

Enforcement Rules for the Domestic Violence Prevention Act

Article 1

The enforcement rules are stipulated according to Article 65 of Domestic Violence Prevention Act (hereinafter called the Act).

Article 2

The economic harassment, control, and coercion, or other acts of illegal infringement, as set forth in Subparagraph 1 of Article 2 of the Act, shall include actions or behaviors that are sufficient to frighten a victim or make him/her suffer, as follows:

1. Means such as excessively controlling the financial affairs of the family, not allowing the victim to work, or preventing the victim from working;
2. Means such as forcing the victim to loan, serve as a guarantor, hand over, transfer ownership, create encumbrance, and limit the use of profits of cash, securities, personal property and other real property;
3. Other types of economic harassment, control, and coercion, or other acts of illegal infringement.

Article 3

Domestic violence prevention centers under municipal and county (city) governments shall, every six months, invite local authorities in charge of police administration, education, health, social affairs, civil affairs, household registration, judicial affairs, labor, news and immigration to a service coordination meeting to discuss and handle matters related to the

measures mentioned in all of the subparagraphs of Paragraph 1 of Article 8 of the Act. Extraordinary meetings may be held if necessary.

Article 4

When petitioning for emergency protection orders in accordance with the proviso of Paragraph 1 of Article 12 of the Act, prosecutors, police departments, or municipal and county (city) competent authorities shall take into account whether victims are in immediate danger of abuse, intimidation, harm, or other types of physically, mentally, or economically illegal infringement committed by opposite parties, or whether irreparable harm will be caused if no emergency protection orders are issued.

Article 5

In the event that a written petition for a protection order is filed in accordance with the provisions of the first part of Paragraph 1 of Article 12 of the Act, the following shall be indicated:

1. The name, sex, date of birth, ID number, and domicile, residence or mailing address of the petitioner, as well as his/her relationship with the victim; if the petitioner is a juridical person, institution, or any other organization, its name and principle office, administrative office, or business office are required.
2. The name, sex, date of birth, and domicile, residence or mailing address of the victim if he/she is not the petitioner;
3. The name, sex, date of birth, and domicile, residence or mailing address of the opposite party, as well as his/her relationship with the

- victim;
4. The name, sex, date of birth, and domicile, residence, administrative office, or business office of the agent if any;
 5. The purport of the petition and the reasons and facts involved;
 6. Evidence for proof or clarification purposes;
 7. Appendices and number of the appendices;
 8. The court;
 9. The date including the year, month, and day.

If the petitioner knows the ID numbers of the victim, opposite party, and agent, he/she may indicate their ID numbers on the petition form.

Article 6

While petitioning the emergency protection order verbally, by facsimile or by transmission through other technical equipment according to the proviso of Paragraph 1 of Article 12 of the Act, the prosecutors, police departments, or municipal and county (city) competent authorities shall state all items listed in the preceding article. Unless otherwise a special case happened, the hotline of the court must be applied.

Article 7

The term “nighttime” mentioned in the proviso of Paragraph 1 of Article 12 of the Act means the period before sunrise and after sunset. The term “non-working day” means weekends, national holidays and other holidays that have been regulated by the central authority concerning personnel affairs.

Article 8

When processing petitions for emergency protection orders as prescribed in the proviso of Paragraph 1 of Article 12 of the Act, the court may request the assistance of police officers and other relevant personnel to conduct investigations if it deems it is unable to determine whether victims are in danger of domestic violence based on the existing information.

Article 9

Upon accepting the petition for the emergency protection order according to the proviso of Paragraph 1 of Article 12 of the Act, the petitioner and assistant investigators stated in the preceding article should state the whole case in person or by telephone. Refusals are not taken.

Article 10

The environment and measures provided to ensure the safety of victims or witnesses appearing before the court, as specified in Paragraph 1 of Article 19 of the Act, shall include the following in whole or in part:

1. A space for trials via video conferencing or one-way mirrors;
2. Plans or arrangements that allow them to enter or exit the court using alternative routes;
3. Other relevant measures.

If victims or witnesses need the court to offer the measures set forth in the preceding paragraph when appearing before the court, they shall submit a statement to the court prior to or during court sessions.

Article 11

The victim, when requests the compulsory enforcement to the local court where the target locates, according to Subparagraph 1 of Paragraph 1 of Article 21 of the Act, both of the original copy of the protection order and a written petition with the following items must be held:

1. The litigant or the agent.
2. The rights asking.

The target and the enforcing actions or matters ruled in the Law of Compulsory Enforcement may be stated in the written petition.

The court of enforcement may deduct the enforcement fees that be temporarily exempted according to Paragraph 1 of Article 21 of the Act from the amount granted from compulsory enforcement earnings.

Shall the fees mentioned in the preceding paragraph not be deducted, the court may serve the original copy of the ruling to the creditor and debtor after the enforcement is completed. The party who should bear such fees and the amount will be mentioned on the ruling.

