Text consolidated by Valsts valodas centrs (State Language Centre) with amending regulations of:

6 January 2015 [shall come into force on 11 January 2015];

30 May 2017 [shall come into force on 2 June 2017];

28 July 2020 [shall come into force on 1 August 2020];

29 June 2021 [shall come into force on 1 July 2021];

8 February 2022 [shall come into force on 12 February 2022].

If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 161

Adopted 25 March 2014

**Procedures for the Prevention of Threats of Violence and Ensuring of Temporary Protection against Violence**

*Issued pursuant to*

*Section 12, Paragraph six, Section 12.1, Paragraph nine of the law On Police and Section 250.46, Paragraph one and Section 250.56, Paragraph two of the Civil Procedure Law*

**I. General Provisions**

1. The Regulation prescribes:

1.1. the procedures for taking, announcing, and enforcing the police decision by which the obligation is imposed on the person causing threats to a person permanently residing in a dwelling (hereinafter – the person in need of protection) to leave the dwelling where the person in need of protection is residing permanently, not to return and stay in the abovementioned dwelling and in the vicinity thereof (hereinafter – the police decision on separation), and also the sample form of the police decision on separation;

1.2. the procedures for accepting an application for the temporary protection against violence which is submitted with the intermediation of the police and for transferring it to the court;

1.3. the procedures for controlling the enforcement of the decision of the court or judge on the temporary protection against violence (hereinafter – the court ruling) and the enforcement of the ruling of foreign institutions according to which the certificate referred to in Article 5 of Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters (hereinafter – the foreign certificate) is issued;

1.4. the procedures for the maintaining records of the persons in relation to whom the police decision on separation has been taken and for maintaining records of the persons upon whom measures of temporary protection against violence have been imposed by the court ruling or in respect of whom the foreign certificate has been issued, and also the information to be entered in the Integrated Interior Information System (hereinafter – the Information System) on the abovementioned persons;

1.5. a sample application for the temporary protection against violence which is submitted by the person to the court without the intermediation of the police.

[*6 January 2015*]

2. The State Police and municipal police (hereinafter – the police) shall, upon receipt of the information on a possible threat that a person who is located in the dwelling or in its vicinity may cause harm to the life, freedom, or health of the potential person in need of protection, ascertain whether firearms or high-energy pneumatic weapons are registered at the address of the dwelling. If there are registered firearms or high-energy pneumatic weapons at the address of the dwelling for the person who is posing a threat, the State Police shall arrive at the place of the incident and withdraw a weapon in accordance with Section 90, Paragraph three of the Law on the Handling of Weapons in order to prevent the possibility to lose, steal, or misuse the weapon.

[*28 July 2020*]

3. If the person in need of protection is a minor and his or her only legal representative is the person who is posing a threat, the minor shall be separated from the family in accordance with Section 27 of the Law on the Protection of the Children’s Rights.

**II. Procedures for Taking the Police Decision on Separation**

4. An employee of the State Police or municipal police (hereinafter – the police employee) shall, upon arrival at the address of the dwelling of the potential person in need of protection:

4.1. ascertain the circumstances of the incident, survey the person in need of protection and the person who is posing a threat, and shall draw up a report on the incident (hereinafter – the report) in two copies – one copy for each the police and the person in need of protection. The following information shall be indicated in the report:

4.1.1. the information on the person who filled out the report – the given name, surname, position of the police employee;

4.1.2. the address of the place of the incident;

4.1.3. the date and time of the incident;

4.1.4. the information on whether the police was called by the person in need of protection or another person;

4.1.5. the information on the person in need of protection – the given name, surname, personal identity number, address of the place of residence, phone number;

4.1.6. the information on the person posing a threat – the given name, surname, personal identity number, address of the place of residence, phone number;

4.1.7. the information on the status of the relationship between the person in need of protection and the person posing a threat;

4.1.8. the description of the essence of the incident:

4.1.8.1. whether the person in need of protection and the person posing a threat have been surveyed separately;

4.1.8.2. whether the person posing a threat is located in the dwelling;

4.1.8.3. whether the person in need of protection has visible bodily harm;

4.1.8.4. whether the person in need of protection needs medical assistance;

4.1.8.5. whether there is other evidence of possible violence;

4.1.8.6. whether the conflict took place in the presence of a minor – indicate the given name, surname of the minor, the relation with the person in need of protection and the person posing a threat;

4.1.9. the information provided by the person in need of protection during the survey:

4.1.9.1. whether the person in need of protection is afraid that the person posing a threat will kill or physically hurt the person in need of protection in other way;

