

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT,  
IN AND FOR ORANGE COUNTY, FLORIDA

Case No: 48-2009-DR-003878-O

JENNIFER T. FOLEY,  
Petitioner,

and

DAVID W. FOLEY, JR.,  
Respondent.

**MODIFIED AS TO CONTACT**  
**TEMPORARY INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE**  
**WITH MINOR CHILD(REN)**

The Petition for Injunction for Protection Against Domestic Violence under section 741.30, Florida Statutes, and other papers filed in this Court have been reviewed. Under the laws of Florida, the Court has jurisdiction of the petitioner and the subject matter and has jurisdiction of the respondent upon service of the temporary injunction.

**It is intended that this protection order meet the requirements of 18 U.S.C. § 2265 and therefore intended that it be accorded full faith and credit by the court of another state or Indian tribe and enforced as if it were the order of the enforcing state or of the Indian tribe.**

**NOTICE OF HEARING**

Because this Temporary Injunction for Protection Against Domestic Violence has been issued without prior notice to Respondent, Petitioner and Respondent are instructed that they are scheduled to appear and testify at a hearing regarding this matter on **September 23, 2009 at 8:30 AM**, when the Court will consider whether the Court should issue a Final Judgment of Injunction for Protection Against Domestic Violence, which would remain in effect until modified or dissolved by the Court, and whether other things should be ordered, including, for example, such matters as visitation, support and who should pay the filing fees and costs. The hearing will be before **A CIRCUIT JUDGE OF THE NINTH JUDICIAL CIRCUIT**, at the Orange County Courthouse, 425 North Orange Avenue, **SIXTEENTH FLOOR**, in Orlando, Florida. **The Petitioner is to report to Room 1620. The Respondent is to report to Room 1625.** If Petitioner and/or Respondent do not appear, this temporary injunction may be continued in force, extended, dismissed, and/or additional orders may be granted, including the imposition of court costs.

All witnesses and evidence, if any, must be presented at this time. In cases where temporary support issues have been alleged in the pleadings, each party is ordered to bring his or her financial affidavit, tax return, pay stubs, and other evidence of financial income to the hearing.

**NOTICE: Because this is a civil case, there is no requirement that these proceedings be transcribed at public expense.**

YOU ARE ADVISED THAT IN THIS COURT:

- a. a court reporter is provided by the court.
- XXX b. electronic audio tape recording only is provided by the court. A party may arrange in advance for the services of and provide for a court reporter to prepare a written transcript of the proceedings at that party expense.

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**A RECORD, WHICH INCLUDES A TRANSCRIPT, MAY BE REQUIRED TO SUPPORT AN APPEAL. THE PARTY SEEKING THE APPEAL IS RESPONSIBLE FOR HAVING THE TRANSCRIPT PREPARED BY A COURT REPORTER. THE TRANSCRIPT MUST BE FILED WITH THE REVIEWING COURT OR THE APPEAL MAY BE DENIED.**

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance.

Please contact Court Administration at 425 North Orange Avenue, Room 2130, Orlando, Florida, 32801 at telephone (407) 836-2303 within 2 working days of your receipt of this temporary injunction. If you are hearing or voice impaired, call TDD 1800-955-8771.

### **FINDINGS**

The statements made under oath by Petitioner make it appear that section 741.30, Florida Statutes, applies to the parties. It also appears that Petitioner is a victim of domestic violence by Respondent, and/or Petitioner has reasonable cause to believe he/she is in imminent danger of becoming a victim of domestic violence by Respondent, and that there is an immediate and present danger of domestic violence to Petitioner or persons lawfully with Petitioner.

