

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

Case No.: _____
Division: _____

Petitioner,

and

Respondent.

FINAL JUDGMENT OF INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE WITH MINOR CHILD(REN) (AFTER NOTICE)

The Petition for Injunction for Protection Against Domestic Violence under section 741.30, Florida Statutes, and other papers filed in this Court have been reviewed. The Court has jurisdiction of the parties and the subject matter.

It is intended that this protection order meet the requirements of 18 U.S.C. Section 2265 and therefore intended that it be accorded full faith and credit by the court of another state or Indian tribe and enforced as if it were the order of the enforcing state or of the Indian tribe.

SECTION I. HEARING

This cause came before the Court for a hearing to determine whether an Injunction for Protection Against Domestic Violence in this case should be:

_____ issued _____ modified _____ extended.

The hearing was attended by:

_____ Petitioner

_____ Respondent

_____ Petitioner's Counsel

_____ Respondent's Counsel

SECTION II. FINDINGS

On {date} _____, a notice of this hearing was served on Respondent together with a copy of Petitioner's petition to this Court and the temporary injunction, if issued. Service was within the time required by Florida law, and Respondent was afforded an opportunity to be heard.

After hearing the testimony of each party present and of any witnesses, or upon consent of Respondent, the Court finds, based on the specific facts of this case, that Petitioner is a victim of

domestic violence or has reasonable cause to believe that he/she is in imminent danger of becoming a victim of domestic violence by Respondent.

SECTION III. INJUNCTION AND TERMS

This injunction shall be in full force and effect until either _____ further order of the Court or _____ *{date}*_____. This injunction is valid and enforceable in all counties of the State of Florida. The terms of this injunction may not be changed by either party alone or by both parties together. Only the Court may modify the terms of this injunction. Either party may ask the Court to change or end this injunction at any time.

Any violation of this injunction, whether or not at the invitation of Petitioner or anyone else, may subject Respondent to civil or indirect criminal contempt proceedings, including the imposition of a fine or imprisonment. Certain willful violations of the terms of this injunction, such as: refusing to vacate the dwelling that the parties share; going to or being within 500 feet of Petitioner's residence, going to Petitioner's place of employment, school, or other place prohibited in this injunction; telephoning, contacting or communicating with Petitioner if prohibited by this injunction; knowingly or intentionally coming within 100 feet of Petitioner's motor vehicle, whether or not it is occupied; defacing or destroying Petitioner's personal property; refusing to surrender firearms or ammunition if ordered to do so by the court; or committing an act of domestic violence against Petitioner constitutes a misdemeanor of the first degree punishable by up to one year in jail, as provided by sections 775.082 and 775.083, Florida Statutes. In addition, it is a federal criminal felony offense, punishable by up to life imprisonment, depending on the nature of the violation, to cross state lines or enter Indian country for the purpose of engaging in conduct that is prohibited in this injunction. 18 U.S.C. SECTION 2262.

ORDERED and ADJUDGED:

1. **Violence Prohibited.** Respondent shall not commit, or cause any other person to commit, any acts of domestic violence against Petitioner. 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 or any of Petitioner's family or household members. Respondent shall not commit any other violation of the injunction through an intentional unlawful threat, word or act to do violence to the Petitioner.
2. **No Contact.** Respondent shall have no contact with the Petitioner unless otherwise provided in this section, or unless paragraphs 13 through 19 below provide for contact connected with the temporary parenting plan and temporary time-sharing with respect to the minor child(ren).
 - a. Unless otherwise provided herein, Respondent shall have no contact with Petitioner. Respondent shall not directly or indirectly contact Petitioner in person, by mail, e-mail, fax, telephone, through another person, or in any other manner. Further, Respondent shall not contact or have any third party contact anyone connected with Petitioner's employment or school to inquire about Petitioner or to send any messages to Petitioner. Unless otherwise provided herein, **Respondent shall not go to, in, or within 500 feet of:** Petitioner's current

residence {list address} _____

or any residence to which Petitioner may move; Petitioner's current or any subsequent place of employment {list address of current employment} _____

_____ or place where Petitioner attends school {list address of school} _____;

or the following other places (if requested by Petitioner) where Petitioner or Petitioner's minor child(ren) go often: _____