4.1.9.2. whether the person in need of protection is afraid that the person posing a threat will hurt the minor present at the dwelling;

4.1.9.3. whether the person in need of protection is afraid that the person posing a threat will hurt other persons present at the dwelling;

4.1.9.4. whether the person in need of protection is materially independent from the person posing a threat;

4.1.9.5. whether the person in need of protection has previously suffered from violence of the person posing a threat;

4.1.9.6. whether the police decision on separation has been taken previously in respect of the person posing a threat;

4.1.9.7. whether the court decision on the temporary protection against violence has been taken previously in respect of the person posing a threat;

4.1.9.8. whether the person posing a threat uses narcotics, psychotropic or toxic substances;

4.1.9.9. whether the person posing a threat uses alcoholic substances on regular basis (several times a week or excessively);

4.1.9.10. whether the person posing a threat has threatened to commit suicide or tried to commit it;

4.1.9.11. whether the person in need of protection wishes that the police decision on separation is taken;

4.1.9.12. whether the person in need of protection wishes that the court decision on the temporary protection against violence is taken;

4.1.10. the information on whether the person posing a threat or person in need of protection is in intoxicated condition at the place of the incident;

4.1.11. the signature of the police employee;

4.1.12. the indication that the person in need of protection and the person posing a threat are informed that the information indicated in the police report will be transferred to the social service office of the local government in order for it to be able to assess the need of the person for social services and social assistance in accordance with the laws and regulations in the field of social services and social assistances and to inform the person or his or her legal representative of the rights and possibilities to receive social services and social assistance;

4.1.13. the signature of the person in need of protection;

4.2. [28 July 2020];

4.3. assess whether the person posing a threat might cause harm to the life, freedom, or health of the person in need of protection (hereinafter – the risk of threats of violence) and whether there are immediate threats.

[*28 July 2020*]

5. If the police employee, upon assessing the risk of threats of violence, establishes that there are no immediate threats and it is not necessary to take the police decision on separation, he or she shall inform the person in need of protection or his or her legal representative of the right to submit an application for the temporary protection against violence to a court.

[*6 January 2015*]

6. If the police employee, upon assessing the risk of threats of violence, establishes that there are immediate threats, he or she shall:

6.1. [8 February 2022];

6.2. accept the explanation in which the following information provided by the person posing a threat is indicated:

6.2.1. the person posing a threat – the given name, surname, personal identity number, and address of the place of residence;

6.2.2. the information on the relationship between the person posing a threat and the person in need of protection – the status and characterisation of the relationship;

6.2.3. the information on whether the person in need of protection and the person posing a threat have a joint household;

6.2.4. the time period how long the person in need of protection and the person posing a threat have been living in one dwelling;

6.2.5. the essence and nature of the incident;

6.2.6. if the police decision on separation is to be taken – the address of the possible place of stay and correspondence of the person posing a threat;

6.3. accept written explanations from the witnesses of the incident (if any);

6.4. take the police decision on separation (Annex 2).

7. The obligation imposed in the police decision on separation for the person posing a threat not to stay in the vicinity of the dwelling shall mean that the person posing a threat may not be closer to the dwelling than the distance referred to in the police decision on separation. When determining the abovementioned distance, the police shall take into account, to the extent possible, that the person posing a threat has the obligation to arrive at the address of the working place and other obligations.

8. Upon request of the person in need of protection or his or her legal representative, a prohibition to contact the person in need of protection may be determined in the police decision on separation for the person posing a threat. The abovementioned prohibition shall mean that the person posing a threat may not meet up with the person in need of protection, keep physical or visual contact therewith, use means of communication (including electronic means of communication) or any other methods of transfer of information in order to contact, directly or with the intermediation of third persons, the person in need of protection.

9. The police decision on separation shall be drawn up in three copies – one copy for each the police, the person in need of protection or his or her legal representative, and the person posing a threat.

9.1 The police employee shall, immediately but not later than on the following working day, send the information referred to in Sub-paragraph 4.1 of this Regulation (except for the information referred to Sub-paragraphs 4.1.8.3 and 4.1.8.4 of this Regulation) and the information on whether the police decision on separation is taken to the social service office of the local government which, in accordance with the laws and regulations in the field of social services and social assistance, has the obligation to assess the need of the person for social services and social assistance and to inform the relevant person or his or her legal representative of the rights and possibilities to receive social services and social assistance.