### **TEMPORARY INJUNCTION AND TERMS**

**This injunction shall be effective until the hearing set above and in no event for longer than 15 days, unless extended by court order. This injunction is valid and enforceable in all counties of the State of Florida. The terms of this injunction may not be changed by either party alone or by both parties together. Only the Court may modify the terms of this injunction. Either party may ask the Court to change or end this injunction.**

**Any violation of this injunction, whether or not at the invitation of Petitioner or anyone else, may subject Respondent to civil or indirect criminal contempt proceedings, including the imposition of a fine or imprisonment. Certain willful violations of the terms of this injunction, such as: refusing to vacate the dwelling that the parties share; going to or being within 500 feet of Petitioner's residence, place of employment, school, or other place prohibited in this injunction; telephoning, contacting or communicating with Petitioner if prohibited by this injunction; knowingly or intentionally coming within 100 feet of petitioner's motor vehicle, whether or not it is occupied; defacing or destroying Petitioner's personal property; refusing to surrender firearms or ammunition if ordered to do so by the court; or committing an act of domestic violence against Petitioner constitutes a misdemeanor of the first degree punishable by up to one year in jail, as provided by sections 775.082 and 775.083, Florida Statutes. In addition, it is a federal criminal felony offense, punishable by up to life imprisonment, depending on the nature of the violation, to cross state lines or enter Indian country for the purpose of engaging in conduct that is prohibited in this injunction. 18 U.S.C. § 2262.**

### **ORDERED and ADJUDGED:**

- 1. Violence Prohibited.** Respondent shall not commit, or cause any other person to commit, any acts of domestic violence against Petitioner. Domestic violence includes: assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any other criminal offense resulting in physical injury or death to Petitioner or any of Petitioner's family or household members. Respondent shall not commit any other violation of the injunction through an intentional unlawful threat, word or act to do violence to the Petitioner.
- 2. No Contact.** Respondent shall have no contact with Petitioner unless otherwise provided in this



Section, or unless paragraph 14 below provides for contact connected with the temporary custody of and visitation with minor child(ren).

a. Unless otherwise provided herein, Respondent shall have no contact with Petitioner. Respondent shall not directly or indirectly contact Petitioner in person, by mail, e-mail, fax, telephone, through another person, or in any other manner. Further, Respondent shall not contact or have any third party contact anyone connected with Petitioner's employment or school to inquire about Petitioner or to send any messages to Petitioner. Contact at legal proceedings or through legal counsel constitutes an exception. Unless otherwise provided herein, Respondent shall not go to, in, or within 500 feet of: Petitioner's current residence 1015 N. SOLANDRA DR., ORLANDO, FL 32807 or any residence to which Petitioner may move; Petitioner's current or any subsequent place of employment ORLANDO HEALTH, 1414 KUHL AVE., ORLANDO, FL 32806 or place where Petitioner attends school N/A; or the following other places (if requested by Petitioner) where Petitioner or Petitioner's minor child(ren) go often: GLENRIDGE MIDDLE SCHOOL, 2900 UPPER PARK RD., ORLANDO, FL 32789. Respondent may not knowingly come within 100 feet of Petitioner's automobile at any time.

*[Handwritten mark]*

b. Other provisions regarding contact: 1. RESPONDENT MAY HAVE ACCESS TO THE FAMILY HOME WHENEVER THE PETITIONER PROVIDES RESPONDENT'S COUNSEL ADVANCE WRITTEN NOTICE.

2. PARTIES MAY HAVE THIRD PARTY CONTACT WITH MARY JANE NATISHYN AT SERENITY COUNSELING.

3. **Firearms.**

*[Handwritten mark]*

[Initial all that apply; write N/A if does not apply]

- a. Respondent shall not use or possess a firearm or ammunition.
- b. Respondent shall surrender any firearms and ammunition in the Respondent's possession to the Orange County Sheriff's Department until further order of the court.
- c. Other directives relating to firearms and ammunition:

