

Ministry of Justice, Finland

**NB: Unofficial translation,
legally binding only in Finnish and Swedish**

Act on Restraining Orders (898/1998; amendments up to 384/2010 included)

Chapter 1

General provisions

Section 1 – *Restraining order*

- (1) A restraining order may be imposed to prevent an offence against life, health, liberty or privacy or a threat of such an offence or some other kind of severe harassment.
- (2) If the person who feels threatened and the person against whom the restraining order is applied for live permanently in the same residence, a restraining order may be imposed to prevent an offence against life, health or liberty or a threat of such an offence (inside-the-family restraining order). (30.7.2004/711)

Section 2 – *Prerequisites for the imposition of a restraining order*

- (1) A restraining order may be imposed, if there are reasonable grounds to assume that the person against whom the order is applied for is likely to commit an offence against the life, health, liberty or privacy of the person who feels threatened or in some other way severely harass this person.
- (2) An inside-the-family restraining order may be imposed, if the person against whom the restraining order is applied for, judged by the threats he or she has made, his or her previous offences or other behaviour is likely to commit an offence against the life, health or liberty of the person who feels threatened, and the imposition of a restraining order is not unreasonable with regard to the severity of the impending offence, the circumstances of the persons living in the same household and other facts presented in the case. (30.7.2004/711)

Section 2 a (30.7.2004/711) – *Assessment of the prerequisites for the imposition of a restraining order*

- (1) The assessment of the prerequisites for the imposition of a restraining order is made with regard to the circumstances of the persons involved, the nature of the offence or harassment that has already taken place, whether the offence or harassment has been repeated, as well as how likely it is that the person against whom the restraining order has been applied for is going to continue the harassment or commit an offence against the person who feels threatened.

Section 3 (30.7.2004/711) – *Contents of a restraining order*

- (1) In accordance with what is ordered in the decision in the matter, the person on whom a restraining order has been imposed, may not meet the person being protected or otherwise contact or try to contact this person (basic restraining order), unless otherwise provided in subsection 4. It is also forbidden to follow and observe

the person being protected.

- (2) In addition to what is provided in subsection 1, a person on whom an inside-the-family restraining order has been imposed must leave the residence where he or she and the person protected permanently live together, and he or she may not return there.
- (3) If there is reason to believe that a restraining order in accordance with subsection 1 is not sufficient to prevent the threat of an offence or other harassment, or a restraining order in accordance with subsection 2 is not sufficient to prevent the threat of an offence, the restraining order may be imposed as an extended order, in which case it also applies to being in the vicinity of the permanent residence, holiday residence or workplace of the person being protected or of another comparable place specified separately (extended restraining order).
- (4) The restraining order does not apply to contacts for which there is an appropriate reason and that are manifestly necessary.

Chapter 2

Imposition of a restraining order

Section 4 – *Competent authority*

- (1) A restraining order matter is decided by a district court. The district court constitutes a quorum also when only the chairperson is present. The hearing may also be held at some other time and in some other place than what is elsewhere provided concerning hearings at general courts of first instance.
- (2) The competent court is the district court with jurisdiction for the place, where the person protected by a restraining order has his or her domicile or where the restraining order would mainly be applied. If the person, against whom the restraining order is applied for, is a suspect in a criminal case, which may be of relevance when deciding the restraining order matter, the competent court in the criminal matter is also competent in the restraining order matter.
- (3) Provisions on temporary restraining orders are laid down in sections 11 -13.

