



Article Content

Title : Domestic Violence Prevention Act CH
Amended Date : 2023-12-06
Category : Ministry of Health and Welfare (衛生福利部)

Chapter 1 General

Article 1 This Act is established in order to prevent acts of domestic violence and to protect the interest of the victims.

Article 2 The terms used in this Act are defined as follows:

1. Domestic violence: Means an act of harassment, control, threat or other illegal action conducted against any family member that is physical, psychological, or economical in nature.
2. An offense of domestic violence: Means a criminal offense stipulated by another law due to an act of domestic violence committed in a willful manner against a family member.
3. To witness domestic violence: Means to see or directly know about domestic violence.
4. Harassment: Means any language or gesture that interrupts, warns, mocks or insults any other person, or any conduct that causes a psychological scenario of fear.
5. Stalking: Means monitoring, following or controlling another person's whereabouts and activities in a continuous manner through any person, vehicle, tool, equipment, electronic communications device or any other manner.
6. Offender treatment program: Means awareness educational assistance, parenting educational assistance, psychological assistance, psychiatric treatment, detoxification treatment or other assistance or treatment provided to the offender.

Article 3 A family member defined in this Act includes the following members and their minors:

1. Spouse or former spouse.

2. Persons with an existing or former cohabitation relationship, a relationship between a householder and household members or a relationship between household members.
3. Persons with an existing or former relationship between lineal relatives by blood.
4. Persons with an existing or former relationship between collateral relatives by blood within four degrees of kinship.
5. Spouses of persons with an existing or former relationship between relatives by blood within four degrees of kinship.
6. Persons with an existing or former relationship between relatives by blood within four degrees of kinship of a spouse.
7. Spouses of persons with an existing or former relationship between relatives by blood within four degrees of kinship of a spouse.

Article 4 The competent authority referred to in this Act is the Ministry of Health and Welfare at the central level, the municipal governments in municipalities and the county (city) governments in counties (cities).

In relation to the matters provided in this Act, the competent authority and competent authorities in charge of the relevant activities shall take the initiative to plan the required protection, prevention and promotional measures within the scope of their responsibilities in accordance with the requirements of prevention against domestic violence, while respecting the differences of diversified cultures in terms of gender equality. They shall make their best efforts to cooperate in prevention activities involving the relevant authorities. The responsibilities are as follows:

1. Competent authority: Planning, promotion, and monitoring of domestic violence prevention policies, the establishment of regulations for cross-authority (institution) cooperation, and regular publication of statistics related to domestic violence and other matters.
2. Health competent authority: Certification of injuries suffered by victims of domestic

violence, evidence collection, physical and mental treatment, consultation, offender treatment and other related matters.

3. Education competent authority: Education on prevention against domestic violence in all levels of schools, assistance measures for children and youths who have witnessed domestic violence, protection of the interest of victims of domestic violence, the education rights of their children, and other related matters.

4. Labor competent authority: Vocational training for victims of domestic violence, employment services and other related matters.

5. Police competent authority: Physical security of the victims of domestic violence and their minors, emergency measures, investigation of domestic violence offenses, statistics of criminal cases and other related matters.

6. Legal competent authority: Criminal matters such as the investigation of domestic violence offenses, correction, and prevention of re-offense, and other related matters.

7. Immigration competent authority: Assisting spouses of foreign nationalities and spouses from Mainland China, Hong Kong, or Macau who have overstayed in Taiwan due to domestic violence in obtaining resident permits, their residence, assistance with their stay in Taiwan or protection of their resident rights, and other related matters.

8. Culture competent authority: Handling of publications in violation of the stipulations of this Act and other related matters.

9. the competent authorities for the regulation of telecommunications and broadcasting services: handling any violation of the Act by any broadcaster, and television (company), or any other media regulated and supervised by the competent authorities in accordance with the law and other relevant matters.

10. Household registration competent authority: Personal status, household registration of the victims of domestic violence and their minors and other related matters.

11. Other measures against domestic violence

shall be performed by the competent authority in charge of the relevant activities in accordance with their duties.

Article 5 The central competent authority shall perform the following matters:

1. Study and establishment of legislations and policies against domestic violence.
2. Coordination with and supervision over the relevant authorities concerning the execution of matters related to domestic violence.
3. Increase the service efficiency of relevant institutions for the prevention of domestic violence.
4. Supervision and promotion of education on preventing domestic violence.
5. Coordination of victim protection programs and offender treatment programs.
6. Assist public and private institutions to establish a procedure for handling domestic violence.
7. Consolidated establishment and management of an electronic database of cases of domestic violence for use by judges, prosecutors, police, doctors, nursing staff, psychologists, social workers and other government authorities, while keeping the victims' identities confidential.
8. Assist local governments to promote domestic violence prevention activities, providing assistance and subsidies.
9. Investigation and analysis of issues of domestic violence, current status of prevention and requirements shall be conducted every four years. Regular publication of relevant statistics and analysis data such as the number of deaths caused by domestic violence, various types of subsidies and expenditures for medical care and other related statistical analysis. All relevant authorities should cooperate with the investigation and provide statistics and data analysis.
10. Other matters related to domestic violence prevention.

To perform the activities under the previous paragraph, the central competent authority should

invite (assign) scholars and experts and representatives of private organizations and relevant authorities to provide advice. The number of scholars, experts and representatives of private organizations shall represent not less than 1/2. Each gender shall be represented by at least 1/3.

The central competent authority shall determine the rules for the establishment, management and use of the electronic database under Subparagraph 7 of the first paragraph.

Article 6 To reinforce the promotion of works related to the prevention of domestic violence and sexual assault, the central competent authority shall establish a fund.

The sources of the fund under the previous paragraph are as follows:

1. Government budget allocation.
2. Payment for deferred prosecution.
3. Payment for plea bargaining.
4. Profit from the fund.
5. Donations.
6. Fines imposed in accordance with this Act.
7. Other relevant sources of income.

Article 7 To coordinate, study, review, consult, supervise, review and promote domestic violence prevention work, municipal and county (city) competent authorities shall establish a domestic violence prevention committee. The organization of the committee and the meetings thereof shall be determined by the municipal and county (city) competent authorities.

