



## FLORIDA

Each state has different requirements for getting a civil domestic violence protective order. Because it makes protective orders extremely difficult for teens to obtain, Florida's grade for protecting teen victims of domestic and dating violence is a D.

### Do I Qualify for a Protective Order in Florida?

#### Type of Relationship

In order to qualify for a protective order, the abuser must be someone:

- You are dating or used to date<sup>1</sup>
- You are living with or used to live with<sup>2</sup>
- You have a child with<sup>3</sup>
- You are married to or used to be married to<sup>4</sup>
- In your immediate family<sup>5</sup>
- In your extended family<sup>6</sup>

#### Type of Abuse<sup>7</sup>

A judge is allowed to give you a protective order when your abuser has:

- Physically abused you
- Attempted to physically abuse you
- Threatened to physically abuse you
- Sexually abused you
- Stalked you
- Unlawfully held you against your will

#### Age

If you are 18 years or older, you can obtain a protection order yourself without an adult's permission. For minors under 18, the law does not say who can file for you.<sup>8</sup> It will be up to the individual courts and judges whether you can get a protection order without your parent's permission. Check with a local domestic violence organization to see how your local courts handle minors who want protection orders.

### How Do I Get a Protective Order?

If you qualify to apply for a protective order, you can go to court to file for a temporary order. After a hearing, the judge may grant you a temporary protective order which lasts for 15 days. The judge may also schedule another hearing.<sup>10</sup> After the full hearing, the judge may grant you a permanent order that lasts as long as the judge orders.<sup>9</sup>

### What Can I Ask for in a Protective Order?

You may ask the court for the following in a protection order:

- The abuser must stay away from your home, school, work, and other designated places<sup>10</sup>
- The abuser must also stay away from any family or household members identified by the court.<sup>11</sup>
- The abuser cannot contact or communicate with the you directly or indirectly.<sup>12</sup>
- Exclusive use of the residence<sup>13</sup>
- Temporary child custody and visitation orders<sup>14</sup>
- Temporary child and spousal support<sup>15</sup>
- Abuser must not use and must surrender all firearm(s)<sup>16</sup>
- Counseling at the abuser's expense<sup>17</sup>

### How Much Will It Cost?

It is free.<sup>18</sup>

You have the right to a safe and healthy relationship...  
free from violence and free from fear.

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<sup>1</sup> Fla. Stat. Ann. § 784.046(1)(d) (2007).

<sup>2</sup> *Id.* § 741.28 (3).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* § 784.046.

<sup>8</sup> *Id.* § 784.046(2)(b).

<sup>10</sup> *Id.* § 741.30(5)(c).

<sup>9</sup> Fla. Family Law R. P. § 12.610(c)(4)(B).

<sup>10</sup> Fla. Stat. Ann. § 741.31(4)(a)(2), (6).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* §741.31(4)(a)(3), (5).

<sup>13</sup> *Id.* § 741.30(6)(a)(2).

<sup>14</sup> *Id.* § 741.30(6)(a)(3)-(4).

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* § 790.233.

<sup>17</sup> *Id.* § 741.30(6)(a)(5).

<sup>18</sup> *Id.* § 741.30(2)(a), (b).

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