

A photograph of a man and a woman in a domestic setting. The man, on the left, is wearing a blue shirt and has his hands pressed against his face, suggesting distress or shame. The woman, on the right, is wearing a light-colored top and has a worried or angry expression, with her mouth slightly open and her hands raised in a gesture of exasperation or pleading. The background is a blurred indoor space.

Family

Common Questions about Domestic Violence

- ▶ Understanding the available support for domestic abuse victims, including Non-Molestation Orders and protection for children

Common Questions about Domestic Violence

Understanding key areas of divorce including available support, Non-Molestation Orders and protection for children

Common Questions about Domestic Violence

My partner has been violent towards me, what can I do to protect myself?

Your safety is the most important thing, always try to get you and your children to a place of safety if you are at an immediate risk of harm.

The Court can offer protection for you by means of a Non-Molestation Order, often known as an “injunction” to prevent your partner from causing you physical harm or threatening to harm you.

These Orders can also prevent your partner from being able to contact you, by text message, telephone or social media or coming to your home or place of work.



Do I have to report the incidents to the police?

No, but the police can offer you protection, help and support in the event of immediate harm being caused to you and your children by removing your partner. You should contact the police in any situation where you feel there is a risk to you or your children’s safety.

The police can put into place safeguards to protect you, which may mean you do not need an Order of the Court, or can provide interim protection to you whilst an application is made. The Court will still make a Non-Molestation Order if it is necessary to keep you and your family safe, even if incidents have not been reported to the police.

Common Questions about Domestic Violence

What happens if my partner breaches a Non Molestation Order?

Breach of a Non-Molestation Order is known as an “arrestable offence” meaning that the police should attend to arrest your partner and may prosecute your partner for breaching the Order. In some circumstances, this can result in your partner being sent to prison.

Can I get protection for my/our children too?

Yes. If your children are at risk of harm in the same way you are, the Court can include them in the making of any Orders to protect you all.

I need to get my partner out of the house, what can I do?

In the same way a Court can make an Order to protect your or your children’s safety, the Court can make an Occupation Order to determine who stays in the house and who has to leave. This is often done at the same time.

The Court will balance up the effects of making an Order on both the parties and will look at all of the circumstances of the case, including how the property is owned or whose name the rental agreement is in, the financial positions of the parties, the parties’ behaviour and whether there are children living in the house to decide who should stay in the house and who has to leave.

What happens if my partner breaches the Occupation Order?

If your partner breaches the Order and returns to the house when they should not, you should telephone the police and ask them to remove your partner. If the Court has attached a Power of Arrest to the Order, your partner can be arrested if they do not leave.

How long do Orders last for?

A Non-Molestation Order is usually granted for 6-12 months, but this can be longer in some circumstances. You can also apply to extend the Non-Molestation Order after its expiry. An Occupation Order generally lasts for 6 months and will only be extended in exceptional circumstances.

Common Questions about Domestic Violence

What is the process, and do I have to go to Court?

You will have to go to Court to obtain either of the Orders referred to. There is an application form to complete and send to the Court and the Court will usually hear the case quite quickly.

Will my ex-partner be at Court?

In some circumstances the Court will hear an application and, where necessary, make a Non-Molestation Order without your partner being present to ensure immediate protection from harm for you and the children.

These are usually serious cases where harm could be caused to you and/or your children if your partner is made aware of the application before an Order can be made to protect you.

In less urgent cases, and if there is no risk of immediate significant harm, your partner will have to be notified of your application and a date will be set for you both to attend Court to be heard by the Judge.

If you are asking the Court to make an Occupation Order as well, the Court will usually only make these where your partner has had the chance to attend Court and give the Judge their version of events. The Court can offer special assistance to you in these circumstances so that you can have a separate waiting area to your partner and the use of a screen in the Court room.

More recently, hearings have been taking place online, so that you might not have to attend Court at all and can take part in the hearing via video to help protect you.

Can I get any other support as a victim of domestic abuse?

The police can offer you support as a victim of domestic abuse. There are also Domestic Abuse charities who offer support to you and help at Court.

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