

WHOM SHOULD I TALK TO FOR INFORMATION?

Florida Domestic Violence Hotline

1-800-500-1119 (For legal assistance hit prompt #3)

Florida Abuse Hotline

1-800-962-2873 (To file confidential reports of child abuse)

National Child Abuse Hotline

1-800-422-4453 (24 hour help line which provides crisis counseling, information and referrals)

National Domestic Violence Hotline

1-800-799-7233

National Teen Dating Abuse Hotline (Love is Respect)

1-866-331-9474

Department of Juvenile Justice, Incident Hotline

1-800-355-2280

Florida Network of Youth and Family Services

(813) 341-9101

Florida Council Against Sexual Violence

1-888-956-7273

<https://www.fcasv.org/>

State Attorney's Office, 13th Judicial Circuit

Victim Assistance Program

(813) 272-6472

The Spring of Tampa Bay

(813) 247-7233 (SAFE)

24/7

Crisis Center of Tampa Bay

211 (24/7) or (813) 264-9961



Susan Lopez
State Attorney
13th Judicial Circuit
Hillsborough County, Florida
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Victim Assistance Program

419 N. Pierce St
Tampa, Florida 33602
(813) 272-6472

VictimAssistance@HillsboroughSAO.gov

Notice of Legal Rights and Remedies for Victims of Domestic Violence, Dating Violence, Repeat Violence, Sexual Violence, Stalking

YOUR CASE INFORMATION

Law Enforcement Agency

Phone Number

Case Number

Date of Report

Officer's Name

ID Number

IT ISN'T JUST WRONG.

IT'S A CRIME.

DID YOU KNOW?

- In Florida, a person is killed by a family member every 36 hours.
- Domestic Violence is the leading cause of injury to women.
- More than 124,000 incidents of domestic violence are reported in Florida each year, involving victims young and old, male and female.

YOU HAVE RIGHTS.

**KNOWING YOUR LEGAL RIGHTS
AND OPTIONS IS THE FIRST STEP
TOWARD ENDING ABUSE.**



WHAT IS DOMESTIC VIOLENCE?

Under the provisions of Section 741.28 of the Florida Statutes, domestic violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. A family or household members are spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit. **Domestic Violence** includes:

Physical Abuse—Pushing, slapping, kicking, punching, choking, and beating

Emotional/Verbal Abuse—Verbal intimidation, credible threats, following and stalking, acting out in anger

Sexual Abuse or Battery—Any unwanted touching or forcing of someone to engage in a sexual act against his or her will

According to Florida Statute §741.29—"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you may ask the state attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an injunction for protection from domestic violence which may include, but need not be limited to, provisions which restrain the abuser from further acts of abuse; direct the abuser to leave your household; prevent the abuser from entering your residence, school, business, or place of employment; award you custody of your minor child or children; and direct the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.

ARE YOU ABUSED?

Does your spouse or partner...

- Threaten to hurt you or your children?
- Refuse to let you have contact with your family or friends?
- Throw things or destroy your personal belongings?
- Tell you that you're stupid, fat, ugly, or call you names?
- Blame you and tell you that you are the cause of all the problems?
- Say you never do anything right?
- Abandon you, leave you places or lock you out?
- Take or hide your keys, important papers, or mail?
- Forbid you to work or to give you money for things you need for yourself or your child?
- Force you into unwanted sexual practices?
- Generally react to problems in a violence manner?

**If you answered YES to any of the questions above,
you may need to seek help.**

CHILDREN IN VIOLENT HOMES MAY:

- Exhibit emotional problems; excessive crying, withdrawn or shy.
- Suffer from depression and excessive absences from school.
- Use violence for solving problems.
- Be at a greater risk of being a runaway, being suicidal, or committing criminal acts as juveniles and adults.

**Children do not have to be abused
themselves in order to be impacted by
violence in the home.**

WHAT IS DATING VIOLENCE?

Under the provisions of Section 784.046 of the Florida Statutes, dating violence is violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

- A dating relationship must have existed within the past 6 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 between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term 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.

WHAT IS REPEAT VIOLENCE?

Under the provisions of Section 784.046 of the Florida Statutes, repeat violence means two incidents of violence or stalking one of which must have been within 6 months of filing a petition and must have been directed against the petitioner or the petitioner's immediate family member.

WHAT IS STALKING?

Under the provisions of Section 784.048 of the Florida Statutes, stalking occurs when a person willfully, maliciously, and repeatedly follows, harass, or cyber stalks another person. Aggravated stalking occurs when that person makes a credible threat to that person through stalking.

WHAT IS SEXUAL VIOLENCE?

Under the provisions of Section 784.046 of the Florida Statutes, sexual violence is one incident of

- Sexual battery, as defined in chapter 794;
- A lewd or lascivious act, as defined in chapter 800, 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;
- Sexual performance by a child, as described in chapter 827; or

Any other forcible felony wherein a sexual act is committed or attempted, regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney.

