



# Victims & Witnesses Handbook



**Sheriff Gregory Tony**  
[sheriff.org](http://sheriff.org)

# Referral Telephone Numbers

Broward Sheriff's Office Victim Advocate Unit Victim/ Witness Services 954.321.4122

## COUNSELING

Women in Distress/  
Domestic Violence  
954.760.9800  
24 hr. Crisis Line  
954.761.1133  
[www.womenindistress.org](http://www.womenindistress.org)

Nancy Cotterman Sexual  
Assault Treatment Center  
954.357.5775  
[www.broward.org/human-services/](http://www.broward.org/human-services/)

24-Hour Crisis Line  
2-1-1 or 954.537.0211  
<http://211-broward.org>

No More Tears  
954.324.7669  
[www.NMTproject.org](http://www.NMTproject.org)

Jewish Family Services  
954.370.2140  
[www.jfsbroward.org](http://www.jfsbroward.org)

Kids in Distress  
954.390.7654 x1309  
[www.kidinc.org](http://www.kidinc.org)

Chrysalis Health  
954.587.1008  
[www.chrysalishealth.com](http://www.chrysalishealth.com)

Henderson Behavioral  
Health  
954.463.0911  
<http://hendersonbehavioralhealth.org/>

Nova University Clinic  
954.262.5730  
[www.nova.edu/spacc](http://www.nova.edu/spacc)

SunService  
954.764.5150  
[www.sunserve.org](http://www.sunserve.org)

Broward County Elderly  
Services  
954.357.6622  
[www.broward.org/human-services](http://www.broward.org/human-services)

## FINANCIAL ASSISTANCE

Office of the Attorney  
General  
1.800.226.6667  
<http://myfloridalegal.com>

Homeless Broward  
County Schools Homeless  
Liaison – McKinney Vento  
Act  
754.321.1570  
<http://browardstudentservices.com/>

Juvenile Abuse Hotline  
1.800.96.ABUSE  
<http://www.myflfamilies.com/service-programs/abuse-hotline>

State Attorney's Office  
Juvenile Unit  
954.831.6960  
<http://www.sao17.state.fl.us/>

Florida Department of  
Children and Families  
954.797.5299  
<http://www.myflfamilies.com/service-programs/domestic-violence>

Guardian Ad Litem  
(Court Ordered)  
954.831.6214  
<http://guardianadlitem.org/>

Juvenile Assessment  
Center  
954.467.4600  
<http://www.djj.state.fl.us/programs-facilities>

Nancy Cotterman Sexual  
Assault Treatment Center  
(Child Protection Team)  
954.357.5775  
[www.broward.org/human-services/](http://www.broward.org/human-services/)

Victim Witness Liaison/  
Subpoenas  
954.831.6200  
<http://www.sao17.state.fl.us/>

## LEGAL

State Attorney's Office  
Victim Advocate Unit  
954.765.4133  
<http://www.sao17.state.fl.us>

State Attorney, Broward  
County  
954.831.6955  
<http://www.sao17.state.fl.us/>

Coast to Coast Legal –  
Legal Aid  
954.736.2400  
954.765.8950  
<http://www.legalaid.org/coasttocoast/>

Family Court Services (In-  
junction for Protection/  
Restraining Order)  
954.831-5579 or 5570  
<http://www.clerk-17th-flcourts.org/bccoc2/faq-family.aspx>

Offender Status (Release)  
Victim Notification (VINE)  
1.877.846.3435  
<https://www.vinelink.com>

Department of State Cor-  
rections, Victim  
Assistance Program  
850.488.9166  
<http://www.dc.state.fl.us/oth/victasst>  
Shelter/ Relocation

Substance Abuse  
Broward Addiction Re-  
covery Center (BARC)  
(954) 357- 3880  
[www.broward.org/human-services](http://www.broward.org/human-services)

## The Broward Sheriff's Office Victim Services

*For many victims or witnesses, this may be your first experience with the criminal and juvenile justice systems. This brochure can assist you with questions regarding your rights.*

BSO Victim Services consists of two areas: Victim/ Witness Advocate and Victim Notification. The Victim/ Witness Advocate area is concerned with the emotional trauma resulting from the crime and the actual physical welfare of the victim/ witness. This area provides crisis intervention, short-term counseling and referrals, criminal justice information, court support and emergency assistance for limited shelter, food, and basic physical needs arising from the victimization. For additional assistance, call **954.321.4122**.

