MANALAPAN POLICE DEPARTMENT

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

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

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.

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 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.

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 identification.
- Bring information about where the abuser can be located.

- Bring 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.

EXEMPTION FROM PUBLIC INSPECTION

Under the provisions of Section 119.071(2)(j) of the Florida Statutes any information which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse,

aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from public inspection and examination.

You must make a written request and provide official verification, such as a law enforcement report, to the custodian of the records that an applicable crime has occurred. Such information shall remain exempt for 5 years, after which it will become available to the public.

WHOM SHOULD I TALK TO FOR MORE 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

1-866-331-9474

Florida Bar Lawyer Referral Service
1-800-342-8060

State Attorney:

Felony Victim Witness:	(561) 274-1490 or (561) 355-7100
Domestic Violence (DOVE Program)	(561) 274-1490 or (561) 355-7402

Department Of Children and Families:

24 Hour Hotline:	1-800-962-2873 (96-ABUSE)

Palm Beach County Victim Services Domestic Violence Services:

South County Office:	(561) 274-1500 or (561) 355-2418
SHELTER – 24 Hour Hotline	(561) 265-2900

Palm Beach County Victim Services Sexual Assault Services:

South County Office:	(561) 274-1500 or (561) 355-2418
24 Hour Hotline	(561) 833-7273 (833-RAPE)

Palm Beach County Victim Services Homicide and General Crime Services:

Weekdays	(561) 274-1500 or (561) 355-2418
After hours, Weekends, Holidays	(561) 833-7273

Victim Support Groups:

Domestic Violence Support Groups	(561) 274-1500

YOUR CASE INFORMATION

MANALAPAN POLICE DEPARTMENT

561-585-4030

_____

Case Number

_____

Date of Report

_____

Officer's Name ID Number

Additional Local Numbers:
Emergency: 911
Manalapan Police Department: (561) 585-4030
Crime Stoppers: 1-800-458-8477
Aid to Victims of Domestic Abuse (AVDA): (561) 265-2900
Rape Crises Center: 1-888-956-7273

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."

MANALAPAN POLICE DEPARTMENT

On _____, 20_____ I, _____
(Date) (Print Victim's Name)

Have received a copy of the **DOMESTIC VIOLENCE NOTICE OF LEGAL RIGHTS AND REMEDIES** from _____
(Officer's Name)

_____
Signature of the Victim

Case Number: _____

This receipt is to be filed with the police reports.