*[Handwritten mark]*

**NOTE: RESPONDENT IS ADVISED THAT, IF A PERMANENT INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE IS ISSUED FOLLOWING A HEARING REGARDING THIS MATTER, IN MOST CASES IT WILL BE A VIOLATION OF § 790.233, FLORIDA STATUTES, AND A FIRST DEGREE MISDEMEANOR, FOR RESPONDENT TO HAVE IN HIS OR HER CARE, CUSTODY, POSSESSION OR CONTROL ANY FIREARM OR AMMUNITION. ADDITIONALLY, IT WILL BE A FEDERAL CRIMINAL FELONY OFFENSE TO SHIP OR TRANSPORT IN INTERSTATE OR FOREIGN COMMERCE, OR POSSESS IN OR AFFECTING COMMERCE, ANY FIREARM OR AMMUNITION; OR TO RECEIVE ANY FIREARM OR AMMUNITION WHICH HAS BEEN SHIPPED OR TRANSPORTED IN INTERSTATE OR FOREIGN COMMERCE WHILE SUBJECT TO SUCH AN INJUNCTION. 18 U.S.C. § 922(g)(8).**

4. **Mailing Address.** Respondent shall notify the Clerk of the Court of any change in his or her mailing address within ten (10) days of the change. All further papers (excluding the final injunction, if entered without Respondent's being present at the hearing, and pleadings requiring personal service) shall be served by mail to Respondent's last known address. Such service by mail shall be complete upon mailing. Rule 12.080, Fla.Fam.L.R.P., section 741.30, Florida Statutes.

5. **Additional order necessary to protect Petitioner from domestic violence:**

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**TEMPORARY EXCLUSIVE USE AND POSSESSION OF HOME**

[Initial all that apply; write N/A if does not apply]  
 6.  **Possession of the Home.** (  ) Petitioner ( ) Respondent shall have temporary exclusive use and possession of the dwelling located at: 1015 N. SOLANDRA DR., ORLANDO, FL 32807.

7.  **Transfer of Possession of the Home.** A law enforcement officer with jurisdiction over the home shall accompany ( ) Petitioner ( ) Respondent to the home and shall place ( ) Petitioner ( ) Respondent in possession of the home.

8.  **Personal Items.** ( ) Petitioner (  ) Respondent, **in the presence of a law enforcement officer,** may return to the premises described above ( ) on \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m., or (  ) at a time arranged with the law enforcement department with jurisdiction over the home, for the purpose of obtaining his or her clothing and items of personal health and hygiene and tools of the trade. A law enforcement officer with jurisdiction over the home from which these items are to be retrieved shall accompany ( ) Petitioner (  ) Respondent to the home and stand by to insure that he/she vacates the premises with only his/her personal clothing, toiletries, tools of the trade, and any items listed in paragraph 10 below. **THE LAW ENFORCEMENT AGENCY SHALL NOT BE RESPONSIBLE FOR STORING OR TRANSPORTING ANY PROPERTY. IF THE RESPONDENT IS NOT AWARDED POSSESSION OF THE HOME AND GOES TO THE HOME WITHOUT A LAW ENFORCEMENT OFFICER, IT IS A VIOLATION OF THIS INJUNCTION.**

9.  Petitioner ( ) Respondent shall not damage or remove any furnishings or fixtures from the parties' former shared premises.

10. Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**TEMPORARY SUPPORT**

**Temporary support, if requested by Petitioner in the Petition for Injunction for Protection Against Domestic Violence, will be addressed by the Court after notice to Respondent and hearing on the matter.**

**TEMPORARY PARENTING PLAN WITH TIME-SHARING WITH MINOR CHILD(REN)**

11. **Jurisdiction.** [Initial one only]

\_\_\_\_\_ Jurisdiction to determine issues relating to parenting plan and timesharing with respect to any minor child(ren) listed in paragraph 12 below is proper under the Uniform Child Custody Jurisdiction and



Enforcement Act (UCCJEA). \_\_\_\_\_ Jurisdiction is exclusive to the dependency court, and accordingly no order is made herein. (Case Number \_\_\_\_\_.)

12. **Temporary Order for 100% Time-Sharing With Respect to Minor Child(ren).** (✓) Petitioner ( ) Respondent shall, on a temporary basis, have 100% time sharing with respect to the parties' minor child(ren) listed below: **ELLEN FOLEY (12/24/94)**.