Article 8 The municipal and county (city) competent authorities shall consolidate the activities and manpower of its police, education, health, social policy, civil administration, household registration, and labor and news departments and agencies, establish domestic violence prevention centers, and coordinate with relevant judicial and immigration authorities to perform the following matters:

1. Provision of a 24-hour hotline service.
2. Provision of a 24-hour emergency rescue

service, assistance with medical visits, injury certification, evidence collection and emergency placements.

3. Provision or referral of financial aid, legal services, education services and lodging assistance to the victims, including provision of stage-by-stage, supportive and diversified vocational training and employment services.

4. Provision of short-term, mid-term and long-term shelter placements for the victims and their minors.

5. Provision or referral of physical and mental treatment, counseling, social and psychological evaluation and disposition for the victims and the children, youth or family members who have witnessed domestic violence and who need these services.

6. Referral of offender treatment and follow-up assistance.

7. Follow-up and management of referral service cases.

8. Promotion of domestic violence prevention education, training and promotion.

9. Risk analysis and organization of cross-institutional network meetings.

10. Other matters related to the prevention of domestic violence.

The centers under the previous paragraph may be combined with sexual assault prevention centers. The social work, police, health and other relevant professionals to be put in place and the organization thereof shall be determined by the municipal and county (city) competent authorities.

Chapter 2 Civil Protection Orders

Section 1 Petition and Trial

Article 9 Civil protection orders (hereinafter “protection orders”) are divided into ordinary protection orders, temporary protection orders and emergency protection orders.

Article 10 A victim may file a petition with the court for an ordinary protection order or temporary

protection order. If the victim is a minor, or suffers from a physical or mental disability or has difficulty in mandating an agent for any reason, the petition may be filed with the court by the victim's legal representative or a relative by blood or by marriage within the third degree of kinship.

A prosecutor, the police department or a municipal or county (city) competent authority may file a petition with the court for a protection order.

No court costs is payable for the petition, revocation, alteration, extension or appeal of any protection order. Paragraph 4, Article 77-23 of the Code of Civil Procedure is applicable *mutatis mutandis*.

Article 11 The district court of the victim's place of domicile or residence, the place of domicile or residence of the opposite party or the place of occurrence of an offense of domestic violence shall have jurisdiction over the petition of a protection order.

In an area with a juvenile and family court, the district court under the previous paragraph refers to the juvenile and family court.

Article 12 The petition for a protection order shall be made in writing. However, in case of imminent danger to the victim suffering from domestic violence, the prosecutor, police department or municipal or county (city) competent authority may file a petition for an emergency protection order verbally, by facsimile or by transmission through other technical equipment and the petition may be filed at nighttime or on a non-working day.

The place of domicile or residence of the petitioner or the victim is not mandatory for the petition under the previous paragraph and only an address for process of service is required.

To determine jurisdiction, the court may investigate the victim's place of domicile or residence. If the petitioner or victim seeks confidentiality about the victim's place of domicile or residence, the court shall conduct an

interrogation in a confidential manner and the interrogation record and relevant data shall be sealed and viewing prohibited.

Article 13 In case of any omission of procedure or requirement in a petition for a protection order, the court shall enter a ruling to reject the petition. However, if the omission may be corrected, an order should be issued to demand the correction before a set deadline.

The court may investigate evidence and may conduct segregated interrogations if required. If required, the segregated interrogations under the previous paragraph may be conducted outside the court pursuant to petition or on its own initiative. Any technical equipment allowing two-way transmission of voice and image and other proper segregation measures may also be used. During a court trial, the victim may file a petition seeking the presence of any family member or social worker or psychologist, who may also state their opinions.

The trial regarding a protection order shall not be public.

Before the court completes the trial, it may listen to the opinions of the municipal or county (city) competent authority or social welfare institutions.

No mediation or settlement is allowed in a case of a protection order.

After the court accepts a petition for a protection order, the trial should be conducted swiftly. The issuance of a protection order shall not be delayed based on the reason of other cases between the parties that are under investigation or other pending litigation.

Article 14 After the trial, if the court confirms the facts of domestic violence and if the court deems it necessary, any or more of the following ordinary protection orders shall be issued pursuant to a petition or on its own initiative:

1. Prohibit the opposite party from committing acts of domestic violence against the victim or any child, youth or specific family member that

witnessed the domestic violence.

2. Prohibit the opposite party from any act of harassment, contact, stalking, communication, correspondence or other unnecessary contact with the victim or any child, youth or specific family member that witnessed the domestic violence.

3. Order the opposite party to relocate from the place of domicile or residence of the victim or any child, youth or specific family member that witnessed the domestic violence and, if required, prohibit the opposite party from any use, collect benefits or disposition of its real property.

4. Order the respondent to maintain a specific distance from the following locations: The place of domicile or residence of the victim or any child, youth or specific family member that has witnessed domestic violence, their school, workplace or other specific location that they frequent.

5. Determine the right to use any vehicle, motorcycle or other necessities of personal life, profession or education and, if required, order the handover thereof.

6. Make temporary rulings about the exercise of the rights and assume the duties in regard to minors, ordering the contents and manner to be fulfilled, exercised, or performed by one or both parties in a joint manner. Order the delivery of children if required.

7. Fix the time, location and manner for the opposite party meetings with minors and, if required, prohibit such meetings.

8. Order the opposite party to pay rental for the victim's place of domicile or residence or the living expenses of minors.

9. Order the opposite party to pay expenses for the medical care, assistance, shelter or property damage of the victim or specific family member.

10. Order the opposite party to complete an offender treatment program.

11. Order the opposite party to bear a certain attorney's cost.

12. Prohibit the opposite party and certain family members of such party from viewing relevant information concerning the household

registration, school registration or source of income of the victim and the minors under the victim's temporary custody.

13. Prohibit the opposite party from reproducing, distributing, broadcasting, delivering, publicly displaying, or otherwise allowing others to view sexual images of the victim without the consent of the said victim.

14. Order the opposite party to hand over the sexual images of the victim in his/her possession to the said victim and, if necessary, order the deletion of the said sexual images.

