

JOHN HODGE SOLICITORS: LEGAL GUIDESHEET – Domestic Violence

Domestic violence includes many different types of behaviour not only physical violence, such as hitting and pushing around, but also non physical violence in the form of bullying, intimidating and threatening a partner, or forcing a partner to have sex against their wishes.

Domestic violence is usually experienced by women, but men to can be the victims of violence at home. All domestic violence is against the law.

Your legal options

Some information on your legal options is below.

Orders

A Non-Molestation Order forbids the threat or use of violence and the use of intimidation, harassment or pestering. It can also prohibit specific behaviour. The court has to take into account all of the circumstances including the need to secure your health, safety and wellbeing and that of any children you may have.

An Occupation Order can be obtained where significant harm to you or your children is likely. Orders are usually made for a fixed period of generally no less than six months and may be extended.

The order may include:

A requirement that your partner leave the home

Suspension of your partner's right to occupy the home

Exclusion of your partner from a defined area around the home.

You can apply to the court for an order without notice to your partner. Non-Molestation Orders (and, in exceptional cases, Occupation Orders) can be granted by the court urgently on the day the application is issued.

Once you have a non-molestation order the police have the power to arrest in the event of a breach of the order, which is a criminal offence.

Breach of any Order is contempt of court and if your partner does breach an order they could be sent to prison by the civil court that made the order.

A Power of Arrest can be attached to all or part of an Occupation Order. The police are then able to arrest your partner for breach of the Order..

Domestic violence and harassment is an offence for which the Police can take action and who should always be called upon for assistance particularly in an emergency. Most police forces have specially designated officers trained to give advice and support to victims of domestic violence.

This information sheet is designed to give an overview only of this area of law and should not be acted upon without taking professional advice on a particular situation.