The Victim Notification area is responsible for notifying known, contactable victims of the pending release, including community work release of sentenced prisoners incarcerated in Broward County jails. This area informs victims, parents, or guardians; and next of kin of homicide victims of their rights as victims and provides offender release information. If you require assistance, call **954.321.4135**.

## Domestic Violence Facts

- Some form of abuse occurs in one out of every two homes.
- Anger is acc on, controlling behavior, property damage and abuse to pets are considered abusive behavior.
- The offender is responsible for the violence.
- The victim is ultimately responsible for safety.
- Without help, violence gets worse, can be passed on to your children and can result in the death of children, pets, and adult family members, including the batterer.
- Violence is learned and it can be unlearned.
- Victims of severe violence are most often women.

Threats directed at you, your children, your animals, your friends, your coworkers, or other family members, are abusive. These threats are intended to give the batterer (abuser) more power over you through fear and intimidation.

**Please take these threats seriously.**

## Understanding the Process

### Criminal Justice Process

*The stages of the criminal justice system are as follows:*

**CRIME COMMITTED** – After a crime is reported to law enforcement an investigation will be conducted. If law enforcement is able to collect enough evidence, an arrest may be made.

**ARREST** – Suspect(s) taken to jail, fingerprinted and photographed. Some are immediately released or have to post a bond to ensure they will show up in court.

(or)

**INTAKE** – Victim reports a crime to the local State Attorney's Office. If probable cause is found, the State Attorney's Office may choose to file charges and summon the suspect into court.

**FIRST APPEARANCE** – Occurs within 24 hours of an arrest. Each suspect kept in jail must appear before a Judge who establishes whether charges are reasonable. The Judge will also consider whether a bond should be set and if so how much. The Judge will also consider conditions of release and appoint a defense attorney if the suspect cannot afford one.

**FILING OF FORMAL CHARGES** – The State Attorney's Office may file formal charges after reviewing law enforcement arrest reports, sometimes within 21 days in certain cases.

**ARRAIGNMENT** – The accused is formally charged and enters a plea of guilty, not guilty, or no contest.

**TRIAL PREPARATION** – The prosecutor and defense attorney interview witnesses and exchange evidence in preparation for trial.

**TRIAL** – The prosecutor presents evidence to either the judge or a jury about the case. The defendant may be found guilty or not guilty. The process ends if the defendant is found not guilty.

**PLEA** – Defendant pleads guilty or no contest without a trial.

**SENTENCING** – If the defendant is found guilty, the Judge reviews sentencing guidelines, plea agreements, etc., and determines what type of sentence the defendant should receive.

### Juvenile Justice Process

**INTAKE** – The process of determining where a child under the age of 18 will be placed until the case is resolved. There are three forms of detention status: home, non-secure, or secure.

**DIVERSION PROGRAMS** – An alternative to trial where the juvenile is placed



in a community-based program such as juvenile arbitration, juvenile alternative services program (JASP), or a treatment plan (Walker plan). If a juvenile successfully completes the diversion program, then the charges are generally dismissed.

**FORMAL CHARGES** – The filing of a petition in court by the State Attorney's Office. The charge may be filed in either juvenile court or adult court, depending upon the crime and age of the offender.

**ARRAIGNMENT** – The accused is formally charged and enters a plea of guilty, not guilty, or no contest.

**ADJUDICATORY HEARING** – The trial of the juvenile, conducted in front of a judge. The judge will decide whether the juvenile committed the charged offense(s).

**DISPOSITIONAL HEARING (SENTENCE)** – When a juvenile is found to have committed a delinquent act the court will hold a dispositional hearing to determine which sanctions to impose on the juvenile. The sanctions could range from community-based sanctions like probation and community services up to residential commitment.

**JUVENILES TRIED AS ADULTS** – Juveniles who commit very serious crimes may be tried as adults. Juveniles who are prosecuted as adults may be sentenced to adult or juvenile sanctions.

*You may contact your State Attorney or law enforcement agency for more information regarding the stages of the criminal and juvenile justice process.*



## Your Rights in the Criminal and Juvenile Justice Systems

If you are a victim of a crime or a witness because you have seen, heard or know something about a crime that has been committed, you are important to the case. Your testimony may be necessary to establish the facts. Understandably, you might feel anxious about testifying in court. However, without your testimony the defendant might go unpunished.

