

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR CITRUS COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. C-2021-11A

**AMENDED ADMINISTRATIVE ORDER CONCERNING REQUEST FOR
INJUNCTION FOR PROTECTION AGAINST VIOLENCE FILED DURING NORMAL
BUSINESS HOURS AND EMERGENCY INJUNCTIVE RELIEF FILED
AFTER-HOURS
(Corrected Addendums.)**

The undersigned as the Administrative Judge of the Circuit Court of Citrus County having considered the request for injunctions for protection against violence, the following procedures will be followed in all cases in which a party seeks an injunction for protection against domestic violence, dating violence, repeat violence, stalking, or sexual violence.

NOW THEREFORE, in cooperation with the Clerk of Court and the Sheriff's office, the Court enters this Administrative Order concerning *ex parte* temporary injunctions filed during normal business hours and after-hours injunctive relief in Citrus County. Accordingly, it is therefore,

ORDERED AND ADJUDGED as follows:

1. Request for injunction for protection against violence filed during **NORMAL BUSINESS HOURS**:
 - a. As used herein, the term "business days" means Monday through Friday except on specific holidays. Both the Clerk's office and the courthouse are normally open from 8:00 a.m. to 5:00 p.m. on business days. However, the cut-off time for non-emergency petitions is 3:30 p.m. Accordingly, as used herein the term "normal business hours" in reference to filing petitions for domestic, dating, sexual, stalking, or repeat violence injunction means 8:00 a.m. to 3:30 p.m. Monday through Friday except holidays when either the courthouse or the Clerk of Court, or both, are closed.
 - b. Persons seeking to obtain a domestic, dating, sexual, stalking, or repeat violence injunction may do so by filing in the Clerk's office on business days between 8:00 a.m. and 3:30 p.m.
 - c. Non-emergency petitions will be accepted after 3:30 p.m. and sent to the judge for processing, and the judge will have until next business day to make a determination.
 - d. Notwithstanding the foregoing, filing may be completed using the E-portal in the manner and to the extent permitted by law. If the petition is e-filed on a

day other than a business day or after normal business hours, it will be processed the following business day.

- e. Because the Clerk's office and the Sheriff's Civil Division close for the day at 5:00 p.m. and it takes approximately two hours to complete and process an injunction, injunction petitions will be accepted for filing in the Clerk's office after 3:30 p.m. or before 8:00 a.m., and sent to the judge for processing, and the judge will have until next business day to make a determination. A petitioner who comes to the Clerk's office after 3:30 p.m. on a business day and wishes to file an injunction for protection against domestic violence, certifying that the situation is an "emergency" as defined herein, will be referred as directed below in Paragraph 2, Emergency After-Hours, Weekend, and Holiday. See Addendum "A" – Questionnaire.
- f. Once the case is filed, the Clerk of Court shall notify the judge to whom the case is assigned that a petition has been filed and is available for review on the judicial viewer or other location. The assigned judge will review the petition promptly and enter an order in accordance with the statutes. The Court may enter a temporary injunction, an order setting hearing with no injunction, or an order denying and dismissing the petition. If the petitioner has executed a waiver of hearing, the Clerk should so advise the judge, and, if a temporary injunction is not entered, the Court should enter an order denying and dismissing the petition. See Addendum "B" – Waiver.
- g. In all cases, the *ex parte* petition shall be reviewed within 24 hours of filing, and whenever possible should be reviewed within an hour of the judge being notified by the Clerk that the matter is ready for review. If the assigned judge is not available to review the petition personally, then the Clerk shall contact the duty judge to review the petition.