15. Order the opposite party to delete or apply to the providers of Internet platform, Internet application service, or Internet access service for removing victim images uploaded by his/herself.

16. Issue other orders required for the protection of the victim or any child, youth or specific family member that witnessed the domestic violence.

Before the court makes a ruling under Subparagraph 6 or 7 of the previous paragraph, it shall take into consideration the best interest of the minors and shall seek opinions of the minors or their social workers if required.

Under the offender treatment program under Subparagraph 10 of the first paragraph, the court may order the opposite party to receive awareness education and assistance, parenting education counseling, psychological counseling, and other assistance. The court may also order the opposite party to receive an appraisal and/or evaluation regarding the necessity to provide any psychiatric treatment, addiction treatment and/or any other treatment sessions. The municipal or county (city) competent authority may provide recommendations concerning the disposition program before the court makes its ruling. The ruling under Subparagraph 10 of the first paragraph shall specify a period to complete the disposition program.

Article 15 An ordinary protection order is valid for two years and shall become effective from the time of

issuance.

Before the ordinary protection order expires, the litigant or the victim may request the court to revoke, alter or extend the order. Each petition for an extension of a protection order shall not exceed a period of two years.

The petition for an extension of the protection order may be filed by a prosecutor, police department or municipal or county (city) competent authority.

If the litigant or the victim, based on Paragraph 2, applies to modify or extend the ordinary protection order, the original order shall remain valid until the court rules. The petition for an extension of the protection order may also be filed by a prosecutor, police department, or municipal or county (city) competent authority. An ordinary protection order shall expire unless the court makes a confirmed ruling otherwise before its expiry.

After the court agrees to hear a petition for an extension of a protection order, it shall immediately notify the parties concerned, the victim, the police, and the municipal and county (city) competent authorities.

Article 16 The court may issue a temporary protection order or emergency protection order without a trial. In order to protect the victim, the court may issue a provisional protection order pursuant to a petition or on its own initiative before the trial for an ordinary protection order is completed.

The court may issue a provisional protection order or an emergency protection order under Subparagraphs 1 to 7, 12 to 14 and 16 of Paragraph 1 of Article 14 upon request or ex officio; if the request is submitted by the competent authority of any municipality or county (city), the court may also issue a provisional protection order or emergency protection order based on the request as stated in Subparagraph 10 of the same Article.

After accepting a petition for an emergency protection order, if the court determines that

the victim is subject to imminent danger of domestic violence based on the petitioner's statement in court or by telephone, it shall issue an emergency protection order in writing within four hours. The court may also send the emergency protection order to the police department by telefax or through other technical equipment.

When a petitioner files a petition for a temporary protection order or emergency protection order before a petition for an ordinary protection order is filed, a petition for an ordinary protection order shall be deemed to have been filed when the court grants the petition.

A temporary protection order or emergency protection order is effective from the time of issuance and shall cease to be effective when the petitioner revoke the petition for an ordinary protection order, when the court completes the trial and issues an ordinary protection order or when the court rejects the petition.

Before a temporary protection order or emergency protection order expires, the court may revoke or alter the order pursuant to the litigant's or victim's petition or on its own initiative and shall be effective from the time of revocation or alteration.

Article 17 Any protection order issued by a court to the opposite party in accordance with Subparagraph 3 or 4 of the first paragraph of Article 14 shall remain valid even if the victim or any child, youth or specific family member that has witnessed domestic violence agrees that the opposite party does not need to relocate or remain at a distance.

Article 18 Other than an emergency protection order, a protection order shall be sent to the litigant, the victim, the police department and the municipal or county (city) competent authority within 24 hours from issuance.
The municipal or county (city) competent authority shall register protection orders issued

by the court for consultation by judicial and other authorities that enforce the protection orders.

Article 19 The court shall provide the environment and measures for the victim and witnesses to attend court hearings in a safe manner.
The municipal or county (city) competent authority shall establish or mandate a private organization to establish a service location to handle domestic violence cases in the local district court. The court shall provide the premises, any required software and hardware equipment and other relevant assistance, except in cases of difficulty for offshore courts.
In an area where there is a juvenile or family court in a district court, the court under the previous paragraph refers to the juvenile or family court.

Article 20 Unless otherwise provided in this chapter, the relevant provisions under the Family Affairs Act are applicable to the procedure for protection orders.
Unless otherwise provided, rulings concerning protection orders are subject to interlocutory appeals. Enforcement shall not be suspended during an interlocutory appeal.

Section 2 Enforcement

Article 21 The litigant and the relevant authorities shall duly comply with a protection order once it is issued, as well as the following provisions:

1. A protection order that prohibits the use, collect benefits or disposition of real property or a protection order for monetary payment may be used as entitlement foreclosure. The victim may petition the court for compulsory enforcement in accordance with the Compulsory Enforcement Act. The enforcement fee may be exempted temporarily.
2. The application for the enforcement of any protection order regarding visitation with minors in any location put in place by the municipal or county (city) competent authority or any protection order regarding visitation with minors

under the supervision of the municipal or county (city) competent authority or its personnel shall be filed by the opposite party with the municipal or county (city) competent authority.

3. Any protection order to complete an offender treatment program shall be enforced by the municipal or county (city) competent authority.

4. The application to enforce any protection order that prohibits viewing of relevant information shall be filed by the victim with the relevant authority.

5. Other protection orders shall be enforced by the police department.

A request for assistance may be filed with the police department as required for enforcement under Subparagraph 2 or 3 under the previous paragraph.

Article 22 The police department shall protect victim to the victim's or the opposite party's place of domicile or residence in accordance with the protection order and shall ensure their secure possession of their place of domicile or residence, vehicle, motorcycle or other necessities of personal life, profession or education.

If the opposite party fails to handover any deliverable items in accordance with a protection order, the police department may enter into any residence, building or other places where the deliverable items are located pursuant to the victim's requirements, in order to remove the deliverable items from the opposite party's possession or to seize the deliverable items and hand them over to the victim.

Article 23 If the opposite party fails to deliver any relevant certificate, document, seal or other proof together with any items referred to under the previous article, the police department may also collect and hand it /them over to the victim.