**Victim** – A person against whom a crime was committed. Some victims suffer physical injury or property damage, and some have psychological injury or both. Victims have certain rights in Florida. Others who can claim these rights are the victim's parent or guardian if the victim is a minor, and the next of kin of a homicide victim. As a victim of a crime, you have the following rights:

1. Either you or the State Attorney's Office with your consent, have standing to assert any legal rights of a crime victim as provided by the law or The Florida Constitution.
2. In some cases, victims (or their relatives where the victim is deceased) may be eligible for financial compensation from the State of Florida. Information regarding eligibility may be obtained from the State Attorney's Office, local Witness Coordination Office (where available), law enforcement agency or from the Bureau of Crimes Compensation, Office of the Attorney General **1.800.226.6667**.
3. The right to receive information about available crisis intervention services and local community services including counseling, shelter, legal assistance or other types of help, depending on the particular circumstances. Telephone numbers of these services are provided at the beginning of this brochure.
4. The right of the victim of a sexual offense to request the presence of a victim advocate during the forensic medical examination. An advocate from a certified rape crisis center shall be permitted to attend any forensic medical examination.
5. No law enforcement officer, prosecuting attorney or government official shall ask or require a victim of a sexual offense to submit to a polygraph examination or other truth-telling device as a condition of the investigation.
6. The right to receive information regarding the role of the victim in the criminal or juvenile process, including what the victim may expect from the system as well as what the system may expect from the victim.
7. The right to receive information regarding the stages of the criminal or juvenile justice process and the manner in which information about such stages may be obtained. **Note: You cannot be notified if we cannot locate you. It is your responsibility to keep the State Attorney's Office and the Broward Sheriff's Office informed of any changes in your address or telephone number.**
8. The right to be informed, present and heard when relevant, at all crucial stages of a criminal or juvenile proceeding, to the extent the right does not interfere with the constitutional rights of the accused.
9. The right, if you are incarcerated, to be informed and submit written statements at all crucial stages of the criminal and juvenile proceedings.
10. The right to a prompt and timely disposition of the case, as long as it does not interfere with the constitutional rights of the accused.
11. The right to be notified of the arrest and release of the offender, including release to community control and/or work release. When an arrest is made in a reported case, the victim, witnesses, relatives of minor victims and witnesses, and relatives of homicide victims, where those persons have provided current addresses and telephone numbers to the Broward Sheriff's Office, shall be notified.
12. The right to receive information about the steps available to law enforcement and the State Attorney's Office to protect you from intimidation and/or harassment. It is a third degree felony to knowingly use intimidation or physical force; threaten another person; or offer pecuniary benefit or gain to another person. If you are being threatened or intimidated, please contact the Broward Sheriff's Office or any law enforcement officer.
13. The right of the victim of domestic violence to be informed of the address confidentiality program administered through the Attorney General's Office. You may contact the Attorney General's Office at **1.800.266.6667**. The State Attorney's Office may assist with this paperwork, if necessary.
14. The right of each victim or witness who has been scheduled to attend a criminal or juvenile justice proceeding, to be notified as soon as possible by the agency or person scheduling his/her appearance, of any change in scheduling that will affect the victim's appearance.
15. The right to receive advance notification of judicial and post-judicial proceedings relating to the case, including all proceedings or hearings relating to:
  - The arrest of the accused.
  - The release of the accused pending judicial proceedings, any modification of release condition to include release to community control or work release.
  - Proceedings in the prosecution or petition for delinquency of the accused, including the filing of the accusatory instrument, the arraignment, disposition of the accusatory instrument, trial or adjudicatory hearing, sentencing or disposition hearing, appellate review, subsequent modification of sentence, collateral attack of a judgment, and when a term of imprisonment, detention, or involuntary commitment is imposed, the release of the defendant or juvenile offender from such imprisonment, detention or commitment by expiration of sentence or parole and any meeting held to consider such release.
16. The right to not be excluded from any portion of any hearing, trial or proceeding pertaining to the offense based solely upon the fact that such person is subpoenaed to testify, unless the court determines otherwise.

