

FEDERAL LAW PROHIBITS A PERSON FROM POSSESSING OR TRANSPORTING FIREARMS AND/OR AMMUNITION IF THEY:

Have been convicted in any court of a misdemeanor crime of domestic violence or are subject to a court order that:

- was issued after a hearing for which the person received notice, and at which the person had an opportunity to participate; and
- restrains the person from harassing, stalking, or threatening an intimate partner or child of an intimate partner, or if the order prohibits the person from engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
- includes a finding that the person represents a credible threat to the physical safety of such intimate partner or child; or
- explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

See 18 U.S.C.A. §922(g) (8-9). A civil injunction for protection in Florida is a court order that meets the description above.

CONSEQUENCES IF A FINAL INJUNCTION FOR PROTECTION IS ENTERED AGAINST YOU:

Your ability to purchase and possess weapons and ammunition is affected.

The final injunction is enforceable in 50 states.

The final injunction may require you to leave a shared residence, restrict and limit visitation with minor children, and/or require you to pay support for minor children and/or the petitioner.

If you violate a final injunction, you may be arrested and charged with a first degree misdemeanor for each violation with a maximum sentence of one year in jail under Florida law.

If you stalk the petitioner, a person with an injunction against you, you may be charged with a second degree felony.

You may be deported or your application for citizenship may be affected.

Your employment applications or status may be affected, especially in certain fields if you are required to use weapons for work.

Your professional licenses may be affected.

Your admission into the military, schools, colleges, or universities may be affected.

RESOURCES: Ask the clerk about a court interpreter for your hearing and community resources.

**CIVIL
INJUNCTIONS
FOR
PROTECTION
AGAINST DOMESTIC,
DATING, SEXUAL, AND
REPEAT VIOLENCE**



**INFORMATION
FOR
RESPONDENTS**

This project was supported by Grant No. 2007-WF-AX-0062 awarded by the Violence Against Women Grants Office, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice or the Florida Department of Children and Families.

WHAT IS A TEMPORARY INJUNCTION?

You were served with a court order called a temporary injunction. This order is in effect until your court hearing. It may be extended by the judge at the hearing.

You are the respondent, and the other person is the petitioner.

This is a civil injunction not a criminal charge or case.

Please read the court order very carefully because it tells you what you CAN AND CANNOT DO before your hearing.

WHAT DOES THIS MEAN?

The judge has ordered that you:

DO NOT contact the other person in this case either in person or by phone, emails, text messages, letters, sending gifts, talking in public places, sending messages or having others talk to the other person for you. **YOU MAY NOT HAVE CONTACT EVEN IF THE OTHER PERSON CONTACTS YOU FIRST!!!**

DO NOT go any place prohibited in the temporary injunction (other person's home, place of work, or other places listed in the order signed by the judge) or within 100 feet of the other person's car. You may not have contact **EVEN IF YOU ARE INVITED!!!**

ONLY THE JUDGE CAN CHANGE THE ORDER. The other person cannot decide to change or dismiss the order alone. If the other person contacts you, it is not a crime, but if you have contact with the other person **YOU CAN BE ARRESTED AND CHARGED WITH A CRIME (up to one year in jail)!!!!**

WHAT ABOUT ME?

You will have a chance to talk to the judge at the hearing. Attend your hearing. If you cannot go to court for a good reason, contact the court in writing and ask for another court date. Unless your request is granted, you must attend court on the date indicated.

The court can enter a temporary order based on one person's sworn petition alone, but it is only in effect for a short time. Both people have the chance to address the court during the hearing before a final order can be entered.

WHAT DO I BRING TO COURT?

Witnesses - Witnesses must come to court to testify. Letters from witnesses are not allowed. You may subpoena witnesses, but there is a fee. You may contact the clerk for information. Police officers usually require a subpoena in advance to attend hearings.

Evidence - Pictures, phone records, messages, etc. that you want the court to consider.

Proof of Income - If the other person is asking for child support or alimony, you must bring a financial affidavit or proof of income such as pay stubs, tax returns, etc.

Documents - Car titles and deeds to home or other shared property

Copies of Any Other Court Orders - involving you and the other person such as divorce, custody, child support, etc.

WHAT IF I JUST DON'T GO TO MY HEARING?

The judge can enter a final injunction without you present at the hearing if you were served and notified of the hearing.

WHAT ABOUT THE HEARING?

The purpose of the hearing is for the judge to decide whether or not to issue a final injunction.

If you have a pending criminal case about the same or related incident, you have the right not to testify in the civil injunction hearing because anything you say can be used against you in the criminal case.

At the hearing, you can consent (agree to the injunction), or you can object (disagree with the injunction being entered against you). If you object, a full hearing will be held. Before you agree, read the potential consequences on the back of this brochure.

If you have a full hearing, the judge will listen to both parties, witnesses, and review the evidence. At your hearing, you will have a chance to talk to the judge about what the other person said you did or alleged in the petition.

If the final injunction is entered, it is not a "two-way" order. It restricts the behavior of the respondent (you) only.

If you feel you have been stalked, harassed, threatened, a victim of violence or are in imminent danger of becoming a victim of violence by the other person, you have the right to petition the court for an injunction against the other person in your case. You may file a petition in the clerk's office to request an injunction.