

# **INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM 12.980(w)**

## **PETITION BY AFFIDAVIT FOR ORDER TO SHOW CAUSE FOR A VIOLATION OF FINAL JUDGMENT OF INJUNCTION FOR PROTECTION AGAINST DOMESTIC, REPEAT, DATING, OR SEXUAL VIOLENCE, OR STALKING (11/15)**

### **When should this form be used?**

You may use this form if you have a valid **Final Judgment of Injunction for Protection Against Domestic, Repeat, Dating, or Sexual Violence, or Stalking**, in force which has been violated. You should use this **affidavit** to state the essential facts which establish a violation of the Final Judgment of Injunction.

This form should be typed or printed in black ink. After completing this form, you should sign the form before a **notary public** or the **clerk of the circuit court**. You should then **file** the original with such clerk or judge as determined by the chief judge of your circuit to be the recipient of affidavits of violation, provide a copy to the state attorney of that circuit and keep a copy for your records.

### **IMPORTANT INFORMATION REGARDING E-FILING**

The Florida Rules of Judicial Administration now require that all petitions, pleadings, and documents be filed electronically except in certain circumstances. **Self-represented litigants may file petitions or other pleadings or documents electronically; however, they are not required to do so.** If you choose to file your pleadings or other documents electronically, you must do so in accordance with Florida Rule of Judicial Administration 2.525, and you must follow the procedures of the judicial circuit in which you file. **The rules and procedures should be carefully read and followed.**

### **IMPORTANT INFORMATION REGARDING E-SERVICE ELECTION**

After the initial service of process of the petition or supplemental petition by the Sheriff or certified process server, the Florida Rules of Judicial Administration now require that all documents required or permitted to be served on the other party must be served by electronic mail (e-mail) except in certain circumstances. **You must strictly comply with the format requirements set forth in the Rules of Judicial Administration.** If you elect to participate in electronic service, which means serving or receiving pleadings by electronic mail (e-mail), or through the Florida Courts E-Filing Portal, you **must** review Florida Rule of Judicial Administration 2.516. You may find this rule at [www.flcourts.org](http://www.flcourts.org) through the link to the Rules of Judicial Administration provided under either Family Law Forms: Getting Started, or Rules of Court in the A-Z Topical Index.

**SELF-REPRESENTED LITIGANTS MAY SERVE DOCUMENTS BY E-MAIL; HOWEVER, THEY ARE NOT REQUIRED TO DO SO.** If a self-represented litigant elects to serve and receive documents by e-mail, the procedures must always be followed once the initial election is made.

To serve and receive documents by e-mail, you must designate your e-mail addresses by using the **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915, and you must provide your e-mail address on each form on which your signature appears. Please

Instructions for Florida Supreme Court Approved Family Law Form 12.980(w), Petition by Affidavit for Order to Show Cause for a Violation of Final Judgment of Injunction for Protection Against Domestic, Repeat, Dating, or Sexual Violence, or Stalking (11/15)

**CAREFULLY** read the rules and instructions for: **Certificate of Service (General)**, Florida Supreme Court Approved Family Law Form 12.914; **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915; and Florida Rule of Judicial Administration 2.516.

Instructions for Florida Supreme Court Approved Family Law Form 12.980(w), Petition by Affidavit for Order to Show Cause for a Violation of Final Judgment of Injunction for Protection Against Domestic, Repeat, Dating, or Sexual Violence, or Stalking (11/15)

IN THE CIRCUIT COURT OF THE Second JUDICIAL CIRCUIT,  
IN AND FOR Leon COUNTY, FLORIDA

Case No: 16-01 DV  
Division: \_\_\_\_\_

Anna Martin,  
Petitioner,

and

Joseph Martin,  
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} Anna Martin, 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} March 1, 2016.
2. The Final Judgment of Injunction for Protection was served on Respondent on {date} March 1, 2016.
3. On {dates} June 10, 2016, at {place and address} 100 Main Street.

the following event(s) took place:

I called Joe and asked him about child support. I have still not gotten any money, and we were in court months ago. The bills keep coming in, and I really need the money, so we don't lose the house or my jeep. He sounded pretty nice on the phone, and said he would bring the money to me, so I said that he could come over to my house. I could tell that he had been drinking. He told Melissa that her dress was pretty, but she was wearing shorts. He got really teary when he saw the kids and started begging me in front of them to drop all of this so he could come home. I said "no", and he got really mad. He started yelling and cursing, so I told him to give me the money and go. He said his atm card wasn't working right, and that he would straighten it out first thing in the morning. He said he was sorry and promised he'd bring money the next day. He will never pay me. He called me all night and the next day saying how sorry he is and that he wants to come home. Please make him stop calling. He said he is watching me and has people watching me around town, too. He said I will never know who is watching. He knew I went on a date the other night and he asked me if I remembered what he told me when he left.

*{For cyberstalking, please include a description of all evidence of contacts and/or threats made by Respondent in voice messages, texts, emails, or other electronic communication}*

I did not answer or say anything. He said, "Nobody else will ever have you, remember that Anna." I hung up, and I stopped answering his calls. His voice was really creepy, and I am scared of what he may do. I just want to move on with my life and for all of this to be over.

       Please indicate here if you are attaching additional pages to continue these facts.

4. Respondent has willfully violated the Injunction by: *{explain what Respondent did that violated the Order of Protection}*

He won't pay the child support, he is not seeing his kids at that place, and he won't stop calling me and following me around town.

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       Please indicate here if you are attaching additional pages to continue these facts.

5.        Please indicate here if you are attaching copies of medical records for treatment you may have received for injuries referred to in your affidavit, or copies of any police or sheriff reports concerning incidents of violence involving you and Respondent.
6. Respondent acted to impair, interfere with, delay, hinder, lessen the authority of, dignity of, and embarrass the cause of justice in a manner contemptuous of this court.

WHEREFORE, I respectfully request that the Court issue an Order to Show Cause, requiring Respondent to appear before the Court to show cause why Respondent should not be held in contempt of court for failure to abide by the terms and conditions of the Final Judgment of Injunction for Protection.

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: June 11, 2016

*Anna Martin*

Signature of Petitioner

STATE OF FLORIDA  
COUNTY OF LEON

Sworn to or affirmed and signed before me on June 11, 2016 by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC or DEPUTY CLERK

{Print, type, or stamp commissioned  
name of notary or clerk.}

Personally known  
 Produced identification  
Type of identification produced DL

I certify that a copy of this document was (  ) mailed (  ) faxed and mailed (  ) e-mailed (  ) hand delivered to the person(s) listed below on {date} \_\_\_\_\_.

**Other party or his/her attorney:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Designated E-mail Address(es): \_\_\_\_\_  
\_\_\_\_\_