

# Protection Order

## Conjugal Violence:

A protection measure imposed as a matter of urgency by a Family Court Judge ("*Juge aux Affaires Familiales - JAF*") within six days



# Who can apply for a protection order?

Any person who is a victim of abuse:

- Inflicted within a married, civil union or cohabiting couple,
- Inflicted by a former spouse, a former civil union partner or former cohabitation partner.

→ Including when the persons have not been living together.

## Which types of abuse?

- Physical, psychological (e.g.: harassment, threats, insults) or sexual,
- That endangers the person who is the victim and/or his or her children.

→ No longer living together does not automatically remove the danger.

### Individuals under threat of forced marriage

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

The judge can make a ruling:

- prohibiting the perpetrator of the abuse from meeting, receiving or entering into contact with certain persons or from carrying a weapon,
- authorising a person under threat to conceal his or her home or residence,
- for temporary eligibility for legal aid,
- for a temporary ban preventing the person under threat **from leaving the country**, upon the person's request.

**N.B.:** Minors threatened with forced marriage are not eligible for a protection order. Their protection falls within the competence of a children's judge.

# How to get a protection order

## JOUR 0 : Referral to the judge

### ► Filling in a petition:

- Form downloadable online or available at the court registry (cerfa form no.15 458\*05),  
or
- A written application on plain paper.

**Caution:** In order to be admissible, the application must meet certain conditions. **Your CIDFF (Information Centre for Women's and Families' Rights) can provide you with assistance and support for your procedures.**

### ► Bringing a case to a family court judge

The original copy of the completed application, together with required documents, shall be filed with the **registry of the court** attached to the place of shared residence, or of the residence of the children, or of the residence of the perpetrator of the abuse.

For any information: contact the Single Reception Service for Litigants ("Service d'Accueil Unique du Justiciable-SAUJ") of the court.

**Comment:** *It is advisable to keep a copy of the file.*

If the victim has a lawyer, he or she will complete and file the application, but if the victim has already completed and filed an application, it is not too late to get a lawyer.

The public prosecutor may, with the victim's consent, request a protection order.

If the application is admissible, the judge immediately issues an order setting the date for a hearing. The order is not subject to appeal.

**Comment:** *The family court judge may also be sought simultaneously with an application for a divorce or a legal separation, and an application for a protection order.*

A victim who seeks an **authorisation to conceal his or her home** or place of residence can be exempted from indicating his or her address in the application.

### Obtaining assistance

The assistance of a lawyer is not compulsory, but it is strongly recommended. A victim can, depending on his or her resources, benefit from legal aid to cover a lawyer's and/or bailiff's fees (even if the person is an undocumented foreigner).

The application for legal aid can be filed:

- At the Legal Aid Office ("Bureau de l'Aide Juridictionnelle-BAJ") of the court attached to the victim's place of residence (in person or by mail);
- At the Single Reception Service for Litigants ("Service d'Accueil Unique du Justiciable-SAUJ").

**Your CIDFF (Information Centre for Women's and Families' Rights) can provide you with information and support you with your procedures.**

## DAY 0 TO DAY 2: Summoning the perpetrator of the violence

### ► When should the perpetrator be served?

The order setting the date of the hearing (Order 1) must be served on the perpetrator within 2 days:

Order issued on a Monday



Deadline expires Wednesday at midnight

Order issued on a Thursday



Deadline expires on Saturday, deadline extended to Monday

*If the period expires on a public holiday, it is extended to the next working day.*

### ► How should the perpetrator be served?

- If the victim does not have a lawyer: the court registry will contact **a bailiff** who will serve Order 1;
- If the victim has a lawyer, he or she is responsible for serving Order 1;
- If the protection order is requested by a public prosecutor, he or she will arrange for Order 1 to be served;
- The family court judge may decide to serve Order 1 using administrative means (by the police or prison authorities), particularly in the event of serious and imminent danger.

### ► Cost of serving the order

Regardless of the victim's resources and how the order was served, **the cost of serving Order 1 shall be borne by the State.**

**Please note:** *the cost of serving the definitive protection order are not borne by the State (see day 6).*

## DAYS 3 AND 4: Preparation of the defence

According to the **principle of due process and the rights of the defence**, the perpetrator must be given time to prepare his or her defence.

## DAY 5: The hearing

The copy of the deed of service must be handed over at the latest at the hearing.

If the victim so requests or if the judge considers it necessary, the parties are heard separately.

In the event of a separate hearing, each party must be personally present, possibly assisted by his or her lawyer.

In the event of a joint hearing, each party may be represented by his or her own lawyer and not be present in person.

## DAY 6

The family court judge issues the order establishing the protective measures (protection order).

To be enforceable, the protection order must be served on the perpetrator by a bailiff.



**The bailiff's expenses for service are to be borne by the victim.** Depending on his or her resources, they will be covered by legal aid.

