

# BARTOW POLICE DEPARTMENT



450 N. Broadway Ave.  
Bartow, FL 33830  
(863) 534-5034



## **YOUR RIGHTS AS A VICTIM OR WITNESS OF CRIME:**

We realize that for many persons, being a victim or witness to a crime is their first experience with the criminal and juvenile justice systems.

As a victim or witness, you have certain rights within the system.

This brochure is being provided to you to assist you with questions you may have regarding those rights. For further information regarding these rights please contact the State Attorney's Office (SAO) and/or the appropriate law enforcement agency (LEA) handling your case.

- VICTIMS' / WITNESS RIGHTS BROCHURE (F.S. 960.001) Page 1-6
- DOMESTIC VIOLENCE BROCHURE (F.S. 784.046) Page 7-10
- VICTIMS OF SEXUAL BATTERY (F.S. 794.052) Page 11-14
- VICTIMS' RIGHTS ARTICLE I, SECTION 16 OF THE FLORIDA CONSTITUTION (Page 15-16)

OFFICER: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_



## REFERRALS

VICTIM COMPENSATION  
OFFICE OF THE ATTORNEY GENERAL  
1-800-226-6667

LEGAL SERVICES  
1-800-342-8060

ELDERLY SERVICES  
863-534-5320

STATE ATTORNEY'S OFFICE  
10TH JUDICIAL COURT  
863-534-4800

CHURCH SERVICE CENTER  
495 E. Summerlin St. Bartow, FL 33830  
863-533-5822

V.I.S.T.E.  
*Volunteers in Service to the Elderly*  
(863) 284-0828  
info@viste.org

WOMEN'S CARE CENTER  
490 E. Boulevard St.  
863-534-3844

PEACE RIVER CENTER  
Domestic Violence Shelter  
863-413-2700

National Center for Missing and  
Exploited Children:  
[missingkids.com](http://missingkids.com)  
1-800-THE-LOST

National Autism Association  
[nationalautism.org](http://nationalautism.org)  
[autismsafety.org](http://autismsafety.org)  
Wandering Prevention: [aware.org](http://aware.org)  
Email: [naa@nationalautism.org](mailto:naa@nationalautism.org)  
Phone: 877-NAA-AUTISM

INJUNCTION OFFICE  
Polk Co. Courthouse  
Domestic Violence & Repeat Violence  
863-534-4180

**ARRAIGNMENT**- The accused is formally charged and enters a plea of guilty, not guilty, or no contest.

**ADJUDICATORY HEARING**- The trial of the juvenile, conducted in front of a judge. The judge will decide whether the juvenile committed the charged offense(s).

**DISPOSITIONAL HEARING (SENTENCING)** - When a juvenile is found to have committed a delinquent act the court will hold a dispositional hearing to determine which sanctions to impose on the juvenile. The sanctions could range from community-based sanctions like probation and community services up to residential commitment.

**JUVENILES TRIED AS ADULTS**- Juveniles who commit very serious crimes may be tried as adults. Juveniles who are prosecuted as adults may be sentenced to adult or juvenile sanctions.

*You may contact your State Attorney or law enforcement agency for more information regarding the stages of the criminal and juvenile justice process.*

## **YOUR RIGHTS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS**

If you are a victim of a crime or a witness because you have seen, heard, or know something about a crime that has been committed, you are important to the case. Your testimony may be necessary to establish the facts. Understandably, you might feel anxious about testifying in court. However, without your testimony the defendant might go unpunished.

**VICTIM** – A person against whom a crime was committed. Some victims suffer physical injury or property damage, and some have psychological injury or both. Victims have certain rights in Florida. Others who can claim these rights are the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, and the next of kin of a homicide victim. As a victim of a crime, you have the following rights:

1. Either you or the State Attorney's Office with your consent, have standing to assert any legal rights of a crime victim as provided by law or The Florida Constitution.
2. In some cases, victims (or their relatives where the victim is deceased) may be eligible for financial compensation from the State of Florida. Information regarding eligibility may be obtained from the State Attorney's Office, local Witness Coordination Office (where available), law enforcement agency or from the Bureau of Crimes Compensation, Office of the Attorney General 1-800-226-6667.
3. The right to receive information on available crisis intervention services and local community services to include counseling, shelter, legal assistance, or other types of help, depending on the particular circumstances. Telephone numbers of these services are provided at the end of this brochure.
4. The right to receive information regarding the role of the victim in the criminal or juvenile process, including what the victim may expect from the system as well as what the system may expect from the victim.
5. The right to receive information regarding the stages of the criminal or juvenile justice process and the manner in which information about such stages may be obtained. **Note: You cannot be notified if we cannot locate you. It is your responsibility to keep the State Attorney's Office informed of any changes in your address or telephone number.**

