

By Senator Hargrett

21-134-99

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A bill to be entitled
An act relating to domestic violence; amending
s. 741.30, F.S.; providing that a child may not
obtain an injunction for protection against
domestic violence based on acts committed by a
family member unless such acts constitute harm
or child abuse or neglect; providing an
effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (j) is added to subsection (1) of
section 741.30, Florida Statutes, 1998 Supplement, to read:

741.30 Domestic violence; injunction; powers and
duties of court and clerk; petition; notice and hearing;
temporary injunction; issuance of injunction; statewide
verification system; enforcement.--

(1) There is created a cause of action for an
injunction for protection against domestic violence.

(j) A child on his or her own or through a parent or
legal guardian may not obtain an injunction for protection
against domestic violence based on acts committed by a family
or household member against that child unless those acts are
found by the court to constitute "harm" or "child abuse or
neglect" as defined in s. 39.01(30). This paragraph does not
apply to cases where the injunction for protection is granted
to protect an adult petitioner who has included a child or
children in that adult's petition for injunction for
protection against domestic violence.

Section 2. This act shall take effect July 1, 1999.

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SENATE SUMMARY

Provides that in order for a child to obtain an injunction for protection against domestic violence based on acts committed by a family member, the acts must constitute harm or child abuse or neglect.