17. In addition to the provisions of s. 921.143, F.S., the rights of the victim of a felony involving physical or emotional injury or trauma, or in a case in which the victim is a minor child or in a homicide, the guardian or family of the victim shall be consulted by the State Attorney in order to obtain the views of the victim or family about the disposition of any criminal or juvenile case brought about as a result of such crime, including their views about:
  - The release of the accused pending judicial proceedings.
  - Plea Agreements.
  - Participation in pretrial diversion programs.
  - Sentencing of the accused.
18. The right to review certain portions of a pre-sentencing investigation report for adult and youthful offenders prior to the sentencing of the accused.
19. The right to a prompt return of property unless there is a compelling law enforcement need to retain it.
20. The right to request that the State Attorney or law enforcement agency help you explain to employers and creditors that you may face additional burdens by taking time off from work to assist law enforcement and you may undergo serious financial strain either because of the crime or by cooperating with authorities.
21. Law Enforcement agencies and the State Attorney shall inform you of your right to request and receive restitution and of your rights of enforcement in the event an offender does not pay. The State Attorney shall seek your assistance in the documentation of your losses for the purpose of requesting and receiving restitution.

If an order of restitution is converted to a civil lien or civil judgment against the defendant, the clerks shall make available at their office, as well as on their website, information provided by the Secretary of State, the court or The Florida Bar about enforcing the civil lien or judgment.

The State Attorney shall inform you if and when restitution is ordered.

22. The right to submit an oral or written impact statement to the court, pursuant to s.921.143, F.S., prior to sentencing of the offender. The State Attorney or any assistant state attorney shall advise all victims or, when appropriate, the victim's parent, guardian, next of kin, or lawful representative that statements, whether oral or written, shall relate to the facts of the case and the extent of any harm, including social, psychological, or physical harm, financial losses, loss of earnings directly or indirectly resulting from the crime for which the defendant is being sentenced, and any matter relevant to an appropriate disposition and sentence.

23. The right to receive reasonable consideration and assistance from employees of the State Attorney's Office, Sheriff's Office, or Police Department. When requested, you will be assisted in locating accessible transportation and parking, and shall be directed to separate pretrial waiting areas when such facilities are available. When requested, you shall receive assistance in attempting to locate translators when practical.
24. The right to be notified when the offender escapes from custody. The State Attorney shall make every effort to advise the victim, material witness, parents or legal guardian of a minor who is a victim or witness, or immediate relative of a homicide victim of the escape of a criminal defendant. The State Attorney shall also notify the Sheriff of the county where the criminal charge or petition for delinquency arose. The Sheriff shall offer assistance upon request.
25. The right of the victim to request that a victim advocate be permitted to attend and be present during any deposition. The victim advocate may be designated by State Attorney's Office, Sheriff's Office, or municipal police department, or one representative from a not-for-profit victim services organization, including, but not limited to, rape crisis centers, domestic violence advocacy groups, and alcohol abuse or substance abuse groups.
26. The right of the victim of a sexual offense to have the courtroom cleared, with certain exceptions during his or her testimony, regardless of the victim's age or mental capacity.
27. The right to request, in certain circumstances, that the offender be required to attend a different school than the victim or siblings of the victim. If the victim of an offense committed by a juvenile is a minor, and the victim or any sibling of the victim attend or is eligible to attend the same school as that of the offender, the Department of Juvenile Justice or the Department of Corrections shall notify the victim's parent or legal guardian of the right to attend the sentencing or disposition of the offender and request that the offender be required to attend a different school.
28. The right of the victim who is not incarcerated to not be required to attend discovery depositions in any correctional facility.
29. The statutory obligation of the victim, or next of kin of a homicide victim, that any information gained pursuant to FS Chapter 960, regarding any case handled in juvenile court, must not be revealed to any outside party, except as reasonably necessary in pursuit of legal remedies.
30. The right to know in certain cases and at the earliest possible opportunity, if the person charged with an offense has tested positive for hepatitis and human immunodeficiency virus (HIV) infection. In such cases, upon request of the victim or victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, the court shall order such person to undergo hepatitis and HIV testing. In some cases, you can be notified of the results of the test within two weeks of the court's receipt of the results.
31. The right to request, for specific crimes, that your home and work telephone numbers, home and work addresses, and personal assets not be disclosed to anyone.

## NOTICE OF LEGAL RIGHTS AND REMEDIES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, REPEAT VIOLENCE, SEXUAL VIOLENCE, STALKING

**FLORIDA STATUTES: (FS) 741.28; (FS) 784.046**

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**



## STEPS FOR FILING AN INJUNCTION



To file for an Injunction for Protection you must go, in person, to the **Broward County Court House** at 201 S.E. 6th Street, Ft. Lauderdale. A clerk of the court will assist you with properly completing the required forms and statements.

