

If the suspected perpetrator is a person from the family environment other than a parent, the victim can be

protected upon request as follows:

Victims can be protected from further contact with the offender by court protection orders according to the

Act on Protection against Violence (Gewaltschutzgesetz, GewSchG) in the form of a temporary injunction or

a main decision.

Under section 2 GewSchG, a victim can apply to the family court for an order that the offender leave their

jointly occupied home. Under section 1 GewSchG, a victim can also obtain an order prohibiting the offender

from entering their place of residence or from attempting to establish contact with the victim.

Pursuant to

sections 49 et seq. and 214 of the Act on Proceedings in Family Matters and in Matters of Non-Contentious

Jurisdiction (Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen

Gerichtsbarkeit, FamFG), an order under the Act on Protection against Violence can also be issued as a

temporary injunction (emergency protection order).

Issuance of a temporary injunction under the Act on Protection against Violence presupposes an urgent

need for immediate action by the family court (sections 49 (1) and 214 (1) first sentence FamFG).

Where it is

necessary to prevent an acute and serious risk, the court may, as an exception, decide not to hear the

offender in advance and make its decision straight away. If this occurs, in many cases an emergency protection order is issued on the day on which a corresponding application is sent to the family court.

In all

other cases, a decision on issuing an emergency protection order is usually made within a few days after a

hearing at short notice has taken place or a deadline for a written statement has expired.

The duration of an emergency protection order under the Act on Protection against Violence is generally left

to the discretion of the court. According to the wording of section 214 (1) FamFG, a “temporary provision” is

to be made by means of a temporary injunction so that the main proceedings are not prejudiced.

In practice, such a court order is often limited to six months. Longer periods of protection are usually only

ordered in the main proceedings. However, it is also possible to extend a temporary injunction, for example if

the main proceedings are delayed.

Under the Act on Protection Against Violence, the temporary injunction becomes effective and therefore

enforceable as soon as the offender is notified (sections 40 (1) and 53 (1) FamFG). However, the court may

also allow enforcement even before serving the order (section 53 (2) FamFG).

German family law does not provide for the removal of a suspected perpetrator from the family environment,

but in accordance with section 1666 (3) nos. 3 and 4 of the German Civil Code (Bürgerliches Gesetzbuch,

BGB), the family court may issue prohibitions to use the family home or another home temporarily or for an

indefinite period of time, to be within a certain radius of the home or to visit other places to be determined

where the child regularly spends time, as well as prohibitions to establish contact with the child or to bring

about a meeting with the child. Furthermore, regarding the parents of the child, the family court may exclude

the right of contact with the child or order that contact may take place only if a third party is present pursuant to section 1684 (4) of the German Civil Code. If the suspected perpetrator is a person from the

family environment other than a parent, the victim can be protected upon request as follows:

Victims can be protected from further contact with the offender by court protection orders according to the

Act on Protection against Violence (Gewaltschutzgesetz, GewSchG) in the form of a temporary injunction or

a main decision.

Under section 2 GewSchG, a victim can apply to the family court for an order that the offender leave their

jointly occupied home. Under section 1 GewSchG, a victim can also obtain an order prohibiting the offender

from entering their place of residence or from attempting to establish contact with the victim.  
Pursuant to

sections 49 et seq. and 214 of the Act on Proceedings in Family Matters and in Matters of Non-Contentious

Jurisdiction (Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen

Gerichtsbarkeit, FamFG), an order under the Act on Protection against Violence can also be issued as a

temporary injunction (emergency protection order).

Issuance of a temporary injunction under the Act on Protection against Violence presupposes an urgent

need for immediate action by the family court (sections 49 (1) and 214 (1) first sentence FamFG). Where it is

necessary to prevent an acute and serious risk, the court may, as an exception, decide not to hear the

offender in advance and make its decision straight away. If this occurs, in many cases an emergency protection order is issued on the day on which a corresponding application is sent to the family court. In all

other cases, a decision on issuing an emergency protection order is usually made within a few days after a

hearing at short notice has taken place or a deadline for a written statement has expired.

The duration of an emergency protection order under the Act on Protection against Violence is generally left

to the discretion of the court. According to the wording of section 214 (1) FamFG, a “temporary provision” is

to be made by means of a temporary injunction so that the main proceedings are not prejudiced.

In practice, such a court order is often limited to six months. Longer periods of protection are usually only

ordered in the main proceedings. However, it is also possible to extend a temporary injunction, for example if

the main proceedings are delayed.

Under the Act on Protection Against Violence, the temporary injunction becomes effective and therefore

enforceable as soon as the offender is notified (sections 40 (1) and 53 (1) FamFG). However, the court may

also allow enforcement even before serving the order (section 53 (2) FamFG).

German family law does not provide for the removal of a suspected perpetrator from the family environment,

but in accordance with section 1666 (3) nos. 3 and 4 of the German Civil Code (Bürgerliches Gesetzbuch,

BGB), the family court may issue prohibitions to use the family home or another home temporarily or for an

indefinite period of time, to be within a certain radius of the home or to visit other places to be determined

where the child regularly spends time, as well as prohibitions to establish contact with the child or to bring

about a meeting with the child. Furthermore, regarding the parents of the child, the family court may exclude

the right of contact with the child or order that contact may take place only if a third party is present pursuant to section 1684 (4) of the German Civil Code.