

Regulations for the Administrative Authorities to Enforce Protection Orders and to Deal With Domestic Violence Cases

Article 1

The regulations are stipulated according to Article 64 of Domestic Violence Prevention Act (thereinafter called the Act).

Article 2

Specific staffs must be assigned for domestic violence prevention relating tasks.

Article 3

The jurisdiction of domestic violence cases will follow the rules below under the jurisdiction of the central or municipal and county(city) competent authorities.

1. Reported cases: The municipal and county(city) competent authorities where the case is reported and accepted. Shall a single case being accepted by two or more authorities, the competent authority of where the victim is resided takes the jurisdiction.
2. Emergency cases: The competent authority of whereabouts the victim is will take the jurisdiction and whenever necessary, assistance may be granted from other municipal and county (city) competent authorities.
3. Victim follow-up cases: The jurisdiction goes under the competent authority of where the victim is resided and whenever necessary, assistance may be granted from other municipal and county (city) competent authorities.

The jurisdiction of police departments dealing with domestic violence cases will go under the department of where the case happens. The police department of where the victim or opposite party resides will assist on the case.

Article 4

Upon the acceptance of the domestic violence case, commissioners must be sent immediately. A non-jurisdiction case must be reported to the competent authority of jurisdiction upon the acceptance.

Article 5

Administrative authority must be of assistance upon request of each other and must be proceeded immediately.

Article 6

The priority of commissioners dealing with domestic violence cases shall be to ensure the safety of victims and their family members using appropriate means. If victims and their family members are found to be ill or injured, emergency assistance shall be offered to help them seek medical treatment.

Article 7

Commissioners dealing with domestic violence case must inform the victim of his/her rights, ways to remedy and measures provided by the competent authority.

Article 8

Police departments or municipal and county (city) competent authorities may petition for protection orders and extended protection orders for victims. Such petitions shall be made in writing, except for the conditions set forth in the proviso of Paragraph 1 of Article 12 of the Act.

To petition for a protection order or an extended protection order, a domestic violence case report, an on-site report on how the domestic violence case is being dealt with, visitation and interview records, an injury certification, or a Taiwan intimate partner violence danger assessment form, as well as other relevant documents and materials, shall be enclosed.

The authorities and their staff shall keep the details of the aforesaid forms, documents or materials confidential as requested by victims, and shall indicate such requests in writing on the protection order.

Article 9

The proposal submitted by municipal or county (city) competent authorities in accordance with Paragraph 3 of Article 14 of the Act regarding the methods to implement an offender treatment program before the court issues a ruling, shall include the necessity for the opposite party to undergo a treatment program as well as the contents, methods, and number of implementation of the treatment program.

Municipal and county (city) competent authorities shall indicate the date when the aforesaid proposal will be submitted prior to the court trial, or shall state the date at the time of the court trial.

Article 10

For the purposes of protecting the victims and preventing domestic violence, police departments shall, if necessary, deploy personnel to guard the domicile or residence of the victims or ensure the safety of the victims and their family members using the following methods before the court issues emergency protection orders as set forth in Paragraph 4 of Article 16 of the Act:

1. Assistance with referral and emergency placement;
 2. Emergency rescue;
 3. Safety escort;
 4. Visits to and warnings for the opposite parties;
- Other necessary and appropriate safety measures.

Article 11

Shall the administrative authority of the application of the protection order be not the enforcer, the receiver shall inform the applicant of the enforcement agency according to Paragraph 1 of Article 21 of the Act.

Article 12

To enforce protection order, the administrative authority shall have the litigant obey all the instructions stated in the protection order and not to violate them.

Article 13

To enforce protection order, the domicile or residence of the victim or his/her children shall be kept secret in all relating documents and during

enforcement, under the command of the court and the request of the victim or applicant.

Article 14

To enforce the provision of Subparagraph 4 of Paragraph 1 of Article 21 of the Act, a victim shall submit an application to the following agencies and schools along with a protection order and identity documents:

1. Household registration office: To apply for a banning order against the opposite party viewing or handing over household registration materials concerning the victim and minors under temporary custody of the victim.
2. Schools enrolled: To apply for a banning order against the opposite party viewing relevant school enrollment information concerning the victim and minors under temporary custody of the victim.
3. National Taxation Bureau: To apply for a banning order against the opposite party viewing relevant income source information concerning the victim and minors under temporary custody of the victim.

If the victim is a minor, has physical or mental disabilities, or is unable to appoint an agent for some reason, the protection order petitioner may submit the petition set forth in the preceding paragraph.

In case of a change in the validity period of a protection order, the victim, applicant or opposite party shall present the protection order or relevant proof documents to the agencies and schools set forth in all of the subparagraphs of Paragraph 1 to apply for alteration or a annulment.

Article 15

When ordering opposite parties to move out of the domicile or residence of the victims, children and adolescents who have witnessed domestic violence, or other family members listed on protection orders, police departments shall confirm whether the opposite parties move out of the domicile or residence, and shall ensure that the victims, children and adolescents who have witnessed domestic violence, or other family members safely possess the domicile or residence.

Article 16

While entering the residence, building or other places to ask the opposite party to leave or to hand it over to the victim under the request of the victim according to Paragraph 2 of Article 22 of the Act, the village head and wardens may be accompanied with the police department if necessary. If the opposite party refuses to hand over, the enforcement shall be made but not go beyond the laws.

A list regarding the objects handed over must be made and the enforcement procedure must be recorded.

Article 17

While delivering minors under the command of the protection order, the police department shall consider the ideas of the obligee and the obligor for deliver time, location and manner.

Shall there be any difficulty when enforcing the action mentioned in the preceding paragraph, the police department shall set a deadline for obligor to deliver, under the request of the obligee. If the obligor fails to deliver, the police department shall issue documents necessary for obligee

to apply compulsory enforcement procedure to the court and inform that the protection order may serve as entitlement foreclosure.

Article 18

Shall the obligor fails to conduct visitation with minors stated in the protection order, municipal and county(city) competent authorities or police departments shall process the case based on paragraph 2 of the preceding Article. The obligee shall also be informed that alteration may be made to the protection order to the court.

Article 19

If there is any demurral of the means of enforcing protection order, the procedures to follow or other issues that might infringe upon the rights of the litigant or interested parties and being brought out either party, the administrative authority shall suspend the enforcement and revoke or correct any enforcement that is already being carried out, if the demurral is considered legitimate. If considered not, opinions must be made and submit to the court of issuance within 10 days for a ruling to be rendered by the court. The protection order must be in a continuous enforcement before the ruling of revocation, alteration or cease of enforcement by the court of issuance.

Article 20

Police departments and domestic violence prevention centers under municipal and county (city) governments shall pay attention to the following when issuing notices in accordance with Paragraph 2 of Article

34-1 of the Act:

1. After notifying victims or their family members, police departments shall inform the court or prosecutors office of how notices were given with carbon copies sent to domestic violence prevention centers. If necessary, related safety measures may be taken in accordance with Article 10 of the Act.
2. After notifying victims or their family members, the priority of domestic violence prevention centers under municipal and county (city) governments shall be to ensure the safety of victims and their family members using appropriate means.

Article 21

While the municipal and county (city) competent authorities or police departments enforcing the conditions imposed in accordance with Paragraph 1 of Article 31, Paragraph 1 of Article 33, Paragraph 2 of Article 38 or Article 39 of the Act that noticed by the prosecutor or court according to Article 40 of the Act, the provisions about to enforce protection order of this regulations applies mutatis mutandis.

Article 22

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