Any person(s) seeking to file a petition for temporary injunction against domestic/dating violence, after the normal court/business hours (Monday through Friday 5:00 p.m. to 8:30 am, weekends and holidays) shall call the **Henderson Mental Health Center Crisis Line** at **954.463.0911**.

The Clerk of the Court shall provide a copy of the relevant Florida Statutes, simplified forms and clerical assistance for the filing of a petition by any person who is not represented by counsel.

The Clerk of the Court may not charge any fees for filing a petition for protection.

The Clerk of the Court will provide the petitioner with a certified copy of any Injunction for Protection entered by court.

The sworn petition shall describe the alleged incidents of repeat violence, domestic violence or dating violence. The description must include specific facts and circumstances about the violence for which the protection is sought. If the victim is a minor (under 18 years of age) who lives at home, the parent or legal guardian seeks the petition on behalf of the child.

- If the person allegedly committing the violence against the child is the child's parent, step-parent, or legal guardian, then the non-offending parent or legal guardian must have personally witnessed or have direct physical evidence or have sworn statement (affidavits) from eye-witnesses of the specific facts and circumstances of the violence to the minor child.
- If the offender someone other than a parent, step-parent, or legal guardian of the minor child, the parent or legal guardian must have reasonable cause to believe that the minor child is a victim of repeat, sexual or dating violence.

## ADDRESS CONFIDENTIALITY PROGRAM

The State of Florida's **Address Confidentiality Program** (ACP) assists victims of domestic violence, repeat violence, sexual violence or dating violence who are attempting to escape from actual or threatened violence. Participants are provided with an address designated by the Office of the Attorney General as a substitute mailing address in order to prevent their abusers from finding them.

All state and local government agencies are required to accept the substitute address as a participant's residential, mailing, business or school address. Through the use of the substitute mailing address, participants receive cost-free security, mail forwarding, or first-class mail. The Attorney General Office serves as each client's legal agent for receipt of mail and service of process.

## Who Can Apply?

Victims of domestic violence, repeat violence, sexual violence or dating violence who:

- fear for individual or child's safety because of an abuser's threats or actions
- reside in Florida,
- have relocated or are willing to relocate
- will advise the ACP office or the residential address at all times

## How To Apply?

Call the ACP Office at **1.800.226.6667** or **850.414.3300** to get the telephone number of an ACP Application Assistant in your local community.





## Change of Address and/or Telephone Number *(please print)*

Your Name: \_\_\_\_\_

Your Date of Birth: \_\_\_\_\_

Your Old Address: \_\_\_\_\_

*Your Old Telephone Number(s)*

Home: \_\_\_\_\_ Business: \_\_\_\_\_

Your New Address: \_\_\_\_\_

*Your New Telephone Number(s)*

Home: \_\_\_\_\_ Business: \_\_\_\_\_

### Defendant's Information *(Please provide all available information)*

Defendant's Name: \_\_\_\_\_

Defendant's Arrest Number: \_\_\_\_\_

Defendant's Date of Birth: \_\_\_\_\_

Defendant's Race and Sex: \_\_\_\_\_

Broward County Court Case Number: \_\_\_\_\_

Law Enforcement Offense Report Number: \_\_\_\_\_

Department of Corrections Inmate Number: \_\_\_\_\_  
(if defendant already sent to state prison)

Upon Completion, send this form to:

#### **The Broward Sheriff's Office Victim Services**

Victim Notification  
P.O. Box 9507  
Ft. Lauderdale, FL 33310-9507

Or, if the defendant was already sent to state prison, send to:

#### **The Department of Corrections**

Victim Notification  
1311 Winewood Boulevard  
Tallahassee, FL 32339-2500

#### **Broward Sheriff's Office**

Victim Advocate Services  
2601 West Broward Boulevard  
Fort Lauderdale, FL 33312  
954.321.4122

Deputy/CCN \_\_\_\_\_

Report Number \_\_\_\_\_

## Additional Helpful Information

### Victim Information and Notification Everyday

Victim Information and Notification Everyday (VINE) is a free, anonymous, 24-hour, computer-based telephone service that provides victims of crime two important features – information and notification.

