against domestic violence.

### Offices of Florida Rural Legal Services:

**Belle Glade**  
1-888-993-0003

**Ft. Myers**  
1-800-476-8937

**Ft. Pierce**  
1-888-582-3410

**Lakeland**  
1-800-277-7680

**Punta Gorda**  
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Questions & Answers  
About

# Domestic Violence

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