When requested by the parent to whom 100% time-sharing is awarded on a temporary basis herein, law enforcement officers shall use any and all reasonable and necessary force to physically deliver the minor child(ren) listed above to the parent to whom 100% timesharing is awarded on a temporary basis herein. The other parent shall not take the child(ren) from the parent to whom 100% timesharing is awarded on a temporary basis herein or any child care provider or other person entrusted by the parent to whom 100% time sharing is awarded on a temporary basis herein with the care of the child(ren).

[Initial if applies; write N/A if does not apply]

~~Initial~~ Neither party shall remove the minor child(ren) from the State of Florida, which is the jurisdiction of this Court, prior to the hearing on this temporary injunction. Violation of this custody order may constitute a felony of the third degree under sections 787.03 and 787.04, Florida Statutes.

13. **Contact with Minor Child(ren)** Unless otherwise provided in paragraph 14 below, the

( ) Petitioner ( ) Respondent (i.e., the parent to whom 100% time-sharing is **not** awarded on a temporary basis herein) shall have **no contact** with the parties' minor child(ren) until further order of the Court.

14. **Other Additional Provisions Relating to the Minor Child(ren).**

1. RESPONDENT TO HAVE WEEKLY SUPERVISED VISIT WITH MINOR CHILD(REN) THROUGH FAMILY TIES.

2. RESPONDENT CAN MAINTAIN CONTACT WITH MINOR CHILD(REN) BY EMAIL, CELL PHONE, TEXT MESSAGES, AND WRITTEN COMMUNICATION.

**OTHER SPECIAL PROVISIONS**

*(This section to be used for inclusion of local provisions approved by the chief judge as provided in Florida Family Law Rule 12.610.)*

**DIRECTIONS TO LAW ENFORCEMENT OFFICER IN ENFORCING THIS INJUNCTION**

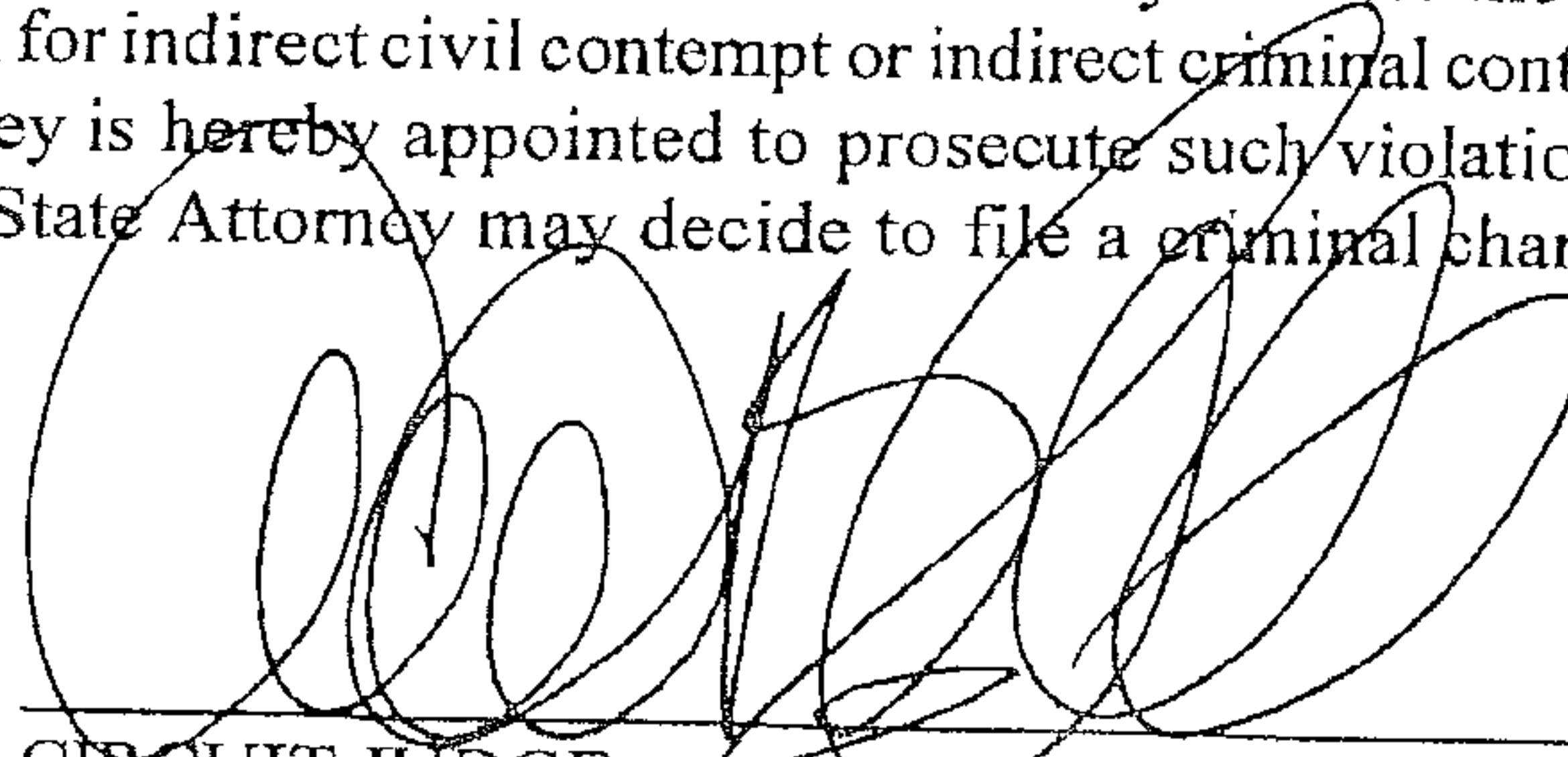
*(Provisions in this injunction that do not include a line for the judge to either initial or write N/A are considered mandatory provisions and should be interpreted to be part of this injunction.)*

