

The Nuts and Bolts of Filing a Petition for an Injunction for Protection (Restraining Order)

Adapted from an article By Jane L. Duff, Former Domestic Violence Staff Attorney, Broward County Clerk of Court

If you have been a victim of domestic violence, stalking, repeat, dating or sexual violence, you may file a Petition for an Injunction for Protection (restraining order) at the Broward County Central Courthouse, West Wing, 201 Southeast 6th Street, Room 02140, Fort Lauderdale, Florida. Office Hours are 8:30AM through 7PM (filings stop at 5PM). In addition, you can apply for an Injunction between the hours of 8AM and 4:30PM (filings stop at 2PM) at the West Regional Courthouse, 100 N. Pine Island Road, Room 180 in Plantation. Emergency/After-hours restraining orders are also available after 5PM, on weekends, holidays, or other courthouse closures like hurricanes. To access the emergency, after hours procedures you should contact the Women In Distress Crisis Line at 954-761-1133. The Broward County Clerk of Court's Domestic Violence Department will help you fill out the proper forms.

There are no court fees to file a restraining order. If you parked in the courthouse garage, located at 540 SE 3rd Avenue, you may ask the Domestic Violence Clerk to validate your parking. You will need to bring your picture identification, and if possible, a picture of the abuser. Bring any important dates, police reports, pictures, text messages, emails, call logs, notes, or any other evidence regarding the abuse. You should bring any information you have about the abuser such as the home or work address, relative's address where the abuser may stay, birthdate, social security number, vehicle information, work hours, etc.

The Petition requires you to write out what the other person did to you. You will need to write down the most recent violence that occurred, when it occurred, and be very specific about the incidents of violence, and/or stalking. Be prepared to also write down specific examples of past violence and when it happened. Any, and all, incidents you would like the Judge to consider for the Temporary Injunction or the Final Judgment must be written about in your petition or else you may not be able to speak about them in court. You may request additional pages to write on if necessary. When your paperwork is completed, it will be reviewed by a Judge. The Judge may defer, deny, or grant your Petition.

If your petition for the restraining order is deferred, you will receive an Order Setting a Hearing on your petition. A hearing will be set, without a Temporary Injunction being issued. The Court will consider whether an injunction should be entered at the hearing. If you receive an Order Setting Hearing and you believe you have additional incidents or further details to add to your Petition, you may file a Supplemental Affidavit in support of your Petition as soon as possible (usually within 3 days). It will be reviewed with your original Petition and a decision will be made if a Temporary Injunction should be granted. If a Temporary Injunction is still not entered, you will be given the option to withdraw the Petition before your abuser is served with your allegations, or you may opt to have a hearing set. If you choose to have a hearing set, you will receive an Order Setting a Hearing on your Petition. There will be no Temporary Injunction in place and no protection offered.

If your petition for the restraining order is denied, the Judge found the evidence presented in the petition insufficient to allow the Court to issue an Injunction for Protection. You may also file a Supplemental Affidavit if your Petition is denied and try to have an Order Setting a Hearing or Temporary Injunction issued.

If your Petition for a restraining order was granted, your Temporary Injunction is in effect until an assigned hearing date and time, usually set within fifteen (15) days. Your Petition along with the Temporary Injunction will go out with the Sheriff for service on the opposing party. To have the Temporary Injunction extended for a longer period of time, you must attend the court hearing. The hearing time, date and courtroom number can be found on the first page of your restraining order or second page of your Order Setting Hearing on Petition. If you do not attend this hearing, or if you arrive late to the hearing, your restraining order will probably be dismissed.

If the other party has not been served, you should still attend the hearing so the Judge may extend the Temporary Injunction and allow for more time to serve the other party. Make sure you bring your emergency service packet to court with you so that it may be updated if the Temporary Injunction is extended or it may be served on the other party if the other party appears. Service is important because although your Temporary Injunction is valid when signed by a Judge, it is not enforceable until the person you are filing against has been properly served his/her/their copy.

To look at the forms and for further information, you may visit www.browardclerk.org and click on the domestic violence tab. <https://www.browardclerk.org/Divisions/DomesticViolence#GeneralInformation>