

The Violence Protection Centre Upper Austria (Gewaltschutzzentrum OÖ) offers support in all legal proceedings.

**GEWALTSCHUTZZENTRUM OÖ**  
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The Violence Protection Centre Upper Austria is an independent organisation which provides advice and support for people – mostly women – subjected to domestic violence. This leaflet contains all the information you will need regarding the necessary legal steps, counselling and support during the application phase and legal processes.

Our office hours: Monday, Wednesday, Friday: 9.00-13.00; Tuesday, Thursday: 9.00-20.00; by appointment

## **Federal Law for the Protection From Domestic Violence**

### **What can I do if I am subjected to violence?**

If you are subjected to violence (physical abuse, threats, ...), it is important - **for your own safety** - that you contact the police (Emergency Number 133) or ask your relatives or neighbours to call the Emergency Number for you! You should also contact a "Help Centre" that can provide support and advice (see last page).

**Immediate protection through police**  
**BARRING ORDER AND PROHIBITION TO APPROACH**  
**for an apartment/house and for an exposed person**

### **What can the police do?**

When it is evident that a dangerous attack on your life has taken place, or your health or your freedom has been threatened (particularly if violence has previously occurred), then the police can order the offender out of the house/apartment and forbid him to return or enter the house.

In addition the police forbid the offender to approach the house/apartment and the exposed person up to 100 meters.

The police will notify the offender accordingly and will take away his keys to the house/apartment. He will be allowed to take only those items necessary for his personal requirements. He will be allowed to enter the residence during the period of barring only when accompanied by police. The offender can pick up his keys from the police within 14 days after the eviction order has ended. If the keys are not picked up within that period of time they can also be given to any other authorised person. If no one claims the keys they will be disposed of six weeks after the eviction has ended.

### **How long is the protection by the Barring Order?**

A Barring Order is valid for 2 weeks.  
This order will be checked by local law enforcement authorities.

### What can be done if the offender violates the Barring Order?

Contact the police immediately and don't let the offender into the house or apartment!!

### What are the consequences for the offender in case of violation the Barring Order?

The police will order the offender away. They can also fine him up to € 2.500, in case of repeated violation up to € 5.000.

### Is it possible to get a longer protection?

You can **apply for a Restraining Order** at the local court (Bezirksgericht) for your area.

### When can I make this application?

The application must be made within the two weeks of the duration of the Barring Order.

### What if the house doesn't belong to me?

If you live in the house/apartment then you are legally entitled to protection and safety, i.e. ownership is irrelevant!

### Which institutions will be informed by the police of a Barring Order?

- Violence Protection Centre Upper Austria (Gewaltschutzzentrum OÖ)
- Child & Youth Service Centre, if children under the age of 18 live in the same household.
- If a child under the age of 14 is protected by a barring order the police inform persons and institutions that are entitled to care for that child (e.g. relatives, babysitters, head of schools and child care centres, kindergarten, ...). If a child is above the age of 14 the police decide individually who will be informed.

#### Long-term protection through court

### RESTRAINING ORDER for the apartment/house

It is an order issued by the court against an offender ordering him to leave the apartment/house and forbidding re-entry for a fixed period of time.

The offender can also be banned from the immediate vicinity (e.g. driveway, basement garage, stairways, garden, children's recreation areas, etc.).

This Banning Order is valid for the maximum of 6 months, if living with a violent person is intolerable.

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Co-habitation can be a heterosexual or same-sex marriage or partnership or an apartment-sharing community.

Barring Order is not required.

### The apartment / house belongs to the offender

Ownership is irrelevant – relevant is only if you live there and have nowhere else to live.

### What can I do if the offender violates the Barring Order?

Contact the police immediately and don't let the offender into the house or apartment!!

### Can I extend the Restraining Order in case of violation against it?

No. Only an application for divorce or eviction proceedings within the valid time of the Restraining Order enables an extension.

### RESTRAINING ORDER prohibited contacts, approaches or places

Through the order issued by the court the offender can be banned from certain **places** (e.g. place of work, schools, kindergarten, day nurseries, etc.) and from the immediate vicinity.

At the same time **contact** and approach in any form can also be forbidden.

This banning order is valid for the maximum of 12 months, if meeting with a violent person is intolerable.

### What can I do if the offender violates the Restraining Order?

Contact the police immediately!

### Can I extend the Restraining Order in case of violation against it?

Yes – you can extend it for another year.

### Questions concerning the Restraining Order

### Where can I apply for a Restraining Order?

Applications must be made to the local court (Bezirksgericht) for your area. The application can be made in writing or verbally.

### What must be pointed out?

- Legal counselling beforehand by the staff at the Violence Protection Centre Upper Austria (Gewaltschutzzentrum OÖ) is advisable.
- In most cases it is necessary to make an appointment at the local court (Bezirksgericht).
- You do not necessarily need a lawyer.
- Information relating to previous violent attacks is also important!

### What evidence must I produce to prove violence?

Your testimony and eventually the testimony of eye-witnesses, police reports, doctors' or hospital results, reports provided by therapists, photos, etc.

Documentation relating to previous violent attacks is also important. This evidence should be handed in to the court together with your application.

### When does the Restraining Order come into effect?

The Restraining Order comes into effect with postal delivery of the court decision.

### What are the consequences for the offender in case of violation the Restraining Order?

The offender will get an administrative penalty up to € 2.500, in case of repeated violation up to € 5.000.

### What are the costs?

There are no fees for restraining orders.

Foreigners are entitled to apply for the assistance of an interpreter if their knowledge of German is insufficient and you have less income and no property. You can apply for legal aid for this service.

### What happens to the keys?

The keys stay at the local court (Bezirksgericht) throughout the time of the restraining order.

Before the keys are handed over to a person, the other person will be interviewed by the judge. If there is no agreement, it will lead to a court procedure.

### What are other legal consequences in case of violence?

In case of a report criminal proceedings concerning criminal assault, threat, various sexual offenses, continued violence, Stalking, Cybermobbing etc. are possible.