

**LAURA E. ROTH
CLERK OF THE CIRCUIT COURT
VOLUSIA COUNTY, FLORIDA**

****INSTRUCTIONS FOR FILING AN INJUNCTION FOR PROTECTION****

1. The Petition for Injunction and other related paperwork must be prepared and sworn to by the Petitioner and filed with the Clerk of Court.
2. Florida Statutes changed July 1, 2003 and filing fees are no longer required when filing an Injunction for Protection Against Domestic Violence, Repeat Violence, Dating Violence, Sexual Violence or Stalking Violence Injunction. In the event that service upon the Respondent may take place in a state other than Florida, a service fee may be required by that state.
3. In order for the Court to determine the facts alleged in your Petition, the Petition must include specific facts and circumstances, including dates, which convince the Court that an immediate and present danger of domestic, repeat, dating, sexual or stalking violence exists which would allow the Court to restrain the Respondent, without notice, pending a full hearing.
 - a. The Petition has been created in a simplified form.
 - b. The information required on the Petition will aid in the Court's decision in order to provide you with the necessary protection as a victim of domestic, repeat, dating, sexual or stalking violence.
 - c. Other information required on the Petition will aid the law enforcement agencies in identifying the Respondent for the purpose of serving the Respondent with the appropriate paperwork. **If you are filing a domestic violence, sexual violence or stalking violence injunction, you may keep your address confidential.** If you so request, please notify a clerk.
 - d. You must describe any previous or pending attempts by you to obtain an Injunction for Protection or any other cause of action currently pending between you and the Respondent in this or any other circuit, and the results of that attempt. (Case number should be included, if available).
4. Complete all forms in blue or black ink.
5. The Clerk will require you to sign all paperwork under oath.
6. The Clerk will request a form of identification, preferably a driver's license or picture ID.
7. The Clerk will forward the file immediately to the assigned Judge.

8. The Judge will review the Petition and all attachments and render a decision promptly.
 - a. The Court will rule whether your Petition meets the necessary criteria for issuance, and a hearing will be scheduled requiring both parties to appear.
 - b. This hearing is to determine whether a cause of action exists for the Court to enter a permanent injunction based on the testimony of the parties under oath.
9. Once the Judge has rendered a decision, all the paperwork will be returned to the Clerk for processing.
 - a. The Clerk will provide a certified copy of the appropriate Order and Notice of Hearing, if applicable, for you to keep at all times.
 - b. The Clerk will furnish a copy of the Petition, Financial Affidavit, if any, Uniform Child Custody Affidavit, if any, Notice of Hearing and Temporary Injunction, if any, to the Sheriff of the county where the Respondent resides or can be found. If the Respondent resides outside the State of Florida, it is the Petitioner's responsibility to provide the Clerk with the Sheriff's office name, address, telephone number, contact person and service fee as soon as possible. (Also, the Petitioner will need to provide our office with a check or money order in the appropriate amount made payable to that Sheriff.)
10. You are required to appear at the hearing to give testimony under oath regarding the exact circumstances of the domestic, repeat, dating, sexual or stalking violence. Answer all questions completely. The Judge will also give the Respondent the opportunity to testify under oath regarding the Respondent's recollection of the alleged incident(s).
11. The Clerk's Office also has the appropriate forms should there be a need for you to request a dismissal, modification or extension of an injunction for protection or need assistance in enforcement of provisions of the injunction.

PLEASE BE ADVISED THAT IT IS YOUR RESPONSIBILITY TO CONTACT THIS OFFICE TO INQUIRE ABOUT THE STATUS OF YOUR PETITION FOR INJUNCTION FOR PROTECTION.

257-6083 (DAYTONA BEACH)
423-3304 (NEW SMYRNA BEACH)

736-5908 (DELAND)