

goodman ray

- SOLICITORS -

FAQS regarding Domestic Abuse

What is domestic abuse?

Domestic abuse is an incident or pattern of incidents of controlling or threatening behaviour, violence or abuse between those aged 16 or over. This can include but is not limited to the following types of abuse: physical, psychological, sexual, financial and emotional.

What can I do if it is happening to me?

If you feel frightened of your partner or a member of your family, or you fear for your safety or that of your children, you can seek advice from a solicitor or a women's aid organisation. The court can make different types of orders known as injunctions for your protection.

Can I get legal aid to obtain an injunction for my protection?

Although there have been a lot of changes to the way legal aid is provided since 1 April 2013, domestic abuse is one of the categories of case that is still covered by legal aid.

What is a non-molestation order?

This is a court order preventing a person from behaving in a certain way towards you. It is commonly referred to as an 'injunction'. A non-molestation order can prevent a named person from threatening you, being violent towards you or intimidating you. It can also prevent that person from contacting you directly or coming to a certain address such as your work place.

What can I do if the named person breaches the non-molestation order?

A breach of a non-molestation order is a criminal offence so you would need to report the incident to the police.

How long will the non-molestation order remain in place?

Normally the court would make a non-molestation order to last between 6-12 months. If you need the nonmolestation order to continue after that, an application can be made to the court before the non-molestation ends for it to be renewed. Alternatively, if the non-molestation order has expired and you still require the protection of a non-molestation order, a new application can be made to the court.

How can I stop someone accessing my home, or get someone to leave the home we share?

An occupation order regulates the occupation of your home. An occupation order can require a named person (the 'Respondent') to allow you to enter and occupy the property, and if you both need to remain living in the property it can specify which rooms or parts of the property you are each allowed to use and when. In some cases an occupation order can prevent the respondent from returning to the property once they have left, or can even require them to leave the property altogether and not return. It is sometimes possible to apply for an occupation order even if you are not the legal owner of your home. This will depend on the individual facts of your case, and you should see a solicitor for advice relating to your specific circumstances.

Top Tip

There have been a lot of changes to the way legal aid is now provided since 1 April 2013. Parties can still apply for and obtain legal aid for proceedings involving children if they can demonstrate that they have suffered domestic violence within the last 24 months. There are strict evidence requirements that you will need to comply with in order to be eligible to receive legal aid for children matters in these circumstances. Therefore, if you have suffered domestic abuse it is important that you report the matter to your GP or a health professional as soon as possible, in order that you will be able to obtain a letter from your GP or health professional at a later date in order to support your application for legal aid. It is also a good idea to alert the police and, if you feel your children may be at risk, social services.