

INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW
FORM 12.980(a), PETITION FOR INJUNCTION FOR PROTECTION AGAINST
DOMESTIC VIOLENCE (06/12)

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. In determining whether you have reasonable cause to believe you are in imminent danger of becoming a victim of domestic violence, the court must consider all relevant factors alleged in the petition, including, but not limited to the following:

1. The history between the petitioner and the respondent, including threats, harassment, stalking, and physical abuse.
2. Whether the respondent has attempted to harm the petitioner or family members or individuals closely associated with the petitioner.
3. Whether the respondent has threatened to conceal, kidnap, or harm the petitioner's child or children.
4. Whether the respondent has intentionally injured or killed a family pet.
5. Whether the respondent has used, or has threatened to use, against the petitioner any weapons such as guns or knives.
6. Whether the respondent has physically restrained the petitioner from leaving the home or calling law enforcement.
7. Whether the respondent has a criminal history involving violence or the threat of violence.
8. The existence of a verifiable order of protection issued previously or from another jurisdiction.
9. Whether the respondent has destroyed personal property, including, but not limited to, telephones or other communications equipment, clothing, or other items belonging to the petitioner.
10. Whether the respondent engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence.

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. With the exception of persons who have a child in common, the family

or household members must be currently residing together or have in the past resided together in the same single dwelling unit. If the respondent is not one of the above, you should look at Petition for Injunction for Protection Against Repeat Violence, Florida Supreme Court Approved Family Law Form 12.980(f), to determine if your situation will qualify for an injunction for protection against repeat violence, or Petition for Injunction for Protection Against Dating Violence, Florida Supreme Court Approved Family Law Form 12.980(n), to determine if your situation will qualify for an injunction for protection against dating violence, or Petition for Injunction for Protection Against Sexual Violence, Florida Supreme Court Approved Family Law Form 12.980(q), to determine if your situation will qualify for an injunction for protection against sexual 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, custodians, 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 either an immediate Temporary Injunction for Protection Against Domestic Violence with Minor Child(ren), Florida Supreme Court Approved Family Law Form 12.980(c)(1) or an immediate Temporary Injunction for Protection Against Domestic Violence without Minor Child(ren), Florida Supreme Court Approved Family Law Form 12.980(c)(2). 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 must 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 either a Final Judgment of Injunction for Protection Against Domestic Violence with Minor Child(ren)(After Notice), Florida Supreme Court Approved Family Law Form 12.980(d)(1), or

a Final Judgment of Injunction for Protection Against Domestic Violence without Minor Child(ren)(After Notice), Florida Supreme Court Approved Family Law Form 12.980(d)(2). Either of these final judgments will remain in effect for a specific time period or until modified or dissolved by the court. If either you or the respondent does not appear at the final hearing, the temporary injunction may be continued in force, extended, or dismissed, and/or additional orders may be granted, including entry of a permanent injunction and the imposition of court costs. You and respondent will be bound by the terms of any injunction issued at the final hearing.

IF EITHER YOU OR RESPONDENT DOES NOT APPEAR AT THE FINAL HEARING, YOU WILL BOTH BE BOUND BY THE TERMS OF ANY INJUNCTION ISSUED IN THIS MATTER.

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 solely 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, unless you request that no hearing be set. 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 Against Domestic Violence, Repeat or Dating Violence, Florida Family Law Form 12.980 (g); 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 Self-Represented Litigants found at the beginning of these forms. The words that are in bold underline are defined 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:

- Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit, Florida Supreme Court Approved Family Law Form 12.902(d), must be completed and filed if you are asking the court to determine issues with regard to your parenting plan or time-sharing for a minor child(ren).
- Parenting plan means a document created to govern the relationship between the parents

Instructions for Florida Supreme Court Approved Family Law Form 12.980(a), Petition for Injunction for Protection Against Domestic Violence (06/12)

relating to the decisions that must be made regarding the minor child(ren) and must contain a time-sharing schedule for the parents and child(ren). The issues concerning the minor child(ren) may include, but are not limited to, the child(ren)'s education, health care, and physical, social, and emotional well-being. In creating the plan, all circumstances between the parents, including their historic relationship, domestic violence, and other factors must be taken into consideration. The Parenting Plan shall be developed and agreed to by the parents and either approved by a court or established by the court, with or without the use of a court-ordered parenting plan recommendation. If the parents cannot agree, or if the parents agreed to a plan that is not approved by the court, a Parenting Plan shall established by the court. "Time-sharing schedule" means a timetable that must be included in the Parenting Plan that specifies the time, including overnights and holidays, that a minor child will spend with each parent. If developed and agreed to by the parents of a minor child, it must be approved by the court. If the parents cannot agree, or if their agreed-upon schedule is not approved by the court, the schedule shall be established by the court.