1. The Sheriff of Orange County, or any other authorized law enforcement officer, is ordered to serve this temporary injunction upon Respondent as soon as possible after its issuance.
2. **This injunction is valid in all counties of the State of Florida.** Violation of this injunction should be reported to the appropriate law enforcement agency. Law enforcement officers of the jurisdiction in which a violation of this injunction occurs shall enforce the provisions of this injunction and are authorized to arrest without warrant pursuant to section 901.15, Florida Statutes, for any violation of its provisions

which constitutes a criminal act under section 741.31, Florida Statutes.

- 3. THIS INJUNCTION IS ENFORCEABLE IN ALL COUNTIES OF FLORIDA AND LAW ENFORCEMENT OFFICERS MAY EFFECT ARRESTS PURSUANT TO SECTION 901.15(6), FLORIDA STATUTES. The arresting agent shall notify the State Attorney's Office immediately after arrest.
- 4. **THIS IS A "CUSTODY ORDER" FOR PURPOSES OF THE UCCJEA AND ALL STATUTES MAKING IT A CRIME TO INTERFERE WITH CUSTODY UNDER CHAPTER 787 OF FLORIDA STATUTES AND OTHER SIMILAR STATUTES.**
- 5. **Reporting alleged violations.** If Respondent violates the terms of this injunction and there has not been an arrest, Petitioner may contact the Clerk of the Circuit Court of the county in which the violation occurred and complete an affidavit in support of the violation, or Petitioner may contact the State Attorney's office for assistance in filing an action for indirect civil contempt or indirect criminal contempt. Upon receiving such a report, the State Attorney is hereby appointed to prosecute such violations by indirect criminal contempt proceedings, or the State Attorney may decide to file a criminal charge, if warranted by the evidence.

ORDERED on July 2, 2009.



