A photograph of a person's hands holding a white sign with the word 'HELP' written on it in black capital letters. The person's face is partially visible in the background, looking down at the sign. The word 'Interpersonal Violence Injunctions' is overlaid in large yellow text across the top half of the image.

# Interpersonal Violence Injunctions

**Stefanie Moon, Broward Circuit Judge**  
**Juliana Chereji Dunn, Director IFP Legal Project**

# Polling Question # 1

- Never married parties have 4 year old.
- Timesharing & Talking Parents set thru paternity case.
- Petition states father sending abusive and threatening messages by text, phone and in person.
- No description of phone messages or in person threats.
- She believes there is a tracker on her car.
- Screen shots of 17 texts between May 1 -18<sup>th</sup>.
- Mostly just crazy talk, harassing, and nastiness.

Where's the gratitude. You lied to get pregnant. You backslide on your responsibilities, shirking parental duty, unsurprisingly. You vile vile fucking pig. You get what you deserve.

You are not allowed to date other people. It's either me or no one. Or I will remove child support and quintuple text volume. The choice is yours, Ali.

What was this all about?

Shady shady shady

But don't worry I believe that you were on the pill. When your legs were up in the air you must have been exercising.

The reason why I started sending you nice messages is because all of the negativity wasn't working. I thought I'd flip the script. See what would happen. I felt a strange attraction crop up over the past several months which surprised me. It felt good to flirt with you a little. I really don't like Grey being in a broken family. It's sad when all his friends come from intact families. I won't find anyone better than you. And you have my son. I want a home. I want a yard. I want to be able to travel sometimes for work. I want a dog. I want a warm stable nest for Greyson to grow. Just throwing it out there. Maybe it wouldn't work. who knows.

Dragging my son into this horse shit dysfunctional toxic situation via your fraud. You deserve to have your head separated from your body. But I am not the violent type. God will deal with you.

So you were keeping Greyson in a house with felons. Do you want to explain that?

Don't you think deeelite69er sounds a little like a prostitute email?

Good morning. You're beautiful.

Today 2:12 PM

Married couples eventually don't like each other so we are ahead of the game.



# Fla. Boy, 4, Killed by Dad in Murder-Suicide on Day Mom Asked Court to Keep Father Away From Him





# Learning Objectives

- Identify the statutes and rules that apply to statutory restraining orders
- Demonstrate the ability to evaluate interpersonal violence petition
- Properly rule on and conduct a restraining order hearing
- Recognize ethical considerations in issuing restraining orders
- Analyze post-judgment motions appropriately

# Types of Injunctions

- Domestic Violence F.S. § 741.30
- Repeat Violence F.S. § 784.046(2)(a)
- Dating Violence F.S. § 784.046(2)(b)
- Sexual Violence F.S. § 784.046(2)(c)
- Stalking/Cyber-Stalking F.S. § 784.0485
- Family Law Rule 12.610 (All)



# Petition



- All petitions must be sworn and allege specific facts and circumstances to support relief.
- Requirements sufficient for issuance of a temporary injunction must exist within the four corners of the petition.



# Petitions on Behalf of (OBO) Minor Child

- Parent or guardian must be eyewitness or have direct physical evidence or affidavits of eyewitnesses if injunction sought against **parent**, stepparent or legal guardian; or
- Reasonable cause if person sought against is person **other than parent**, stepparent or guardian.



# Court Action Upon Reviewing

- Court reviews petition ex-parte and determines whether to:
- Deny temporary injunction,
- Grant temporary injunction,
- Set for hearing without injunction.





## Domestic Violence- §741.30(1)

- Victim of an act of domestic violence or reasonable cause to believe in imminent danger of becoming the victim of any act of domestic violence.
- Fear of imminent danger must be objectively reasonable.
- Factors contained in F.S. §741.30(6)(b)1. -10.



## 741.30 (6)(b)

- a. ☒ committed or threatened to commit domestic violence defined in section 741.28, Florida Statutes, as 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. With the exception of persons who are parents of 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.
- b. ☒ previously threatened, harassed, stalked, or physically abused the petitioner.
- c. ☐ attempted to harm the petitioner or family members or individuals closely associated with the petitioner.
- d. ☒ threatened to conceal, kidnap, or harm the petitioner's child or children.
- e. ☐ intentionally injured or killed a family pet.
- f. ☐ used, or has threatened to use, against the petitioner any weapons such as guns or knives.
- g. ☒ physically restrained the petitioner from leaving the home or calling law enforcement.
- h. ☐ a criminal history involving violence or the threat of violence (if known).
- i. ☐ another order of protection issued against him or her previously or from another jurisdiction (if known).
- j. ☐ destroyed personal property, including, but not limited to, telephones or other communication equipment, clothing, or other items belonging to the petitioner.
- k. ☒ engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence.

# Domestic Violence §741.30(1)

- (a) Victim of DV or reasonable cause to believe imminent danger of victim of DV.
- (b) Separate from any other cause of action.
- (c) Divorce orders take precedence
- (d) Leaving household does not affect.
- (e) Included family or household members.
- (f) No attorney required.



## Domestic Violence §741.30(1)

- (g) Any person who offers evidence must present in writing to the court with copies to each party or under oath at the hearing with all parties present.
- (h) No affect on title to real estate.
- (i) Courts cannot issue mutual orders. Separate orders are allowed.
- (j) May be filed in circuit where the victim lives, respondent lives, or where violence occurred.



# Definition of Domestic Violence

- Assault
- Aggravated Assault
- Battery
- Aggravated Battery
- Sexual Assault
- Sexual Battery
- Stalking
- Aggravated Stalking
- Kidnapping
- False Imprisonment
- Any other criminal offense resulting in physical injury or death of a person (family or household member)



# Family or Household Member



- Spouses
- Former Spouses
- Blood Relations
- Marital Relations
- Persons residing together as if a family
- Parent OBO child

- Persons who resided together as a family in the past
- Persons who are parents of a child (no requirement for ever living together)



# A NOTE ABOUT PETS



- Court may order respondent to temporarily/permanently have **no contact with a family pet or animal**, and enjoining respondent from taking, concealing, harming, or disposing of the animal.
  - This does not apply to animals owned primarily for *agricultural purposes or to a service animal* if the respondent is the service animal's handler. F.S. § 741.30(5)(a)4.



**85% of DV Shelters have indicated that Survivors Report Pet Abuse.**

**As many as 48% of Survivors report delay seeking safety due to pet concerns.**





## Polling Question # 2 (Yes or No)

- Injunction can be issued upon finding that petitioner is a victim of an act of domestic violence.
- Should the court consider what amount of time has passed between the domestic violence incident(s) and the filing of the petition?



# Answer

Remoteness can be an issue, such as to find the act is insufficient to support the issuance of an injunction.



# Polling Question # 3

## (Grant, Deny, Set for Hearing)

- Former husband committed acts of DV against former wife 8 or 9 years ago. No violence since marriage ended. No recent threats.
- Fear arose from former husband demanding children be picked up from homes, demanding PIN for parental control app on cell phone, and 38 text messages.
- Former Husband previously sent multiple demanding texts when they were dating.

# Answer

- Deny. Acts of violence here are too **remote** without additional allegations of **recent** threat or act of violence to support injunction.
- Mere uncivil behavior or annoyance of 38 texts is not sufficient for injunction.
- Fear of former wife not objectively reasonable.
- Injunction not intended to be substitute for handling disagreements concerning parenting plans or child rearing disputes.

*Quinones-Dones v. Mascola*, 290 So. 3d 1029 (Fla. 5 DCA 2020)



# Polling Question # 4

## (Grant, Deny, Set for Hearing)

- Respondent (minor child's father) punched child in the head and body and then went into his room to retrieve a weapon. The Respondent returned with the weapon, cocked the weapon, placed it to the child's head and then pulled the trigger.
- Petitioner is child's mother and was not present for the incident.
- The incident occurred on July 14, 2017, it was not until May 23, 2018, that the child revealed to his mother that the Respondent put a weapon to his head and pulled the trigger.
- Mother Filed OBO Petition three weeks later.



# Answer

- Grant.
- Respondent argued that because the incident happened 11 months prior it was too remote in time.
- Child's delay in reporting that Respondent put a gun to his head arose from a concern regarding safety.
- Mother filed OBO petition three weeks after finding out that a gun was used, thus the allegations were not too remote in time.
- *Dickson v. Curtis*, 338 So. 3d 1001 (Fla. 3 DCA 2022).

# Polling Question # 5

## (Grant or Deny Final Injunction)

- Former Wife files for injunction 2 years after divorce. Former wife testified husband was physically and emotionally abusive during marriage without providing details in petition or hearing.
- Former husband denies abuse.
- Former wife recently arrived at former husband's house and observed him being arrested while his girlfriend stood nearby with black eyes.

# Answer

- Deny. Allegations of abuse were unsubstantiated, remote and vague such as to support objectively reasonable fear.
- Also, act of violence toward girlfriend were irrelevant because it did not involve any act or threat of violence towards former wife.

*Yaklin v. Yaklin*, 296 So. 3d 531 (Fla. 2 DCA 2020)



# Polling Question # 6

## (Grant or Deny Final Injunction)

- A man (who lives in CA) and woman (who lives in FL) meet on Facebook.
- The woman visits the man on three occasions in California. During two visits, they stayed at an AirBnB together and, during the last visit, they stayed at the man's home for 1-2 weeks. The man physically attacks the woman at his home.
- The woman testifies that the man asked her to live with him and she stayed with him to find employment in CA.
- Both parties deny any intimate relationship.



# Answer



- Deny. The parties were not related by blood or marriage, were never married and did not share any children in common. Did they reside together as if a family?
- “test for where one resides is rooted in history. It is the place where she has set up her ‘household goods and made the chief seat of [her] affairs and interests,’ from which she “has no intention of departing...”
- Court found that trial court erred in entering DV IFP in favor of petitioner.
- *Alcon v. Collins*, 334 So. 3d 717 (Fla. 1 DCA 2022)



# Polling Question # 7

## (Grant or Deny Final Injunction)

- Wife filed petition 2 months after separation. She alleged husband would grab and shake her, yell at her, threaten to call police and immigration if she didn't submit to sex, and stand in doorway to keep her from leaving.
- He was jealous and controlling, would call her vulgar names, follow her and text her nonstop. All events happened within 6 months.

## Polling Question # 7 (Con't)

- Since separation, wife testified husband followed her to chiropractor and sent her a social media message.
- Husband testified wife was aggressor, bi-polar, and that petition was filed as retaliation for divorce.
- Husband says no contact with wife other than to advise divorce going forward.



# Answer

- Deny. Appellate Court reversed issuance of final injunction and found only act of violence was one incident of shaking.
- Isolated incident that could have occurred two to six months, absent additional evidence, is insufficient for injunction.
- Post separation events not acts or threats of violence.
- No competent, substantial evidence to conclude imminent danger of violence.

*Chiscul v. Hernandez*, 311 So.3d 55 (Fla. 4 DCA 2021)

# Too Remote

- Allegation of violence four months prior to petition found to be legally insufficient. *Phillips v. Phillips*, 151 So.3d 58 (Fla. 2 DCA 2014)
- Allegation of violence 5 months prior to petition. No contact for 3 months. Length of time among other grounds for reversing issuance of injunction. *Selph v. Selph*, 144 So.3d 676 (Fla. 4 DCA 2014)



# Polling Question # 8

## (Grant or Deny Final Injunction)

- Petition alleged three years of violence with most recent two months prior w/ threat to put bullets in her head.
- Husband on probation for DV incident that occurred two years before petition.
- Pending dissolution with one child.
- Final hearing postponed seven months. One month prior to final hearing, wife filed supplemental petition alleging incident at school with erratic driving.



# Answer

- Grant. Uncontroverted history of physical violence coupled with a recent specific threat is sufficient for issuance of injunction even without new overt act.
- Additional intimidating driving incident adds to determination of imminent danger of violence.
- Petitioner has objectively reasonable fear.  
*Boucher v. Warren*, 291 So.3d 597 (Fla. 4 DCA 2020)

# Repeat Violence

- F.S. 784.046(2)(a)
- Two incidents of violence or stalking, one of which is within 6 months of filing against petitioner or family member.
  - Multiple acts stemming from the same incident can be deemed as “separate” incidents if they are sufficiently separated by time or distance. *Yehezkel v. Aral*, 305 So. 3d 584 (Fla. 3 DCA 2020).
- Definition of violence is same as for domestic violence.
- Parent or guardian can obtain on behalf of a minor child living at home.
- Many of these are difficult neighbor or HOA disputes or old boyfriend/girlfriend vs. new boyfriend/girlfriend scenarios.

# Concerns w/ Repeat Violence

- It might occasionally be helpful if circuit courts had the power to enter an order to require adults to act like grownups.
- But, permanent injunctions cannot be used to compel civility and common decency.

*Jones v. Jackson*, 67 So. 3d 1203 (Fla. 2 DCA 2011)

# Dating Violence § 784.046(2)(b)

- Have or had a continuing and significant relationship of a romantic or intimate nature.
- Victim of dating violence **AND** has reasonable cause to believe in imminent danger of become victim of **another** act of dating violence.
- Parent or legal guardian can obtain on behalf of a minor child living at home.





# Factors for Determining Relationship:

- Existed within past 6 months;
- Characterized by the expectation of affection or sexual involvement between the parties; and
- Frequency and type of interaction included that the persons have been involved over time and on a continuous basis during the course of the relationship

# Polling Question # 9: Dating Relationship? (Yes or No)

- Mother filed a Petition OBO 14 year old daughter.
- Both boy and girl attended same junior high school.
- Both told schoolmates they were going out after Christmas and dated for a few months.
- Didn't go places without parents but spent time together at school.
- Respondent asserts relationship is merely a casual acquaintanceship or ordinary social relationship between classmates.

# Answer

- Yes. “Grownups may scoff but relationships described by victim when viewed in the context of two eighth graders, is reasonably considered dating.”
- *Floyd v. Gray*, 174 So.3d 1034 (Fla. 1 DCA 2015)
- After the parties broke up, respondent started threatening to kill the girl 2 – 3 times per week in class and hallways including threats to stab her and slice her throat and watch her bleed.

# Polling Question # 10: Dating Relationship? (Yes or No)

- Parties met on Craigslist.
- On-again, off-again relationship for about four years.
- The sexual relationship would pause when one of the two would date someone else.
- They never went anywhere together.
- Relationship was “mainly for sex”.





# Answer

- Yes. The statute does not require the parties to go to dinner and movie or any traditional dates.
- All that is required is a continuous, significant and intimate relationship.
- *Sumners v. Thompson*, 271 So.3d 1232 (Fla. 1 DCA 2019)



# Polling Question #11:

## (Grant, Deny or Set for Hearing)

- Parties in relationship that meets statute.
- Petition alleges boyfriend grabbed her arm and told her “You aren’t going anywhere.” Pulled her bags away from her, causing her to fall on her back, and put his hands around her neck.
- She went to neighbor to call 911. Boyfriend threw phone and keys in her car.
- After incident, boyfriend sent “harassing” text and emails without any further detail.

# Answer

- Deny or set for hearing. Evidence insufficient to conclude petitioner was in fear of **another** act of dating violence.
- Court that did issue TRO should have granted boyfriend's Motion to Dismiss petition at final hearing since it did not contain any threats or contact after incident at his house.
- *Cook v. McMillan*, 300 So.3d 189 (Fla. 4 DCA 2020); *Santos v. Bartoletta*, 332 So. 3d 1134 (Fla. 2nd DCA 2022).

## Poll Question # 12: (Choose all that apply)

Would you issue injunction if:

1. During incident at apartment, boyfriend said "If you leave me, I will hunt you down and slit your throat."
2. During incident at apartment, boyfriend said "I love you and if I can't be with you, no one can be with you."
3. Petition contained details of text messages indicating they were pictures of dismembered animals and/or firearms.





# Sexual Violence

- F.S. 784.046(2)(c)
- To issue temporary or final injunction, court must find an act of sexual violence occurred.
- Sexual Violence is Sexual Battery; Lewd or lascivious act; Luring or enticing a child; Sexual performance of a child or any forcible felony F.S. 776.08 wherein a sexual act is committed or attempted.
- Petition can be brought by parent or legal guardian of child living at home.
- Criminal charges are irrelevant, BUT...

# Sexual Violence

- Victim must report to law enforcement AND
- Victim must be cooperating in any criminal proceeding against respondent regardless of whether charges have been filed, reduced or dismissed OR
- Injunction can be sought if Respondent serving prison term for the sexual violence and imprisonment term has or is expiring within 90 days of filing.

# Child Hearsay Issues

- Hearings may require rulings by the court for admissibility of child hearsay statements pursuant to s. 90.803(23).
- Petition alone by parent alleging acts of sexual violence with reasonable cause pursuant to statute is sufficient. *Berthiaume v. B.S. ex rel. A.K.*, 85 So.3d 1117 (Fla. 1 DCA 2012)\*
- Compare *De Hoyos v. Bauerfeind*, 286 So.3d 900 (Fla. 1 DCA 2019) where petition for DV injunction against parent required court to find child hearsay admissible.

# Stalking/Cyberstalking

- F.S. 784.0485
- Maliciously and repeatedly follow, harass OR engage in conduct directed at a specific person causing **SUBSTANTIAL** emotional distress **and** serving no legitimate purpose.
- Requires a pattern of conduct composed of a series of acts over a period of time.





# Stalking/Cyberstalking Cont.

- Directed at a Specific Person: Indirect references and posting on one's own social media page are usually not enough. *Craft v. Fuller*, 298 So. 3d 99 (Fla. 2 DCA 2020).
- Serving no legitimate purpose: The Court interprets this broadly. Conduct is legitimate when there's a reason for it OTHER than to harass. *Ahern v. Leon*, 332 So. 3d 1028 (Fla. 4 DCA 2022); *Gonzalez v. Funes*, 300 So. 3d 679 (Fla. 4 DCA 2020).
- Causing Substantial Emotional Distress: Standard is that of a reasonable person. Not the Petitioner's subjective experience. *Ahern v. Leon*, 332 So. 3d 1028 (Fla. 4 DCA 2022)

# Stalking Injunction Will Not Address:

- Time Sharing with child(ren)
- Child support
- Request for possession or exclusive use of residence

# Cyberstalking



- F.S. 784.0485
- Willfully engages in communicating words, images OR language through electronic communication directed at a specific person, causing SUBSTANTIAL emotional distress and serving no legitimate purpose.
- Can stalk target through 3rd party communication.

# Polling Question #13: How Many Acts of Stalking are Necessary?

For issuance of a temporary or final injunction for protection against stalking or cyberstalking, is the petitioner required to allege and prove one act of stalking or two or more?





# Answer: Depends on the DCA

- 1st DCA – One stalking comprised of multiple acts. *Pickett v. Copeland*, 236 So.3d 1142 (Fla. 1 DCA 2018)
- 2nd, 3rd, and 4th- Two stalking comprised of at least two acts each. *Roach v. Brower*, 180 So.3d 1144 (Fla. 2d DCA 2015); *Richards v. Gonzalez*, 178 So.3d 451 (Fla. 3rd DCA 2015); *Klemple v. Gagliano*, 197 So. 3d 1283 (Fla. 4th DCA 2016);
- 5th DCA- ?? *Packal v. Johnson*, 226 So.3d 337 (Fla. 5th DCA 2017) (seems to suggest one is enough)
- Statute states EACH incident must be proven by...

# Polling Question # 14: Grant Final Injunction? (Yes or No)

- Neighbors confront each other yelling and cursing on 4 occasions – last 2 were 45 minutes apart.
- 4th incident in parking garage where respondent revs car engine, drives close to petitioner, and follows into elevator where he blocks petitioner's exit all while yelling and cursing.
- Petitioner testifies feels unsafe.

# Answer

- Deny. Mere irritation, annoyance, embarrassment, exasperation, aggravation and frustration, without more, does not equate to SUBSTANTIAL emotional distress.
- Yelling and cursing would NOT cause a reasonable person to feel substantial emotional distress & does not warrant injunctive relief
- Noise, profanity, and claims of vandalism to property do not always warrant injunctive relief under the stalking and repeat violence injunctions.
- *Cash v. Gagnon*, 306 So.3d 106 (Fla.4 DCA 2020)



# Polling Question # 15

- Petitioner, a female news reporter, requests an injunction for stalking against a former “source.”
- Upon learning that she was in a romantic relationship, he sent daily texts, demanding she communicate with him, contacted her significant other, started a website in her name and threatened to put disparaging information on the website.
- He said he was “looking to kill off a character in his autobiography.”
- She fears for her safety based upon his statements, his mental state, and his access to firearms.



# Poll Question #15

- Grant, have respondent turn in firearms & ammunition in temporary
- Grant, no restriction for firearms & ammunition in temporary
- Deny
- Set for Hearing

# Answer

- Grant, no firearms restriction in temporary.
- Stalking statute does not have specific provision allowing taking of firearms in **temporary** injunction only a catch all provision for “any relief as the court deems proper”.
- Allegations do not show significant danger based on his possession of a firearm sufficient to infringe upon respondent’s constitutional right to keep and bear arms.
- *Dean v. Bevis*, 322 So. 3d 167 (Fla. 2 DCA June 2, 2021)

# Other Firearm Issues

- Firearm should have been released upon denial of the injunction.
- Court does not have jurisdiction to set an evidentiary hearing and compel respondent to testify prior to returning firearms.



*Wolfe v. Newton*, 310 So. 3d  
1077 (Fla. 2 DCA 2020)

# Hearing

- Hearing must occur no more than 15 days after temporary injunction is issued.
- Burden of proof is competent substantial evidence. Internally consistent evidence standing alone can be sufficient.
- Either party may move for a continuance before or during hearing for good cause shown.



## Polling Question # 16: WWYD?

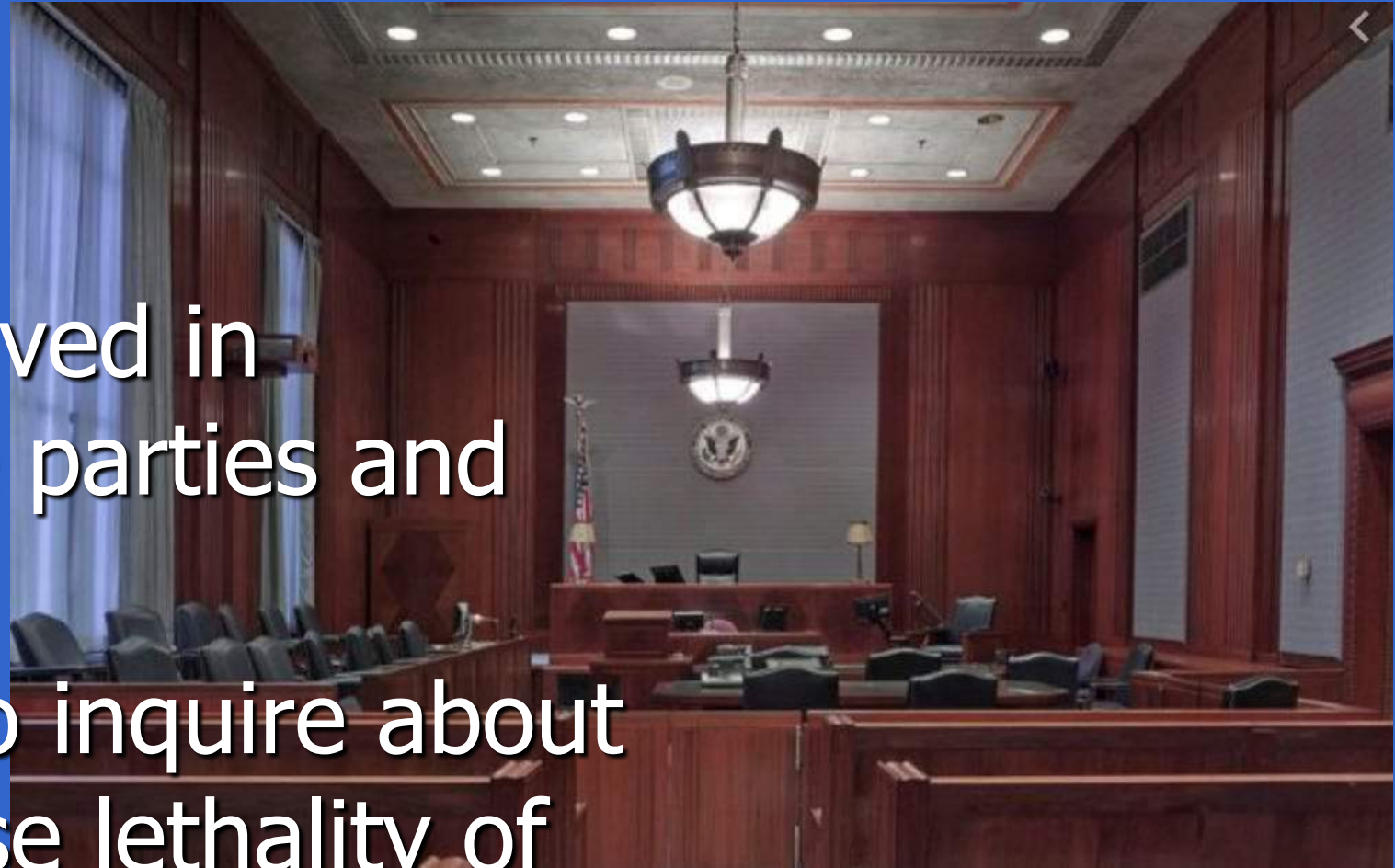
- Parties involved in dissolution and wife obtained DV injunction for protection with children against husband.
- Final hearing has been continued eight times while discovery is ongoing in the dissolution proceeding which the court found is inextricably intertwined.
- Husband moved to dissolve the TRO.
- (Should the court continue final hearing to complete discovery, dissolve injunction, or set final hearing?)

# Answer

- Set the hearing. Outstanding discovery in a separate but related proceeding is not a basis for good cause under these circumstances.
- The temporary injunction was in effect for over 520 days without a full hearing on the request for an injunction.
- *Sanchez v. Saenz*, 320 So. 3d 926 (Fla. 3 DCA 2021)

# Hearing

- Court can be involved in questioning of the parties and witnesses.
- Court may want to inquire about issues that increase lethality of situation including strangulation and areas marked with a check in petition F.S. 741.30(6)(b).



# Issues Related to Lethality

- Strangulation is external pressure on the neck that blocks blood or oxygen flow to the brain





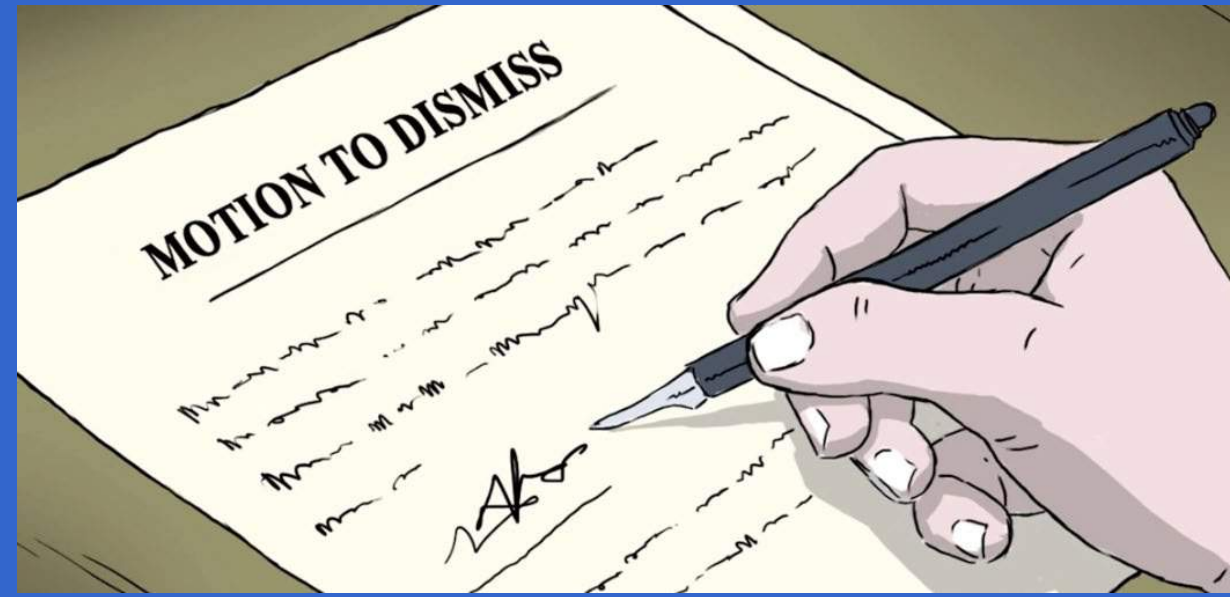


# 5 Myths of Strangulation

1. Strangulation = choking
2. ALWAYS have visible injuries
3. If V can breathe, speak or scream, it's not strangulation
4. Not harmful because common (martial arts, military, LEO)
- 5 V should be able to detail attack

# Motion to Dismiss

Party can move to dismiss a temporary injunction by asserting the petition did not contain facts and circumstances sufficient for issuance of injunction under the appropriate statute.