- Notice of Social Security Number, Florida Supreme Court Approved Family Law Form 12.902(j), must be completed and filed if you are asking the court to determine issues of temporary child support.
- Family Law Financial Affidavit, Florida Family Law Rules of Procedure Form 12.902(b) or (c), must be completed and filed if you are seeking temporary alimony or temporary child support.
- Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e), 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 a Request for Confidential Filing of Address, Florida Supreme Court Approved Family Law Form 12.980(h), 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 a Request for Confidential Filing of Address, Florida Supreme Court Approved Family Law Form 12.980(h), and write confidential in the space provided on this form for your address and telephone number.)

1. Petitioner's current address is: {street address} _____
{city, state and zip code} _____
Telephone Number: {area code and number} _____
Physical description of Petitioner:
Race: ___ Sex: Male ___ Female ___ Date of Birth: _____

2. 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's current address is: {street address, city, state, and zip code} _____

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

2. Respondent is: [Choose all that apply]

- a. the spouse of Petitioner. Date of Marriage: _____
- b. the former spouse of Petitioner.
Date of Marriage: _____
Date of Dissolution of Marriage: _____
- 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 in this or any other court?

___ 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}: _____

4. Petitioner is either a victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence because respondent has {mark all sections that apply and describe in the spaces below the incidents of violence or threats of violence, specifying when and where they occurred, including, but not limited to, locations such as a home, school, place of employment, or time-sharing exchange}:

- a. ___ committed or threatened to commit domestic violence defined in s. 741.28, Florida Statutes, as 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. With the exception of persons who are parents of 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.
- b. ___ previously threatened, harassed, stalked, or physically abused the petitioner.
- c. ___ attempted to harm the petitioner or family members or individuals closely associated with the petitioner.
- d. ___ threatened to conceal, kidnap, or harm the petitioner's child or children.
- e. ___ intentionally injured or killed a family pet.
- f. ___ used, or has threatened to use, against the petitioner any weapons such as guns or knives.
- g. ___ physically restrained the petitioner from leaving the home or calling law enforcement.
- h. ___ a criminal history involving violence or the threat of violence (if known).
- i. ___ another order of protection issued against him or her previously or from another jurisdiction (if known).
- j. ___ destroyed personal property, including, but not limited to, telephones or other communication equipment, clothing, or other items belonging to the petitioner.
- k. ___ engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence.

Below is a brief description of the latest act of violence or threat of violence that causes Petitioner to honestly fear imminent domestic violence by Respondent.

(Use additional sheets if necessary.)

SECTION IV. TEMPORARY EXCLUSIVE USE AND POSSESSION OF HOME (Complete this section only if you want the Court to grant you temporary exclusive use and possession of the home that you share with the Respondent.)

1. Petitioner claims the following about the home that Petitioner and Respondent share or that Petitioner left because of domestic violence:

[Choose all that apply]

a. ___ Petitioner needs the exclusive use and possession of the home that the parties share at {street address} _____,

{city, state, zip code} _____.

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:

[Choose 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 PARENTING PLAN WITH TEMPORARY TIME-SHARING SCHEDULE FOR MINOR CHILD(REN) (Complete this section only if you are asking the court to provide a temporary parenting plan, including a temporary time-sharing schedule, with regard to, the minor child or children of the parties which might involve prohibiting or limiting time-sharing or requiring that it be supervised by a third party. 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 provide a temporary parenting plan, including a temporary time-sharing schedule, with regard to the minor child or children of the parties which might involve prohibiting or limiting time-sharing or requiring that it be supervised by a third party, you must also complete and file a Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit, Florida Supreme Court Approved Family Law Form 12.902(d).)

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 a request to provide a temporary parenting plan, including a temporary time-sharing schedule with regard to, the minor child or children, and/or a request for child 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

Birth date

2. The minor child(ren) for whom Petitioner is asking the court to provide a temporary parenting plan, including a temporary time-sharing schedule, with regard to:

[Choose 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, and parents' names. _____

4. Temporary Parenting Plan and Temporary Time-Sharing Schedule

[Choose all that apply]

a. ___ Petitioner requests that the Court provide a temporary parenting plan, including a temporary time-sharing schedule, with regard to the minor child or children of the parties, 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 time-sharing by Respondent with the minor

child(ren). Explain: _____

d. ___ Petitioner requests that the Court prohibit time-sharing 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: _____

e. ___ Petitioner requests that the Court allow only supervised time-sharing by Respondent with the minor child(ren). Explain: _____

Supervision should be provided by a Family Visitation Center, or other (specify): _____

SECTION VI. TEMPORARY SUPPORT (Complete this section only if you are seeking financial support from the Respondent. You must also complete and file a Family Law Financial Affidavit, Florida Family Law Rules of Procedure Form 12.902(b) or (c), and Notice of Social Security Number, Florida Supreme Court Approved Family Law Form 12.902(j), if you are seeking child support. A Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e), must be filed with the court at or prior to a hearing to establish or modify child support.)