6. The right to be informed, present and heard when relevant, at all crucial stages of a criminal or juvenile proceeding, to the extent the right does not interfere with the constitutional rights of the accused.
7. The right, if you are incarcerated, to be informed and submit written statements at all crucial stages of the criminal and juvenile proceedings.
8. The right to a prompt and timely disposition of the case as long as it does not interfere with the constitutional rights of the accused.
9. The right to be notified of the arrest and release of the offender, including release to community control and/or work release. When an arrest is made in a reported case, the victim, witnesses, relatives of minor victims and witnesses and relatives of homicide victims, where those persons have provided current addresses and telephone numbers to the Bartow Police Dept. shall be notified.
10. The right to receive information on the steps available to law enforcement and the State Attorney's Office to protect you from intimidation and/or harassment. ***It is a third degree felony to knowingly use intimidation or physical force, or threaten another person, or attempt to do so, or engage in misleading conduct toward another person, or offer pecuniary benefit or gain to another person. If you are being threatened or intimidated, please contact the Bartow Police Department and/or a law enforcement officer.***
11. The right of the victim of domestic violence to be informed of the address confidentiality program admixture through the Attorney General's Office. You may contact the Attorney General's Office at 1-800-226-6667. The State Attorney's Office may assist with this paperwork if necessary.
12. The right of each victim or witness who has been scheduled to attend a criminal or juvenile justice proceeding to be notified as soon as possible by the agency or person scheduling his/her appearance of any change in scheduling which will affect the victim's appearance.
13. The right to receive advance notification of judicial and post judicial proceeding relating to the case, including all proceedings or hearings relating to:
  - The arrest of the accused.
  - The release of the accused pending judicial proceedings, any modification of release condition to include release to community control or work release.
  - Proceedings in the prosecution or petition for delinquency of the accused, including the filing of the accusatory instrument, the arraignment, disposition of the accusatory instrument, trial or adjudicatory hearing, sentencing or disposition hearing, appellate review, subsequent modification of sentence, collateral attack of a judgment and when a term of imprisonment, detention, or involuntary commitment is imposed, the release of the defendant or juvenile offender from such imprisonment, detention or juvenile offender from such imprisonment detention or commitment by expiration of sentence or parole and any meeting held to consider such release.

## HELPFUL WEBSITES:

**FDLE Florida Sexual Offenders & Predators (search)**  
<https://offender.fdle.state.fl.us/>

**United States Dept. of Justice, National Sexual Offender Search**  
<https://www.nsopw.gov>

**City of Bartow**  
[www.cityofbartow.net](http://www.cityofbartow.net)

**National Coalition Against Domestic Violence**  
[www.ncadv.org](http://www.ncadv.org)

**Office for Victims of Crime**  
 1-800-363-0441  
<http://www.ovc.gov/help/>

**United Way of Central Florida**  
 Dial 2-1-1  
[www.uwcf.org](http://www.uwcf.org)

**Office of the Attorney General**  
 1-866-966-7226  
[www.myfloridalegal.com/](http://www.myfloridalegal.com/)

***ALSO, UPON YOUR SPECIFIC REQUEST, YOU HAVE THESE ADDITIONAL RIGHTS:***

- To reasonable, accurate, and timely notice of, and to be present at, all public proceedings involving the criminal conduct, including, but not limited to, trial, plea, sentencing, or adjudication, even if you are a witness at the proceeding.
- To reasonable, accurate, and timely notice of any release or escape of the defendant and of any proceeding during which a right of yours as the victim may be implicated
- To confer with the prosecutor concerning any plea agreements, restitution issues, participation in pretrial diversion or release programs by the defendant and sentencing or any other disposition of the case.
- To provide information to anyone conducting or compiling a pretrial investigation regarding the crime's impact on you or your family, and to have such information considered by the court. Once the report is completed, you have a right to receive a copy of it, except for portions made confidential by law.
- To be informed of the conviction, sentence, adjudication, or other dispositions of a convicted offender, his or her release date, or the date of their escape from custody.
- To be informed of all post-conviction processes and procedures, to provide information to the release authority to be considered before any such release and to be notified of any release decision regarding the offender. This right is extended to every person harmed by the offender.
- To be informed of any clemency or expungement procedures regarding the offender, to provide information to the governor, the court, any clemency board, and other authority in these procedures, and to have that information considered before a clemency or expungement decision is made, and to be given notice of that authority's decision before the offender's release.

