



ENGLANTI

RESTRAINING ORDER AND HOW TO APPLY FOR ONE

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Anyone who needs protection against threats for their life, health, or freedom, or to prevent harassment, can apply for a restraining order. A restraining order forbids the person specified in the document from contacting or approaching you in any way.

A restraining order does not prevent contact that takes place for a valid and specific reason. For example, the person restricted by the restraining order is allowed to make contact if a shared child would become ill. A restraining order is in force for at most 12 months, and a restraining order between family members at most for three months. A restraining order can be extended if necessary.

COST OF A RESTRAINING ORDER

The District Court can appoint an attorney for the person who applies for the restraining order or the person that is meant to be protected by the order, if there is a suspicion of an offence against the protected person's life, health or freedom, and the appointment of the attorney must be considered justified considering the seriousness of the suspected offence, the personal circumstances of the protected person, and other factors.

If the restraining order is applied for on the basis of harassment, the applicant is responsible for any costs related to the attorney. In such cases it is possible to inquire about legal aid. The applicant's income and wealth, as well as the nature of the case, affect the possibility of receiving legal aid. Applying for a restraining order should not be waived, even if you do not have the possibility of using the services of an attorney. In practice, restraining order cases are processed so thoroughly by the District Court that an attorney may not be necessary.

HOW TO APPLY FOR A RESTRAINING ORDER

Applications for a restraining order are normally filed with a district court, and they are usually processed within a few weeks. If necessary, the police can issue a temporary restraining order, which is immediately put into effect and remains so until the district court processes the case in detail.

There are three types of restraining orders in Finland: basic restraining order, extended restraining order, and in-family restraining order.

- The basic restraining order prohibits the person under the order from meeting the protected person or to otherwise contact or attempt to contact them. Stalking or following the protected person is also forbidden.
- An extended restraining order also specifies an area, such as the protected person's home or workplace, which the person under the order must keep clear of. If you reside at an undisclosed address, you should very carefully consider whether to apply for an extended restraining order or not.

An extended restraining order can be enhanced with a technically monitored restraining order if it is necessary to prevent a serious offence against life, health or liberty. In these cases, for instance, a technical monitoring device can be installed on the person who is the subject of the restraining order, and that person must also carry a tracking phone, which ensures the Prison and Probation Service of Finland can monitor compliance with the restraining order.

- In the case of an in-family restraining order, the person placed under the order must leave the shared residence regardless of lease or ownership conditions. An in-family restraining order can be issued to protect against offences or threats against life, health, or liberty, but not against harassment.

RESTRAINING ORDER IN THE DISTRICT COURT

Applications for a restraining order are processed in a trial during which the court reviews the matters leading to the application and also hears from both parties and witnesses.

The grounds for issuing a restraining order can include circumstances, committed crimes or harassment and a possible continuation in the future. A restraining order can be issued even when no act of violence has been committed. A restraining order can be issued even if the person against whom it is applied does not show up to court.

A restraining order enters into force immediately when it is issued. However, violations of the order cannot be punished until the authorities have notified the person in question about the order. The person protected by a restraining order may not contact the person under the order. A restraining order cannot be cancelled by the two parties of the order; cancellation must always be requested via application from the district court.

VIOLATIONS OF A RESTRAINING ORDER

The police must be notified of any violations of the order. If the police are summoned, they must immediately be told about the existence of a restraining order. If necessary, the police can remove the person under the order from the proximity of the protected person. Violating a restraining order is a crime punishable by fine or up to one year of imprisonment.

HOW TO FILL OUT A RESTRAINING ORDER APPLICATION

You apply for a restraining order from your local district court. The application form can be downloaded from the oikeus.fi website. It is important that you fill out the application carefully. You may request help from your attorney or from Victim Support Finland, which provides assistance free of charge in filling out the application and offers a court advocate to accompany you to the trial.

Your application should specify at least the following matters:

- What has happened, and who is making threats or harassing you.
- The nature and content of the threats or harassment.
- How often and for how long the harassment, stalking or violence has occurred.
- Whether the offence has been reported to the police or whether you have otherwise contacted the police.
- Whether you have been to a doctor.
- Whether you have made any other efforts to stop the harassment or threats.
- Whether anyone has witnessed the situations described in your application.
- Whether children have been present in these situations.
- In your view, whether the harassment or threats will continue in the future.
- How this situation affects your everyday life – fear, general wellbeing, difficulties performing everyday tasks.
- If you are applying for an extended restraining order, you must specify the places where you feel threatened.
- Whether you are applying for protection only for yourself or also for your children.

Evidence should also be attached to the application.

These can be:

- Crime reports
- Medical certificates or copies of medical records
- Records from social authorities or from a shelter home
- Letters, emails, text messages and other messages
- Records of received phone calls and attempted calls: number of calls, times and content
- Situations seen and heard by neighbours, friends, or colleague

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Activities are supported by the ministry of justice.



Victim Support Finland provides support free of charge throughout Finland – online, via phone at 7 regional offices and 31 service points.

Information about all our services and contact data is available online at riku.fi