The VINE program is designed to provide you with quick and easy access to offender information and to alert you when an offender's custody status changes. Do not depend solely on VINE or any other single program for your safety.

Only offenders in Broward County Jails will be included in the Broward County VINE service.

For inmate custody information, call **1.877.846.3435** and follow the prompts. VINE will tell the caller if the offender is still in custody, what his/her bail amount is, and the name of the facility where the offender is in custody. Live operator assistance is available. Callers may then choose to register for an automated notification call when an offender is arrested, released, transferred, approved for community work release, escapes, or dies. To register, callers simply enter the phone number, including area code, where they want to be reached. Callers will then be asked to enter a Personal Identification Number (PIN) for use during notification. The service will automatically call when one of the above events occurs.

### Release of the Defendant

You will be notified of any pending release of applicable sentenced defendants from a BSO jail facility, providing that your current home address is on file with the BSO Victim Services Statewide VINE System. If the defendant was sent to state prison, you must notify the Department of State Corrections of your address and/or telephone number.

### Escape of the Offender (Defendant)

If the offender escapes from an institution of confinement, the State Attorney's Office will make every effort to notify you. Upon notification and request from the State Attorney, BSO will make all reasonable attempts to notify you.

### Safety for Pets

Animals are often targeted (threatened with harm, cruelly injured or killed) as a means of controlling, terrorizing, or punishing a victim. If it is not safe for you to remain at home, it is not safe for your animals either. Contact BSO Victim Services or Women In Distress for a referral for assistance to safe-house your pets.

This could occur with any perpetrator, but it is more common with perpetrators of family violence (i.e.; spouse or partner abuse, child abuse, or elder abuse). These family-related crimes are cyclical and inter generational in nature.

### Subpoena

You may receive a subpoena for certain hearings and the trial. A subpoena is a court order to appear at the time and date indicated. You will be required to telephone the Victim/Witness Liaison upon receipt of the subpoena, using the telephone number marked on the subpoena. Your telephone number(s) will be taken to inform you of changes in the court date or case status. Many cases do not go to trial. We will do our best to notify you of changes if you provide us with a contact number. You will also be receiving notices of various hearings that will occur during the course of the proceedings. These notices will differ from your subpoena. They are merely to inform you of the activity of the case and provide you the opportunity, if you wish to be present at these hearings.

**What Is Identity Theft?**

Identity Theft is a crime in which an impostor obtains key pieces of personal identifying information (PII) such as Social Security numbers and driver’s license numbers and uses them for their own personal gain. In today’s world, so heavy with the use of digital information, it is essential that you protect yourself from becoming a victim of this crime.

**Types of Identity Theft**

There are several “types” of ID theft. Each one affects certain areas of our lives, and has specific things to keep in mind when trying to deal with it.

**Financial Identity Theft** -This is the most common type of identity theft. It involves using another person’s identity to obtain credit, goods and services.

**Identity Cloning** - This is when someone impersonates someone else in order to conceal their own true identity. Examples might be illegal immigrants, people hiding from creditors or other individuals, or those who simply want to become “anonymous” for personal reasons.

**Medical Identity Theft** - Occurs when someone uses a another person’s name or other parts of their identity—such as insurance information—to obtain medical services or goods, such as drugs. This is a particularly dangerous type of identity theft because it could lead to erroneous entries being put into your existing medical records, which may in turn lead to improper and potentially life-threatening decisions by medical staff.

**Criminal Identity Theft** - This is posing as another person when apprehended for a crime. It can be very difficult to clear your name of such theft. Victims might only learn of such incidents by chance (receiving a court summons, driver’s license suddenly suspended, background checks performed by potential employers).

**Synthetic Identity Theft** - A variation that is becoming more common. It involves taking parts of identity information from more than one victim and combining them. The most common technique involves combining a social security number from one person with the name and birthdate of another person. Because it involves more than one victim, this type of identity theft can be very difficult to track.

**Child Identity Theft** -This occurs when a minor’s Social Security number is used by another person. The Social Security numbers of children are particularly valued by identity thieves because they do not have any information associated with them. Thieves can establish lines of credit, obtain driver’s licenses, or even buy a house using a child’s identity. Many children victimized by this crime do not discover it until years later. This type of identity theft is fairly common and the problem appears to be growing. Sadly, the thief in these cases is almost always a family member or close friend.