2. Emergency **AFTER-HOURS, WEEKEND, AND HOLIDAY** petitions for injunction of protection against domestic violence.

- a. Herein are established procedures which apply in EMERGENCY situations in which a domestic violence injunction is being sought between the hours of 3:30 p.m. and 8:00 a.m. Monday through Friday, or on a Saturday, Sunday, or holiday or other day when the courthouse, the Clerk's office, or both are closed. This process is established in keeping with the requirements of Section 26.20, Florida Statutes, which only applies to DOMESTIC VIOLENCE injunctions and not to dating, repeat, or sexual violence, or stalking injunctions.
- b. As used in this order, the term "emergency" means a matter of extreme urgency, involving clear and present danger, life and death, or instances of irreparable harm. Absent unusual and compelling circumstances, it does not include circumstances in which:

- i. The respondent or alleged perpetrator of domestic violence has been arrested and is incarcerated with no bond; or,
 - ii. The respondent or alleged perpetrator of domestic violence has been arrested and is released on bond with a pretrial release bond conditions order which requires no contact with the petitioner; or,
 - iii. The petitioner has a safe place to stay until a petition can be filed in the Clerk's office which can be properly reviewed by the judge to whom the case is assigned, and an appropriate order can be entered; or,
 - iv. The petitioner and respondent are not currently residing together.
 - c. When an emergency as defined herein exists necessitating a person to seek an after-hours, weekend, or holiday injunction for protection against domestic violence, the person may complete and file a petition for injunction against domestic violence and supporting documents at the Citrus County Courthouse with the on-call deputy clerk with a deputy present.
3. Other assistance for persons who maybe seeking injunctions for protection against violence.
 - a. Law Enforcement Officers:
 - i. When a law enforcement officer (“LEO”) arrives at a scene in circumstances which may support the issuance of an injunction for protection against violence, the LEO is encouraged to refer the person (petitioner) to relevant community resources which may be appropriate to the petitioner's circumstances. These may include without limitation:
 - referring the petitioner to a certified domestic violence center which has the power to access multiple services,
 - assisting the petitioner to a place of safety until the following day,
 - contacting the victim advocate available through the LEO's agency or domestic violence shelter,
 - referring the petitioner for shelter or emergency temporary housing assistance,
 - referring the petitioner to legal services through legal aid or the domestic violence shelter, and other emergency services.
 - ii. Information may be provided by LEOs about procedures for filing for an injunction for protection against violence at the Clerk's office. If the petitioner is in a domestic relationship with the respondent, and if the circumstances constitute an emergency as defined herein above, then the LEO may direct the petitioner to the Clerk’s office to file an

emergency after-hours, weekend, or holiday petition for injunction for protection against domestic violence.

- iii. LEOs should be assisted through training by their agencies to understand what constitutes “domestic violence,” “repeat violence,” and other concepts, and not to refer petitioners to the Clerk's office for relief which is not legally available to the petitioner and which creates frustration and may increase hostility and danger, nor to refer petitioners automatically for injunctions when other available services may be more appropriate in the circumstances.

b. Department of the Children and Families or community-based provider:

- i. When a Department of Children and Families investigator (“investigator”) or community based care provider (“caseworker”) arrive at a scene in circumstances which may support the issuance of an injunction for protection against violence, the investigator or caseworker is encouraged to offer services and/or to refer the person (petitioner) to relevant community resources which may be appropriate to the petitioner's circumstances.
- ii. These may include without limitation (and will include when required by law):
 - developing a safety plan for the petitioner and family,
 - seeking a Chapter 39 injunction for protection,
 - referring the petitioner to a certified domestic violence center which has the power to access multiple services,
 - assisting the petitioner to a place of safety until the following business day,
 - contacting the victim advocate available through the applicable law enforcement agency or domestic violence shelter,
 - referring the petitioner for shelter or emergency temporary housing assistance,
 - referring the petitioner to legal services through the dependency court system, legal aid, or the domestic violence shelter, and
 - referring to or offering other emergency services.
- iii. Information may be provided by the investigator or caseworker about procedures for filing for an injunction for protection against violence at the Clerk's office. If the petitioner is in a domestic relationship with the respondent, and if the circumstances constitute an emergency as defined herein above, then the investigator or caseworker may direct the petitioner to the Clerk’s office to file an emergency after-hours,

