

and you will need to provide this information.

- Copies of other court orders if applicable: involving the petitioner and respondent such as orders regarding divorce, custody, child support, etc.

What do I wear to the hearing?

A hearing is a formal court event before a judge, therefore you should dress appropriately for court. You should not wear shorts, flip-flops, strapless tops, tank tops or t-shirts with foul or hateful language or with violent themes or pictures. Hats and sunglasses cannot be worn in the courtroom.

What if I need an interpreter?

If you need an interpreter for the hearing contact the Domestic Violence Unit and staff will arrange for an interpreter.

What if I have questions before the hearing?

If you have any questions prior to your hearing you may contact the Domestic Violence Unit and a staff member will answer your questions.

What if a Final Judgment is issued?

If a Final Judgment is entered it will be issued for a specified amount of time (for example one year) or it may be extended until further order of the Court.

- ⇒ For any type of Final Judgment of Injunction for Protection, just as with the Temporary Injunction, the respondent cannot have contact with the petitioner under any circumstances unless otherwise directed by the Court and specifically outlined in the IFP.

- ⇒ The respondent is not to violate any other directive given by the Court and included in the IFP.
- ⇒ If your Final Judgment addresses child support or a timesharing plan the parties must abide by the guidelines/limitations set forth by the court.
NOTE: IFP's only address child support and timesharing on a limited basis. For permanent orders regarding a child(ren) either party must file the appropriate family law petition in Family Court.
- ⇒ If the Court orders the respondent to attend counseling the respondent must sign up within the specified time frame. Failure to enroll in court ordered counseling is a violation of the Final Judgment of IFP.

THE IFP IS NOT A TWO WAY ORDER; it only restricts the respondent's actions, not the actions of the petitioner.

If at any time you do not understand the terms of a Final Judgment contact the Domestic Violence Unit to speak with your assigned case manager.

What if the Temporary or Final Judgment IFP is violated?

If the respondent violates the IFP the petitioner may file a *Petition by Affidavit for Order to Show Cause for a Violation of Injunction* at the Domestic Violence Unit or the petitioner may contact law enforcement which may result in the respondent's arrest.

Only the respondent can violate an IFP, the petitioner cannot violate it.

NOTE: ONLY A JUDGE CAN CHANGE A NO CONTACT ORDER, NOT THE PETITIONER.

Civil Injunctions For Protection Against



Domestic Violence Dating Violence Sexual Violence Stalking Violence Repeat Violence

WHAT YOU NEED TO KNOW

***Domestic Violence Unit
Lee County Justice Center
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239-533-2884***



What is an Injunction for Protection (IFP)?

An Injunction for Protection (IFP), commonly referred to as a "restraining order", is a Civil Court order that prevents one person from having contact with another person. The document used to ask for an IFP is called a petition. The person who files the petition for an IFP is the petitioner; the person the IFP is filed against is the respondent.

There are 5 different types of IFP's:

- **Domestic Violence Injunctions** - for people who have experienced violence or threats of violence. Parties filing for this type of IFP must be related by blood or marriage, are living together or have lived together as a family or who have a child(ren) together but may or may not live or have lived together.
- **Dating Violence Injunctions** - for people who have experienced violence or threats of violence and are involved in a continuing and significant relationship of a romantic or intimate nature.
- **Sexual Violence Injunctions** - for people who have experienced an act of sexual violence: sexual battery, a lewd or lascivious act, sexual assault, false imprisonment and any other forcible felony wherein a sexual act is committed or threatened to be committed. To file under this type of IFP the petitioner must have filed a police report and be cooperating with the criminal investigation.
- **Stalking Violence Injunctions** - for people who have experienced harassment, cyberstalking, stalking, aggravated stalking or any course of conduct consisting of a series of acts over a period of time.
- **Repeat Violence Injunctions** - for people who have experienced at least two acts of violence, one of which must have been within the last six months, from someone other than a family member or person who does not otherwise qualify under the IFP types above.

After a judge reviews the petition one of three determinations may be made:

1. The Court grants a Temporary IFP which is in effect for 15 days. During this 15 day period a hearing on the petition must be held.
2. The Court denies the Temporary IFP but sets the matter for hearing. This is called Denied with Hearing (DWH) which means there is no Temporary IFP in place but a hearing still must occur within 15 days.
3. The Court denies the petition outright without setting a hearing and no other action takes place.

What will a Temporary IFP do?

A Temporary Injunction restricts the respondent's behavior. The respondent **CANNOT**:

- ⇒ Have contact with the petitioner in person, by phone, through text or social media, or by sending messages through a third party, etc. **The respondent cannot contact or speak to the petitioner even if the petitioner makes contact first.**
- ⇒ Go any place that is prohibited by the IFP - within 500 feet of the petitioner's home or within 100 feet of the petitioner's vehicle, the petitioner's work or any other location listed in the IFP.
- ⇒ Own or possess any firearms or ammunition. If owned, firearms/ammunition must be turned over to law enforcement and the receipt for such must be submitted to the Domestic Violence Unit. If the respondent does not own or possess a weapon then a sworn affidavit stating there are no firearms/ammunition must be filed with the Domestic Violence Unit.
- ⇒ If there is a shared child(ren) the judge may grant the petitioner temporary custody and order that the respondent have no contact with the

child(ren) and restrict the respondent from going to the school or daycare pending the hearing.

What happens at the hearing?

At the time of your hearing you will meet with a Case Manager who will explain court procedures and answer your questions. The purpose of a hearing is for the judge to determine whether to extend the IFP for a specified period of time and it is your opportunity to have your side heard by the judge. The judge will also listen to any witnesses and review the evidence presented by either/both parties.

It is very important that you attend the hearing. If you do not attend the judge may proceed without you and grant what the other party requests. If you are unable to attend the hearing you must contact the Domestic Violence Unit and ask for another court date in writing. Unless this request is granted you must appear for the hearing. If you have questions about a continuance you can contact the Domestic Violence Unit and speak with a staff member who can explain the process to you and answer any additional questions you may have.

What do I bring to Court?

- Witnesses: anyone you would like to have testify in your case. Keep in mind you may have to subpoena someone's presence in court. If so, the Clerk of Court can assist with this process. Letters from witnesses are not permitted, even if notarized.
- Evidence: pictures, text messages, phone records, emails, documents or anything that you want the Court to consider in its ruling.
- Proof of income: if you share a child(ren) with the petitioner child support may be addressed