**If You are a Victim of Identity Theft**

If you are a victim of identity theft or you suspect you might be a victim of identity theft, you should take the following actions immediately, and as you do, be sure you document every action by keeping good notes and records of all correspondence and conversations you have with your financial institutions and law enforcement agencies:

1. Report the Identity Theft to the Three Major Credit Bureaus:  
**Equifax** - P.O. Box 105069 Atlanta, GA 30348 **800.525.6285**  
**Experian** (formerly TRW) - P.O. Box 9532 Allen, TX 75013 **888.397.3742**  
**Trans Union** - P.O. Box 1000 Chester, PA 19016-1000 **800.680.7289**
2. File a Report with the Police Where the Identity Theft Occurred
3. Contact All of Your Creditors & Any Financial Institutions You Use
4. Contact the Florida’s Attorney General toll-free fraud hotline at **1.866.9.NO. SCAM (1.866.966.7226)**. There is an all-in-one resource on the Florida Attorney General’s web site (<http://myfloridalegal.com/pages.nsf/Main/CBBEBA3F2583433385256DBA004BC600>), which provides victims with specific instructions for filing a police report.

*(Source-Area wide Council on Aging of Broward County, Inc.)*

**Injunction for protection Against Exploitation and of Vulnerable Adults**

**825.1035 Injunction for protection against exploitation of a vulnerable adult.**

Florida State Statue 825.1035 creates a cause of action for an injunction for protection against the exploitation of vulnerable adults. This legislation allows for petitions to be filed without an attorney and can result in assets and credits lines being frozen to prevent continuing exploitation.

1. A petition for injunction against exploitation of a vulnerable adult may be filed by:
  - a. A vulnerable adult in imminent danger of being exploited;
  - b. The guardian of a vulnerable adult in imminent danger of being exploited;
  - c. A person or organization acting on behalf of the vulnerable adult with the consent of the vulnerable adult or his or her guardian; or
- d. A person who simultaneously files a petition for determination of incapacity and appointment of an emergency temporary guardian with respect to the vulnerable adult.
2. A sworn petition for an injunction for protection against exploitation of a vulnerable adult may be filed regardless of whether any other cause of action is currently pending between either the petitioner and the respondent or the vulnerable adult and the respondent. However, the pendency of any such cause of action must be noted in the petition.
3. A person temporarily or permanently vacating a residence or household in an attempt to avoid exploitation does not affect his or her right to petition for an injunction.
4. Parties to an injunction for protection against exploitation of a vulnerable adult may not be required to be represented by an attorney.
5. There is no minimum requirement of residency to petition for an injunction for protection against exploitation of a vulnerable adult. It is not required as a prerequisite of filing a petition for or issuance of an injunction under this section for exploitation to have already occurred.
6. If a proceeding concerning the vulnerable adult under chapter 744 is pending at the time of the filing, the petition must be filed in that proceeding. Otherwise, a petition for an injunction for protection against exploitation of a vulnerable adult may only be filed in the circuit where the vulnerable adult resides.
7. All proceedings conducted pursuant to this subsection must be recorded. Recording may be by electronic means as provided by court rule.

For more information, contact Brenda Foreman, Broward County Clerk of the Court, Probate Division at **(954) 831.7154**.

**Risk Protection Orders**

**790.401 Risk Protection Orders**

Florida State Statue 790.401, Risk Protection Order (RPO), authorizes the Broward Sheriff’s Office designated personnel a process to obtain a court order that temporary prohibits a respondent from legally possessing or purchasing a firearm or ammunition by meeting very specific criteria. The court order is limited to the situation in which the person is believed or has the potential of harming themselves or others with a firearm. A RPO is not the choice of a victim. Once initiated, only a competent court can deny the request.

## YOUR CASE INFORMATION

Law Enforcement Agency \_\_\_\_\_

Phone Number \_\_\_\_\_

Case Number \_\_\_\_\_

Date of Report \_\_\_\_\_

Officer's Name \_\_\_\_\_ ID Number \_\_\_\_\_

\_\_\_\_\_  
*(Local contact numbers)*

\_\_\_\_\_  
*(Area domestic violence center name & phone number)*

\_\_\_\_\_  
*(Area certified rape crisis center name & phone number)*

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.”



**Sheriff Gregory Tony**  
[sheriff.org](http://sheriff.org)

*BSO does not discriminate based on age, citizenship status, color, disability, marital status, national origin, race, religion, sex, or sexual orientation.*