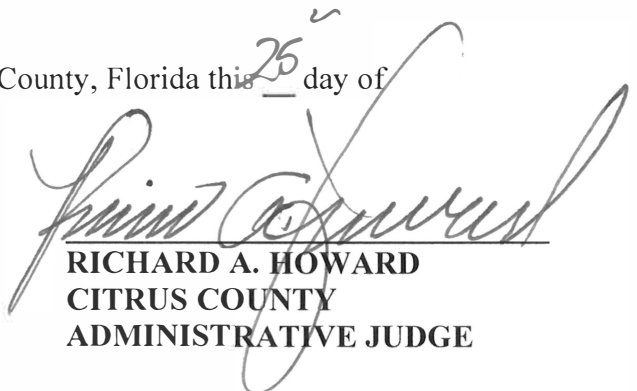
weekend, or holiday petition for injunction for protection against domestic violence.

- iv. Investigators and caseworkers should be assisted through training by their agencies to understand what constitutes “domestic violence,” “repeat violence,” and other concepts, and not to refer petitioners to the Clerk’s office for relief which is not legally available to the petitioner and which creates frustration and may increase hostility and danger, nor to refer petitioners automatically for injunctions when other available services may be more appropriate in the circumstances.

4. Injunctions for protection against domestic violence, dating violence, repeat violence, stalking, or sexual violence shall not be used to seek injunctions for matters involving landlord-tenant and eviction issues.

5. This order shall be effective immediately and shall remain in effect until vacated, amended or supplemented. As of the effective date, this order supersedes and amends any contrary provision in any preceding administrative order including Administrative Order Number C-2019-43 A.

March **DONE AND ORDERED** at Inverness, Citrus County, Florida this 25th day of March 2021.


RICHARD A. HOWARD
CITRUS COUNTY
ADMINISTRATIVE JUDGE

ADDENDUM "A"

Case Number _____

Petitioner (You) _____

Respondent (Other Party) _____

1. Are you currently or have you ever been married to the Respondent?

YES NO

2. Please answer the following if you have NEVER been married to the Respondent:

a. Is the Respondent the father or mother of one or more of your children, if applicable?

YES NO

b. Do you or have you ever lived together as a family?

YES NO

c. Are you related to the Respondent by blood or marriage?

YES NO

3. Was the Respondent arrested for this incident and being held with "no bond"? If you do not know this information, please call the **Citrus County Detention Facility at 352-527-3332** and they will provide it to you.

YES NO

4. Are you staying at a safe place or can you go to a safe place (i.e CASA or a friend/family home) for the night?

YES NO

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

Type of identification produced _____

ADDENDUM "B"

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR CITRUS COUNTY, FLORIDA

Petitioner

and

Respondent

CASE NO: _____

PETITIONER'S WAIVER OR NON-WAIVER OF RETURN HEARING

I, _____, the Petitioner herein, have filed a Petition for Injunction for Protection Against Violence. I understand that, after reviewing the Petition, the court may;

- a) Issue a temporary injunction and set the case for hearing with notice to the Respondent, OR
- b) Not issue a temporary injunction and set the case for hearing with notice to the Respondent, OR
- c) Deny the temporary injunction and not set the case for hearing

If the court does NOT issue a temporary injunction for protection (Petitioner initial one of the following):

_____ A. I request a hearing being set anyway. I understand a notice of hearing AND copy of the Petition for Injunction will be served to the Respondent.

OR

_____ B. I request that a hearing NOT be set; I do NOT want the Respondent to be served with a notice of hearing or a copy of the Petition for Injunction without a temporary injunction for protection in place. I waive my right under F.S. 741.30 (5)(b) to have this case set for hearing. I GIVE UP MY RIGHT TO A FINAL HEARING AND REQUEST THAT THE CASE BE DISMISSED AT THIS TIME.

I understand that nothing in this form affects my right to file a new petition.

Dated: _____

Signature of Party

Printed Name: _____

State of Florida
County of Citrus

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

_____ Personally known

_____ Produced identification

Type of identification produced _____

NOTARY PUBLIC or DEPUTY CLERK

(Print, type, or stamp commissioned name of notary or deputy clerk.)