

**Melbourne Police Department
Domestic Violence Unit**

***Injunctions
for Protection***



**What Are They?
How Can I Get One?**

**Domestic Violence Unit
Melbourne Police Department
650 N. Apollo Blvd.
Melbourne, FL 32935
(321) 608-6731**

INJUNCTION FOR PROTECTION

TYPES OF INJUNCTIONS

DOMESTIC VIOLENCE: If you are a victim of domestic violence or believe you are in immediate danger of becoming the victim of an act of domestic violence, you can petition (ask) the court for protection.

“**Domestic violence**” means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

“**Family or household member**” means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

REPEAT VIOLENCE: Two incidents of violence or stalking committed by the abuser (ex: friend, neighbor, co-worker), one of which is within 6 months of filing a petition, which are directed against the petitioner or the petitioner’s immediate family member.

DATING VIOLENCE: Violence between individuals who have, or have had, a continuing and significant relationship of a romantic or intimate nature. The relationship must have existed within the past 6 months and the persons must have been involved over time and on a continuous basis during the course of the relationship.

SEXUAL VIOLENCE: If you are the victim of sexual violence or the parent or legal guardian of a minor child who is the victim of sexual violence you can petition the court for an injunction. (The person has to have reported the sexual violence to a Law Enforcement Agency and is cooperating in any criminal proceeding.)

AN INJUNCTION FOR PROTECTION IS A COURT ORDER THAT IS GRANTED BY A JUDGE TO PROTECT YOU AND CAN RESTRAIN THE ABUSER FROM CERTAIN ACTIVITIES/CONDUCT

FILING A PETITION FOR AN INJUNCTION

You can file for an injunction at the Clerk of Courts office in the most convenient county courthouse. They are open weekdays from 8:00 a.m. to 5:00 p.m. You must appear in person. Bring identification and any papers related to your case (reports, diary of events with dates and times, cards, letters, etc. that support your claims). You will be asked to describe, in writing, the most recent event of abuse and then all other events. Your statement must be brief but specific. The Judge will base his or her decision on the information contained in your statement. **There is no cost to file for an injunction.**

CLERK OF COURT LOCATIONS

- 50 Nieman Avenue, Melbourne, FL
- 2825 Judge Fran Jamieson Way, Viera, FL
- 506 S. Palm Ave., Titusville, FL

AFTER YOU FILE YOUR PETITION

After reviewing your petition, the Judge will either:

- Issue a Temporary or Permanent Injunction
- Schedule a hearing without issuing a temporary injunction or
- Deny the petition

TEMPORARY INJUNCTION

If the Judge decides that you are in immediate danger, the Judge can issue a Temporary Injunction which is obtained without a hearing and without the abuser knowing first. This Temporary Injunction is valid for up to 15 days. A full hearing will be set for a date no later than when the temporary injunction expires.

If you were granted a temporary injunction, you will need to go to the Clerk's office and pick up your certified copies of the Injunction, which will include the date, time and location for your hearing. The Clerk will send another copy to the Brevard County Sheriff's Office to be served (physically delivered) to the Respondent (abuser) and a copy will be sent to your local law enforcement agency.

The injunction is active as soon as the Judge signs it. The Temporary Injunction cannot be *enforced* until it has been served to the Respondent. The length of time it takes to serve the Temporary Injunction depends upon the availability of the abuser to be physically served. Keep a copy in your possession so that if you are approached by the abuser you can notify the local law enforcement office of the abuser's location so (s)he can be served. The Brevard County Sheriff's Civil Division office, (321) 264-5207, can verify if an injunction has been served.

REMEMBER:

Your Safety is first. Always have a safety plan before and even after the abuser has been served.

ATTENDING THE HEARING

You must attend the hearing for the Permanent Injunction or the Injunction will be dismissed.

At the hearing, both you and the abuser will have an opportunity to speak. If you are afraid to see your abuser, you may request a separate waiting area prior to the hearing. Be prepared to testify in detail about the violence. Bring any evidence and documentation you have to help prove your case. Bring documentation of harassment, threats or violence that have occurred since the Temporary Injunction was issued.

After considering all evidence and testimony, the Judge will make an immediate decision whether to grant a Permanent Injunction. Once you get your Permanent Injunction, keep a copy with you at all times.

INJUNCTION VIOLATIONS

Report all criminal incidents that violate the Injunction to the Melbourne Police Department or law enforcement agency where the violation occurred. Have your copy of the Injunction available to show the officers.

In some cases the police may arrest the abuser when the officer has probable cause to believe that the abuser has knowingly committed a criminal violation of the Injunction.

GETTING AN INJUNCTION WILL NOT DEPEND ON:

- Whether you have left the residence to avoid further acts of violence.
- Whether or not you are married.
- Whether or not you have defended yourself against the abuser.
- Whether you are male or female.

IN AN INJUNCTION THE JUDGE MAY ORDER:

- That the abuser leave the home you share.
- The abuser have "NO CONTACT" with you.
- That the abuser stay away from your home, school, place of work or places you frequent.
- That the abuser stop all acts of violence toward you.
- That you have temporary custody of your minor children.
- That you receive temporary support for the minor children.

AN INJUNCTION IS NOT:

- A simplified or inexpensive divorce.
- A way to get custody of the minor children.
- A way to gain possession of the home or any other marital property.
- A way to get back at someone.

REMEMBER:

You have the right to feel safe.

You are not alone.

We can provide help with:

- The injunction process
- Referrals to agencies such as legal aid, shelters and other local providers
- Help with victim's compensation claims
- Help with safety planning
- 911 Telephones

**An Injunction does not
guarantee your safety
and does not take the
place of a safety plan.**

If you need help during the
Injunction process,
contact the

Melbourne Police Department Domestic Violence Unit

Melbourne Police Department

650 Apollo Blvd.
Melbourne, Florida 32935
(321) 608-6731

Domestic Violence Unit

Detective: (321) 608-6356
Victim Advocate: (321) 608-6359