

The Nuts and Bolts of Petitioning For A Restraining Order

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 can file for a restraining order through the Clerk of Court at the Broward County Courthouse, 201 Southeast 6th Street, West Wing, Room 02140, Fort Lauderdale, Florida. Office Hours are 8:30 a.m. through 5 p.m. The Clerk of Court's Family Intake Unit will help you in filling out the proper forms.

In addition, as of March 2016, you can apply for an Injunction between the hours of 8am and 2pm at the West Regional Courthouse, 100 N. Pine Island Road, Room 180 in Plantation.

Emergency restraining orders under the Domestic Violence Statute are available after 5:00 p.m. or on weekends and holidays. To access the emergency procedures, you should contact the Henderson Mental Health Center Crisis Line at 954-463-0911.

There are no court fees for filing a restraining order. If you parked in the courthouse garage, you can ask the Domestic Violence Clerk to validate your parking.

You will need to bring a picture identification for yourself, and if possible, a picture of the abuser. Bring any important dates or notes regarding the abuse, and any information you have about the abuser such as the home or work address, birthday, social security number, etc.

The petition asks 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 violence, and/or stalking. Be prepared to write down specific examples of past violence and when it happened.

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, a hearing will be set within 15 days, 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 two-page Supplemental Form as soon as possible (usually within 3 days). It will be reviewed with your original petition and a decision will be made again to see if a Temporary Injunction should be granted.

If your petition for the restraining order is denied, the evidence presented in the petition was insufficient to allow the Court to issue an Injunction for Protection. You may also file a Supplemental Form if your petition is denied.

If your restraining order was granted, your temporary order is in effect for only fifteen (15) days. To have it extended for a longer period of time, you must attend a court hearing in approximately 15 days. The hearing time, date and courtroom numbers can be found on the first page of your restraining order. If you do not attend this hearing, or 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 can extend the temporary restraining order.

Service is important because although your restraining order is valid when signed by a Judge, it is not enforceable until the person you are filing against has been properly served his/her copy.