

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT  
IN AND FOR POLK COUNTY, FLORIDA**

ADMINISTRATIVE ORDER NO. 5-14.2

**ADOPTION OF DOMESTIC VIOLENCE POLICIES AND PROCEDURES**

**WHEREAS**, Administrative Order No. 5-14.1, entered on March 8, 2004, recognized that Administrative Order No. 5-14.0 entered February 17, 1992, had become obsolete as a result of statutory changes as well as the promulgation of forms by the Florida Supreme Court, and

**WHEREAS**, it is the intent of the Court that the Domestic Violence Program, created by the 1992 Administrative Order, continue to be recognized as the Domestic Violence Program in this Circuit, such that the clerk of the court will assist petitioners in seeking injunctions for protection against domestic violence, repeat violence, dating and sexual violence, and

**WHEREAS**, it is the intent of the Court that the Clerk of Court comply with the statutory directives of Florida Statutes, presently set forth in Chapter 741 and Chapter 784, Florida Statutes. Specifically, the clerk of court shall “. . . provide simplified petition forms for the injunction, any modifications, and the enforcement thereof, including instructions for completion.” §§741.30(2)(c)2, 784.046, Fla. Stat. (2003), and

**WHEREAS**, the Clerk of Court has developed a procedure for assisting the petitioners in filling out the forms promulgated by the Florida Supreme Court and in compliance with Florida Statutes, and the Clerk has identified this developed procedure as “the intake procedure”, and has provided a copy of the written intake procedure to the Judiciary assigned to the Family Division in Polk County, and a copy of such procedure is attached hereto as Exhibit A, and

**WHEREAS**, it is the intent that any changes to the intake procedure remain in compliance with any future statutory law or any future procedural rule made by the Florida Supreme Court, such that the written intake procedure as outlined in Exhibit A may be amended from time to time by submission of an Amended Exhibit A from the Clerk of Court for the approval of the Administrative Judge in the Family Division and the Chief Judge by subsequently amended Administrative Order, and

**WHEREAS**, the Clerk of Court has submitted changes to the intake procedure outlined in Exhibit A which more accurately reflects their procedure of requiring the petitioner to complete in their own words the factual statements in support of their petition, and

**WHEREAS**, the changes proposed by the Clerk of Court to Exhibit A have been approved by the Administrative Judge of the Family Division.

**NOW, THEREFORE,** it is

**ORDERED AND ADJUDGED** that Administrative Order No. 5-14.1, dated March 8, 2004, and Exhibit A attached thereto, are superseded by this Order. The Clerk of Court shall adhere to the written intake procedures as outlined in Exhibit A attached hereto. Exhibit A may be amended from time to time by an amended Administrative Order.

**DONE AND ORDERED** on this 19<sup>th</sup> day of July, 2010.

J. DAVID LANGFORD  
Chief Judge

## EXHIBIT A TO ADMINISTRATIVE ORDER 5-14.2

### **Intake Procedure: Injunctions for Protection Domestic Violence, Repeat Violence, Dating and Sexual Violence**

As outlined below, Florida law requires the Clerks of the Court to provide assistance to persons seeking all forms of petitions for injunction for protection under Chapters 741 and 784:

- “The clerk of the court shall assist petitioners in seeking both injunctions for protection against domestic violence and enforcement for a violation thereof . . . ” §741.30(2)(c)1., Fla. Stat. (2009).
- “All clerks' offices shall provide simplified petition forms for the injunction, any modifications, and the enforcement thereof, including instructions for completion.” §741.30(2)(c)2., Fla. Stat. (2009).
- “The clerk of the court shall provide a copy of this section, simplified forms, and clerical assistance for the preparation and filing of such a petition by any person who is not represented by counsel.” §784.046(3)(a), Fla. Stat. (2009).

In cases of domestic violence, “[t]he sworn petition shall allege the existence of such domestic violence and shall include the specific facts and circumstances upon the basis of which relief is sought.” §741.30(3)(a), Fla. Stat. (2009). In cases of repeat, sexual, or dating violence, “[t]he sworn petition shall allege the incidents of repeat violence, sexual violence, or dating violence and shall include the specific facts and circumstances that form the basis upon which relief is sought.” §784.046(4)(a), Fla. Stat. (2009).

Therefore, the following procedures are established:

- Upon arrival in the Domestic Violence Department, the petitioner shall sign in and be given a general information sheet to complete. If the petitioner is unable to complete the information sheet, assistance will be provided by the Clerk’s Family Law Department staff.
- The petitioner will be given Florida Supreme Court approved instructions for petitions for the type of injunction being sought. In cases where the petitioner is seeking an injunction for protection against repeat, dating, or sexual violence, the petitioner will be given a copy of §784.046, Florida Statutes. The petitioner will also be given portions of the Florida Supreme Court approved petition for the type of injunction being sought, as follows:
  1. Domestic Violence. For injunctions for protection against domestic violence, the petitioner will be given paragraphs 3 and 4 of section III of

the domestic violence petition upon which the petitioner can indicate by check marks the types of things the respondent is alleged to have done and upon which the petitioner may briefly write the dates and locations of incidents of domestic violence or the circumstances which make the petitioner believe that domestic violence is imminent, describe what the respondent did, and explain why the petitioner is in fear.

2. Repeat Violence. For injunctions for protection against repeat violence, the petitioner will be given paragraphs 4, 5, and 6 of section III of the repeat violence petition upon which the petitioner may write the dates and locations of at least two incidents of repeat violence, describe what the respondent did to the petitioner, and explain why the petitioner is in fear.
  3. Dating Violence. For injunctions for protection against dating violence, the petitioner will be given paragraphs 6, 7, and 8 of section III of the dating violence petition upon which the petitioner may write the dates and locations of incidents of dating violence, describe what the respondent did to the petitioner, and explain why the petitioner is in fear.
  4. Sexual Violence. For injunctions for protections against sexual violence, the petitioner will be given paragraph 1 of section III of the sexual violence petition upon which the petitioner may describe what the respondent did to the petitioner, including where and when it happened, indicate whether the sexual violence was reported to law enforcement (and, if so, the incident report number and the criminal case number if any), and indicate whether the respondent has been sentenced to prison and is within 90 days of being released.
- The petitions will be reviewed by a member of the Clerk's Family Law Department staff. If the petitioner is vague about dates or acts of violence, or if the petitioner is unable to legibly complete the required form, a Clerk staff member will request more details or clarification.
  - A Clerk staff member will assist in filling out the remainder of the forms based on information provided by the petitioner.
  - If the petitioner requests the court to determine issues regarding custody, visitation, temporary support, or confidential filing of address, the appropriate forms and assistance will also be provided.
  - Upon completion, the petition will be forwarded to the judge for review. The petitioner will be instructed that the judge's written decision will be available later in the day.

**\*Special instructions for minors:**

If a minor victim is 11 years of age or younger, a member of the Clerk's staff will take the statement of the parent or legal guardian, and so indicate in the petition.

If the minor is 12 years of age or older, the minor will be given a form on which they will handwrite their statement. The minor's statement will be attached to the petition. A Clerk staff member will fill out the remainder of the petition based on information provided by the parent or legal guardian.

Revised July 2010