

DOMESTIC VIOLENCE INSTRUCTION TREE

GENERAL QUESTIONS

1. Is this petition being filled out for a minor?

Yes – continue to question 2

No – Go to Domestic Violence Questions

2. Are you the minor?

Yes – continue to question 3

No – continue to question 4

3. Have you ever been married or had the disabilities of nonage removed by a court?

Yes – Go to Domestic Violence Questions

No – One of your parents, custodians, or your legal guardian must sign this petition on your behalf.

4. Are you the parent or legal guardian of the child?

Yes – continue to question 5

No – only the parent or legal guardian of the minor child may seek an injunction for protection on behalf of the minor child

5. Is the minor child living at home?

Yes – continue to question 6

No – the minor child must be living at home for you to seek an injunction for protection on behalf of the minor child

6. Were you an eyewitness to, or have direct physical evidence or affidavits from eyewitnesses of, the specific facts and circumstances that form the basis of the petition?

Yes – Go to Domestic Violence Questions

No – you must meet the criteria in question 6 to seek an injunction for protection on behalf of the minor child

DOMESTIC VIOLENCE QUESTIONS

1. Is the person whom you are asking the court to protect you from one of the following?

Spouse

Former Spouse

Related by blood or marriage and reside together either now or in the past

Living with you now as a family

Lived with you in the past as a family

The other parent of your child(ren), even if never married or lived together

Yes – continue to question 2

No – Go to Dating Violence Questions

2. Are you a victim of any act of domestic violence or have reasonable cause to believe that you are in imminent danger of becoming a victim of domestic violence? (read definition below)

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 by any of petitioner's family or household members.

Yes – continue to question 3

No – Go to Dating Violence Questions

3. Are you asking the court to determine issues regarding temporary alimony, child support, parenting plans, or time-sharing?

Yes – Complete Petition for Injunction for Protection Against Domestic Violence and see list of other required documents below.

No – Complete Petition for Injunction for Protection Against Domestic Violence.

Other Required Forms

To determine issues involving custody of, visitation with, or time-sharing with any minor child(ren).

Uniform Child Custody Jurisdiction and Enforcement Affidavit (UCCJEA)

If requesting temporary alimony

Family Law Financial Affidavit – Short form if income is under \$50,000, or

Family Law Financial Affidavit – Long form if income is \$50,000 or greater

If requesting child support

Family Law Financial Affidavit – Short form if income is under \$50,000, or

Family Law Financial Affidavit – Long form if income is \$50,000 or greater

Notice of Social Security Number

Child Support Guidelines Worksheet

DATING VIOLENCE QUESTIONS

1. Is the person whom you are asking the court to protect you from one of the following?

Spouse

Former Spouse

Related by blood or marriage and reside together either now or in the past

Living with you now as a family

Lived with you in the past as a family

The other parent of your child(ren), even if never married or lived together

Yes – Go back to the Domestic Violence Questions

No – continue to question 2

2. Is the person whom you are asking the court to protect you from someone you have or have had a continuing and significant relationship of a romantic or intimate nature?

Yes – continue to question 3

No – Go to Repeat Violence Questions

3. Has the relationship existed within the past six months?

Yes – continue to question 4

No – Go to Repeat Violence Questions

4. Are you a victim of any act of dating violence? (read definition below)

Dating violence means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. **The dating relationship must have existed within the past six months, the nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties, and the frequency and type of interaction must have included that the persons have been involved over time and on a continuous basis during the course of the relationship. Dating violence does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.** Dating violence includes assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death.

Yes – Complete the Petition for Injunction for Protection Against Dating Violence

No – Go to Repeat Violence Questions

REPEAT VIOLENCE QUESTIONS

1. Is the person whom you are asking the court to protect you from one of the following?

Spouse

Former Spouse

Related by blood or marriage and reside together either now or in the past

Living with you now as a family

Lived with you in the past as a family

The other parent of your child(ren), even if never married or lived together

Yes – Go back to the Domestic Violence Questions

No – continue to question 2

2. Are you a victim of repeat violence? (read definition below)

Repeat violence means that **two** incidents of violence have been committed against you or a member of your immediate family by another person, **one of which must have been within 6 months of filing this petition.** Repeat violence includes assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death.

Yes – continue to question 3

No – Go to Sexual Violence Questions

3. Is the person whom you are asking the court to protect you from someone who has committed two (2) acts of violence against you or a member of your immediate family?

Yes – continue to question 4

No – Go to Sexual Violence Questions

4. Did one of the two incidences occur within the last 6 months of filing this petition?

Yes – Complete the Petition for Injunction for Protection Against Repeat Violence

No – Go to Sexual Violence Questions

SEXUAL VIOLENCE QUESTIONS

1. Is the person whom you are asking the court to protect you from one of the following?

Spouse

Former Spouse

Related by blood or marriage and reside together either now or in the past

Living with you now as a family

Lived with you in the past as a family

The other parent of your child(ren), even if never married or lived together

Yes – Go back to the Domestic Violence Questions

No – continue to question 2

2. Are you a victim of any act of sexual violence ? (read definition below)

Sexual violence means any one incident of:

- sexual battery, as defined in Chapter 794, Florida Statutes;
- a lewd or lascivious act, as defined in Chapter 800, Florida Statutes, committed upon or in the presence of a person younger than 16 years of age;
- luring or enticing a child, as described in Chapter 787, Florida Statutes;
- sexual performance by a child, as described in Chapter 827, Florida Statutes; or
- any other forcible felony wherein a sexual act is committed or attempted

3. Is the person whom you are asking the court to protect you from someone who has committed an act of sexual violence against you or a minor who is living at home OR someone who was sent to prison for committing a sexual violence crime against you or your minor child living at home and respondent is out of prison or being released within 90 days?

Yes – continue to question 4

No – Go to Stalking Questions

4. Have you reported the sexual violence to a law enforcement agency?

Yes – Complete the Petition for Injunction Against Sexual Violence

No – Go to Stalking Questions

STALKING QUESTIONS

1. Is the person whom you are asking the court to protect you from one of the following?

Spouse

Former Spouse

Related by blood or marriage and reside together either now or in the past

Living with you now as a family

Lived with you in the past as a family

The other parent of your child(ren), even if never married or lived together

Yes – Go back to the Domestic Violence Questions

No – continue to question 2

2. Are you a victim of any act of stalking violence ? (read definition below)

Stalking means the repeated following, harassment, or cyberstalking of one person by another. Cyberstalk means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

Yes – Complete the Petition for Injunction for Protection Against Stalking

No – See the clerk