[*28 July 2020*]

**III. Procedures for the Notification and Enforcement of the Police Decision on Separation and Procedures for Accepting and Transferring the Application of the Person in Need of Protection or his or her Legal Representative to a Court**

10. The police decision on separation shall be notified by issuing it against the signature.

11. The police employee shall, after notification of the police decision on separation:

11.1. inform orally the person posing a threat on the possible accommodations in the neighbourhood;

11.2. explain the essence of the police decision on separation to the person in need of protection or his or her legal representative and the person posing a threat, the rights and obligations of the abovementioned persons and make the relevant note thereon in the police decision on separation;

11.3. inform the person in need of protection or his or her legal representative and the person posing a threat of the responsible police official (indicating the contact details thereof) who will have the materials related to the police decision on separation (hereinafter – the responsible police official) and with whose intermediation, where necessary, during the period of operation of the decision the person in need of protection or his or her legal representative and the person posing a threat will have the right to mutually communicate and, in an exceptional case, take the necessary clothes, footwear, underwear, books, instruments, tools, items necessary for health care, and other items which the person posing a threat needs on a daily basis (hereinafter – the items of basic necessity).

12. The person posing a threat shall, immediately but not longer than within 30 minutes, take the items of basic necessity from the dwelling.

13. If the person in need of protection or his or her legal representative has expressed a request for the court to examine the issue on the temporary protection against violence, the police employee shall:

13.1. accept the application to the court of the person in need of protection or his or her legal representative for the temporary protection against violence by filling out the application indicated in Annex 1 to this Regulation;

13.2. within the time period specified in Section 12.1, Paragraph six of the law On Police, send the intended documents and the information referred to in Sub-paragraph 4.1 of this Regulation to the court according to the place where the violation was committed, leaving a copy of the application referred to in Sub-paragraph 13.1 of this Regulation at the record-keeping of the police.

[*28 July 2020*]

14. If the police decision on separation is taken and the person posing a threat changes the address of the possible place of stay indicated in the abovementioned decision, he or she has the obligation to inform the responsible police official thereof within 24 hours.

15. In establishing that the person posing a threat does not fulfil the police decision on separation, the police shall apply the compulsory execution measures determined in the Administrative Procedure Law to the abovementioned person.

**IV. Information on the Persons to be Registered in the Information System in Respect of whom the Police Decision on Separation has been Taken, and the Procedures for the Registration of the Abovementioned Persons**

16. When ensuring the maintaining records of those persons in respect of whom the police decision on separation has been taken, the police shall enter the following information in the Information System:

16.1. the given name, surname, personal identity number, address of correspondence and of place of stay of the person posing a threat;

16.2. the date when the police decision on separation has been taken;

16.3. the name of the institution which took the police decision on separation;

16.4. the position, given name, surname of the person who prepared the police decision on separation;

16.5. the obligations imposed on and prohibitions determined for the person posing a threat and the expiry term for their fulfilment;

16.6. the given name, surname, personal identity number of the person in need of protection;

16.7. the address of the dwelling where the person in need of protection is living permanently;

16.7.1 the information on the relationship between the person posing a threat and the person in need of protection – the status and characterisation of the relationship;

16.8. the date on which the materials were sent to the court for examination of the issue on the temporary protection against violence (if the application to the court has been received from the person in need of protection or his or her legal representative);

16.9. the position, given name, surname of the responsible police official.

[*30 May 2017*]

17. The entering of the data referred to in Paragraph 16 of this Regulation in the Information System shall be ensured by the police immediately, but not later than within one working day after taking the police decision on separation.

18. The person on whom the police decision on separation has been taken shall be deleted from the records from the moment when the time period for the fulfilment of the obligations imposed and prohibitions determined has expired or when the person is deceased or has been declared to be deceased.

[*6 January 2015*]

**V. Procedures for Controlling the Enforcement of Court Rulings, Information to be Registered in the Information System on the Persons for whom Means of Temporary Protection against Violence have been Determined by the Court Ruling, and the Procedures for the Maintaining Records of the Abovementioned Persons**

19. The State Police shall commence the control of the enforcement of a court ruling immediately after receipt of the court ruling.