14. The right not to be excluded from any portion of any hearing, trial, or proceeding pertaining to the offense based solely upon the fact that such person is subpoenaed to testify, unless the court determines otherwise.
15. In addition to the provision of S. 921.143, F.S. the rights of the victim of a felony involving physical or emotional injury or trauma, or in a case in which the victim is a minor child or in a homicide, the guardian or family of the victim shall be consulted by the State Attorney in order to obtain the views of the victim or family about the disposition of any criminal or juvenile case brought about as a result of such crime, including their views about:
  - \* The release of the accused pending judicial proceedings.
  - \* Plea Agreements.
  - \* Participation in pretrial diversion programs, and
  - \* Sentencing of the accused.
16. The right to review certain portion of a pre-sentence investigation report for adult and youthful offenders prior to the sentencing of the accused.
17. The right to a prompt return of property unless there is a compelling law enforcement need to retain it.
18. The right to request that the State Attorney or law enforcement agency help you explain to employers and creditors that you may face additional burdens by taking time off from work to assist law enforcement and you may undergo serious financial strain either because of the crime or by cooperating with authorities.
19. Law Enforcement agencies and the State Attorney shall inform you of your right to request and receive restitution and of your rights of enforcement in the event an offender does not pay. The State Attorney shall seek your assistance in the documentation of your losses for the purpose of requesting and receiving restitution. If an order of restitution is converted to a civil lien or civil judgment against the defendant, the clerks shall make available at their office, as well as on their website, information provided by the Secretary of State, the court, or The Florida Bar on enforcing the civil lien or judgment.

The State Attorney shall inform you if and when restitution is ordered.
20. The right to submit an oral or written impact statement to the court, pursuant to 921.143 F.S. prior to sentencing of the offender. The State Attorney or any assistant state attorney shall advise all victims or, when appropriate, the victim's parent, guardian, next of kin, or lawful representative that statements, whether oral or written, shall relate to the facts of the case and the extent of any harm, including social, psychological, or physical harm, financial losses, loss of earnings directly or indirectly resulting from the crime for which the defendant is being sentenced, and any matter relevant to an appropriate disposition and sentence.
21. The right to receive reasonable consideration and assistance from employees of State Attorney's Office, Sheriff's Office, or Police Department. When requested, you will be assisted in locating accessible transportation and parking, and shall be directed to separate pretrial waiting areas when such facilities are available. When requested, you shall receive assistance in attempting to locate translators when practicable.

22. The right to be notified when the offender escapes from custody. The State Attorney shall make every effort to advise the victim, material witness, parents or legal guardian of a minor who is a victim or witness, or immediate relative of a homicide victim of the escape of a criminal defendant. The State Attorney shall also notify the Sheriff of the county where the criminal charge or petition for delinquency arose. The Sheriff shall offer assistance upon request.
23. The right of the victim to request that a victim advocate be permitted to attend and be present during any deposition. The victim advocate may be designated by State Attorney's Office, Sheriff's Office, or Municipal Police Department, or one representative from a not-for-profit victim services organization, including, but not limited to, rape crisis centers, domestic violence advocacy groups, and alcohol abuse or substance abuse groups.
24. The right of the victim of sexual offense to have the courtroom cleared, with certain exceptions during his/her testimony, regardless of the victim's age or mental capacity.
25. The right to request in certain circumstances that the offender be required to attend a different school than the victim or siblings of the victim. If the victim of an offense committed by a juvenile is a minor, and the victim or any sibling of the victim attends or is eligible to attend the same school as that of the offender, the Department of Juvenile Justice or the Department of Corrections shall notify the victim's parent or legal guardian of the right to attend the sentencing or disposition of the offender and request that the offender be required to attend a different school.
26. The right of the victim who is not incarcerated to not be required to attend discovery depositions in any correctional facility.
27. The statutory obligation of the victim, or next of kin of a homicide victim, that any information gained pursuant to F.S. Chapter 960, regarding any case handled in juvenile court, must not be revealed to any outside party, except as reasonably necessary in pursuit of legal remedies.
28. The right to know in certain cases and at the earliest possible opportunity, if the person charged with an offense has tested positive for human immunodeficiency virus (HIV) infection and Hepatitis. In such cases, upon request of the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, the court shall order such person to undergo HIV and Hepatitis testing. In some cases, you can be notified of the results of the test within two weeks of the court's receipt of the results.
29. The right to request, for specific crimes, that your home and work telephone numbers, home and work addresses, and personal assets not be disclosed to anyone.
30. The right of the victim of sexual offense to request the presence of a victim advocate during the forensic medical examination. An advocate from a Certified Rape Crisis Center shall be permitted to attend any forensic medical examination.
31. No law enforcement officer, prosecuting attorney, or government official shall ask or require a victim of sexual offense to submit to a polygraph examination or other truth-telling device as a condition of the investigation.