Respondent may not knowingly come within 100 feet of Petitioner's automobile at any time.

b. _____ Other provisions regarding contact: _____

3. **Firearms. Unless paragraph a. is initialed below, Respondent shall not have in his or her care, custody, possession or control any firearm or ammunition. It is a violation of section 790.233, Florida Statutes, and a first degree misdemeanor, for the respondent to have in his or her care, custody, possession or control any firearm or ammunition.**

[Initial if applies; write N/A if not applicable]

a. _____ Respondent is a state or local officer as defined in section 943.10(14), Florida Statutes, who holds an active certification, who receives or possesses a firearm or ammunition for use in performing official duties on behalf of the officer's employing agency and is not prohibited by the court from having in his or her care, custody, possession or control a firearm or ammunition. The officer's employing agency may prohibit the officer from having in his or her care, custody, possession or control a firearm or ammunition.

b. _____ Respondent shall surrender any firearms and ammunition in the Respondent's possession to the _____ County Sheriff's Department.

c. _____ Other directives relating to firearms and ammunition:

NOTE: RESPONDENT IS ADVISED THAT IT IS A FEDERAL CRIMINAL FELONY OFFENSE TO SHIP OR TRANSPORT IN INTERSTATE OR FOREIGN COMMERCE, OR POSSESS IN OR AFFECTING COMMERCE, ANY FIREARM OR AMMUNITION; OR TO RECEIVE ANY FIREARM OR AMMUNITION WHICH HAS BEEN SHIPPED OR TRANSPORTED IN INTERSTATE OR FOREIGN COMMERCE WHILE SUBJECT TO SUCH AN INJUNCTION. 18 U.S.C. SECTION 922(g)(8).

4. Evaluation/Counseling.

[Initial all that apply; write N/A if does not apply]

- a. The Court finds that Respondent has:
 - i. ___ willfully violated the ex parte injunction;
 - ii. ___ been convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence; and/or
 - iii. ___ in this state or any other state, had at any time a prior injunction for protection entered against the Respondent after a hearing with notice.

Note: If Respondent meets any of the above enumerated criteria, the Court must order the Respondent to attend a batterers' intervention program unless it makes written factual findings stating why such a program would not be appropriate. See Section 741.30(6)(e), Florida Statutes.

- a. Within ___ 10 days ___ days, (but no more than 10 days) of the date of this injunction, Respondent shall enroll in and thereafter without delay complete the following, and Respondent shall provide proof of such enrollment to the Clerk of Circuit Court within ___ 30 days or ___ days, (but no more than 30 days) of the date of this injunction:
 - i. ___ A certified batterers' intervention program from a list of programs to be provided by the Court or any entity designated by the Court. Respondent shall also successfully complete any substance abuse or mental health evaluation that the assessing program counselor deems necessary as a predicate to completion of the batterers' intervention program.
 - ii. ___ A substance abuse evaluation at: _____ or a similarly qualified facility and any substance abuse treatment recommended by that evaluation.
 - iii. ___ A mental health evaluation by a licensed mental health professional at: _____ or any other similarly qualified facility and any mental health treatment recommended by that evaluation.
 - iv. ___ Other: _____
_____.
- b. ___ Although Respondent meets the statutory mandate of attendance at a batterers' intervention program, the Court makes the following written findings as to why the condition of batterers' intervention program would be inappropriate:

_____.

c. ___ Petitioner is referred to a certified domestic violence center and is provided with a list of certified domestic violence centers in this circuit, which Petitioner may contact.

5. **Mailing Address or Designated E-Mail Address(es).** Respondent shall notify the Clerk of the Court of any change in either his or her mailing address, or designated e-mail address(es), within 10 days of the change. All further papers (excluding pleadings requiring personal service) shall be served either by mail to Respondent's last known mailing address or by e-mail to Respondent's designated e-mail address(es) . Service shall be complete upon mailing or e-mailing.