If any item of proof under the previous paragraph is not collected and handed over, the victim may file an application with the relevant competent

authority for alteration, annulment or re-issuance, if the deliverable item belongs to the victim. If the deliverable item belongs to the opposite party and has been issued by an administrative authority, the victim may ask the original issuing authority to issue a replacement certificate or document during the validity period of the protection order.

Article 24 If the obligor fails to deliver any minors in accordance with a protection order, the obligee may petition the police department to order the delivery by the obligor before a deadline. If the obligor fails to deliver the child before the deadline, the protection order that requires the delivery of the minors may serve as entitlement foreclosure and the obligee may petition the court for compulsory enforcement. The execution fees may be exempted temporarily.

Article 25 If the obligor fails to visitation with minors in accordance with a protection order, the enforcement authority or the obligee may proceed in accordance with the previous article and may petition the court for a alteration to the protection order.

Article 26 When a litigant is granted temporary exercise the rights and assume the duties in regard to a minors in accordance with Subparagraph 6 of the first paragraph, Article 14, such litigant may file an application with the household registration authority through the protection order to seek alteration of the minors movements registration.

Article 27 Before the end of the enforcement procedure, a litigant or any interested person may file an motion of objection with the enforcement authority against the manner of enforcement of the protection order, the procedure to be followed or other infringements upon his/her interests.
If the enforcement authority considers that the motion of objection under the previous paragraph to be meritorious, it shall immediately suspend

the enforcement and shall revoke or correct any enforcement that is already being carried out. If the authority considers the objection meritless, it shall provide its opinion and submit the matter to the court that issued the protection order within 10 days for a ruling to be rendered by the court.

The court ruling under the previous paragraph is non-appealable.

Article 28 A protection order against domestic violence issued by a foreign court may be enforced after a petition is filed with a court of the Republic of China and after a ruling of recognition has been rendered by the court.

If the protection order against domestic violence issued by a foreign court and recognized by the court following the litigant's petition has any of the events listed under Subparagraphs 1 to 3 of the first paragraph, Article 402 of the Taiwan Code of Civil Procedure, the court shall dismiss the petition.

If the protection order against domestic violence is issued by a foreign court in a country where the protection orders issued by the courts of the Republic of China are not recognized, the court may dismiss the petition.

Chapter 3 Criminal Procedure

Article 29 A police officer shall arrest any offender that is found to be committing an offense of domestic violence and Article 92 of the Code of Criminal Procedure shall apply.

During the criminal investigation, a prosecutor, judicial police sergeant or judicial police officer may arrest a defendant or suspect in emergency cases where there is material suspicion of an offense of domestic violence or breach of a protection order and where there is a danger of continuous infringements upon the life, body or freedom of any family member.

No arrest warrant is required if the arrest under the previous paragraph is enforced by a prosecutor. If it is enforced by a judicial police sergeant or judicial police officer, the

arrest warrant is not needed only in emergency situations which do not allow reporting to the prosecutor. After enforcement, a report shall be filed with the prosecutor for the issuance of an arrest warrant. If the arrest warrant is not issued by the prosecutor, the arrestee shall be released immediately.

- Article 30 When a prosecutor, judicial police sergeant or judicial police officer makes an arrest or issues an arrest warrant in accordance with the second or third paragraph of the previous article, all circumstances of the matter should be taken into consideration, particularly the following:
1. The act of violence by the defendant or suspect has caused physical or mental harm or harassment against the victim, and the life, body or freedom of the victim or a family member thereof is subject to danger of harm if segregation is not put in place immediately.
 2. The defendant or suspect has committed domestic violence or breached of a protection order in a long-term and repeated manner or has the habit of alcohol abuse, use of narcotics or drug abuse.
 3. The defendant or suspect has a prior record of intimidating or imposing violence on the victim through use of a weapon or other dangerous object, and there is a risk that the victim may be subject to harm again.
 4. The victim is a child, youth, old person, physically or mentally disabled person or any other person who cannot ensure his/her own security.

- Article 30-1 Following interrogation, if a judge determines that there is material suspicion that the defendant has breached a protection order or has committed a willful offense of domestic violence against any family member and that there is evidence that justifies concern over repeated offenses of such acts and detention is necessary, the defendant may be detained.

- Article 31 Following interrogation of a defendant accused of an offense of domestic violence or breach of a

protection order, if the prosecutor or the court deems that detention is not necessary and release on bail, to the custody of another, with a limitation on his residence restriction or release, the defendant may be ordered to comply with the following one or more conditions in relation to the victim, any child, youth that has witnessed domestic violence or any other specific family member:

1. Prohibition against commitment of domestic violence offenses.
2. Prohibition against harassment, contact, stalking, communication, correspondence or other unnecessary contact.
3. Relocation from the place of domicile or residence.
4. Order the opposite party to maintain a specific distance from the place of domicile or residence, school, workplace or other specific location that is frequented by the victim.
5. Other matters needed to ensure security.

The conditions under the previous paragraph shall become effective from the time of bail, custody, residence restriction or release and shall expire at the time of completion of criminal proceedings. The period shall not exceed a maximum of one year.

The prosecutor or the court may revoke or alter the conditions under the first paragraph pursuant to a party's petition or on its own initiative.

Article 32 When a defendant breaches any condition imposed by the prosecutor or the court under the first paragraph of the previous article, the prosecutor or the court may revoke the prior ruling and issue a new ruling. The guarantee deposit, if any, shall be forfeited.

When a defendant breaches any condition imposed by the prosecutor or the court under Subparagraphs 1, 2 or 4 of Paragraph 1 of the previous Article, and there is material relating to criminal suspicion, with facts justifying concerns over the defendant's repeated commitment of domestic violence and the necessity for detention, the prosecutor may petition the court

to detain the defendant during investigation. The court may also order detention during the trial.

Article 33 Article 31 and the first paragraph of the previous article apply mutatis mutandis to defendants under detention after the court issues a ruling to stop the detention. After detention is stopped, if the defendant breaches any condition imposed by the court under the previous paragraph and if the court deems it necessary to detain the defendant, the court may order detention again.

