

1**Tip 1**

Make sure you seek advice before taking action. You will find information about your local advice centres over the page.

What can I request?

- A restraining order (e.g. from you, your home, your workplace, nursery or other places where you regularly spend time)
- A ban on contact (in person, by telephone, by text, by e-mail or by letter)
- To prohibit right of entry (e.g. to your apartment, house or other places where you regularly spend time)
- Allocation of your home

Who can file the application?

- You, as the person affected
- A lawyer of your choosing

For support, please contact an emergency hotline or visit an advice centre for women.

Will it cost me anything?

You may incur legal fees, but the exact amount depends on the individual case. If you do not earn your own income, or if your earnings are very low, you should also take the necessary steps to apply for legal aid.

Where should I go to submit my application?

You will need to file your application with the office responsible for legal case applications (Rechtsantragsstelle) at the local

court for the district:

- in which the offence was committed, or
- in which your shared accommodation is located, or
- in which the defendant lives.

2**Tip 2**

Submit your application as quickly as you can.

When applying for emergency proceedings, it is important for you to submit your application as soon as the incidents take place (within 14 days if possible). If not, your case will no longer be eligible for urgent attention. If a personal protection notice has been issued by the police, you should ideally take advantage of the first few days of this notice period to deal with your application.

What information does the application need to contain?

You should describe accurately and in detail what exactly has happened and why you are afraid. This information is very important to the court. Please also mention if there are any children affected by the situation and indicate whether a personal protection notice (Wegweisung) has been issued. Make sure you also mention any violent acts committed over 14 days ago. Be prepared to explain all these details again before the court at a later stage. If you are submitting an emergency appeal, you must affirm that all the information you have provided is true (sworn statement). Give careful prior consideration to the protective measures you would like to request before filing your complaint, e.g. where exactly you require protection and what specifically the defendant should refrain from doing.

3**Tip 3**

Biological and joint children are not entitled to protection under the Protection Against Violence Act (Gewaltschutzgesetz).

Please contact the youth welfare office (Jugendamt) or an advice centre if your children require protection.

4**Tip 4**

Make sure you bring all the necessary documents with you:

- Personal identification
- Rental agreement (or land register entry if you are applying for the allocation of your accommodation)
- Address of the person responsible for the harassment (e.g. address of a friend, the parents or employer) so the court can send post to the accused
- Credible evidence of your declaration: e.g. letters, text messages, medical certificates, photographs of injuries sustained, written testimonies, case numbers from the police (you can obtain these from the person responsible for dealing with "domestic violence" at your police station)
- Ensure the court is notified of the police station responsible for the case

If you would like to apply for legal aid, you will need proof of the following:

- Salary
- Child benefit
- Pension
- Rent, insurance, incidental costs, loans
- Unemployment benefit II notice (Arbeitslosengeld-II-Bescheid)

Important information**For first-time applicants:**

The court will inform the police that a personal protection order is in place. The police must then ascertain whether a crime has been committed, initiating the necessary investigations in order to do so. It is also possible that you – and, at a later stage, the accused – will be summoned to attend a hearing.

How will I learn the outcome of my application?

Please contact the application centre to ask how you can find out the judge's decision. Sometimes it is worth waiting or attending in person if there are any possible follow-up questions. You can also call the centre at a pre-arranged time to suit you. The decision will also be sent to you in the post, but please be aware that this can take a while longer. You also have the option to collect the notice in person.

When does the protection order enter into effect?

The court may decide that a protection order is to apply with immediate effect. As soon as the perpetrator has received the protection order, any possible violations of the protection order may be prosecuted in criminal proceedings.

How long will the ruling apply?

As a general rule, decisions are valid for a period of up to 6 months.

5 Tip 5 **Make sure you ask for an extension before the deadline has passed**

If the harassment you have experienced continues to occur, you can apply to be granted an extension. If this is something you require, you must explain to the court the reasons why you are still in need of protection.

Will there be a trial?

The court will generally want to hear both sides of the story at a hearing in order to verify whether a personal protection order is really necessary. This is your opportunity to explain all the facts that clearly illustrate the threatening situation in which you find yourself. Witnesses can also make statements here. The accused person is also entitled to request a hearing. If you would like to be questioned separately, you must provide solid grounds for making this request. You can also request special protection measures to be taken during the proceedings if there are grounds to do so.

6 Tip 6 **You can take someone with you for support.**

Family court proceedings are not open to the public, so they are not tried before spectators. You can, however, ask the court for permission if you would like to be accompanied by a professional adviser or someone you trust. If you would also like witnesses to be present, the family court will summons these parties accordingly.

7 Tip 7 **Ensure you are well prepared for the trial.**

Please consult a lawyer or contact an emergency hotline/advice centre for women to seek advice and information in preparation for the trial.

What to do in the event of a breach of the personal protection order

- A breach of the order is a crime and may therefore be prosecuted. You can call the police and make a complaint if this happens. It is important to keep a copy of the protection order with you at all times.
- You can also contact the office responsible for legal case applications (Rechtsantragsstelle) at your local court to request an administrative fine or potentially administrative detention. Applying for these measures may be subject to a fee and could result in a trial.

If you need legal advice:

You can contact a lawyer. Legal services are subject to a fee, so if you do not earn your own income or are on a low income, you can always apply to the office responsible for legal case applications for a legal aid permit.

8 Tip 8 **Make sure you also seek professional advice after a violation of the personal protection order.**

Free advice and support for applications under the Protection Against Violence Act (Gewaltschutzgesetz) is available from:

www.frauenberatung-sh.de
www.frauenhaeuser-sh.de

KIK
netzwerk
bei häuslicher gewalt



**Are you under threat?
Is someone stalking you?
Have you been the victim of violence?**

Practical advice
for requests for protection under the
Protection Against Violence Act