Article 12

Shall the victim apply for the enforcement of protection order stated in Subparagraph 12 of Paragraph 1 of Article 14 of the Act according to Subparagraph 4 of Paragraph 1 of Article 21 of the Act, the application must be submitted to the following agencies:

1. Any household registration office : The application of the protection order to prohibit the opposite party from viewing the household information of the victim and the minors who are temporarily under

his/her custody.

2. School attending : The application of the protection order to prohibit the opposite party from viewing the schooling information of the victim and the minors who are temporarily under his/her custody.
3. National Tax Administration : The application of the protection order to prohibit the opposite party from viewing the source of income information of the victim and the minors who are temporarily under his/her custody.

Article 13

The obligee mentioned in Article 24 of the Act is defined as the party who temporarily exercise the rights and assume duties of minors, assigned by the court under Subparagraph 6 of Paragraph 1 of Article 14 of the Act. The obligor is defined as the party who must deliver the minors to obligee under Subparagraph 6 of Paragraph 1 of Article 14 of the Act.

Article 14

The definitions of obligee and obligor, as set forth in Article 25 of the Act, are as follows:

1. Before every child visitation:

- (1) Obligee: A person who applies for a child visitation in accordance with Subparagraph 7 of Paragraph 1 of Article 14 of the Act.
- (2) Obligor: The party designated by the court in accordance with Subparagraph 6 of Paragraph 1 of Article 14 of the Act to temporarily exercise the rights and assume duties of his/her or their

minor(s).

2. After every child visitation:

(1) Obligee: The party designated by the court in accordance with Subparagraph 6 of Paragraph 1 of Article 14 of the Act to temporarily exercise the rights and assume duties of his/her or their minor(s).

(2) Obligor: A person who applies for a child visitation in accordance with Subparagraph 7 of Paragraph 1 of Article 14 of the Act.

Article 15

When filing a compulsory enforcement petition with the court that shall enforce the orders in accordance with Article 24 or 25 of the Act, the obligee shall comply with the provisions of Article 11, and shall submit, along with the petition, the documents that prove nonfulfillment within the period specified by the police department or municipal or county (city) competent authority receiving his/her previous petition.

Article 16

If the demurrer is brought up to the enforcement agency by the litigant or interested person under Paragraph 1 of Article 27 of the Act, a written form or speech must be presented. If it is made by a speech, the staff member or the office that accepts it will have to make a record, and read to the applicant or have he/she read it. Once the content is confirmed by the applicant, please have the applicant sign the record.

Either the written form or the record of the speech must have the litigant's name and the reasons on it. Shall the interested person be the applicant,

please record the relationship between the litigant and the interested person.

Article 17

The term “the time of completion of criminal proceedings” mentioned in Paragraph 2 of Article 31 of the Act is defined as follows:

1. The cases that are put into non-prosecution or deferred prosecution by the prosecutor, by the time the disposition is determined.
2. The cases that are put into public prosecution or being petitioned for a summary judgment, by the time the judgment is determined.

Article 18

A written document with evidence and all other information must be presented to the prosecutor and the court by the police officers, according to Article 35 of the Act. However, speech, facsimile or other technical means may be applied, if the cases are considered urgent.

Article 19

The person who is filing a lawsuit to a domestic violence case or the violation of protection order may assign an agent according to Paragraph 1 of Article 236-1 or Paragraph 1 of Article 271-1 of the Code of Criminal Procedure. The form of a power of attorney must be offered.

Article 20

Shall the probationer violates instructions stated in Paragraph 2 of Article 38 of the Act during probation period, police officers shall gather all

evidence and report to the prosecutor in the prosecutor office where the probationer registered his/her household or where he/she currently resides.

Article 21

The reporting methods set forth in Paragraph 2 of Article 50 of the Act shall be via facsimile transmissions or other technological devices. In case of emergency, a report may be given in oral form or over the telephone first, and a supplementary report shall be submitted within twenty-four hours after the initial report.

The aforesaid report shall contain basic information about the reporter, victim, and opposite party, concrete facts of any acts of violence, relevant assistance, and other matters.

Article 22

The information that is sufficient to identify a victim and his/her minors, as specified in Article 50-1 of the Act, shall include basic personal information such as photos, video clips, voice recordings, domicile or residence, schools and classes, and workplace of the victim and his/her minors, as well as the names of their relatives and their relationship with them.

Article 23

The municipal and county (city) competent authorities stated in Article 58 of the Act shall be the authorities in which the victim registered his/her household.

Article 24

The intimate partners specified in Paragraph 2 of Article 63-1 of the Act may be determined with reference to the following factors:

1. The nature of the relationship;
2. The duration of the relationship;
3. The frequency of interactions;
4. The occurrence and frequency of sexual behavior;

Other facts that are sufficient to determine intimacy.

Article 25

The enforcement rules shall come into force on and from the date of announcement.