

Division DV-A Judicial Practices and Procedures

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A. Overview of the Law:

- Under Florida law, an injunction is a court order that limits a Respondent's contact and interactions with certain people. It may also limit the Respondent's ability to go to certain places. The injunction process is a civil court process and is not a part of a criminal court proceeding.
- There are five types of injunctions:
 1. Domestic Violence (*See Fla. Stat. §§ 741.28, 741.30, Florida Statutes*),
 2. Repeat Violence (*See Fla. Stat. § 741.046*),
 3. Stalking (*See Fla. Stat. § 741.046*),
 4. Dating Violence (*See Fla. Stat. § 741.046*), and
 5. Sexual Violence (*See Fla. Stat. § 741.046*)

- The purpose of an injunction is to require a Respondent to stay away from a Petitioner's home, car, place of employment, and other places the court finds necessary. Also, injunctions can order the Respondent not to contact the Petitioner by phone, in writing, by email, or in person. Injunctions can include other relief that the court feels is appropriate.
- **Each type of injunction has unique legal requirements, which must be met before it can be issued.**

B. The Process for Obtaining an Injunction:

- To obtain an injunction, a Petitioner must first file a petition. After the Petitioner files the petition, a judge—likely not the judge who will ultimately preside over the case—will decide if the petition meets the basic statutory requirements under the law. If it does, the judge will likely issue a temporary injunction. **Absent exceptional circumstances, temporary injunctions should be in place for not more than 15 days.**
- In nearly every case, the issuance of a temporary injunction is based only on the allegations raised in the petition for injunction. Thus, oftentimes, a Respondent (the person against whom a Petitioner seeks an injunction) cannot be heard until the final hearing.
- When a Petitioner files a petition for injunction, the judge reviewing the petition may:
 1. Issue a temporary injunction for protection and a notice of hearing. This type of order will only be in effect until the hearing, which cannot be more than 15 days away. If the judge reviewing the petition issues this type of order, it applies to the Respondent as soon as he or she is served. Contacting someone in violation of a temporary injunction may constitute a crime.
 2. Issue an order setting hearing only. This means that there is no injunction in effect until the final hearing. The Respondent will be served with a copy.

3. Deny the petition and give reasons in writing why the petition was denied. The Respondent will not be served with a copy. In this case, the Petitioner can file a supplemental petition and add any other information that may have been left out the first time or that may make a difference in the decision.

C. Final Hearings:

1. The purpose of the hearing is for the judge to decide whether to issue a final injunction. The judge decides the length of time for an injunction, with input from the parties. If both parties appear and want to proceed; or if the Petitioner appears and wants to proceed (if the Respondent chooses not to appear after receiving notice of the hearing), the judge can receive testimony from parties and witnesses, and review evidence.
2. Parties must bring to court any pictures, phone records, text messages, videos, or other evidence they want the judge to consider at the final hearing. Any evidence offered and admitted into the record will stay with the court. Parties must present evidence in a manner that allows the court to admit it into the record. For example, any video or recording must be on a flash drive or similar device. All documentary evidence (pictures, text messages, etc.) must be either printed or on a flash drive or similar device.
3. Witnesses must come to court to testify—unless permitted, by court order to appear remotely. Letters from witnesses are not evidence and will not be considered at the final hearing. Parties may subpoena (or compel) witnesses to testify, but they will need to pay a fee. Please contact the clerk of the court for information about subpoenaing witnesses. Police officers typically require a subpoena in advance to attend an evidentiary hearing.
4. If a final injunction is entered, the parties must read it carefully. The Respondent can ask the judge or court staff if he or she has any questions or concerns. If the Respondent violates the order,

the Petitioner should report it immediately. Only the court can change the injunction. If a party seeks to change or dismiss an injunction, he or she must contact the court. The Petitioner cannot give the Respondent permission to violate the order.

D. Communications with the Judicial Office:

1. Communications with the judicial office must be submitted to Awilliams4@coj.net. Please allow 48 hours (2 business days) for a response before sending a follow up email. The subject line of any email to the judicial office must contain the case number, case name, and subject of the request (e.g., 2020 DR 001234—Doe v. Doe—scheduling request).
2. Please note that requests for relief (i.e. motions) are not “judicial communications.” All parties must file any request for relief on the docket. The judge will not entertain any motions not filed on the docket.
3. All communications with the judicial office must comply with Canon 3 of the Code of Judicial Conduct, which prohibits a judge from initiating, permitting, or considering ex-parte communications and from considering other communications outside the presence of the parties concerning a pending or impending proceeding, unless authorized by law.
4. All parties must be copied on any e-mail directed to the judicial office, unless the law authorizes an ex-parte communication. The court will not consider any unsolicited communications from non-parties.

E. E-Filing Portal Contact Information:

All attorneys and self-represented litigants must make and receive service by e-mail, which is generally through the Florida Courts F-Filing Portal, unless excused. Fla. R. Gen. Prac. & Jud. Admin. 2.516. It is the responsibility of attorneys and self-represented litigants to update their contact information using Form 2.603 anytime there is a change in the email address registered for an electronic device.

F. Remote Appearances:

The Court maintains a hybrid courtroom, allowing parties and witnesses to appear remotely, as provided Florida Rule of General Practice and Judicial Administration 2.530. Any party seeking to appear remotely must file a motion.

G. Accessibility:

****If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact The ADA Coordinator at CRTINTRP@COJ.NET or (904) 255-1695 {identify applicable court personnel by name, address, and telephone number} at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.****

Additional forms can be found at 4th Judicial Circuit Court - Jud4.org - [DV Post Judgment Information](#)