

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT IN AND FOR
HERNANDO COUNTY, FLORIDA DON BARBEE JR., CIRCUIT JUDGE

STANDING ORDER FOR INJUNCTION CASES

In an effort to maximize efficiency and provide clear direction, it is hereby
ORDERED

1. This standing order shall apply to all injunction cases (domestic violence, stalking, and repeat/dating/sexual violence) assigned to Circuit Judge Don Barbee Jr.
2. **ORDER SETTING:** If, after filing your petition, the Judge enters an Order Setting Hearing instead of a temporary injunction that does not mean you have “lost” or have been “denied”. Ex parte relief (having only one side of the story) is “antithetical to precious due process rights” and must be entered with care. The judge simply decided that he wanted to hear both sides of the story before issuing a ruling.
3. **ATTACHMENTS:** You are strongly discouraged from attaching text messages, photos or police reports to your initial petition. Anything you attach is NOT EVIDENCE and must be brought to court anyway.
4. **“STALKING”:** The most misunderstood type of injunction is stalking. These are often filed in neighbor situations and almost never granted. Stalking is “willfully, maliciously, and repeatedly follows, harasses or cyberstalks” another. Harass is defined as a course of conduct directed at a specific person which causes substantial emotional distress and serves no legitimate purpose.” Substantial emotional distress is a fairly high standard that is greater than distress, annoyance, aggravation, or frustration. Injunctions are not designed to keep the peace among neighbors.
5. **SUPPLEMENTAL PETITIONS:** If you would like to make additional allegations that occurred between the time of filing and the hearing, you must submit a supplemental petition and have a copy served on

the respondent. The court is not permitted to consider allegations not raised in the petition.

6. **CHILDREN IN COURT:** Anyone under the age of 18 is not permitted in court unless there is a motion and court order. If you would like a child to testify “in camera” (privately with the judge) you must file a motion, provide a copy to the judicial assistant, and request hearing time. Parents often seek injunctions against the other parent on behalf of a common child. These requests are almost invariably denied as these types of issues are best resolved in family court.
7. **EVIDENCE:** As stated above, whatever you gave to the Clerk when you filed your petition is NOT EVIDENCE. You must present your evidence to the judge in court. Photos, text messages, or other evidence must be printed in a format that you can hand them to the judge. The judge CANNOT LOOK AT YOUR PHONE. Photos or videos must be downloaded onto a USB drive for submission into evidence. DO NOT send evidence to the judicial assistant for injunction cases – simply bring it to your hearing. Police reports are very rarely permitted into evidence.
6. **APPEARING VIA ZOOM OR TELEPHONE:** Remote appearances in injunction cases are very rarely permitted. You may file a motion under Fla. R. Gen. Prac. & Jud. Admin. 2.530 and provide a copy to the opposing party and the judicial assistant.

If you have any questions about this standing order, please contact Jamie Shreiber, Judicial Assistant, at jshreiber@circuit5.org or (352)540-6655.

DONE AND ORDERED this 10th day of July, 2023.



Don Barbee Jr. Circuit Judge