

Frequently Asked Questions

What is an Injunction for Protection or IFP?

An Injunction for Protection (or IFP) is a court order also sometimes referred to as a “restraining order.” An IFP directs a person from not having any type of contact with you directly or indirectly. There are 5 different types of IFPs:

Domestic Violence

Dating Violence

Sexual Violence

Stalking

Repeat Violence

What can an IFP do for me?

The person requesting the IFP is the Petitioner and abuser is called the Respondent.

The IFP could do any of the following:

Stop the Respondent from having any contact with the Petitioner;

Stop the Respondent from committing any acts of violence;

Award temporary exclusive use of the home to the Petitioner;

Award temporary custody of shared children to the Petitioner;

Award temporary financial support or alimony; and/or

Order the Respondent to participate in a batterer's intervention course or a substance abuse course.

How do I file? How long does it take?

You can file an IFP at the Domestic Violence (DV) Clerk's Office located on the 3rd floor of the Collier County Courthouse. Plan to be in the court house for several hours to fill out the paperwork and wait for a Judge's response. Please have your valid ID ready. The Shelter's paralegal works onsite at the DV Clerk's Office to assist you.

Do I need an attorney?

You can file for an IFP without the help of an attorney. If you desire legal advice or assistance, you may consult with the Shelter's attorney at (239) 775-3862 ext. 253.

How do I know which one to file?

Each type of IFP has different requirements based on your relationship with the other person and what occurred.

Domestic Violence

Requires a domestic relationship: spouse, former spouse, related by blood or marriage, living with you now or has lived with you in the past (if you are or were living as a family), or if you have a child together, whether or not you have been married or lived together. The standard for a domestic violence IFP is that the Petitioner has “reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence.”

Dating Violence

Requires a dating relationship existing in the past 6 months between the parties, which had an expectation of affection or sexual involvement, and was of a continuous nature. The standard for a dating violence IFP is that the Petitioner has “reasonable cause to believe he or she is in imminent danger of becoming a victim of dating violence.”

Sexual Violence

Any one incident of sexual assault/violence as defined in the Florida Statutes. The standard for a sexual violence IFP is that the Petitioner has “reasonable cause to believe he or she is in imminent danger of becoming a victim of sexual violence.”

Stalking

Willfully, maliciously, and repeatedly following, harassing, or cyberstalking another person. At least two incidents are required. Must be directed at a specific person, causing substantial emotional distress and serving no legitimate purpose. The standard for a stalking IFP is that the Petitioner has “reasonable cause to believe he or she is in imminent danger of becoming a victim of further violence, harassment or stalking.”

Repeat Violence

Two incidents of violence or stalking committed by the Respondent, one of which must have been within 6 months of the filing of the petition, which incidents are directed against Petitioner or Petitioner’s immediate family member. The standard for a repeat violence IFP is that the Petitioner has “reasonable cause to believe he or she is in imminent danger of becoming a victim of repeat violence.”

What if I do not meet the legal requirements, does this mean I’m not a victim or shouldn’t be scared?

If you do not meet the legal criteria for filing an IFP, it does not mean you are not a victim of abuse or that you should not be scared. Abuse is never acceptable and never your fault. You can work with an Advocate to develop a safety plan and take advantage of resources available through the Shelter’s Outreach or residential programs. Please contact the Shelter for more information at (239) 775-3862 (Outreach) or the hotline at (239) 775-1101 (24 hours a day).

I have police reports, pictures, text messages and emails as evidence; can I use them in court?

Yes. Be as descriptive as possible in the IFP Petition when stating the last incident of violence and any prior violence. Describe what the Respondent did to you and why you are in fear for your safety. You may add previous acts of violence. List/describe in detail any evidence you will bring to court as you cannot attach copies of evidence to the Petition filing.

What happens after I file?

The Clerk will request you to stay in the courthouse after filing an IFP to wait for a Judge’s decision and to provide you with the Order.

One of the following will occur:

1. The Judge can enter a temporary injunction for protection. This Order will be in effect until the hearing which will be within 15 days.
2. The Judge can deny an IFP Petition and can set a hearing. This means there is no temporary injunction in effect.
3. The Judge can deny the IFP petition without setting a hearing and will give reasons in writing why it was denied.

Do I have to go to court?

Yes. The purpose of a final hearing is for the judge to decide whether or not to issue a final injunction. If you do not attend the hearing then the court may dismiss the case.

If the Respondent was served and knew about the hearing and decided not to come, then the court can go forward with your case and enter a final injunction if determined necessary. If the Respondent was not served and did not know about the hearing, the court will not enter a final injunction. The case will be continued for notice to the Respondent.

Will I have to see my abuser in court?

Yes. There are always security officers and advocates in the court room that can help assist you through the process. You and the Respondent will be seated on different sides of the court room. An Advocate can sit with you to block the view of the Respondent and provide support. A security officer can stand in-between you and your abuser during the hearing and can escort you to your car after the hearing.

What happens at the hearing?

In short, the Judge will ask you if you want to request a permanent IFP be entered. Then the Judge will ask the Respondent if they agree to the IFP. If the Respondent does not agree, the Judge will ask you to explain why you are in fear for your safety. This will be your opportunity to explain what happened (what the Respondent did or said) to put you in imminent fear. You can use any facts listed in your Petition and you can introduce any photographs, text messages, voice mail messages, or any other relevant evidence including witnesses.

Please watch this short informative video on what to expect at the hearing. Be prepared and organized with your testimony and evidence. If you would like support in the courtroom one of the Shelter's Advocates can attend with you.

[The Hearing Video](#)

Can I bring witnesses?

Either person in the case can call witnesses to testify to what the witness saw or heard as long as it is relevant.

How long do injunctions last?

The length of time of an IFP is set by the Judge at the hearing. The Petitioner or Respondent can request a specific amount of time or the Judge can issue the IFP until further order of the court.

How does the Respondent know to stay away?

The Respondent will be served with both the temporary and/or the final IFP Order.

At the hearing the Judge will also review the parameters of the final Order if it is granted.

What do I do if the Respondent contacts me directly or through a third party after an IFP is issued?

Contact the police immediately and report the violation if the Respondent was served.

You can then go to the Collier County Clerk's Office and fill out a violation form, asking for the court to enforce the Order.

Calling, coming to your home or to an address listed on the injunction, texting, emailing, or any 3rd party contact is a violation of the injunction.

What do I do if I want to change an existing IFP Order?

If a change is needed to an existing IFP Order, you can contact the Clerk of Court.