Article 34 When a prosecutor or court imposes a condition or issues a ruling in accordance with the first paragraph of Article 31 or the first paragraph of the previous article, the condition or ruling shall be imposed or issued in writing and shall be served on the defendant, the victim and the police department of the place where the victim's domicile or residence is located.

Article 34-1 In case of any of the following events, the court or prosecutors office shall give timely notice to the police department and the domestic violence prevention center of the place where the victim's residence is located:

1. After the defendant accused of an offense of domestic violence or breach of protection order is turned over to the court or prosecutors office, and following interrogation by the prosecutor or the judge, it is determined that detention is not necessary and an release on bail, to the custody of another, with a limitation on his residence restriction or release has been issued.
2. The court has revoked or stopped the detention of the defendant.

Upon receipt of the notice, the police department and domestic violence prevention center shall give immediate notice to the victim or the family member thereof.

The notice under the previous two paragraphs shall be given before the release of the defendant and notice may be given verbally, by telefax or by transmission through other

technical equipment, except if the whereabouts of the victim or family member is unknown or in cases when it is clearly difficult to give notice.

Article 35 When the police personnel discovers that a defendant has breached any condition imposed by the prosecutor or the court in accordance with the first paragraph of Article 31 or the first paragraph of Article 33, an immediate report shall be filed with the prosecutor or the court. Article 29 applies *mutatis mutandis* to the situation in this article.

Article 36 Interrogation or examination of the victim may be done outside the court or proper segregation measures may be adopted pursuant to a petition or in the court's own initiative. When the police department interrogates the victim, proper protection and segregation measures may be adopted.

Article 36-1 During interrogation, the victim may request the presence of a family member, physician, psychiatrist, counselor or social worker, who may also state their opinions. The victim's request under the previous paragraph shall not be rejected unless the prosecutor deems that the presence of such persons may interfere with the investigation. The person chosen by the victim should be seated next to the victim.

Article 36-2 Before interrogation of the victim, the prosecutor shall inform the victim of the possibility of choosing one of the qualified persons under Article 36-1 to be with the victim.

Article 37 The indictment, petition for summary judgment, non-prosecutorial disposition, deferred prosecution, revocation of deferred prosecution, ruling or judgment in relation to any offense of domestic violence or breach of protection order shall be served on the victim.

Article 38 Any person subject to probation following conviction of an offense of domestic violence or breach of protection order shall be turned over to protective custody measures during the probation period.

Unless it is clearly not necessary, in granting the probation, the court shall order the defendant to comply with one or more of the following instructions during probation period:

1. Prohibition against domestic violence.
2. Prohibition against any act of harassment, contact, stalking, communication, correspondence or other unnecessary contact with the victim or any child, youth or specific family member that has witnessed domestic violence.
3. Relocation from the place of domicile or residence of the victim or any child, youth or specific family member that has witnessed domestic violence.
4. Order the respondent to maintain a specific distance from the following locations: The place of domicile or residence of the victim or any child, youth or specific family member that has witnessed domestic violence, their school, workplace or other specific location that they frequent.
5. Complete an offender treatment program.
6. Other matters to ensure the security of the victim or any child, youth or specific family member that has witnessed domestic violence.

The third paragraph of Article 14 may apply *mutatis mutandis* before the court orders the defendant to complete the offender treatment program in accordance with Subparagraph 5 of the previous paragraph.

When the court grants probation in accordance with the first paragraph, it shall give immediate notice to the victim and the police department of the place where the victim's domicile or residence is located.

If a probationer commits a serious breach of matters of instructions under the second paragraph, the probation shall be revoked.

- Article 39 The previous article applies *mutatis mutandis* after the sentenced person is handed over to probation after parole.
- Article 40 The prosecutor or the court may give notice to the municipal or county (city) competent authority or the police department to enforce the conditions imposed in accordance with the first paragraph of Article 31, the first paragraph of Article 33, the second paragraph of Article 38 or the previous article.
- Article 41 The Ministry of Justice shall establish and enforce disposition programs for sentenced persons who have committed offenses of domestic violence or who have breached protection orders. The persons related to the establishment and enforcement of the programs under the previous paragraph shall receive domestic violence prevention education and training.
- Article 42 The correction authority shall give notice to the victim and the police department and the domestic violence prevention center of the place where the victim's domicile or residence is located concerning the scheduled date for the release from prison of a sentenced person who has committed an offense of domestic violence or who has breached a protection order, except if the whereabouts of the victim is unknown. If the sentenced person has escaped, the correction authority shall give immediate notice under the previous paragraph.

Chapter 4 Parents and Children

- Article 43 When a court determines or alters the person to exercise the rights and assume the duties in relation to minors in accordance with the law, if domestic violence has occurred, it shall be presumed that the exercise the rights and assume the duties by the infringer is to the detriment of the child.
- Article 44 After the court renders a judgment to determine or alter the person to exercise the right and

assume the duties in relation to minors or a judgment concerning meetings and dealings with the minor child in accordance with the law, if domestic violence has occurred, the court may alter the judgment based on the best interest of the child pursuant to a request by the victim, the minors, the municipal or county (city) competent authority, the social welfare institution or any interested person.

Article 45 In allowing an infringer of domestic violence to have visitations with minors in accordance with the law, the court shall consider the security of the child and the victim and may issue one or more of the following orders:

1. Delivery of the child in a specific secure place.
2. Visitation under the supervision of a third party, authority or organization and instructions to be complied with during visitation period.
3. Completion of an offender treatment program or other specific assistance as a condition to the visitation.
4. Payment of the cost for the supervision of visitation.
5. Prohibition against meetings and dealings overnight.
6. Timely and secure handover of the child and payment of a guarantee deposit.
7. Other conditions for the protection of the security of the child, the victim or other family members.

If the court determines that any order under the previous paragraph has been breached or that the security of the victim or the child cannot be assured under allowed visitation, the court may prohibit the visitation pursuant to a petition or its own initiative. The guarantee deposit may be forfeited if the order under Subparagraph 6 of the previous paragraph is breached.

If required, the court may order the relevant authority or relevant person to maintain the confidentiality of the place of domicile or residence of the victim or his/her child.