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

**N.B.:** The protection order must have been duly served on the perpetrator by a bailiff. The offences must be indicated on the deed of service.

The order determining the protective measures may be **appealed within a period of fifteen days** following its service.

### ► Producing proof of the plausibility of the abuse

The judge shall issue a protection order if there are serious reasons to consider as probable:

- The commission of the alleged acts of violence;
- The danger to which the victim or his or her children are exposed.

The application must therefore contain a summary of the grounds for the application and, in an annex, the documents on which the application is based.

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

- Medical certificates established by any doctor and/or forensic medical services ("*Unités médico-judiciaires-UMJ*") ;
- A receipt for a complaint filed or an incident report or an official statement on facts filed at a gendarmerie;
- Any other element that can substantiate the plausibility of the abuse suffered: Text messages, phone calls, screen shots, testimonies of relatives or third party witnesses, photos, certificates from associations, social workers or shelters.

It is advisable to produce **as much elements of evidence as possible**.

# What measures can be delivered?

## ► Measures prohibiting the perpetrator of the abuse:

- A ban on receiving, meeting or coming into contact with the victim or any other designated person (child or relatives of the victim): in this case, the family court judge may order a proximity alert bracelet to be worn so as to prohibit the perpetrator from approaching the victim. The consent of the victim and the perpetrator of the abuse is required. Refusal by the perpetrator could result in criminal proceedings being initiated against him or her;
- Prohibition to go to certain places where the victim is usually present;
- Prohibition to possess or carry a weapon (the decision not to prohibit the possession or carrying of a weapon must be supported with specific reasons);
- An offer for health, social or psychological care or a course on responsibility. If the perpetrator refuses, the public prosecutor is immediately notified.

## ► Measures concerning the victim's residence:

- **The victim is granted the right to fully use the couple's home, except in special circumstances:**
  - even if he or she has left the couple's home, especially for emergency accommodation,
  - even if the perpetrator is the sole owner of the property or the leaseholder.
- **The costs of accommodation** may be charged to the perpetrator of the abuse.  
*Caution: If the beneficiary of a protection order does not have a right to the dwelling (title deed, lease), he or she must, as soon as the protection order is issued, take steps to obtain housing.*
- **Cessation of commitment:** A beneficiary of a protection order who decides to leave the dwelling is no longer obliged to pay rent, right from the day after the landlord has been notified of his or her leaving the dwelling. The person who acted as guarantor for the victim is also released from this commitment.
- **Concealment of the victim's address:** The victim is allowed to conceal his or her home or residence and to indicate his or her official address as being that of:
  - his or her lawyer or the public prosecutor for the civil legal proceedings in which he or she is involved;
  - a qualified legal entity for everyday needs.

The Action Logement service can put the victim in touch with a social adviser on a fully confidential basis. Specialised associations can also help the victim to obtain social housing. Contact: 0970 800 800

► **Measures related to children:**

- The establishment of **protected visiting rights** at a meeting place or in the presence of a trusted third party (this measure must be justified by the family court judge);
- The establishment of an alimony (the judge may decide that the alimony will be paid through the CAF or MSA).

► **Measures related to financial contribution:**

- Temporary eligibility for legal aid;
- The establishment of a contribution to marital expenses or material assistance for civil partners.

**Caution: Measures taken under the protection order are provisional** (6 months from the date of service of the protection order).

This time limit may be extended when a petition has been filed with the family court judge:

- en divorce ou en séparation de corps ;
- en fixation des mesures relatives aux enfants ( pension alimentaire, droits de visite...).

A victim who has new evidence may apply for a new protection order at any time.

**The protection order makes it possible to obtain or renew a residence permit as of right as soon as possible.**



**Emergency numbers**

*(free of charge and can be dialled from a landline or mobile phone, even if blocked or without credit)*

**17** : Police / Gendarmerie

**114** : Number to send a text message to for those unable to speak

**112** : European call number

**15** : Medical emergencies (SAMU)

**18** : “Pompiers” (Fire Department)

**Useful numbers and platforms**

**3919** : Listening, information and guidance number

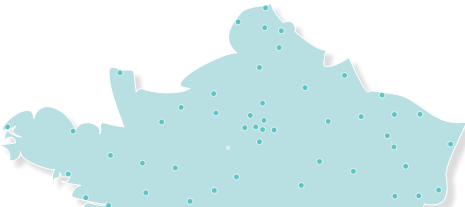
**<https://arretonslesviolences.gouv.fr>** : Chat with trained police officers and gendarmes.

# Federation of CIDFFs

Women's and Family Rights Information Centres

The information in this brochure is general in nature. For personalised information about your situation, we invite you to contact your CIDFF where you can be informed, assisted and referred: [fncidff.info](https://fncidff.info)

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**103 CIDFFs serving the public in metropolitan France  
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