20. If, upon a justified application submitted without the intermediation of the police, the temporary means of protection against violence – the obligation for the defendant (the person posing a threat) to leave the dwelling where the plaintiff (the person in need of protection) is living permanently and the prohibition to return and stay therein – has been determined in the court ruling, an employee of the State Police shall:

20.1. immediately find out by asking the plaintiff (the person in need of protection or his or her legal representative) when the familiarisation of the defendant (the person posing a threat) with the court ruling could take place;

20.2. familiarise the defendant (the person posing a threat) with the court ruling;

20.3. ensure the defendant (the person posing a threat) with the right to take the items of basic necessity from the dwelling immediately but not longer than within 30 minutes;

20.4. inform the defendant (the person posing a threat) orally of the possible accommodations in the neighbourhood;

20.5. inform the defendant (the person posing a threat) and the plaintiff (the person in need of protection or his or her legal representative) of the responsible official of the State Police who is organising the control of enforcement of the court ruling (hereinafter – the responsible official of the State Police) and who will have the materials on the court ruling, and with whose intermediation, where necessary, the plaintiff (the person in need of protection or his or her legal representative) and the defendant (the person posing a threat) will have the right to mutually communicate (including so that, in an exceptional case, the defendant (the person posing a threat) would take the items of basic necessity from the dwelling during the period of operation of the court ruling.

21. The defendant (the person posing a threat) shall certify with a signature that he or she has familiarised with the court ruling. If the defendant (the person posing a threat) refuses to certify with a signature that he or she has familiarised with the court ruling, the employee of the State Police shall confirm the refusal with his or her signature.

21.1 If concurrently with the means of temporary protection against violence referred to in Paragraph 20 of this Regulation the means of temporary protection against violence – the obligation for the defendant (the person posing a threat) to complete a social rehabilitation course for the mitigation of violent behaviour – is determined in the court ruling, the State Police shall inform the provider of the service for the mitigation of violent behaviour of the day on which the defendant (the person posing a threat) will be familiarised with the court ruling in accordance with the procedures laid down in Paragraph 21 of this Regulation.

[*29 June 2021*]

22. If, upon the application submitted with the intermediation of the police, the means of protection of personal rights – the obligation for the defendant (the person posing a threat) to leave the dwelling where the plaintiff (the person in need of protection) is living permanently and the prohibition to return and stay therein – has been determined in the court ruling, the responsible official of State Police official shall:

22.1. ascertain by asking the plaintiff (the person in need of protection or his or her legal representative) whether the defendant (the person posing a threat) has voluntarily fulfilled the court ruling within the time period indicated in the court ruling;

22.2. inform the plaintiff (the person in need of protection or his or her legal representative) of the responsible official of the State Police who will have the materials on the court ruling and with whose intermediation, where necessary, the plaintiff (the person in need of protection or his or her legal representative) and the defendant (the person posing a threat) will have the right to mutually communicate (including so that, in an exceptional case, the defendant (the person posing a threat) would take the items of basic necessity from the dwelling during the period of operation of the court ruling.

23. When ensuring the maintaining records of the persons for whom the means of temporary protection against violence have been determined by a court ruling, the responsible official of the State Police shall enter the following information in the Information System:

23.1. the given name, surname, personal identity number, and address of the place of residence of the defendant (the person posing a threat);

23.2. the date and case number of the court ruling;

23.3. the name of the court;

23.4. the given name, surname, personal identity number, and address of the place of residence of the plaintiff (the person in need of protection);

23.4.1 the information on the status of the relationship between the plaintiff and the defendant and the characterisation of the relationship;

23.5. the information on the means of temporary protection against violence specified in the court ruling;

23.6. the date of notification of the court ruling;

23.7. the information on the revocation or replacement of the means of temporary protection against violence specified in the court ruling;

23.8. the position, given name, surname of the responsible official of the State Police.

[*30 May 2017*]

24. The entering of the information referred to in Paragraph 23 of this Regulation in the Information System shall be ensured by the responsible official of the State Police immediately, but not later than within one working day after receipt of the court ruling.

25. The responsible official of the State Police shall, upon receipt of the court ruling by which the means of temporary protection against violence are revoked or replaced with another means, make a relevant note in the Information System.

26. The person for whom the means of temporary protection against violence have been determined by the court ruling shall be removed from the records:

26.1. from the moment when the court judgment by which the basic claim is decided to which the temporary protection against violence is related has entered into legal effect unless it has been specified in the court ruling that the temporary protection against violence is in effect also after entering into legal effect of the judgment;

26.2. from the moment when the court ruling by which the means of temporary protection against violence have been revoked enters into legal effect;

26.3. if it is determined in the court judgment by which the basic claim is decided to which the temporary protection against violence is related that the temporary protection against violence is in effect also after entering into legal effect of the judgement – from the moment which is specified in such judgment;

26.4. if the person is deceased or declared to be deceased;

26.5. if the means of temporary protection against violence – the obligation for the defendant (the person posing a threat) to complete a social rehabilitation course for the mitigation of violent behaviour – have been determined for the person by the court ruling, when the person has completed the abovementioned course.