Under the provisions of Section 794.052 of the Florida Statutes, notification of victim's rights and services-

- (1) A law enforcement officer who investigates an alleged sexual battery shall:
 - (a) Assist the victim in obtaining medical treatment, if medical treatment is necessary as a result of the alleged incident, a forensic examination, and advocacy and crisis-intervention services from a certified rape crisis center and provide or arrange for transportation to the appropriate facility.
 - (b) Advise the victim that he or she may contact a certified rape crisis center from which the victim may receive services.
 - (c) Prior to submitting a final report, permit the victim to review the final report and provide a statement as to the accuracy of the final report.
- (2) The law enforcement officer shall give the victim immediate notice of the legal rights and remedies available to a victim on a standard form developed and distributed by the Florida Council Against Sexual Violence in conjunction with the Department of Law Enforcement. The notice must include the resource listing, including telephone number, for the area certified rape crisis center as designated by the Florida Council Against Sexual Violence.

WHAT CAN YOU DO?

Recognize the early signs: Rage, jealousy, insults, breaking things, alcohol or drug abuse, blaming you for all the problems.

Become involved in a support group.

Make a safety plan:

- Put aside money and clothes in case you have to leave home, and store them at a place away from the house, where you can get to them after you leave.
- Memorize the crisis phone number to a domestic violence shelter (813-247-SAFE).
- Tell someone you trust about the violence and set up a signal to get help.
- Keep important documents like your identification and social security cards for you and your children in a safe place.
- Have an extra key made for your car and home.
- Teach older children emergency numbers.



WHAT DOES THE LAW MEAN?

You have the right to ask the State Attorney to file a criminal complaint, and you have the right to go to court and file a petition requesting an injunction for protection against domestic violence, repeat violence, dating violence, sexual violence, or stalking if you are

- the victim of domestic violence, repeat violence, dating violence, sexual violence, or stalking,
- the parent of any minor child living at home who is seeking an injunction for protection against domestic violence, repeat violence, dating violence, sexual violence, or stalking, or
- if you have reasonable cause to believe, you or your minor child is in imminent danger of becoming the victim of any act of domestic violence

This may include, but need not be limited to provisions that

- direct the abuser to leave your household
- restrain the abuser from any contact or further acts of abuse as a “no contact” condition of pretrial release, which will prevent the abuser from being within 500 feet of your residence, vehicle, school, business, or place of employment
- award you custody of your minor child or children
- direct the abuser to pay support to you and the minor child or children if the abuser has a legal obligation to do so

For safety reasons, you may furnish your address to the court in a separate confidential filing when filing the petition for injunction.

You are not required to remain in a residence or household where you are a victim of domestic violence. Your address may be different from that of your partner without penalty.

If you are a parent or legal custodian of a youth and you are a victim of adolescent domestic battery committed by a youth, you have access to services including prevention, intervention, diversion, detention, and alternative placements.

HOW CAN THE LAW HELP ME?

If you have been a victim of domestic violence, repeat violence, dating violence, sexual violence, stalking, or if you are afraid that you will be hurt, Florida’s domestic violence law enables you to work with the court system to help keep you safe. Contact your local domestic violence center for safety planning prior to filing for an injunction. The Clerk of the Court is required to assist you in seeking both injunctions for protection and enforcement for a violation of an injunction.

Representation by an attorney is not required of either party as per Section 741.30(1)(f) of the Florida Statutes. Go to the Clerk of the Court’s Office in your county courthouse.

- Bring your identification.
- Bring information about where the abuser can be located and any other information on the abuser, such as photos or identification.
- Bring any papers relating to your case.
- Tell the clerk that you are interested in filing a petition for injunction for protection against domestic violence, repeat violence, dating violence, or sexual violence.
- The court clerk will help you in filing the proper paperwork. By filling out these forms, you will be explaining to the judge exactly what type of protection you need and from whom you need protection.
- After you have completed the paperwork, the court may determine that danger of domestic violence exists. The court may order a temporary injunction, which is good for 15 days. Then a full hearing is held to consider your safety and the safety of your children.
- The abuser must be served with the injunction before it becomes effective. The injunction will tell the abuser what the judge requires and when to return to court for a hearing. This hearing will be within 15 days unless the abuser cannot be served.
- You are able to request notification of service of the injunction and receive notice automatically within 12 hours after the injunction is served.
- It is important for you to attend the hearing so that you can make sure the judge understands exactly what help you need and why. If you do not attend, usually the judge will end the injunction.
- After the hearing, a final injunction may be granted. The final injunction is valid until dissolved or amended by the court.

WHAT DO I DO IF THE ABUSER VIOLATES THE INJUNCTION?

You will receive a copy of the injunction. **Keep it with you at all times.**

- If the abuser violates the conditions of an injunction, call the police right away.
- The abuser may be arrested.
- If the abuser is arrested, he/she will be held until the court determines bail.
- The judge will consider your safety and the safety of your children.
- You may go to court if you wish.
- The court may order penalties as allowed by law.

If the injunction has been violated, report the violation to the Clerk of the Circuit Court only if law enforcement states it cannot issue an arrest warrant, or issue a notice to appear because there is no criminal violation.

Report the violation in the county where the violation occurred and complete an affidavit in support of the violation.

The judge will determine what action should be taken for your safety and the safety of your children. Under the provisions of Section 741.315(2), Florida Statutes, if you have an out of state court order for protection against domestic violence, federal and state law provides that law enforcement recognize and act on the protections in the order as if issued by a Florida court, as long as the issuing court gave the accused the opportunity for a hearing before issuing the order. This includes orders issued by courts from the District of Columbia, Indian tribes, commonwealth territories, or possessions of the United States.