

## Domestic Abuse

### **What is domestic abuse?**

Domestic abuse is any incident of coercion, threatening behaviour, violence, or abuse between adults who are or have been in a relationship together, or between family members, regardless of gender or sexuality. Domestic abuse is rarely a one-off incident. More usually, it is a pattern of coercive or abusive or controlling behaviour through which the abuser seeks power over their victim.

### **My partner has assaulted me – what should I do?**

Assault is a criminal offence, and you can report it to the Police. The perpetrator may be arrested and charged with a criminal offence.

### **I am afraid that my Partner will return home and do it again – can I prevent this?**

If the Police are involved, they are likely to impose bail conditions protecting you until the case has been concluded. If the matter results in a conviction, the Court can make a Restraining Order which will protect you on a longer-term basis. In more serious cases, the perpetrator can be kept in custody and may receive a prison sentence if convicted, i.e., found guilty.

If you choose not to report the matter to the Police, or there are no bail conditions in place, then you may want to seek your own protection from the Family Courts.

### **What can I apply for?**

There are two main sorts of order, a Non-Molestation Order, and an Occupation Order. Both orders are often called injunctions. A Non-Molestation Order is an order preventing the other party assaulting, harassing, causing trouble and annoying their victim. An Occupation Order determines who can live in the family home and could exclude the other person from the home and the vicinity of the home. If the other person then breaches the order, they can be arrested and dealt with as if they have committed a criminal offence.

### **This is what I need. What is the procedure?**

You must tell your solicitor as soon as possible what has been happening to you. If you have visible injuries, it helps if you see a doctor to get them recorded and/or have a photograph taken.

In cases of genuine emergency, this firm can make an urgent application to the Court, to apply for an Order. We will complete an application with you and take a detailed statement from you. It will set out your circumstances, the background to your case and the reasons for making the application to the Court, often without the other person knowing you are going to Court.

At Court, you will have to be prepared to wait. The Court staff will process and issue your application, and then a Judge will hear your application when one is available. We will be there with you at Court to help you through the process. The Judge, if he is satisfied with your application, will grant you the order you are asking for.

If it is an emergency application, without the other person knowing of it, the order does not come into effect until they personally receive a copy of the application and the order made. We can employ a Process Server to hand the documents to the other person and so it would help if you were able to provide a photograph of the other person, together with addresses, car registration number, places of work, social haunts etc.

A few days later, there will be another hearing, to give the other person an opportunity to have his or her say. On this occasion, you attend with your solicitor and the other person attends with their solicitor, if they have one. The Judge will consider whether it is reasonable for your order to continue, and on what terms.

### **How long does this take?**

In urgent cases, your solicitor will clear his or her diary and make the application for the injunction on the day you give instructions. Other cases will be dealt with in the ordinary course of business and, depending on the urgency, will be heard somewhere between a few days and a few weeks of the application. Most applications are heard within the week.

### **How long does an injunction last?**

An emergency order that is made without the other person being present, will only last from the date of the emergency hearing to the next hearing, usually within a week. An Order that is made with the other person being present, or represented, will usually last for six months. Orders can be extended or discharged within that time. In exceptional circumstances, orders can be made for far longer. Orders are served on the Police. The Police can put a tag against your property to show you as a high priority call.

### **What other practical steps can I take?**

Some people have an “escape” bag containing essential documents and items, e.g., passport, birth certificates, marriage certificate, benefit books, car keys and cash. Many towns have women’s refuges, details of which can be provided on request. You might find it helpful to contact [www.womensaid.org.uk](http://www.womensaid.org.uk) and [www.refuge.org.uk](http://www.refuge.org.uk).