6. **Other provisions necessary to protect Petitioner from domestic violence:** _____

TEMPORARY EXCLUSIVE USE AND POSSESSION OF HOME

[Initial if applies; write N/A if not applicable]

7. ___ **Possession of the Home.** ___ Petitioner ___ Respondent shall have temporary exclusive use and possession of the dwelling located at:

_____.

8. ___ **Transfer of Possession of the Home.** A law enforcement officer with jurisdiction over the home shall accompany ___ Petitioner ___ Respondent to the home, and shall place ___ Petitioner ___ Respondent in possession of the home.

9. ___ **Personal Items.** ___ Petitioner ___ Respondent, **in the presence of a law enforcement officer**, may return to the premises described above on {date} _____, at ___ a.m./p.m., or ___ at a time arranged with the law enforcement department with jurisdiction over the home, accompanied by a law enforcement officer only, for the purpose of obtaining his or her clothing and items of personal health and hygiene and tools of the trade. A law enforcement officer with jurisdiction over the premises shall go with ___ Petitioner ___ Respondent to the home and stand by to insure that he/she vacates the premises with only his/her personal clothing, toiletries, tools of the trade, and any items listed in paragraph 10 below. The law enforcement agency shall not be responsible for storing or transporting any property. **IF THE RESPONDENT IS NOT AWARDED POSSESSION OF THE HOME AND GOES TO THE HOME WITHOUT A LAW ENFORCEMENT OFFICER, IT IS A VIOLATION OF THIS INJUNCTION.**

10. ___ The following other personal possessions may also be removed from the premises at this time: _____
_____.

11. ____ Other: _____

TEMPORARY PARENTING PLAN AND TIME-SHARING WITH MINOR CHILD(REN)

12. Jurisdiction. *[Initial one only]*

____ Jurisdiction to determine issues relating to parenting plan and time-sharing with respect to any minor child(ren) listed in paragraph 13 below is proper under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA).

____ Jurisdiction is exclusive to the dependency court, and accordingly no order is made herein.
{Case Number _____.}

13. Temporary Parenting Plan for Minor Child(ren). Except for that time-sharing (if any) specified for the other parent in paragraph 14, below, ____ Petitioner ____ Respondent shall on a temporary basis have **100%** of the time-sharing with the parties' minor child(ren) listed below and shall have sole decision-making responsibility until further court order:

Name	Birth date
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

When requested by the parent to whom the majority of overnight time-sharing with the child(ren) is awarded on a temporary basis herein, in this case the ____ Petitioner ____ Respondent, law enforcement officers shall use any and all reasonable and necessary force to physically deliver the minor child(ren) listed above to the parent to whom the majority of overnight time-sharing with the child(ren) is awarded on a temporary basis herein. The other parent shall not take the child(ren) from the parent to whom the majority of overnight time-sharing with the child(ren) is awarded on a temporary basis herein or any child care provider or other person entrusted by the parent to whom the majority of overnight time-sharing with the child(ren) is awarded on a temporary basis herein with the care of the child(ren).

14. Temporary Parenting Plan with Time-Sharing for Minor Child(ren). The Petitioner and Respondent shall have time-sharing with the minor child(ren) on the following schedule:
{Initial one only}

a. ____ Petitioner ____ Respondent shall have **100%** of time-sharing and ____ Petitioner ____ Respondent shall have **0%** of time sharing with the child(ren) until further order of the Court. Until further order of the Court, all parenting decisions shall be made by the parent with 100% of the time-sharing.

b. ___ Petitioner ___ Respondent shall have time-sharing from _____ a.m./p.m. to _____ a.m./p.m on the following day(s)_____. The other parent will have the remaining time-sharing. _____

c. ___ Other: _____

15. **Limitations on Time-Sharing.** The time-sharing specified in paragraph 14, above, for ___ Petitioner ___ Respondent with the child(ren) shall be:

[Initial all that apply; write N/A if does not apply]

- a. ___ unsupervised
- b. ___ supervised by the following specified responsible adult: _____
- c. ___ at a supervised visitation center located at: _____

and shall be subject to the available times and rules of the supervised visitation center. The cost associated with the services of the supervised visitation center shall be paid by the: *{choose one}* ___ parent to whom the majority of overnight time-sharing with the child(ren) is awarded on a temporary basis herein; ___ other parent; or ___ both parents:

If specified, the level of supervision shall be: _____.