[Choose all that apply]

1. ___ Petitioner claims a need for the money he or she is asking the Court to make Respondent pay, and that 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;
- d. prohibiting Respondent from knowingly and intentionally going to or within 100 feet of Petitioner's motor vehicle.
- e. prohibiting Respondent from defacing or destroying Petitioner's personal property.

[Choose all that apply]

f. ___ 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}: _____

- g. ___ granting Petitioner temporary exclusive use and possession of the home Petitioner and Respondent share;
- h. ___ granting Petitioner on a temporary basis 100% of the time sharing with the parties' minor child(ren);
- i. ___ establishing a temporary parenting plan including a temporary time-sharing schedule for the parties' minor child(ren);
- j. ___ granting temporary alimony for Petitioner;
- k. ___ granting temporary child support for the minor child(ren);
- l. ___ ordering Respondent to participate in treatment, intervention, and/or counseling services;
- m. ___ 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 UNDERSTAND THAT IF EITHER RESPONDENT OR I FAIL TO APPEAR AT THE HEARING, WE WILL BE BOUND BY THE TERMS OF ANY INJUNCTION ISSUED AT THAT 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.

Dated: _____

(initials)
Signature of Petitioner

STATE OF FLORIDA
COUNTY OF _____

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

NOTARY PUBLIC or DEPUTY CLERK

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

___ Personally known
___ Produced identification
_____ Type of identification produced

PETITIONER'S

NAME _____

ADDRESS _____

(COMPLETED WITH PHYSICAL & BOX & ZIP CODE)

DATE OF BIRTH _____ HT. _____ WT. _____

HAIR COLOR _____ EYE COLOR _____ SEX _____

RACE _____

PHONE

DAY _____ NIGHT _____

RELATIONSHIP TO THE RESPONDENT: _____

PLACE OF

EMPLOYMENT _____

—
NEED COPY OF DRIVERS LICENSE

RESPONDENT'S NAME _____

ADDRESS _____

HOME PHONE _____

DATE OF BIRTH _____ HT. _____ WT. _____

HAIR COLOR _____ EYE COLOR _____ SEX _____ RACE _____

PLACE OF EMPLOYMENT _____ PHONE _____

ADDRESS _____

WORK SCHEDULE _____

VEHICLE THEY DRIVE _____ YEAR _____ MODEL _____

COLOR _____ TAG NUMBER _____

DOES THE RESPONDENT HAVE ANY WEAPONS IN THEIR POSSESSION?

IF SO, WHAT KIND? _____

IS RESPONDENT CURRENTLY IN JAIL? _____

IF SO, WHERE? _____

IF RESPONDENT ISN'T AT HOME OR WORK, WHERE ARE OTHER PLACES

THAT HE CAN BE FOUND? _____

ADDITIONAL INFORMATION ON RESPONDENT'S FAMILY: (SISTER,

BROTHER, MOM OR DAD) LIST NAMES, ADDRESSES & PHONE

NUMBERS _____

INFORMATION SO THAT THE SHERIFF'S OFFICE CAN CONTACT YOU.

NAME _____

ADDRESS _____

PHONE DAY _____ NIGHT _____

PLACE OF EMPLOYMENT _____

IN THE EIGHTH JUDICIAL CIRCUIT COURT
IN AND FOR _____ COUNTY, FLORIDA

Petitioner, Case No.: _____
Div.: DV

and

Respondent.

_____/

REQUEST TO DISMISS PETITION FOR INJUNCTION
IF TEMPORARY INJUNCTION IS DENIED

1. I understand that I am entitled to a full, final hearing before a judge on my *Petition for Injunction for Protection Against Domestic/Repeat/Dating/Sexual Violence/Stalking* within 15 days of its filing. This hearing will determine if there will be a final/permanent injunction entered. The Respondent will be served with a copy of my *Petition* by the Alachua County Sheriff's Office. Respondent has the right to appear and be heard by the Court at the final hearing.
2. I understand that the Judge will decide today if there will be a temporary injunction (no contact order) in place during that 15 day period.
3. If my request for a temporary injunction is denied, I understand that the case might still be scheduled for a hearing. I understand that the Respondent will still be served with a copy of my *Petition* even though no temporary injunction or "no contact" was ordered by the judge.

With this knowledge, I do **NOT** believe it will be in my best interest to have a final hearing if the temporary injunction (no contact order) is not entered. In the event the temporary injunction is not entered, **I WAIVE AND GIVE UP** my right to the final hearing and request that the case be dismissed at that time. The case will **END** and my *Petition* will **NOT** be served upon the Respondent.

Petitioner Signature:

Date: