

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA, IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER: 5.032
AMENDED 03-1

IN RE:

PROCEDURES FOR HANDLING
VIOLATIONS OF INJUNCTIONS
FOR PROTECTION

_____ :

WHEREAS, Florida Statute Sections 741.2901; 741.2902; 741.30, and 741.31, articulate the intent of the legislature regarding acts of domestic violence and require the Office of the State Attorney, the Clerk of Court, and the judiciary to implement procedures for handling allegations of violation of injunctions for protection; and

WHEREAS, the Office of the State Attorney has adopted a pro-prosecution policy for acts of domestic violence and intends that the terms of this Administrative Order set forth its policy regarding the intake of alleged violations of injunctions for protection; and

WHEREAS, it is the intention of the judiciary of the 16th Circuit to provide a consistent and accessible means for the reporting of violations of injunctions for protection throughout the Circuit;

NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:

- (1) In the event of a violation of an injunction for protection when there has not been an arrest, the Petitioner may contact the Clerk of the Court to report the violation. The Clerk of Court is hereby designated as the central intake point for injunction violations. The Clerk shall provide the form "Affidavit Alleging Violation of Injunction" attached hereto, designated as Exhibit "A", to the Petitioner, and the Clerk shall assist the Petitioner in preparing said Affidavit. The Clerk shall also provide the form "Information Sheet for Affidavit Alleging Violation" attached hereto, designated as Exhibit "B", to the Petitioner.
- (2) The Clerk shall forward the completed Affidavit Alleging Violation and Information Sheet to the Intake Unit at the Office of the State Attorney, and to the

Family Division Judge assigned to the original Injunction case. Should the Affidavit be filed after hours, the Clerk shall also forward a copy of the Affidavit to the duty judge.

- (3) The State Attorney shall determine within five (5) working days from the time the Affidavit Alleging Violation is filed whether its office will proceed to file criminal charges and will notify the Family Division Judge of its decision by providing a copy of the Information, written statement of its intent to take no action on the allegations, or statement that the case remains under investigation.
- (4) Should the Court have knowledge that the Petitioner, the Petitioner's children, or another person is in immediate danger if the Court fails to act before the State Attorney's charging decision is made, the Court shall initiate contempt proceedings and so notify the State Attorney.

DONE AND SIGNED in Chambers, at Key West, Monroe County, Florida, this 23 day of July, 2003.

Hon. Richard G. Payne, Chief Judge

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
IN AND FOR MONROE COUNTY, FLORIDA

Case No. _____
Division: _____

_____,
Petitioner

and

_____,
Respondent

**AFFIDAVIT ALLEGING VIOLATION OF INJUNCTION FOR PROTECTION AGAINST
() DOMESTIC VIOLENCE () REPEAT VIOLENCE**

I, {full legal name} _____, being sworn,
certify that the following statements are true:

1. On {date} _____, at {place and address} _____,

Respondent said or did the following things that constitute a
violation of the injunction for protection: _____

Check here if you are attaching additional pages to continue these facts.

2. On {date} _____, at {place and address} _____,

the following event(s) took place: _____

Check here if you are attaching additional pages to continue these facts.

Exhibit "A"

3. _____ Check here if you have witnesses or evidence to present to the court in support of your affidavit, or if you have copies of any police or sheriff reports concerning the alleged violation.

I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Dated: _____

Signature of Petitioner

STATE OF FLORIDA
COUNTY OF MONROE

Sworn to or affirmed and signed before me on _____

NOTARY PUBLIC or DEPUTY CLERK

[Print, type or stamp commissioned name of notary or clerk.]

Personally known

Produced Identification

Type of Identification produced _____

Information Sheet for Affidavit Alleging Violation of the
Injunction for Protection Against Domestic, Repeat, or Dating
Violence

Petitioner's Information:

1. NAME: _____
2. ADDRESS: _____
3. ANY PHONE NUMBER WHERE PETITIONER CAN BE CONTACTED: _____

IMPORTANT!!!!

If you wish to have your current address and the contact number remain confidential, please **DO NOT FILL OUT THE ABOVE BUT** contact the State Attorney's Office at (305) 292-3400 from 8:30 a.m. until 5:00 p.m., ext. 3402 within 24 hours after filing the affidavit. You may leave a message with your confidential information at that number.

Respondent's Information:

1. NAME: _____
2. RACE: _____
3. LAST KNOWN ADDRESS (if known): _____
4. DATE OF BIRTH OR APPROXIMATE AGE: _____
5. SS# (if known): _____
6. DL # OR TAGE # OF RESPONDENT'S VEHICLE (if known): _____
7. PLACE OF EMPLOYMENT (if known): _____

EXHIBIT "B"