



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. The form is available only in Finnish and Swedish. 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.

Your application should also mention evidence. These can be:

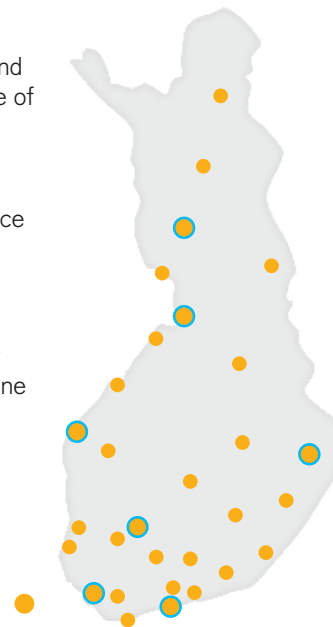
- Medical certificates or copies of medical records
- Records from social authorities or from a shelter home
- Letters, emails, text messages and other messages
- Records of received phone calls and attempted calls: number of calls, times and content
- Situations seen and heard by neighbours, friends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

VICTIM SUPPORT FINLAND PROVIDES ADVICE AND HELP IN MATTERS RELATING TO RESTRAINING ORDERS HELPLINE 116 006

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

Information about all services and contact data is available online at

 riku.fi



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RESTRAINING ORDER AND TO APPLY FOR ONE

Victim Support Finland guidebooks ● 6 (2019)

Activities are supported by:



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.

The order does not forbid contact in cases of legitimate concern. For example, the person restricted by the restraining order is allowed to make contact should a shared child 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

An application for a restraining order carries a fee of 260 euros (in 2019), which is only charged if the order is not issued. Applicants entitled to public legal aid do not have to pay the fee.

The applicant may be assisted by a solicitor, a licensed attorney or public legal aid attorney. The applicant is only required to pay the fee of his/her attorney. The applicant may request the Public Legal Aid Office to determine whether he/she is eligible for public legal aid. The applicant's income, assets and circumstances affect his/her eligibility for aid.

HOW TO APPLY FOR A RESTRAINING ORDER

Applications for a restraining order are normally filed with a district court (käräjäoikeus), and they are usually processed within a few weeks. Sometimes the police may interview the applicant prior to the trial in which the application is processed to clarify the grounds for the order. 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 or not to apply for an extended 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 include general circumstances, perception of threat, evidentiary documents and witness statements. A restraining order can be issued even when no act of violence has been committed; harassment or threats can be sufficient grounds for issuing an order. 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

Once a restraining order has been issued, it is entered into the police's data register. 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.