# Due Process

- Court can only rule on matters contained within the petition. Allowing testimony to go beyond the four corners of the petition is a due process violation.
- *Vaught v. Vaught*, 189 So.3d 332 (Fla. 4 DCA 2016); See also *Brooks v. Basdeo*, 336 So. 3d 423, (Fla. 5 DCA 2022).

# Polling Question # 17 (Yes or No)

If the evidence presented is not controverted or impeached and there is no conflicting evidence introduced, does the Court have to accept the evidence and issue the injunction?







# Answer

- Depends on the findings made by the court on the evidence and testimony.
- The Court cannot wholly disregard or arbitrarily reject the testimony even though given by an interested party. *Rudel v. Rudel*, 111 So.3d 285, 291 (Fla.4 DCA 2013)
- Where Court did not make findings of fact concerning credibility, order dismissing injunction reversed. *Taylor v. Price*, 273 So. 3d 24 (Fla. 4 DCA 2019).

# **POST JUDGMENT ISSUES**

# Motion to Modify/Dissolve

- Either party may move for a modification or dissolution of injunction at any time.
- Standard for modification- changed circumstances make it equitable to do so.
- Continuation of injunction would serve no valid purpose.



# Polling Question # 18: Would You Dissolve? (Yes or No)

- Former husband moved to dissolve 22 year old permanent injunction.
- Motion for Dissolution previously denied because former wife had custody of the parties' minor children, communication was possible and she remained in fear.
- Children are now age of majority. Record also reflects that post-IFP former wife asked husband to put up hurricane shutters for her. She also asked him to stay with her during an ER visit and they ate at a restaurant together once.



# Answer

- Yes. Court should dissolve.
- Sufficient change of circumstances demonstrated.
- Former wife's conduct in the last 20 years demonstrated that she no longer feared the former husband (she said as much during a deposition).
- *Bak v. Bak*, 332 So. 3d 1122 (Fla. 4 DCA 2022)
- The possibility of future contact without more is not enough. *Hobbs v. Hobbs*, 290 So.3d 1092 (Fla. 1 DCA 2020)

# Polling Question # 19: Would You Dissolve? (Yes or No)

- Respondent moves to dissolve injunction on the grounds that he wore a GPS tracking device for 14 months without violation, had no contact with the Petitioner for a little over 1.5 years and had reported that he “moved on with his life”.
- Petitioner testifies that she is still in fear of Respondent but acknowledged that there was no contact with the Respondent since the incident that gave rise to the injunction.



# Answer

- No. The Court should not dissolve.
- Barebones allegations regarding compliance are not enough to warrant dissolution
- Petitioner continued to maintain reasonable fear.
- *Bradley v. Slyman*, 325 So. 3d 245 (Fla. 5 DCA 2021)

# Motion to Extend Injunction

- For a domestic violence injunction,
  - motion must establish additional domestic violence has occurred or
  - a continuing reasonable fear of being in imminent danger of being a victim of domestic violence. *Black v. Black*, 308 So.3d 269 (Fla. 2 DCA 2020)





## Polling Question # 20 (Yes or No)

When considering a Motion to Modify/Extend an Injunction, is the court limited only to the circumstances and events that occurred in the time during the injunction or can the court consider the circumstances which led to the imposition of the injunction to determine whether the continuing fear is reasonable?

# Answer

The trial court may indeed consider the circumstances which initially led to the imposition of the final injunction to determine whether the petitioner's continuing fear of future violence is reasonable. *Spiegel v. Haas*, 697 So.2d 222 (Fla. 3d DCA 1997)



## Polling Question # 21 (Yes or No)

Is a party entitled to take a deposition in regards to a motion to modify/extend an injunction?



## Answer

Yes. Defendant is entitled to take the plaintiff's deposition with regard to the petition for extension. The trial court's protective order preventing such deposition is also reversed.

*Patterson v. Simonik*, 709 So.2d 189, 191 (Fla. 3d DCA 1998)





# Public Records Issues- F.S. 119.0714 (k)

- The petition and the contents are exempt from public records when the petition was: dismissed without a hearing, dismissed at ex parte hearing on failure to state a claim or lack of jurisdiction or dismissed on insufficiency of petition without an injunction being issued upon request of Respondent.
- Any information that can be used to identify petitioner or respondent in a petition for injunction is confidential and exempt until respondent has been personally served.

Judge Stefanie Moon  
954-831-7710  
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