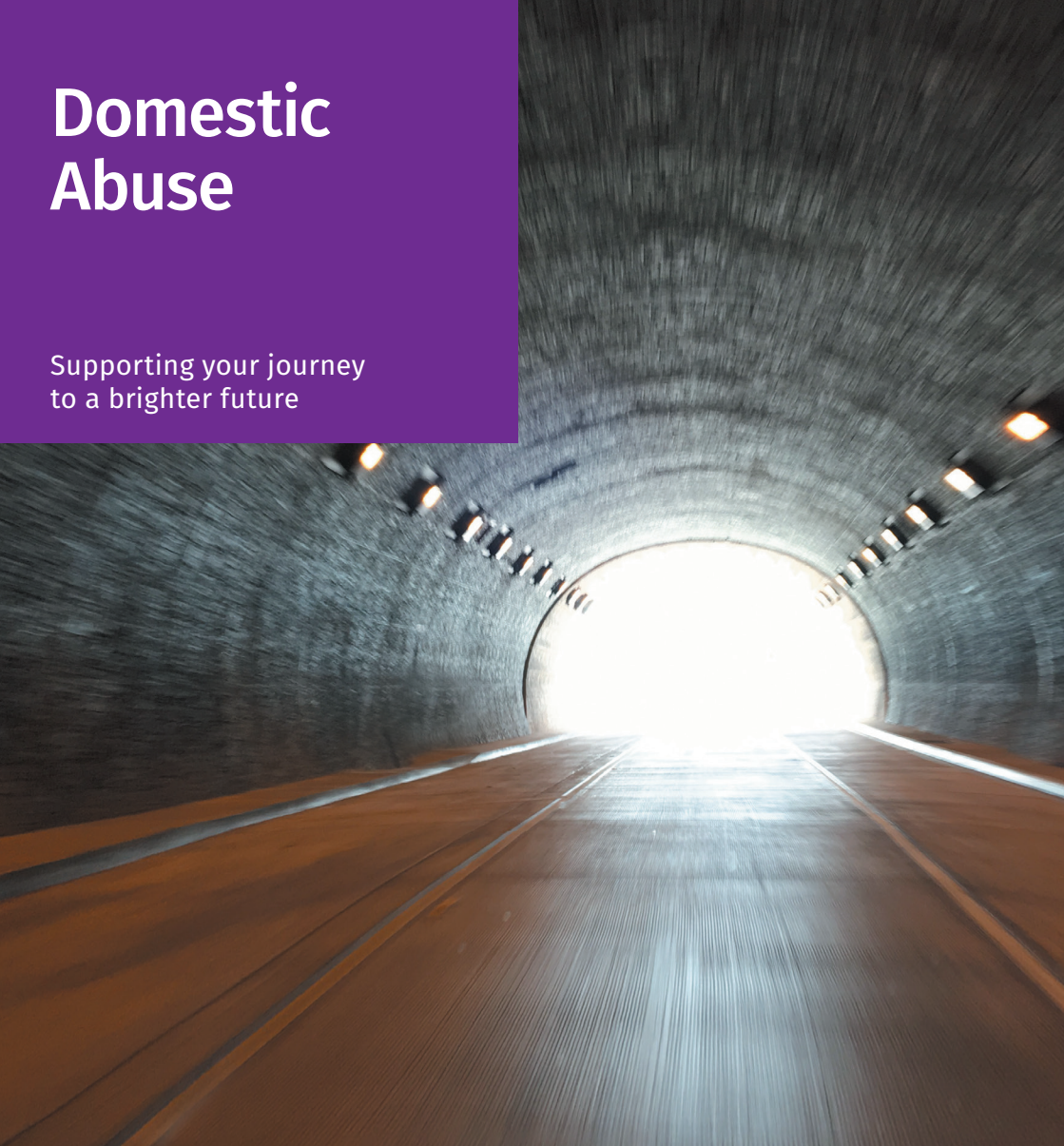


# Domestic Abuse

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# What is Domestic Abuse?

**Domestic abuse is not just violence, it can be defined as any behaviour that is controlling, coercive, threatening, violent or abusive and can include physical, psychological, sexual, financial and emotional abuse. It is between any adults who are or have been partners or are family members.**

If you or your children have been a victim of domestic abuse then you can apply to the Court for an injunction. Children are affected directly and indirectly by abuse and, in some circumstances, can be protected by the use of an Injunction Order.

Two types of injunction are available – Non-Molestation Orders and Occupation Orders. To be able to apply for such orders it is necessary to be within the class of “associated persons”. These include some relatives, spouses, ex-spouses, partners and ex-partners including same sex relationships.

## What else do I need to think about?

**In urgent cases applications for Non-Molestation Orders and Occupation Orders can be made without giving notice to the Respondent.**

If the Court makes an order at a without-notice hearing the Respondent will be given the opportunity to make representations to the Court at a further hearing convened by the Court.

The Police also have the power to protect victims of domestic abuse and consideration should be given as to whether the Police should be contacted at first instance. You should seek advice from a lawyer about your options.



## How can we help you?

Chafes Hague Lambert have an experienced and understanding Family Law team that can guide you through domestic abuse matters. We can fully advise you on the immediate steps you can take to protect yourself and your children and help support you moving forward.

## What are your options?

Depending on your personal circumstances we can advise you on the following options:-

- Non-Court options including reporting incidents to the Police and signposting you to local domestic abuse support services
- Applying to the Court for a Non-Molestation Order - Where there has been violence or threats of violence (including intimidation and harassment) an application can be made for a Non-Molestation Order which will prohibit the Respondent from using or threatening violence or other distressing behaviour towards the Applicant or a child
- Applying to the Court for an Occupation Order - an Occupation Order can regulate the occupation of the whole or part of a property and a defined area around the property. Orders could therefore be granted preventing the Respondent from entering the property and requiring the Respondent to leave the property
- Drafting witness statements and other Court documentation
- Representing you at any Court hearings.

## Frequently asked questions

**Q. If I were to obtain a Non-Molestation Order or an Occupation Order from the Court, how long would the order last for?**

Non-Molestation Orders generally are granted for 12 months, but you could apply to extend the term if the circumstances were serious enough to require it.

Occupation Orders are usually granted for a maximum of 6 months in cases where the parties are not married to one another (because of the restrictions that they place upon the residence of the Respondent). They usually can only be extended in exceptional circumstances.

**Q. How much would applying to court for either a Non-Molestation Order or an Occupation Order cost?**

There is no Court fee for making the initial Court application. If you instructed a lawyer to represent you to draft the appropriate documentation, make the application to Court and also to represent you at Court at any hearings, then the eventual costs would depend on how your matter progresses, however an hourly charging rate would be applicable.

Domestic abuse is really the only area where access to Legal Aid is possible. Always seek advice as to whether you are eligible for Legal Aid.

**Q. What if the Respondent breaches the Non-Molestation or Occupation Order?**

A power of arrest can be attached to an Occupation Order so if the order is breached the Respondent may be arrested by the police.

Breaching a Non-Molestation Order is a criminal offence and therefore breaching the order will result in the Respondent being dealt with by the Police and criminal courts with prison as a possible sanction.

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