CIRCUIT JUDGE

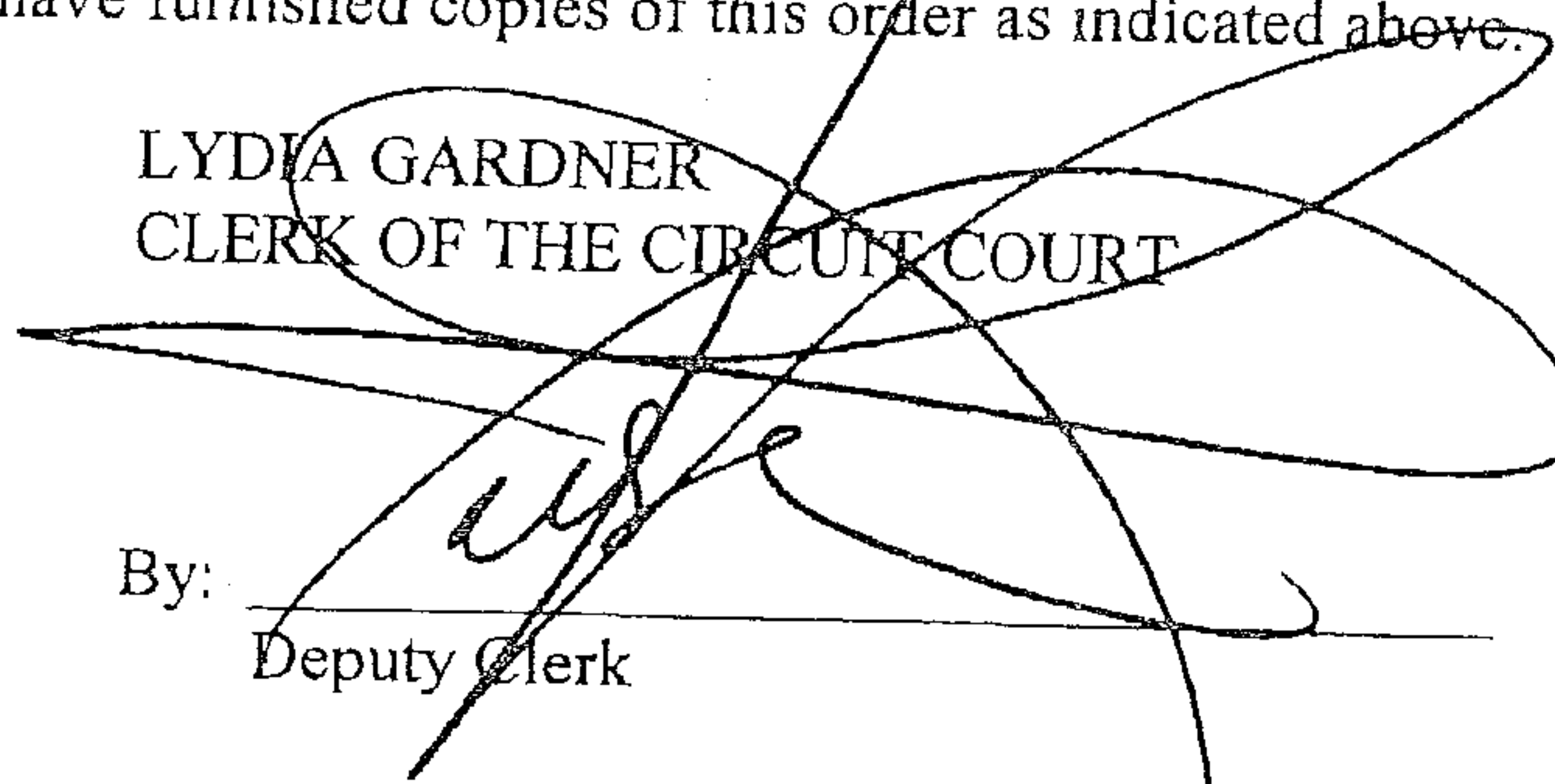
COPIES TO:

- Sheriff of Orange County
- Petitioner (or his or her attorney):  by U. S. Mail  by hand delivery in open court
- Respondent:  forwarded to sheriff for service
- State Attorney's Office
- Other:

I CERTIFY the foregoing is a true copy of the original as it appears on file in the office of the Clerk of the Circuit Court of Orange County, Florida, and that I have furnished copies of this order as indicated above.

(SEAL)

LYDIA GARDNER  
CLERK OF THE CIRCUIT COURT



By: \_\_\_\_\_  
Deputy Clerk