

**FORM 980(w) – PETITION BY AFFIDAVIT FOR ORDER TO SHOW CAUSE FOR
VIOLATION OF INJUNCTION**

**Duval County Procedure for Criminal Violation of an Injunction for Protection Against
Domestic, Dating, Repeat, Sexual, and Stalking Violence**

MUST OBTAIN: Police Report and have been given “White Card” for your incident to be prosecuted to the State Attorney’s Office. To check the status of your case **Contact State Attorney’s Office (904) 630-2424**

1. If the respondent commits a criminal violation (see number 4 below) of an injunction for protection against domestic, dating, sexual, repeat, or stalking violence the petitioner should contact law enforcement for assistance.
2. In the event of a criminal violation of the injunction for protection against domestic, dating, sexual, repeat, or stalking violence when there has not been an arrest, the petitioner should contact the Clerk of the Circuit Court of the county in which the violation is alleged to have occurred. In Duval County, the Clerk or Family Court Services Case Manager shall assist the petitioner in the preparation of an affidavit in support of the violation. The petitioner shall provide to the Clerk or Case Manager copies of police and/or sheriff reports concerning incidents of criminal violations of the injunction for protection (see number 4 below) by the respondent.
3. The affidavit shall be immediately forwarded by the office assisting the petitioner to the Office of the State Attorney of that circuit. If the affidavit alleges a crime has been committed, the SAO may forward a copy of the petitioner's affidavit to the appropriate law enforcement agency for investigation. No later than 20 days after receiving the initial report, the local law enforcement agency shall complete their investigation and forward the report to the SAO. The intake shall be supervised by a prosecutor who, pursuant to s. 741.290(1) has been designated and assigned to handle domestic violence cases. The SAO shall determine within 30 working days whether its office will proceed to file criminal charges, or file notice that the case remains under investigation or is pending subject to some other action, and notify the petitioner accordingly.
4. Violation of injunction through criminal contempt, when a person who willfully violates an injunction for protection against domestic violence issued pursuant to s. 741.30, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, by:
 - a.. Refusing to vacate the dwelling that the parties share;
 - b. Going to, or being within 500 feet of, the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;
 - c. Committing an act of domestic violence against the petitioner;
 - d. Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner;
 - e. Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party;
 - f. Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied;
 - g. Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle;
or
 - h. Refusing to surrender firearms or ammunition if ordered to do so by the court commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT,
IN AND FOR DUVAL COUNTY, FLORIDA

Case No.: _____

Division: FM-V

Petitioner,

and

Respondent.

**PETITION BY AFFIDAVIT FOR ORDER TO SHOW CAUSE FOR A VIOLATION
OF FINAL JUDGMENT OF INJUNCTION FOR PROTECTION AGAINST
() DOMESTIC VIOLENCE () REPEAT VIOLENCE
() DATING VIOLENCE () SEXUAL VIOLENCE () STALKING**

I, *{full legal name}* _____, being sworn, certify that I have actual knowledge of the following facts as set forth and the following statements are true:

1. The Court previously issued a *{Choose one only}*
 - a. ___ Final Judgment of Injunction for Protection Against Domestic Violence
 - b. ___ Final Judgment of Injunction for Protection Against Repeat Violence
 - c. ___ Final Judgment of Injunction for Protection Against Dating Violence
 - d. ___ Final Judgment of Injunction for Protection Against Sexual Violence
 - e. ___ Final Judgment of Injunction for Protection Against Stalking

in this case on *{date}* _____.

2. The Final Judgment of Injunction for Protection was served on Respondent on *{date}* _____.

3. On *{date}* _____, at *{place and address}* _____

the following event(s) took place: _____

I understand that by filing this affidavit, I am asking the court to hold a hearing, that both Respondent and I will be notified of the hearing, and that I must appear at the hearing. In addition to my own testimony, I understand that I can bring other proof of the violation such as, for example, people who saw Respondent violate the order, pictures, medical records, police reports, or anything might help show the judge how Respondent violated the Final Judgment of Injunction for Protection.

I have read every statement made in this affidavit and each statement is true and correct. I understand that the statements made in this affidavit are being made under penalty of perjury, punishable as provided in Section 837.02, Florida Statutes and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Dated: _____
Signature of Petitioner

STATE OF FLORIDA
COUNTY OF _____

Sworn to or affirmed and signed before me on _____ by _____.

NOTARY PUBLIC or DEPUTY CLERK

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

- ___ Personally known
- ___ Produced identification
 - Florida Drivers License
 - Florida Identification Card

Other Type of identification produced _____

I certify that a copy of this document was [Choose **one** only] () mailed () faxed and mailed () hand delivered to the person(s) listed below on {date} _____.

Other party or his/her attorney:

Name: _____
Address: _____
City, State, Zip: _____
Fax Number: _____