16. **Arrangements for Time-Sharing with Minor Child(ren).**

{Initial all that apply; write N/A if does not apply}

- a. ___ A responsible person shall coordinate the time-sharing arrangements with respect to the minor child(ren).
If specified, the responsible person shall be: *{name}* _____

b. ___ Other conditions for time-sharing arrangements as follows: _____

17. **Exchange of Minor Child(ren).**

{Initial all that apply; write N/A if does not apply}

- a. ___ The parties shall exchange the child(ren) at ___ school or daycare, or ___ at the following location(s): _____

b. ___ A responsible person shall conduct all exchanges of the child(ren). The ___ Petitioner

_____ Respondent shall not be present during the exchange. If specified, the responsible person shall be: *{name}* _____

c. _____ Other conditions for exchange as follows: _____

18. **Other Additional Provisions Relating to the Minor Child(ren).**

TEMPORARY SUPPORT

19. **Temporary Alimony.**

[Initial all that apply; write N/A if does not apply]

a. _____ The court finds that there is a need for temporary alimony and that _____ Petitioner _____ Respondent (hereinafter Obligor) has the present ability to pay alimony and shall pay temporary alimony to _____ Petitioner _____ Respondent (hereinafter Obligee) in the amount of \$ _____ per month, payable _____ in accordance with Obligor's employer's payroll cycle, and in any event, at least once a month _____ other *{explain}* _____. This alimony shall continue until modified by court order, until a final judgment of dissolution of marriage is entered, until Obligee dies, until this injunction expires, or until *{date}* _____, whichever occurs first.

b. _____ Petitioner _____ Respondent shall be required to maintain health insurance coverage for the other party. Any uncovered medical costs for the party awarded alimony shall be assessed as follows: _____

c. _____ Other provisions relating to alimony: _____

20. **Temporary Child Support.**

{Initial all that apply; write N/A if does not apply}

a. _____ The Court finds that there is a need for temporary child support and that _____ Petitioner _____ Respondent (hereinafter Obligor) has the present ability to pay child support. The amounts in the Child Support Guidelines Worksheet, Florida Family Law Form 12.902(e), filed by _____ Petitioner _____ Respondent are correct **OR** the Court makes the following findings:

The Petitioner's net monthly income is \$ _____, (Child Support Guidelines ____%).
The Respondent's net monthly income is \$ _____, (Child Support Guidelines ____%).
Monthly child care costs are \$ _____.
Monthly health/dental insurance costs are \$ _____.

- b. _____ **Amount.** Obligor shall pay temporary child support in the amount of \$ _____, per month payable _____ in accordance with Obligor's employer's payroll cycle, and in any event at least once a month _____ other *{explain}*: _____
_____ beginning *{date}* _____, and continuing until further order of the court, or until *{date/event}* _____, *{explain}* _____.
If the child support ordered deviates from the guidelines by more than 5%, the factual findings which support that deviation are: _____

- c. _____ Petitioner _____ Respondent shall be required to maintain _____ health _____ dental insurance coverage for the parties' minor child(ren) so long as it is reasonable in cost and accessible to the child(ren) **OR** _____ Health _____ dental insurance is either not reasonable in cost or accessible to the child(ren) at this time.
- d. _____ Any reasonable and necessary **uninsured medical/dental/prescription drug costs** for the minor child(ren) shall be assessed as follows: _____

- e. _____ Florida Supreme Court Approved Family Law Form 12.902(j), **Notice of Social Security Number**, is incorporated herein by reference.
- f. _____ Other provisions relating to child support: _____

21. **Method of Payment.**

[Initial one only]

- a. _____ Obligor shall pay any temporary court-ordered child support/alimony through income deduction, and such support shall be paid to either the State Disbursement Unit or the central depository. Obligor is individually responsible for paying this support obligation in the event that all or any portion of said support is not deducted from Obligor's income. Obligor shall also pay any service charge required by statute. Until child support/alimony payments are deducted from Obligor's paycheck pursuant to the Income Deduction Order, Obligor is responsible for making timely payments directly to either the State Disbursement Unit or the central depository.
- b. _____ Temporary child support/alimony shall be paid through either the State Disbursement Unit or the central depository. Obligor shall also pay any service charge required by statute. Income deduction is **not** in the best interests of the child(ren) because: *{explain}* _____

c. _____ Other provisions relating to method of payment:

SECTION IV. OTHER SPECIAL PROVISIONS

(This section to be used for inclusion of local provisions approved by the chief judge as provided in Florida Family Law Rule 12.610.)