## VICTIM'S BILL OF RIGHTS "Marsy's Rights"

*ARTICLE I, Section 16 of the Florida Constitution gives crime victims the following rights.*

### **YOU HAVE THE RIGHT:**

- To receive due process from the courts and to be treated with fairness and respect for your dignity.
- To be free from intimidation, harassment and abuse.
- Within the judicial process, to be reasonably protected for the accused.
- To have the safety and welfare of you and your family considered when setting bail or pretrial release conditions that could effect you and your family.
- To be heard in any public proceeding involving bail or pretrial release.
- To prevent disclosure of information or recordings that could be used to locate or harass you or your family or which could disclose confidential or privileged information about you.
- To prompt return of your property when no longer needed as evidence.
- To fully and timely restitution in every case for each offender convicted of the crime for all losses suffered, both directly and indirectly, as the result of the criminal conduct.
- To proceedings free from unreasonable delay and to a prompt and final conclusion of the case and any related post-judgment proceedings. *(In appropriate cases, the prosecutor may file a good faith demand for a speedy trial, allowing the case be tried within sixty days, assuming the defendant's due process rights can be met by such, and advancement in the trial date. In non-capital cases, all state level appeals and post-conviction proceedings must be completed within two years, and capital cases within five years, unless the court enters an order with specific findings concerning why the court was unable to do so and circumstances causing the delay.)*
- To be informed of these rights and to seek an attorney's advice regarding these rights.

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## VICTIM COMPENSATION

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### YOU MAY BE ELIGIBLE FOR FINANCIAL ASSISTANCE FOR:

- MEDICAL CARE
- LOST INCOME
- MENTAL HEALTH SERVICES
- RELOCATION
- OTHER EXPENSES RELATED TO INJURIES AS A RESULT OF THE CRIME

### CONTACT YOUR LOCAL CERTIFIED RAPE CRISIS CENTER FOR MORE INFORMATION

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## RESOURCES

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**Florida Council Against Sexual Violence**  
1-888-956-7273  
[www.fcasv.org](http://www.fcasv.org)

**Victim Compensation**  
1-800-226-6667  
[www.myfloridalegal.com](http://www.myfloridalegal.com)

**Florida Department of Law Enforcement**  
Sexual Offender/Predator Unit  
1-888-357-7332; 1-850-410-8572  
Email: [sexpred@fdle.state.fl.us](mailto:sexpred@fdle.state.fl.us)

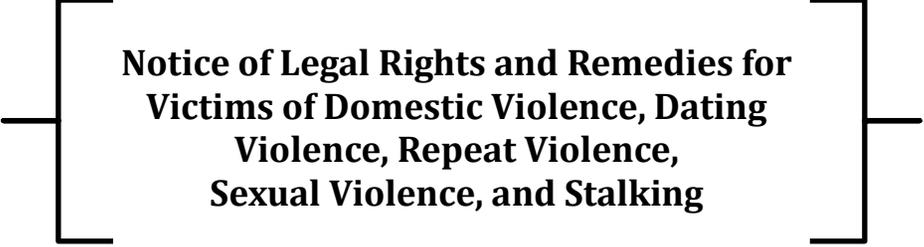
**Florida Abuse Hotline**  
1-800-962-2873