Section 5 – *Initiation of an application for a restraining order and preparation of the matter in the district court*

- (1) Imposition of a restraining order may be applied for by anyone who feels threatened or harassed or by a police, social welfare or prosecuting authority. The application may be written or oral. When necessary, the applicant may be requested to supplement the application.
- (2) A police investigation as referred to in section 37 of the Police Act (493/1995) may be conducted in a restraining order matter, if this promotes the consideration of the case. The order to conduct a police investigation is issued by the authority considering the restraining order matter.
- (3) A notice of the application for a restraining order must be served to the person against whom the restraining order is applied for and to the person who is to be protected by the restraining order, if he or she is not the applicant, in accordance with the provisions on service of a summons in Chapter 11 of the Code of Judicial Procedure. At the same time the party concerned is requested to respond to the application for a restraining order in writing within a time limit determined by the court or orally in a hearing. If the request for a written response is deemed unnecessary, the matter is ordered to be transferred directly to the main hearing.

Section 6 – *Main hearing in the district court*

- (1) The provisions on criminal procedure apply, as appropriate, to the consideration of the matter.
- (2) A matter may be heard and decided regardless of the absence of the person against whom a restraining order has been applied for, if his or her presence is not necessary for the resolution of the matter and if he or she has been summoned to the hearing under such a threat. A police, social welfare or prosecuting authority has a right to be present and to be heard in the consideration of the matter, even if the authority in question is not the applicant.
- (3) The district court must ensure that the case is thoroughly considered. A restraining order matter must be considered urgently.

Section 7 (30.7.2004/711) – *Duration of a restraining order*

- (1) A restraining order may be imposed for at most one year. However, an inside-the-family restraining order may be imposed for at most three months. A restraining order enters into force as soon as the district court has issued a decision to impose the restraining order. The decision must be complied with notwithstanding an appeal, unless otherwise ordered by an appellate court considering the matter.
- (2) A restraining order may be renewed. In this case, the restraining order may be imposed for at most two years. When an inside-the-family restraining order is renewed, it may, however, be imposed for at most three months. Renewal of a restraining order may be applied for before the previous restraining order expires.

Section 8 – *Contents of the decision*

- (1) In a restraining order matter, the court must issue a written decision stating
 - (1) the name of the authority that decided the matter,
 - (2) the date of the decision,
 - (3) the name of the applicant of the restraining order,
 - (4) the name of the person against whom the restraining order has been applied for and the name of the person protected by the restraining order,
 - (5) a short account of the matter,
 - (6) the decision and the reasons for the decision and
 - (7) the legal provisions applied.
- (2) If a restraining order is imposed, the decision must include a specification of the contents of and possible exceptions in the restraining order and a notification of the threat of penalty for breach of the restraining order. The expiry date of the restraining order must be stated in the decision.
- (3) If an inside-the-family restraining order is imposed, the decision must also specify the residence which the person on whom the restraining order has been imposed must leave, and include orders on how the person on whom the restraining order has been imposed gets his or her necessary personal belongings in his or her possession. When necessary, the decision must include instructions on where the person on whom the restraining order has been imposed can get assistance in arranging his or her accommodation during the time that the restraining order is in force. (30.7.2004/711)

Section 9 – *Notifications of the decision*

- (1) The district court must serve a notice of the judgment in a restraining order matter to the applicant, to the person protected by the restraining order, unless he or she

is the applicant, and to the person against whom the restraining order had been applied for. If the application for a restraining order is dismissed, a notice does not need to be served to the person against whom the restraining order had been applied for, if this person has not been heard in the matter.

- (2) Service of a notice to the person, on whom a restraining order has been imposed, must be effected using a mode for verifiable service as provided in chapter 11 of the Code of Judicial Procedure, unless the judgment has been handed down or made available in his or her presence.
- (3) The court must without delay notify a judgment, by which a restraining order has been imposed, repealed or modified, for entry into the register referred to in section 15. The notification must include the information specified in paragraphs 1-4 of section 8(1) and the contents of the decision. Separate provisions on the duty of a court to notify a judgment by entering the data on the judgment into the judgment or decision notification system in the judicial administration's national information system or by submitting the data to the Legal Register Centre to be entered into the register referred to in section 15 may be issued by a decree of the Ministry of Justice. The entries are made and the data is submitted in accordance with the Act on the judicial administration's national data system (372/2010) and the provisions issued under it. (14.5.2010/384)

Section 10 – *Consideration of a matter along with a criminal case*

- (1) If a criminal case, which may be of relevance when deciding the restraining order matter, against the person against whom a restraining order has been applied for, is pending in the court, the restraining order matter may be considered along with the criminal case.

