

WHICH TYPE OF INJUNCTION DO I NEED?

There are four types of injunctions for protection:

Domestic Violence:

- The Respondent is your spouse, former spouse, related to you by blood or marriage, living with you now or has lived with you in the past (if you are or were living as a family), or the other parent of your child(ren) whether or not you have ever been married or ever lived together.
- Must show you have a reasonable fear of being in imminent danger.
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Dating Violence:

- You and the Respondent were in a dating relationship within the past six months.
- Must have had frequent and continuous interaction.
- Must show you have a reasonable fear of being in imminent danger.

Sexual Violence:

- Must be a victim of sexual battery.
- Sexual battery is the oral, anal, or vaginal penetration by or union with the sexual organ of another or the vaginal or anal penetration by any object.
- You must have reported the sexual violence to law enforcement and are cooperating with the criminal proceeding, if any. OR
- The respondent was imprisoned for sexual violence against you and is expected to be released within 90 days.
- A criminal case does have to be filed to obtain an injunction.

Repeat Violence:

- Does not require a domestic or dating relationship.
- Must be two (2) acts of violence or stalking, the last having to have been committed within the prior six (6) months before filing.
- Can be directed against you or an immediate family member – such as a child.

When completing the Petition for Injunction for Protection, keep the following in mind:

- You may get an Injunction for Protection if the Respondent beats, hurts, stalks, strangles or threatens you with harm.
- With the exception of a sexual violence injunction, a police report is not required to file for an Injunction for Protection.
- Bring photo identification.
- Give a specific description of the most recent episodes of abuse. Include as much detail as you can, such as the date the incident happened, the location, what the abuser did to hurt you and how each episode affected you.
- If you know the dates when you called the police and/or an arrest was made regarding the violence, you should provide that information in your petition.
- Include information whether the use of drugs or alcohol played a part in the domestic violence.
- Include specific language about any threats the abuser made to you and/or your family.
- Include information how the abuser forced you to remain in the house of specific location.
- Describe any weapons the abuser has and whether the abuser has used the weapons to threaten you and/or your family.

- Depending on which injunction you file, you have the right to ask the Court for additional remedies such as: exclusive use of the home, temporary custody of children common to you and the abuser, child support, that the abuser receive counseling, drug and/or alcohol treatment. It is the Judge who orders these types of relief based on the information you provide. If you do not provide enough information, the Judge may not grant the relief you are requesting.
- Double check your petition to see if you have provided information supporting why you are requesting a specific remedy (for example, drug or alcohol treatment).
- Before signing the petition, make sure that all the information you provided to the intake person is included and accurate. If there is an error, it must be corrected before you sign the injunction. You cannot add or change any information once you sign your petition so make sure it is correct!

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INJUNCTION FOR PROTECTION FACT SHEET

Prepared by

**JACKSONVILLE AREA LEGAL AID
A UNITED WAY AGENCY**

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