

Domestic Violence Case Law

Florida Supreme Court

No new cases reported.

First District Court of Appeals

McCord v. Cassady ex rel. Cassady, --- So.3d ----, (Fla. 1st DCA 2014) **REPEAT VIOLENCE INJUNCTION REVERSED** A parent petitioned for an injunction against repeat violence against another minor child which the court granted. The appellate court reversed and stated that there was no evidence of an act of violence or stalking within six months as required by statute. The court also noted that a no contact order created by the court could not be treated as an injunction for protection against repeat violence. May 14, 2014.

<http://opinions.1dca.org/written/opinions2014/05-14-2014/12-5936.pdf>

Second District Court of Appeals

No new cases reported.

Third District Court of Appeals

Sanchez v. Marin, --- So.3d ----, (Fla. 3rd DCA 2014). **NEW HEARING REQUIRED** The appellate court vacated an order of protection from domestic violence and an order denying a motion for rehearing. The trial court originally entered the order for protection based upon some verbal threats and a fire that occurred. However, the original petition did not include the facts that formed the basis for the order, and the respondent's due process rights were violated when the court let the petitioner raise material allegations for the first time during the final hearing without allowing the respondent proper time to prepare. The case was remanded for a new final hearing. May 21, 2014. <http://www.3dca.flcourts.org/Opinions/3D13-1780.pdf>

Fourth District Court of Appeals

Kunkel v. Stanford ex rel. C.S., --- So.3d ----, (Fla. 4th DCA 2014) **INJUNCTION REVERSED** A grandfather appealed an injunction ordered against him that was brought on behalf of his granddaughter. While testimony supported that the relationship between the two was strained, there was no evidence or finding by the court that the granddaughter was a victim of domestic violence, or that she was in imminent danger of domestic violence. The appellate court reversed because the evidence was insufficient to support the injunction order. May 7, 2014.

<http://www.4dca.org/opinions/May%202014/05-07-14/4D13-285.op.pdf>

Fifth District Court of Appeals

Nettles v. Hoyos, --- So.3d ----, (Fla 5th DCA 2014) **COURT CAN LIMIT DISCOVERY** A female police officer filed a petition for an injunction for protection against stalking against a male police officer. The respondent attempted to engage in discovery, but the petitioner filed a

motion for a protective order and the court granted the motion and quashed the respondent's discovery requests. The respondent then filed a petition for writ of certiorari, which the appellate court granted and held that the trial court could not completely deny the respondent the opportunity to conduct discovery. The court also noted that the court must balance the need to expedite the hearing with the parties' right to due process, and is therefore given to discretion to limit the time frame and nature of discovery on a case by case basis. May 9, 2014.

<http://www.5dca.org/Opinions/Opin2014/050514/5D14-683.op.pdf>

Smith v. Manno, --- So.3d ----, (Fla. 5th DCA 2014) **BOND CONDITIONS OF NO CONTACT INSUFFICIENT TO DENY INJUNCTION** The mother appealed after she filed a petition for an injunction against domestic violence on behalf of herself and her minor daughter which the court dismissed. The court originally entered a temporary injunction against the respondent but dismissed the case during the return hearing upon noting that the respondent had a pending criminal case in which the conditions of his bond already prohibited contact with the petitioner. The appellate court reversed and remanded the case and noted that the petitioner was entitled to an evidentiary hearing, and that if the petitioner meets her burden of proof at the hearing, then she is entitled to an injunction. The existence of a pending criminal case with bond conditions that prohibit contact does not abolish her right to a domestic violence injunction and the protections it offers. May 16, 2014. <http://www.5dca.org/Opinions/Opin2014/051214/5D13-3179.op.pdf>