

Criminal **consequences** of non-compliance with the protective order

Non-compliance with the measures imposed by the order constitutes an offence punishable by fines and imprisonment.

N.B.: The protection order **must have been regularly notified to the perpetrator of the abuses and the reference to the offences** must be presented in the notification deed.

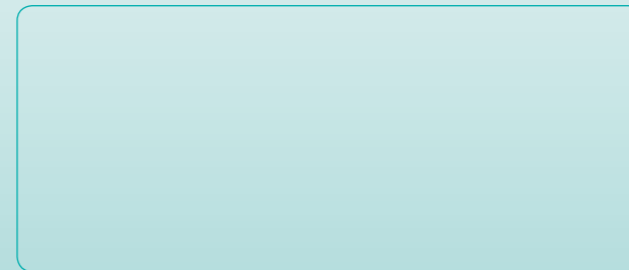
Implications for **residence permits**

The delivery of a protection order allows the granting or renewal of a residence permit.



CIDFF (Information Centre for Women's and Families' Rights) networks

The information in this brochure is general in nature. In order to obtain information specific to your situation, we urge you to **contact your CIDFF** (Information Centre for Women's and Families' Rights) where you can be informed, assisted and guided.



106 CIDFF serving the public in metropolitan France and Overseas Territories with over 1400 offices.
Find the contact details of your closest CIDFF at:
www.infofemmes.com



The Protection Order

Violence within couples:

A protection order is an emergency measure for women in danger.



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Who can apply for a protection order?

- ▶ **Anyone who is a victim of violence whether that may be:**
 - within a couple (marriage, civil union, cohabitation);
 - or inflicted by a former spouse, a former civil union partner or former concubine.
- ▶ **Any adult** person under threat of forced marriage.

Abuse:

- can be **physical, psychological** (e.g.: harassment, threats, insults) or **sexual**.
- **endangers the person** who is a victim and/or children.

No longer living together does not automatically dissipate the notion of danger.

Individuals under threat of forced marriage

A protection order can be delivered, urgently, to any **adult** person under threat of a forced **civil or religious** marriage.

(An urgent protection order can be delivered to any **adult** person under threat of a forced **civil or religious** marriage.)

The judge can issue:

- a "non-contact" provision, a weapons prohibition order,
- authorisation for the threatened person to conceal their address,
- the temporary eligibility for legal aid,
- upon the threatened person's request, **a temporary ban from leaving the country for the person under threat.**

N.B.: The protection of **minors** under threat of forced marriage is under the jurisdiction of a **juvenile court judge**.

How does a person obtain a protection order ?

A protection order is delivered by a family court judge (JAF).

Submission of case to the court

The victim can submit a case to the family court judge by:

► **simple request:** a form or written request submitted to the registry of the tribunal de grande instance (district court)

or

► **summons to appear in interlocutory proceedings:** this is a special protection requiring the intervention of a professional

For more information, contact the registry of the tribunal de grande instance (district court). Application forms are available there.

Obtaining assistance

Your CIDFF (Information Centre for Women's and Families' Rights) can provide you with information and assist you with your application for a protection order.

The assistance of a **lawyer** is not compulsory, but it is advisable. The victim can, **depending on her situation**, benefit from **legal aid** to ensure a lawyer's and/or bailiff's fees are covered (even if the person is a foreigner in an irregular situation).

Legal aid can be granted urgently.

Caution: The application must meet certain conditions, so it would be best to seek out a professional!

Comment: The original copy of the duly completed application, along with the requisite materials, is filed with the registry of the tribunal de grande instance (district court). It is advisable to keep a copy of the file.

Producing proof of the plausibility of abuse

An order can only be delivered if the plausibility of the **abuse cited can be proven**.

Proof of physical, sexual and/or psychological abuse can be provided by any means:

- **Medical certificates** established by any doctor and/or forensic services;
- **The receipt of the lodged complaint** (or, if the woman refuses to lodge a complaint, a police incident report or official statement on facts filed at a police station);
- A court decision delivered in connection with a criminal procedure attesting to the reality of the facts (**direct summons, conviction of the perpetrator, etc.**).

Any other element that can substantiate the plausibility of the abuse suffered can also be produced: SMS, testimonies, photos, testimonials from associations or social workers, etc.

It is advisable to produce as much evidence as possible.

Comments:

*The family court judge can be referred to simultaneously with an application for a **divorce or a legal separation**, and with an application for a protective measure.*

The victim who seeks, as provided for by the law, authorisation to conceal her home or place of residence information, can be exempted from indicating her address in the application.

As the procedure is adversarial, all documents and information must be communicated to the defendant. The documents can potentially be communicated after the application has been filed without specific official restrictions.

What measures can be issued?

In her request, the victim can **specify the measures** that she would like the family court judge to deliver (e.g.: prohibiting the perpetrator to approach her, allocation of housing, etc.). The judge will not deliver measures that have not been requested.

In connection with the procedure, the judge can order a hearing, a social inquiry, an investigation, etc.

The judge can deliver, without undue delay, a protection order delivering various **measures in order to protect the victim or children:**

► Measures prohibiting the perpetrator of the abuses:

- From receiving, meeting or **contacting the victim** or any other designated person;
- From possessing or carrying a **weapon**.

► Measures concerning the victim's address:

- **Authorisation to conceal** her home or residence and to elect to live:
 - with her lawyer or with the public prosecutor for the civil legal proceedings that she is involved in,
 - with a legal entity qualified to meet everyday needs.

► Measures related to housing:

- Determination of the person who will continue to reside in the joint place of residence and establishing the modalities of covering costs related to the residence;
- Barring specific circumstances, allocation of the use of the residence to the victim of abuse, even if the victim has benefited from emergency accommodation.

Caution: If she personally does not have any rights to the residence (ownership, lease), the beneficiary of a protection order, once the latter has been delivered, must engage in procedures related to the allocation of the residence.

► Measures related to parental authority:

In the presence of an underage child, the judge can deliver modalities on exercising parental authority. The judge can thus decide to establish:

- Residence of the child at the home of the victim;
- Simple visiting rights or visiting rights exercised at a neutral location or at the residence of a trustworthy third party;
- Exclusive exercise of parental authority by the victim of abuse;
- Prohibition from taking the child outside the country without the authorisation of both parents.

► Measures related to financial contribution:

- Delivery of temporary eligibility to legal aid for the victim;
- Establishment of a contribution towards the expenses of the marriage, material aid for individuals in civil unions and/or contribution towards the children's upkeep and education;
- Determination that the costs concerning the residence will be settled by the abuser even if the use of the residence is allocated to the abused woman.

The measures are undertaken for a maximum period of **6 months** starting from the order notification date.

This period can be extended when the family court judge has been referred to with a divorce or legal separation request or a request related to the exercise of parental authority.

Caution: Measures undertaken in connection with the protection order are temporary.