Article 46 The municipal or county (city) competent authority shall arrange the locations or mandate other authorities (institutions) or organizations to arrange the locations for visitation with minors.

The locations under the previous paragraph shall have personnel that have received domestic violence security and prevention training. The rules concerning the enforcement and fee charges for the arrangements of and supervision of visitation and the delivery of the child shall be determined by the municipal or county (city) competent authority.

Article 47 If the court determines that there is an event of domestic violence during litigation or mediation proceedings, the court shall not carry out settlement or mediation, except if any of the following events occur:

1. The person performing the settlement or mediation has received training in domestic violence prevention and carries out the settlement or mediation in a manner that ensures the security of the victim.
2. The victim is allowed to select a person to assist and participate in the settlement or mediation.
3. Other procedures that can protect the victim from harm by the offender as determined by the person performing the settlement or mediation.

Chapter 5 Prevention and Disposition

Article 48 In handling any domestic violence case, the police personnel shall adopt the following measures as required to protect the victim and to prevent the occurrence of domestic violence:

1. Provide guardianship at the victim's place of domicile or residence or adopt other security measures required for the protection of the victim and his/her family members before the court issues an emergency protection order.
2. Protect the victim and his/her children in a shelter or medical organization.
3. Inform the victim of the rights, remedies and

service measures that may be exercised.

4. Visit and warn the opposite party.

5. Visit the victim and his/her family members and provide required security measures.

In handling domestic violence cases, the police personnel shall prepare written records in the formats determined by the central police competent authority.

Article 49 In order to prevent acts of domestic violence or to protect the interests of the victim of domestic violence and when there is a concern that the victim may suffer from illegal physical or mental infringement, medical personnel, social workers, educational personnel and daily-life guidance personnel may seek required assistance from the police department.

Article 50 In performing their duties, if any medical personnel, social worker, educational personnel, preschool educator, childcare personnel, police personnel, immigration personnel or any other person enforcing prevention against domestic violence learns of any suspicious case of domestic violence, a report shall be filed with the local competent authority of municipalities and the county (city) immediately within 24 hours.

The central competent authority shall determine the manner and contents of the report under the previous paragraph. The identity and any information relating to the reporter shall be kept confidential.

Upon receipt of a report, the municipalities and the county (city) competent authority shall handle the matter immediately and shall also evaluate the needs of the victim, whether any child or youth has witnessed domestic violence. If required, the competent authority may conduct or mandate another authority (institution) or organization to conduct visits and investigations, and conduct appropriate measures. In conducting visits and investigations, the local competent authority of municipalities and the county (city) or the mandated authority

(institution) or organization may seek assistance from the police department, medical (healthcare) institutions, schools, preschool service institutions, condominium management committees and other relevant authorities (institutions), who shall provide cooperation.

Article 50-1 No promotional material, publications, radio, TV, Internet or other media shall report or record the name of any victim or his/her minors or any information that can be used to identify the victim or his/her minors. However, the following circumstances are not subject to this time limit:

1. A grown-up victim has given consent to the report or covering of his personally identifiable information. Still, the report or covering of personally identifiable information of a victim who has been placed under custodianship requires the consent of the said victim's custodian.
2. crime investigation or judicial institution finds the disclosure of personally identifiable information of a Victim necessary according to the laws.

If any victim stated in Subparagraph 1 of the proviso of the previous Paragraph is mentally disabled or has been placed under custodianship or guardianship, the information shall be provided in a manner understandable to the said Victim.

When giving consent, a custodian referred to in Subparagraph 1 of the proviso of Paragraph 1 shall respect the wish(es) of the victim who has been placed under custodianship.

When a custodian referred to in the proviso of Subparagraph 1 of Paragraph 1 of this Article is a counterparty of any domestic violence, the name or any other personally identifiable information of the victim or his/her minor child may not be reported or recorded.

Article 50-2 Any provider of the Internet platform, Internet application service, or Internet access service who learns of any existence of any sexual images of any victim from any Internet content protection agencies, competent authorities,

police agencies, or other agencies, shall spontaneously restrict the browsing of, or remove, web page materials related to any sexual images of such victim.

The web page(s) materials mentioned in the preceding Paragraph and the personal data and Internet usage records of a suspect distributing the sexual image(s) of the victim shall be retained (by the responsible provider of Internet platform, Internet application service, or Internet access service mentioned in the preceding Paragraph) for one hundred eighty (180) days and shall be provided to judicial authorities and police agencies for investigations.

Article 51 If any of the following events occur with any call to the 24-hour hotline under Subparagraph 1 of the first paragraph, Article 8, the municipal or county (city) competent authority may trace the telephone number and address:

1. In order to eliminate imminent danger to the party's life, body, freedom or property.
2. In order to prevent serious harm to any other person's interests.
3. If the call to the hotline was made without justification, causing an interference with the performance of public duties.
4. In order to promote public interest or to prevent harm.

Article 52 No medical institution shall refuse treatment for any victim of domestic violence or refuse to issue any certificate of verification of injury diagnosis without justification.

Article 53 The central health competent authority shall establish and promote health education and promotion programs related to domestic violence prevention.

Article 54 The central competent authority shall establish the regulations regarding domestic violence offender treatment programs, including the following:

1. Evaluation standards of the treatment

programs.

2. Contacts and evaluation systems for the judicial authority, the enforcement authorities (institutions) of domestic violence victim protection programs and the enforcement authorities (institutions) of domestic violence offender treatment programs.

3. Qualifications of the enforcement authorities (institutions).

The central competent authority, together with the other relevant authorities, shall be responsible for the promotion, development, coordination, supervision, and other matters related to the domestic violence offender treatment programs.

Article 55 The enforcement authorities (institutions) of offender treatment programs may engage in the following:

1. Inform the judicial authority, the victim and his/her defender of the treatment programs received by the infringer.

2. Consult the information about the infringer's treatment in other institutions.

3. Provide information on the infringer to the judicial authority, prison management committee, domestic violence prevention center and other relevant institutions.