SECTION V. DIRECTIONS TO LAW ENFORCEMENT OFFICER IN ENFORCING THIS INJUNCTION

{Unless ordered otherwise by the judge, all provisions in this injunction are considered mandatory provisions and should be interpreted as part of this injunction.}

1. **This injunction is valid in all counties of the State of Florida.** Violation of this injunction should be reported to the appropriate law enforcement agency. Law enforcement officers of the jurisdiction in which a violation of this injunction occurs shall enforce the provisions of this injunction and are authorized to arrest without warrant pursuant to section 901.15, Florida Statutes, for any violation of its provisions, except those regarding child support and/or alimony, which constitutes a criminal act under section 741.31, Florida Statutes. **When inconsistent with this order, any subsequent court order issued under Chapter 61 or Chapter 39, Florida Statutes, shall take precedence over this order on all matters relating to property division, alimony, parental responsibility, parenting plan, time-sharing, child custody, or child support.**
2. THIS INJUNCTION IS ENFORCEABLE IN ALL COUNTIES OF FLORIDA, AND LAW ENFORCEMENT OFFICERS MAY EFFECT ARRESTS PURSUANT TO SECTION 901.15(6), FLORIDA STATUTES. The arresting agent shall notify the State Attorney's Office immediately after arrest.
3. **Reporting alleged violations.** If Respondent violates the terms of this injunction and there has not been an arrest, Petitioner may contact the Clerk of the Circuit Court of the county in which the violation occurred and complete an affidavit in support of the violation, or Petitioner may contact the State Attorney's office for assistance in filing an action for indirect civil contempt or indirect criminal contempt. Upon receiving such a report, the State Attorney is hereby appointed to prosecute such violations by indirect criminal contempt proceedings, or the State Attorney may decide to file a criminal charge, if warranted by the evidence.
4. **Respondent, upon service of this injunction, shall be deemed to have knowledge of and to be bound by all matters occurring at the hearing and on the face of this injunction.**
5. **The temporary injunction, if any, entered in this case is extended until such time as service of this injunction is effected upon Respondent.**

6. THIS IS A "CUSTODY ORDER" FOR PURPOSES OF THE UCCJEA AND ALL STATUTES MAKING IT A CRIME TO INTERFERE WITH CUSTODY UNDER CHAPTER 787, FLORIDA STATUTES AND OTHER SIMILAR STATUTES.

DONE AND ORDERED at _____, Florida, on _____.

CIRCUIT JUDGE

Sheriff of _____ County

Petitioner (or his or her attorney):

____ by U. S. Mail

____ by hand delivery in open court (Petitioner must acknowledge receipt in writing on the face of the original order--see below.)

____ by e-mail to designated e-mail address(es)

Respondent (or his or her attorney):

____ forwarded to sheriff for service

____ by hand delivery in open court (Respondent must acknowledge receipt in writing on the face of the original order--see below.)

____ by certified mail (may only be used when Respondent is present at the hearing and Respondent fails or refuses to acknowledge the receipt of a certified copy of this injunction.)

____ State Attorney's Office

____ Batterer's intervention program (if ordered)

____ State Disbursement Unit (if ordered)

____ Central Depository (if ordered)

____ Department of Revenue

____ Other _____

I CERTIFY the foregoing is a true copy of the original Final Judgment of Injunction for Protection Against Domestic Violence with Minor Child(ren) as it appears on file in the office of the Clerk of the Circuit Court of _____ County, Florida, and that I have furnished copies of this order as indicated above.

CLERK OF THE CIRCUIT COURT

(SEAL)

By: _____
{Deputy Clerk or Judicial Assistant}

ACKNOWLEDGMENT

I, *{Name of Petitioner}* _____, acknowledge receipt of a certified copy of this Injunction for Protection.

Petitioner _____

ACKNOWLEDGMENT

I, *{Name of Respondent}* _____, acknowledge receipt of a certified copy of this Injunction for Protection.

Respondent _____