**Florida Department of Corrections**  
Victim Information and Notification Everyday (VINE)  
1-877-VINE-4-FL  
[www.dc.state.fl.us/oth/victasst/index.html](http://www.dc.state.fl.us/oth/victasst/index.html)

### LOCAL RAPE CRISIS CENTER:

**Peace River Center**  
860 S. Crystal Lake Dr.  
Lakeland, FL 33801

OFFICE: 863-413-2708  
Hotline: 863-413-2707  
[www.peacrivercenter.org](http://www.peacrivercenter.org)



## Notice of Legal Rights and Remedies for Victims of Domestic Violence, Dating Violence, Repeat Violence, Sexual Violence, and Stalking

### IT ISN'T JUST WRONG. IT'S A CRIME.

### DID YOU KNOW?

- \* In Florida, a person is killed by a family member every 36 hours.
- \* Domestic Violence is the leading cause of injury to women.
- \* More than 124,000 incidents of domestic violence are reported in Florida each year, involving victims young and old, male and female.

### YOU HAVE RIGHTS. KNOWING YOUR LEGAL RIGHTS AND OPTIONS IS THE FIRST STEP TOWARD ENDING ABUSE.

### WHAT IS DOMESTIC VIOLENCE?

Under the provisions of Section 741.28 of the Florida Statutes, domestic violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

A family or household members are spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

### DOMESTIC VIOLENCE INCLUDES:

**Physical Abuse**—Pushing, slapping, kicking, punching, choking, and beating

**Emotional/Verbal Abuse**—Verbal intimidation, credible threats, following and stalking, acting out in anger

**Sexual Abuse or Battery**—Any unwanted touching or forcing of someone to engage in a sexual act against his or her will

## WHAT IS SEXUAL VIOLENCE?

Under the provisions of Section 784.046 of the Florida Statutes, sexual violence is one incident of:

- Sexual battery, as defined in chapter 794;
- A lewd or lascivious act, as defined in chapter 800, committed upon or in the presence of a person younger than 16 years of age;
- Luring or enticing a child, as described in chapter 787;
- Sexual performance by a child, as described in chapter 827; or

Any other forcible felony wherein a sexual act is committed or attempted, regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the State Attorney.

## WHAT IS DATING VIOLENCE?

Under the provisions of Section 784.046 of the Florida Statutes, dating violence is violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

- A dating relationship must have existed within the past 6 months;
- The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties;
- The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

## WHAT IS REPEAT VIOLENCE?

Under the provisions of Section 784.046 of the Florida Statutes, repeat violence means two incidents of violence or stalking one of which must have been within 6 months of filing a petition and must have been directed against the petitioner or the petitioner's immediate family member.

## WHAT IS STALKING?

Under the provisions of Section 784.048 of the Florida Statutes, stalking occurs when a person willfully, maliciously, and repeatedly follows, harasses, or cyber stalks another person. Aggravated stalking occurs when that person makes a credible threat to that person through stalking.

## WHAT DOES THE LAW MEAN?

You have the right to ask the State Attorney to file a criminal complaint, and you have the right to go to court and file a petition requesting an injunction for protection against domestic violence, repeat violence, dating violence, sexual violence, or stalking if you are:

- The victim of domestic violence, repeat violence, dating violence, sexual violence, or stalking.
- The parent of any minor child living at home who is seeking an injunction for protection against domestic violence, repeat violence, dating violence, sexual violence, or stalking or
- If you have reasonable cause to believe, you or your minor child is in imminent danger of becoming the victim of any act of domestic violence.

*This may include, but need not be limited to provision that:*

- Direct the abuser to leave your household
- Restrain the abuser from any contact or further acts of abuse as a "no contact" condition of pretrial release, which will prevent the abuser from being within 500 feet of your residence, vehicle, school, business, or place of employment.

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## MYTHS / FACTS

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**MYTH:** You can only be raped by a stranger.

