

DOMESTIC ABUSE

Both men and women can be victims of domestic abuse. Domestic abuse encompasses a wide range of behaviours including; emotional abuse, financial abuse, coercive control, threats and intimidation, physical abuse and sexual abuse. There does not need to be physical violence in order to obtain assistance and protection.

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URGENT SITUATIONS

If you find yourself at risk of immediate harm, you may wish to contact the police on 999 as they may be able to take immediate and urgent action. You may then wish to follow this up by taking legal advice to consider your options and whether further intervention is required.



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COURT PROCEEDINGS

How applications for protective orders are approached will depend on the severity of your circumstances.

If you are at immediate risk of significant harm then an application may be able to be made without providing notice to the other party. A without notice order is made in exceptionally circumstances as the Court considers it an extreme step to take and will be made where there is a risk of immediate harm. There will then be a return date hearing when the other party will be served with notice of the hearing and a copy of the court papers.

Some cases cannot justify applications being “without notice” but are nonetheless very serious. If the Court feels that a ‘without notice’ Order is too extreme they may list a hearing to address the issue to take place within a short time period to avoid delay.

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NON-MOLESTATION

A Non-Molestation Order may prevent an individual from using or threatening domestic abuse and/or harassing, pestering or intimidating an associated person or child. The Order may also be applied for if you are the victim of controlling behaviour.

Where such behaviour has taken place the Court can make an Order preventing that individual from contacting the victim directly or indirectly; from intimidating or harassing them or instructing a third party to do so; from coming within the vicinity of that person or their property. There are a wide range of powers available to the Court.

OCCUPATION ORDER

An Occupation Order prevents an individual from residing in a property. It can also restrict them to a certain area of the property.

An order can also be made to allow an individual to return to the property or continue to reside in the property.

To determine whether an order should be made the court must consider the likelihood of significant harm to either party or any relevant child if an order is made, balanced against the likelihood of significant harm if an order is not made.

The Order can only be made up to a maximum period of 1 year. If you are looking to resolve long-term housing needs then please read our section on Financial Matters.

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TRANSFER OF TENANCY

If you have been cohabiting with a partner and the tenancy is in your joint names or just in your partner’s name, an application can be made to transfer the tenancy into your sole name. This often applies when one parties’ financial circumstances make it far more difficult to find alternative accommodation or if the children are going to remain with one partner who wishes to remain in the property.

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