[*6 January 2015*]

27. Upon receipt of the information that the defendant (the person posing a threat) has infringed the means of temporary protection against violence determined in the court ruling, the employee of the State Police shall ensure ascertaining of the circumstances and deciding of the issue on the necessity to commence criminal proceedings.

**V.1 Procedures for Controlling the Enforcement of the Ruling of Foreign Institutions According to which the Foreign Certificate is Issued, Information to be Registered in the Information System on the Persons in Respect of whom the Foreign Certificate has been Issued, and Procedures for the Maintaining Records of the Abovementioned Persons**

[*6 January 2015*]

27.1 The State Police shall commence to control the enforcement of the ruling of foreign institutions according to which the foreign certificate has been issued immediately after the plaintiff (the person in need of protection or his or her legal representative) has personally submitted the following to the State Police:

27.11. the foreign certificate, its translation in the official language, and also, where necessary, its transliteration;

27.12. the copy of the ruling of the foreign institution according to which the foreign certificate has been issued;

27.13. the court ruling of Latvia on the adaptation of the protection measures specified in the foreign certificate if the protection measures specified in the foreign certificate need adaptation in the Republic of Latvia.

27.2 The employee of the State Police shall orally inform the plaintiff (the person in need of protection or his or her legal representative) on the responsible official of the State Police who will have the materials on the foreign certificate and with whose intermediation, where necessary, the plaintiff (the person in need of protection or his or her legal representative) and the defendant (the person posing a threat) will have the right to mutually communicate (including so that, in an exceptional case, the defendant (the person posing a threat) would take the items of basic necessity from the dwelling during the period of operation of the foreign certificate.

27.3 In performing the maintaining records of the persons in respect of whom the foreign certificate has been issued, the responsible official of the State Police shall enter the following information in the Information System:

27.31. the given name, surname, personal identity number or date of birth, address of the place of residence or correspondence of the defendant (the person posing a threat);

27.32. the number and date of the foreign certificate;

27.33. the institution which has issued the foreign certificate;

27.34. the given name, surname, personal identity number or date of birth, address of the place of residence or correspondence of the plaintiff (the person in need of protection);

27.35. the information on the protection measures specified in the foreign certificate;

27.36. the time period for the operation of the foreign certificate;

27.37. the information on the received foreign certificate which suspends, restricts, or revokes the implementation of the protection measures or revokes the foreign certificate issued previously;

27.38. the information on the received court ruling of Latvia by which the recognition or implementation of the protection measure specified in the foreign certificate is refused;

27.39. the position, given name, surname of the responsible official of the State Police.

27.4 The entering of the information referred to in Paragraph 27.3 of this Regulation in the Information System shall be ensured by the responsible official of the State Police within one working day after receipt of the foreign certificate.

27.5 The responsible official of the State Police shall, upon receipt of the foreign certificate which suspends, restricts, or revokes the implementation of the protection measures or revokes the foreign certificate issued previously, make a relevant note in the Information System.

27.6 The responsible official of the State Police shall, upon receipt of the court ruling of Latvia by which the recognition or implementation of the protection measure specified in the foreign certificate is refused, make a relevant note in the Information System.

27.7 The person in respect of whom the foreign certificate has been issued shall be removed from the records:

27.71. from the moment when the foreign certificate has expired;

27.72. from the moment when the court ruling of Latvia by which the recognition or implementation of the protection measure specified in the foreign certificate is refused enters into effect;

27.73. if the foreign certificate by which the implementation of the protection measures is suspended, restricted, or revoked or by which the previously issued foreign certificate is revoked has been received;

27.74. if the person is deceased or declared to be deceased.

27.8 Upon receipt of the information on the fact that the defendant (the person posing a threat) has infringed the protection measures specified in the ruling of the foreign institution, the employee of the State Police shall ensure ascertaining of the circumstances and deciding of the issue on the necessity to commence criminal proceedings.

**VI. Application for the Temporary Protection against Violence**

28. If any physical, sexual, psychological, or economic violence or violent control is directed against a person which takes place between former or current spouses or other mutually related persons regardless of whether the infringer is living or has been living at the same household as the infringed person, such person may submit a justified application for the temporary protection against violence (Annex 3) to a court without the intermediation of the police.