If the infringer does not receive a treatment program, or if the number of hours received is insufficient, or if the infringer fails to comply with the requirements of the treatment program or engages in any conduct of intimidation or violence, the enforcement authority (institution) of the offender treatment program shall give notice to the municipal or county (city) competent authority and may also, if required, ask the municipal or county (city) competent authority to coordinate and handle the issue.

Article 56 The municipal and county (city) competent authorities shall prepare and make available to the victims of domestic violence written materials about their rights, remedies and services and shall also provide such materials to

medical institutions and police authorities.

In performing their professional duties, medical personnel shall provide the materials under the previous paragraph to any patient known to be a victim of domestic violence.

No address of any shelter shall be identified in the materials under the first paragraph.

Article 57 The municipal and county (city) competent authorities shall provide medical institutions, public and private elementary schools and household registration authorities with information about domestic violence prevention so that the medical institutions, public and private elementary schools and household registration authorities can provide such relevant information to parents of newborns, parents of new students registering with elementary schools, persons of marriage registration or birth registration. The information under the previous paragraph shall include the impact of domestic violence on children and family and domestic violence prevention services.

Article 58 The municipal and county (city) competent authorities may issue the following subsidies to the victims of domestic violence:

1. Emergency aid for living expenses.
2. Medical costs and the costs for physical and mental treatment, consultation and counseling beyond the scope of national health insurance.
3. Litigation and attorney's costs.
4. Accommodation costs and housing rental.
5. Costs of children's education, living expenses and nursing and childcare services.
6. Other required expenses.

The provisions under Subparagraphs 1 and 2 of the first paragraph apply mutatis mutandis to children and youths who have witnessed domestic violence.

The subjects, conditions and amounts of subsidies under the first paragraph shall be determined by the municipal and county (city) competent authorities.

Adult victims of domestic violence may apply for

an entrepreneurial loan. The application qualifications, procedure, amount of interest subsidy, number of applicants and durations allowed, and other relevant matters shall be determined by the central competent authorities in charge of the relevant activities. The competent authorities may request the relevant authorities (institutions), organizations, legal persons or individuals to provide the information required for the subsidy activities under the first and the fourth paragraphs. Such requests shall not be refused. The competent authorities shall exercise due care as good administrators in relation to the information acquired in accordance with the previous paragraph and shall duly perform information security audit procedures. The custody, processing and use of the information shall be consistent with the provisions of the Personal Information Protection Act.

Article 58-1 The labor competent authority shall provide preparatory employment or supporting employment services to the victims of domestic violence who wish to be employed but who do not have sufficient working capabilities. The regulations related to the preparatory or supporting employment services under the previous paragraph shall be established by the labor competent authority.

Article 58-2 If any victim suffers domestic violence or sexual assault from any family member when the said victim is a minor, and one of the following circumstances occurs, he/she may apply to the household registration office to note that the perpetrator and lineal relatives by blood may not apply for reviewing or receiving the household registration information of the said victim:

1. The perpetrator has been convicted and found guilty.
2. The lineal blood relatives have been declared by the court to have ceased parental or guardianship rights in accordance with the provisions of the Protection of Children and

Youths Welfare and Rights Act.

3. The court rules that the victim shall continue to be sheltered until reaching the age of majority in accordance with the provisions of the Protection of Children and Youths Welfare and Rights Act.

4. The victim has been awarded any civil protection order by the court in accordance with Subparagraph 12 of Paragraph 1 of Article 14 of the Domestic Violence Prevention Act.

5. The victim has been ruled by the court to reduce or exempt from support obligations due to the circumstances of Paragraph 1 of Article 1118-1 of the Civil Code.

6. Other situations where the competent authority has asserted that the perpetrator or lineal relatives by blood know the victim's household registration information, which may have an adverse impact on daily life or personal safety. For victims whose lives are affected by the traumatic experience of domestic violence or sexual assault committed by family members when they are minors, municipal and county (city) governments shall provide physical and mental treatment, consultation, social and psychological assessment and measures.

Article 59 The competent authority shall provide on-the-job education concerning domestic violence prevention to social workers, family day care providers, childcare personnel, care-giving personnel and other relevant social administration personnel. The police competent authority shall provide on-the-job education concerning domestic violence prevention to police personnel. The Judicial Yuan and the Ministry of Justice shall provide on-the-job education concerning domestic violence prevention to relevant judicial personnel. The health competent authority shall provide or procure that the relevant healthcare organizations provide on-the-job education concerning domestic violence prevention to healthcare personnel. The education competent authority shall perform

the following matters:

1. On-the-job education on the prevention of domestic violence for personnel of counseling, administration, teachers, and preschool educational personnel in schools, preschool service institutions, and family education centers; shall include content on identifying and counseling for students who witness domestic violence.

2. Schools of senior high school level or below shall include student counseling for children and teenagers who have witnessed domestic violence. The immigration competent authority shall provide on-the-job education concerning domestic violence prevention to immigration personnel.

Each and all competent regulatory authorities shall provide on-the-job education concerning domestic violence prevention while incorporating courses on gender equality.

Article 60 Schools shall provide courses or activities to prevention of domestic violence.

High schools or lower level schools should have at least 4 hours of domestic violence prevention courses every school year. These courses may be provided under flexible arrangements throughout each school year as long as the total number of hours is respected.

Chapter 6 Penalties

Article 61 The violation of any of the following court rulings rendered in accordance with Paragraph 1 of Article 14, Paragraph 3 of Article 16 or Paragraph 1 of Article 63-1 (which requires the mutatis mutandis application of Subparagraphs 1, 2, 4, 10, and 13 to 15 of Paragraphs 1 of Article 14 and Paragraph 3 of Article 16) is a violation of protection order and shall be penalized by a term of imprisonment of no more than three years, short-term imprisonment and/or a fine of not more than NT\$100,000:

1. Prohibition against domestic violence.
2. Prohibition against harassment, contact, stalking, communication, correspondence or other unnecessary contact.

3. Relocation from a place of domicile or residence.
4. Keeping a distance from a place of domicile or residence, workplace, school or other specific location.
5. Completion of any offender treatment program.
6. Prohibition against reproducing, distributing, broadcasting, delivering, publicly displaying, or otherwise allowing others to view sexual images of the victim without the consent of the said victim.
7. Delivering or deleting the personal images of victims held.
8. Deleting or applying to the providers of Internet platforms, Internet application services, or Internet access services to remove uploaded sexual image(s) of victim.

