

By Representative C. Smith

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

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

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

14 741.30 Domestic violence; injunction; powers and
15 duties of court and clerk; petition; notice and hearing;
16 temporary injunction; issuance of injunction; statewide
17 verification system; enforcement.--

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

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

30 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.