**FACT:** *Most perpetrators are known to their victim. 82% of sexual assaults were perpetrated by a non-stranger. 47% of assaults were committed by a friend or acquaintance.*

**MYTH:** Only women are raped.

**FACT:** *1 in 5 men have been victims of a sexual crime and are eligible for services from Florida's rape crisis centers.*

**MYTH:** I didn't fight back so it's not a crime.

**FACT:** *A perpetrator can be arrested even if you didn't physically resist. Not fighting back does not imply consent!*

## NATURAL REACTIONS

There is no "right" way to feel after being assaulted. Victims experience a variety of reactions, including:

- Denial
- Shock
- Anger
- Confusion
- Fear
- Anxiety

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## VICTIM BILL OF RIGHTS

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### YOU HAVE THE RIGHT TO:

- Obtain a forensic exam whether or not you report to law enforcement
- Have an advocate at the forensic exam with you
- Have the forensic exam sent for testing within 30 days, if reported to law enforcement
- Review the law enforcement report prior to final submission
- Be informed, present, and be heard at all crucial stages of the criminal or juvenile proceeding
- Have an advocate with you during a discovery deposition
- Have identifying information about the criminal investigation kept confidential
- Have the offender, if charged, tested for HIV and hepatitis
- Attend sentencing or disposition of the offender
- Notification of judicial proceedings and scheduling changes
- Notification about the release of incarcerated offender
- Request restitution
- Give a victim impact statement
- Not be subjected to a polygraph
- Take up to 3 days of leave from work (with eligible employer)
- Apply for an injunction if you fear for your safety or offender is nearing release

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## SEXUAL BATTERY IS A CRIME!

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In Florida, the legal term for rape or sexual assault is sexual battery (**F.S. 794.011**). Sexual battery means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object, committed without your consent.

Consent means **intelligent, knowing, and voluntary** consent and does not include coerced submission. **Failure to offer physical resistance to the offender does not imply consent.**

A person under 16 years of age cannot legally consent to sex. Also, a person 24 years of age or older or a person in a familial or custodial position of authority cannot receive consent from 16 and 17 year old minors.

### **WHAT IS A FORENSIC EXAM?**

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## FORENSIC EXAM

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The forensic exam is a head-to-toe examination to collect evidence and check for injuries after a sexual crime.

### **WHAT ARE MY RIGHTS WITH REGARD TO THE EXAM?**

- Stop the exam at any time.
- Have an advocate from a rape crisis center with you.
- Be informed about the status of the kit during processing.

### **WHAT EVIDENCE IS COLLECTED?**

During the exam, the medical profession may collect blood, urine, saliva, pubic hair combings, and/or nail samples. They may also collect items of your clothing. They will ask you questions about the crime and your medical history in order to help them collect evidence.

### **WHAT HAPPENS TO THE EVIDENCE?**

If you make a report to law enforcement, your kit will be sent to the regional or statewide lab within 30 days for testing. The lab is required to process the kit within 120 days.

If you do not report the crime to law enforcement at the time you obtain the exam, your kit will be stored anonymously. Your kit may be stored for only a limited time, depending on your community's storage space. The local rape crisis center can advise you about the storage timelines in your community.

### **WILL I BE PRESCRIBED ANY MEDICATION?**

The medical professional may provide HIV prevention medication. Also, you may be able to get emergency contraception if you are concerned about pregnancy as a result of the crime. If the medical professional is unable or unwilling to assist you, the local rape crisis center can assist you. You may be responsible for paying for medications and additional health care costs.

## **BY LAW, MEDICAL PROVIDERS CANNOT CHARGE YOU FOR AN EXAM, EVEN IF YOU HAVE INSURANCE AND EVEN IF YOU DO NOT REPORT THE CRIME TO LAW ENFORCEMENT**

- Award you custody of your minor child or children
- Direct the abuser to pay support to you and the minor child or children if the abuser has a legal obligation to do so.

For safety reasons, you may furnish your address to the court in a separate confidential filing when filing the petition for injunction.

You are not required to remain in a residence or household where you are a victim of domestic violence. Your address may be different from that of your partner without penalty.

### **HOW CAN THE LAW HELP ME?**

If you have been a victim of domestic violence, repeat violence, dating violence, sexual violence, stalking, or if you are afraid that you will be hurt, Florida's domestic violence law enables you to work with the court system to help keep you safe. Contact your local domestic violence center for safety planning prior to filing for an injunction. The Clerk of the Court is required to assist you in seeking both injunctions for protection and enforcement for a violation of an injunction. Representation by an attorney is not required of either party as per Section 741.30(1)(f) of the Florida Statutes. Go to the Clerk of the Court's Office in your county courthouse.