Article 61-1 A competent regulatory authority shall impose a fine between sixty thousand New Taiwan dollars (NT\$ 60,000) and six hundred thousand New Taiwan dollars (NT\$ 600,000) on a broadcaster, or a television company, that is in violation of Paragraphs 1 or 4 of Article 50-1, or Paragraph 1 of Article 63-1 of this Act (which requires the mutatis mutandis application of Paragraphs 1 or 4 of Article 50-1 of this Act), and also shall order the said broadcaster or the said television company to correct the said misconduct(s) within a period designated by the said competent regulatory authority; provided that, if the said broadcaster or the said television company fails to correct the said misconduct(s) within the above-mentioned designated period, the said competent regulatory authority may impose fines on the said broadcaster or the said television company consecutively per violation.

A competent regulatory authority shall impose a fine between sixty thousand New Taiwan dollars (NT\$ 60,000) and six hundred thousand New Taiwan dollars (NT\$ 600,000) on the person(s) in charge of an entity or an organization of any publicity materials, publications, Internet sources, or any other types of media, other than those mentioned in the preceding Paragraph, that is in violation

of Paragraphs 1 or 4 of Article 50-1, or Paragraph 1 of Article 63-1 of this Act (which requires the mutatis mutandis application of Paragraphs 1 or 4 of Article 50-1 of this Act), and may confiscate any items mentioned in Article 50-1 of this Act, or order the said entity or the said organization to remove, take down, or adopt any other necessary measure for, certain content within a period designated by the said competent regulatory authority; provided that, if the said entity or the said organization fails to comply with the above-mentioned order of the said competent regulatory authority within the above-mentioned designated period, the said competent regulatory authority may impose fines on the person(s) in charge of the said entity or the said organization consecutively per violation until the said entity or the said organization fully complies with the abovementioned order of the said competent regulatory authority. However, in the case where a victim is dead, a competent authority may opt not to impose a fine if the said competent authority, after taking into account and balancing the public interests of the society, finds the reporting or disclosure in dispute necessary.

If there is no person in charge of publicity material, a publication, an Internet source, or any other type of media, or if the person in charge (of the said publicity material, the said publication, the said Internet source, or the said other type of media) is not in a position to supervise the conduct of the responsible perpetrator, and the fine prescribed in Paragraph 2 of this Article shall be imposed on the perpetrator.

Article 61-2 For any provider of Internet platform, Internet application service or Internet access service who engages in any of the following misconducts without justification shall be subject to a fine of not less than sixty thousand New Taiwan dollars (NT\$60,000) and not more than six hundred thousand New Taiwan dollars (NT\$600,000) imposed by the competent regulatory authority carrying

out regulatory activities relating to affairs in connection with the relevant industry and shall also be subject to an order issued by the said competent regulatory authority ordering the said person to rectify the said misconduct(s) within a period designated by the said competent regulatory authority; provided that, if the said person fails to rectify the said misconduct(s) within the aforesaid period designated by the said competent regulatory authority, the said competent regulatory authority may impose fines on the said person consecutively per violation, and may also order the said person to impose restrictions on access to the information (materials or content) in question:

1. Violation of Paragraph 1 of Article 50-2 by a failure to proactively restrict the browsing of, or remove, the web page(s) information (materials or content) in question; or
2. Violation of Paragraph 1 of Article 63-1 of this Act (which requires the mutatis mutandis application of Paragraph 1 of Article 50-2 of this Act) by a failure to spontaneously restrict the browsing of, or remove, any crime-related webpage materials; or
3. Violation of Paragraph 2 of Article 50-2 by a failure to retain the materials for one hundred eighty (180) days or by a failure to provide the information (materials or content) in question to judicial authorities or police agencies for investigations.
4. Violation of Paragraph 1 of Article 63-1 of this Act (which requires the mutatis mutandis application of Paragraph 2 of Article 50-2 of this Act) by a failure to keep any materials or any personal data or Internet usage records of a suspect for one hundred eighty (180) days, or by a failure to provide any of the above-mentioned materials to judicial or police agencies for investigations.

Article 62 Any breach of Paragraph 1 of Article 50 shall be subject to a fine of no less than NT\$6,000 and no more than NT\$30,000 by the municipal or county (city) competent authority. However, medical

personnel who violate the regulations in order to avoid immediate physical danger to victims will not be punished.

Any violation of Article 52 or Paragraph 1 of Article 63-1 of this Act (which requires the *mutatis mutandis* application of Article 52 of this Act) shall be subject to a fine of no less than NT\$6,000 and no more than NT\$30,000 by the municipal or county (city) competent authority.

Article 63 Any breach of Subparagraph 3, Article 51 that is not remedied despite a request shall be subject to a fine of not less than NT\$3,000 and not more than NT\$15,000 by the municipal or county (city) competent authority.

Article 63-1 If the victim is over the age of 16 and has been subjected to an illegal physical or mental infringement by a current or former partner in an intimate relationship who does not live with the victim, Articles 9 to 13, Subparagraphs 1, 2, 4 and 9 to 16 of Paragraph 1, Paragraphs 3 and 4 of Article 14, Articles 15 to 20, Subparagraphs 1 and 3 to 5 of Paragraph 1 and Paragraph 2 of Article 21, Articles 27 to 42, 48, 50-1, 50-2, 52, 54, 55 and Paragraph 1 of Article 58 apply *mutatis mutandis*.

An intimate relationship referred to under the previous paragraph means a relationship of social interaction based on feelings or sexual intimacy.

Chapter 7 Supplementary Provisions

Article 64 The central competent authority shall stipulate the jurisdiction over handling domestic violence cases by administrative agencies and the application and execution of civil protection orders and other matters to be complied with.

Article 65 The enforcement rules of this Act shall be established by the central competent authority.

Article 66 The Act shall come into effect on the date of promulgation, except for Article 63-1, which was amended and promulgated on February 4, 2015 and came into effect on February 4, 2016.