**VII. Closing Provision**

29. This Regulation shall come into force on 31 March 2014.

Prime Minister Laimdota Straujuma

Minister for the Interior Rihards Kozlovskis

**Annex 1**

Cabinet Regulation No. 161

25 March 2014

**Application to the Court for the Temporary Protection against Violence**

[*8 February 2022*]

|  |  |
| --- | --- |
|  |  |
|  | (the name of the district (city) court to which the application should be submitted) |

|  |
| --- |
|  |
| (the given name, surname, personal identity number, declared place of residence or additional address indicated in the declaration, phone number of the plaintiff (the person in need of protection)) |
|  |
| (if the application is submitted by a legal representative – the given name, surname, personal identity number, declared place of residence or additional address indicated in the declaration, phone number of the legal representative) |

|  |  |
| --- | --- |
| Electronic mail address |  |
|  | (indicate if the plaintiff (the person in need of protection) or his or her legal representative agrees to use electronic mail for the communication with the court) |

|  |  |
| --- | --- |
| Address for the communication with the court |  |
|  | (indicate if the plaintiff (the person in need of protection) or his or her legal representative wishes to use another address for the communication with the court) |

|  |
| --- |
| **The defendant (the person posing a threat) – given name, surname, personal identity number, declared place of residence or additional address indicated in the declaration, phone number** (if it is known by the plaintiff (the person in need of protection) or his or her legal representative) |
|  |

|  |
| --- |
| **The applicable means of temporary protection against violence** (several may be marked) |
| ○ the obligation of the defendant to leave the dwelling in which the plaintiff is living permanently and the prohibition to return and stay there○ the prohibition for the defendant to be closer than \_\_\_\_ metres from the dwelling where the plaintiff is living permanently○ the prohibition for the defendant to stay at the following places:

|  |  |  |
| --- | --- | --- |
|  |  |  |

○ the prohibition for the defendant to meet with the plaintiff and to keep a physical or visual contact with him or her○ the prohibition for the defendant to communicate with the plaintiff in any way○ the prohibition for the defendant to organise meet-up or communication of any other type with the plaintiff with the intermediation of other persons○ the prohibition for the defendant to use the personal data of the plaintiff○ the obligation of the defendant to complete a social rehabilitation course for the mitigation of violent behaviour○ other prohibitions and obligations for the defendant the objective of which is to ensure the temporary protection against violence for the plaintiff (indicate what) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

|  |
| --- |
| **The list of the documents appended to the application** (for example, evidence confirming violence or violent control if any are at the disposal of the plaintiff (the person in need of protection)) |
|  |

|  |
| --- |
| **Other information if it is necessary for the examination of a case** |
|  |

|  |  |  |
| --- | --- | --- |
| I, |  | , |
|  | (the given name, surname of the plaintiff (the person in need of protection)) |  |
| confirm that the information provided by me is true, complete and provided according to my best conscience. I am aware that I may be held criminally liable for the provision of false data in accordance with the Criminal Law. |

|  |  |  |
| --- | --- | --- |
| I, |  | , |
|  | (the given name, surname of the legal representative of the plaintiff (the person in need of protection)) |  |
| confirm that the information provided by me on behalf of the represented person is true, complete and provided according to my best conscience. I am aware that I may be held criminally liable for the provision of false data on behalf of the represented person in accordance with the Criminal Law. |

|  |  |  |
| --- | --- | --- |
| \_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_ |  |  |
|  |  | (the given name, surname, signature of the plaintiff (the person in need of protection) or his or her legal representative) |

**Annex 2**

Cabinet Regulation No. 161

25 March 2014

**Police Decision on Separation**

[*8 February 2022*]

|  |  |  |
| --- | --- | --- |
|  |  |  |
| (place) |  | (date) |

|  |
| --- |
| 1. The name, address of the institution |
|  |

|  |
| --- |
| 2. The position, given name, surname of the person who drew up the decision |
|  |

|  |
| --- |
| 3. The given name, surname, personal identity number, address of the place of residence, phone number of the person posing a threat |
|  |

|  |
| --- |
| 4. The given name, surname, personal identity number, address of the place of residence, phone number of the person in need of protection |
|  |

|  |
| --- |
| 5. Address of the dwelling |
|  |

|  |
| --- |
| 6. Assessment of the risk of threat of violence |
|  |

|  |
| --- |
| 7. Justification of the decision (establishment of facts and the legal norm according to which the decision has been taken) |
|  |

|  |
| --- |
| 8. The obligations imposed on the person who poses a threat and the prohibitions determined for him or her; the time when the term for their fulfilment expires |
|  |