- Bring identification.
- Bring information about where the abuser can be located.
- Bring any other information on the abuser, such as photos or identification.
- Bring any papers relating to your case.
- Tell the clerk that you are interested in filing a petition for injunction for protection against domestic violence, repeat violence, dating violence, or sexual violence.
- The court clerk will help you in filing the proper paperwork. By filling out these forms, you will be explaining to the judge exactly what type of protection you need and from whom you need protection.
- After you have completed the paperwork, the court may determine that danger of domestic violence exists. The court may order a temporary injunction, which is good for 15 days. Then a full hearing is held to consider your safety and the safety of your children.
- The abuser must be served with the injunction before it becomes effective. The injunction will tell the abuser what the judge requires and when to return to court for a hearing. This hearing will be within 15 days unless the abuser cannot be served.
- You are able to request notification of service of the injunction and receive notice automatically within 12 hours after the injunction is served.
- It is important for you to attend the hearing so that you can make sure the judge understands exactly what help you need and why. If you do not attend, usually the judge will end the injunction.
- After the hearing, a final injunction may be granted. The final injunction is valid until dissolved or amended by the court.

### **WHAT DO I DO IF THE ABUSER VIOLATES THE INJUNCTION?**

You will receive a copy of the injunction. Keep it with you at all times.

- If the abuser violates the conditions of an injunction, call the police right away.
- The abuser may be arrested.
- If the abuser is arrested, he/she will be held until the court determines bail.
- The judge will consider your safety and the safety of your children.
- You may go to court if you wish.
- The court may order penalties as allowed by law.

If the injunction has been violated, report the violation to the Clerk of the Circuit Court only if law enforcement states it cannot issue an arrest warrant, or issue a notice to appear because there is no criminal violation. Report the violation in the county where the violation occurred and complete an affidavit in support of the violation.

The judge will determine what action should be taken for your safety and the safety of your children. Under the provisions of Section 741.315(2), Florida Statutes, if you have an out of state court order for protection against domestic violence, federal and state law provides that law enforcement recognize and act on the protections in the order as if issued by a Florida court, as long as the issuing court gave the accused the opportunity for a hearing before issuing the order. This includes orders issued by courts from the District of Columbia, Indian tribes, commonwealth territories, or possessions of the United States.

### EXEMPTION FROM PUBLIC INSPECTION

Under the provisions of Section 119.071(2)(j) of the Florida Statutes any information which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from public inspection and examination.

You must make a written request and provide official verification, such as a law enforcement report, to the custodian of the records that an applicable crime has occurred. Such information shall remain exempt for 5 years, after which it will become available to the public.

### WHOM SHOULD I TALK TO FOR MORE INFORMATION?

#### FLORIDA DOMESTIC VIOLENCE HOTLINE

1-800-500-1119 (For legal assistance hit prompt #3)

#### FLORIDA ABUSE HOTLINE

1-800-962-2873 (To file confidential reports of child abuse)

#### NATIONAL CHILD ABUSE HOTLINE

1-800-422-4453 (24 hour help line which provides crisis counseling, information, and referrals)

#### NATIONAL DOMESTIC VIOLENCE HOTLINE

1-800-799-7233

#### NATIONAL TEEN DATING ABUSE HOTLINE

1-866-331-9474

According to Florida Statute §741.29—“IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you may ask the State Attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an injunction for protection from domestic violence which may include, but need not be limited to, provisions which restrain the abuser from further acts of abuse; direct the abuser to leave your household; prevent the abuser from entering your residence, school, business, or place of employment; award you custody of your minor child or children; and direct the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.”

# SEXUAL BATTERY

## Your Rights and Services

*If you are the victim of a sexual crime, you have certain rights. Supportive services are also available to you free of charge regardless of whether or not you continue with the criminal justice process.*

Call 1-888-956-7273 to be referred to local services.

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### HELP IS AVAILABLE

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Victims of sexual crimes need compassion, sensitivity and empathy. Being the victim of a crime can be overwhelming. Your reactions are normal. Local **CERTIFIED RAPE CRISIS CENTERS** have advocates who are there to help all victims, **regardless of whether or not they report to law enforcement**. Services are free and confidential - **CERTIFIED RAPE CRISIS CENTERS are legally and ethically required to protect your confidentiality, unless you allow, in writing, the release of your information.**

Advocates are available to:

- Provide crisis intervention
- Speak to you on the 24-hour hotline
- Discuss your options
- Navigate available resources
- Go with you to appointments
- Address safety concerns
- Advocate on your behalf
- Help you apply for victim compensation