Chapter 3

Temporary restraining order

Section 11 (30.7.2004/711) – *Decision on a temporary restraining order*

- (1) A restraining order may be imposed as temporary. A temporary restraining order is imposed by an official with powers of arrest. A temporary restraining order may also be imposed by a court.
- (2) An official with powers of arrest may, *ex officio*, impose a temporary restraining order, if the apparent need to protect a person by means of a restraining order requires that the restraining order is imposed with immediate effect and if the circumstances of the matter indicate that the person in need of protection due to his or her fear or some other reason is unable to apply for a restraining order himself or herself.
- (3) Before a matter concerning a temporary restraining order is decided, both the person on whom the temporary restraining order is intended to be imposed and the person to be protected by the restraining order must be reserved an opportunity to be heard. The matter may, however, be decided without hearing the parties, if the application is manifestly unfounded or if the person on whom the restraining order is to be imposed cannot be reached.
- (4) A decision on imposing a temporary restraining order is not separately subject to appeal.

Section 12 – *Bringing a decision up for consideration in a district court*

- (1) The official with powers of arrest must without delay and at the latest within three days bring his or her decision to impose a temporary restraining order up for consideration in the competent district court. At the same time, the official who made the decision must submit his or her decision and the material related to the matter to the district court. The court must take the matter up for consideration at the latest within seven days of the date of the decision.
- (2) In a decision by which a temporary restraining order has been imposed must, in addition to what is provided in section 8, be stated when and in which district court the matter will be taken up for consideration. A temporary restraining order must be observed immediately, unless otherwise ordered by the court considering the matter.

Section 12 a (30.7.2004/711) – *Consideration of a temporary inside-the-family restraining order in a district court*

- (1) A district court must hold a main hearing within a week of the date when the official with powers of arrest brought his or her decision to impose a temporary inside-the-family restraining order up for consideration in the district court. If the main hearing is cancelled, it must be rescheduled to be held at the latest within two weeks of the date when the main hearing was intended to be held.
- (2) If there are very important reasons to do so, the time limit referred to in subsection 1 may be ordered to be extended.
- (3) If the main hearing is cancelled or postponed, the district court must at the same time order whether the temporary inside-the-family restraining order remains in force.

Section 13 – *Supplementary provisions*

- (1) In other respects, the provisions on a restraining order apply, as appropriate, to a temporary restraining order.

Chapter 4

Miscellaneous provisions

Section 14 – *Costs for considering the matter*

- (1) The parties themselves are liable for the costs incurred by the consideration of a restraining order matter. If there are important reasons to do so, the court may order that a party is liable for part of or all reasonable legal costs of the opposing party.

Section 15 (30.7.2004/711) – *Registration of a restraining order*

- (1) Provisions on recording data on a restraining order in the Data System for Police Matters and deleting data from the system are laid down in the Act on the Processing of Personal Data by the Police (761/2003).

Section 16 – *Repealing or modifying a restraining order*

- (1) A restraining order may by request of the person on whom the restraining order has been imposed or the person being protected by it be repealed or modified, if this is justifiable on grounds of changed circumstances or other special reasons. The

request is addressed to the district court that decided the matter. However, if the matter is pending in a court, the request is addressed to the court considering the matter. The request may be oral or written. Such requests are processed in compliance with the provisions in sections 5 and 6.

Section 17 – *Penal provision*

- (1) Provisions on the punishment for breach of a restraining order are laid down in section 9 a in Chapter 16 of the Criminal Code.

Section 18 – *Entry into force*

- (1) This Act enters into force on 1 January 1999.