|  |
| --- |
| 9. The address of correspondence and of the place of stay of the person posing a threat during the time period when the police decision on separation is in effect |
|  |

|  |
| --- |
| 10. Information on the documents appended to the decision |
|  |

|  |
| --- |
| 11. The decision may be contested within one month according to the subordination procedures at a higher institution |
|

|  |  |  |
| --- | --- | --- |
|  |  |  |
|  | or, if there is no higher institution (official), the decision may be appealed to a court |  |

 |

|  |
| --- |
| 12. An extract of the court ruling, if the issue on temporary protection against violence has been examined at the court, may be received at (the name of the court and the date) |
|  |

|  |
| --- |
| 13. The date indicated in Paragraph 12 of such decision shall be regarded as the date of notification of the court ruling, and non-receipt of the extract from the court ruling shall not affect the legal consequences thereof |

|  |
| --- |
| 14. I have been warned of the compulsory enforcement of the police decision on separation if it is not fulfilled voluntarily (the signature of the person posing a threat, the date) |
|  |

|  |  |
| --- | --- |
| 15. The essence of the decision, the rights and obligations have been explained to me (the signature of the person posing a threat and the date) | 16. The essence of the decision, the rights and obligations have been explained to me (the signature of the person in need of protection and the date) |
|  |  |

|  |  |
| --- | --- |
| 17. I have received a copy of the decision(the signature of the person posing a threat and the date) | 18. I have received a copy of the decision(the signature of the person in need of protection and the date) |
|  |  |

|  |  |
| --- | --- |
| 19. The signature of the person drawing up the decision |  |

|  |
| --- |
| 20. Other information |
|  |

**Annex 3**

Cabinet Regulation No. 161

25 March 2014

[*6 January 2015*]

**Application for the Temporary Protection against Violence**

|  |  |
| --- | --- |
|  |  |
|  | (the name of the district (city) court to which the application should be submitted) |

**1. Plaintiff**

|  |
| --- |
|  |
| (given name, surname) |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Personal identity number |  |  |  |  |  |  | – |  |  |  |  |  |  |

|  |
| --- |
|  |
| (the declared place of residence, additional address and place of residence indicated in the declaration) |

|  |  |
| --- | --- |
| Electronic mail address |  |
|  | (indicate if the plaintiff agrees to use electronic mail for the communication with the court) |
| Address for the communication with the court |  |
|  | (indicate if the plaintiff wishes to use another address for the communication with the court) |

**2. Representative of the plaintiff**(fill out, if any)

|  |
| --- |
|  |
| (the given name, surname or the name of a legal person) |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Personal identity number |  |  |  |  |  |  |  |  |  |  |  |  |  | Registration number |   |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  | – |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

|  |
| --- |
|  |
| (address for the communication with the court or legal address) |
|  |
| (justification for the representation\*) |

|  |  |  |
| --- | --- | --- |
| Telephone number |  |  |

|  |  |
| --- | --- |
| Electronic mail address |  |
|  | (indicate if the representative agrees to use electronic mail for the communication with the court) |

Note. \* When indicating the information on the basis for the representation, the information on the issuer of the document certifying the representation (for a natural person – the given name, surname, and personal identity number), the person who is entitled to represent the issuer of the document certifying the representation (for a natural person – the given name, surname, and personal identity number; for a legal person – the name and registration number), the number and date of the document certifying the representation shall be included therein. If the representation is implemented on the basis of the right of the substitution of power, the abovementioned information shall also be indicated on the document in which the right of the substitution of power is included.

**3. In the claim against the defendant**

|  |
| --- |
|  |
| (given name, surname) |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Personal identity number |  |  |  |  |  |  | – |  |  |  |  |  | (indicate if known) |

|  |
| --- |
|  |
| (the declared place of residence, additional address and place of residence indicated in the declaration) |

|  |  |  |
| --- | --- | --- |
| Telephone number |  |  |
|  | (indicate if known) |  |

**4. What kind of violence (physical, sexual, psychological, or economic) or violent control (such activity or aggregate of activities which include offence, sexual compulsion, threats, humiliation, intimidation, or other violent activities the purpose of which is to hurt, punish, or intimidate the infringed person) is committed against the plaintiff and what it is like**

|  |
| --- |
|  |
|  |
|  |
|  |
|  |

**5. Status and characterisation of the relationship of the plaintiff and the defendant** (mark as appropriate)

 husband/wife

 ex-husband/ex-wife

 currently are living in one household:

from (date)

 had lived in one household:

from (date) to (date)

 have a joint child (children) (the given name, surname, personal identity number of the child)

|  |
| --- |
|  |
|  |
|  |

 expecting a joint child

 a parent or guardian/child

 relatives/brothers-in-law or sisters-in-law

 close personal or intimate relationship exists or have existed (indicate what)

|  |
| --- |
|  |
|  |

**6. The applicable means of temporary protection against violence** (several may be marked) **and the justification thereof**

 the obligation of the defendant to leave the dwelling in which the plaintiff is living permanently, and the prohibition to return and stay there. Address of the dwelling

|  |
| --- |
|  |
|  |

 the prohibition for the defendant to be closer to the dwelling where the plaintiff is living permanently than metres. Address of the dwelling

|  |
| --- |
|  |
|  |

 the prohibition for the defendant to stay at the following places:

|  |
| --- |
|  |
|  |

 the prohibition for the defendant to meet with the plaintiff and to keep a physical or visual contact with him or her

 the prohibition for the defendant to communicate with the plaintiff in any way

 the prohibition for the defendant to organise meet-up or communication with the plaintiff of any other type with the intermediation of other persons

 the prohibition for the defendant to use the personal data of the plaintiff

 the obligation of the defendant to complete a social rehabilitation course for the mitigation of violent behaviour

 other prohibitions and obligations for the defendant the objective of which is to ensure the temporary protection against violence for the plaintiff (indicate what)

|  |
| --- |
|  |
|  |

Justification for the application of the relevant means of temporary protection against violence

|  |
| --- |
|  |
|  |
|  |
|  |

**7. Evidence at the disposal of the plaintiff**

|  |
| --- |
|  |
|  |
|  |
|  |
|  |

**8. Requests on asking for evidence if a person/institution is known from whom or which such evidence is to be asked which is not at the disposal of the plaintiff and which the plaintiff cannot ask himself or herself due to objective reasons**

8.1. to ask evidence from the person:

|  |
| --- |
|  |
| (given name, surname) |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Personal identity number |  |  |  |  |  |  | – |  |  |  |  |  |  |

|  |
| --- |
|  |
| (address) |

8.2. to ask evidence from the institution:

|  |
| --- |
|  |
| (name) |
|  |
| (legal address) |

8.3. to ask the following evidence:

|  |
| --- |
|  |
|  |
|  |

**9. Previous cases of violence between the plaintiff and the defendant when the State institutions had been involved**(indicate if any)

 the police decision on separation has been taken (date, time period )

 the court ruling on the temporary protection against violence has been rendered (the name of the court, the date of the ruling, the means of temporary protection against violence)

 medical aid has been provided (the extract from the certification of the medical treatment institution (if any) may be appended to the application)

 other

**10. Other information if it is necessary for the examination of the case** (indicate if any)

|  |
| --- |
|  |
|  |
|  |
|  |
|  |

**11. The notification of the court shall be sent to**(mark one)

 the plaintiff

 the representative of the plaintiff

12. **The decision of the court**(mark one)

 shall be sent to the plaintiff

 shall be sent to the representative

 shall be received at the court chancellery

|  |  |  |
| --- | --- | --- |
| I, |  |  |
|  | (the given name, surname of the plaintiff\*\*) |  |

confirm that the information provided by me is true, complete and provided according to my best conscience. I am aware that I may be held criminally liable for the provision of false data in accordance with the Criminal Law.

|  |  |
| --- | --- |
| \_\_\_ \_\_\_\_\_\_\_\_ 20\_\_ |  |
|  | (the signature of the plaintiff\*\*) |

|  |  |  |
| --- | --- | --- |
| I, |  |  |
|  | (the given name, surname of the representative\*\*) |  |

confirm that the information provided by me on behalf of the represented person is true, complete and provided according to my best conscience. I am aware that I may be held criminally liable for the provision of false data on behalf of the represented person in accordance with the Criminal Law.

|  |  |
| --- | --- |
| \_\_\_ \_\_\_\_\_\_\_\_ 20\_\_ |  |
|  | (the signature of the representative\*\*) |

Note. \*\* If there is the authorised representative, this point shall be filled out and signed by both the plaintiff and his or her representative.

**Appended**

 The contact details of the plaintiff (shall be appended if the applicable means of temporary protection is the obligation for the defendant to leave the dwelling where the plaintiff is living permanently, and the prohibition to return and stay there – in order for the State Police to be able to carry out control of the fulfilment of the relevant decision upon contacting the plaintiff)

|  |
| --- |
|  |
|  |
|  |
|  |

Minister for the Interior Rihards Kozlovskis