



# Domestic Violence

## What is Domestic Violence?

Domestic Violence can be physical, psychological, sexual or financial violence that takes place within an intimate or family-type relationship. Usually it forms a pattern of coercive and controlling behaviour. Physical and sexual abuse are usually more easily recognisable but the abuse can take many forms for example; destructive criticism, verbal abuse, disrespect, harassment and checking up, lying, forcing a person to do things they don't want to do, destroying possessions, pressure tactics such as withholding money, denying access to friends, work, college etc, threats, such as to take the children away and denial of the abuse.

## What Can You Do?

You can apply to the Court for an injunction to protect you or a relevant child against an 'associated person'. An 'associated person' includes a spouse or live-in partner whether you are still together or have separated, a person with whom you have had or do have a significant relationship or a family member.

There are several different types of injunction that can help protect you or a relevant child. We will be able to talk to you about the options, guide you through the process and help you to get the protection you need.

The main two types of injunctions are as follows:

### Non Molestation Order

The Court can make an order against a person ordering that they must not do certain things. Usually this order will state that the person is forbidden to use or threaten violence against you and is forbidden to intimidate, pester or harass you or instruct or encourage any other person to do so.

If the person does not abide by the Non Molestation Order it is a criminal offence. We will have made the police aware that an order is in place and you must report any breach to them immediately. They will be able to arrest the person who will be punished through the court system and can face up to 5 years in prison.

### Occupation Order

The Court can also make an 'occupation order' in certain circumstances. This order will require the person to move out of the home in which you live and/or forbid them from returning to the property, entering it or trying to enter it. The Court can also order that person from coming within a certain



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## What Can You Do?

### Occupation Order (Cont'd)

number of metres of the property. The Court also has the power to transfer the tenancy of the property and/or order who should be responsible for payment of the bills, rent or mortgage when one person is ordered to leave.

The Court can order a 'power of arrest' to be attached to an Occupation Order. This would mean that in the event of a breach, the police are able to arrest the person who again can be punished through the Court system.

Non Molestation and Occupation Orders are the main orders that the Court may make in situations of violence and harassment. The purpose of these orders is to protect you in the best way possible and can be made for a specific period of time. These orders can be applied for and made very quickly, usually within a matter of days but they can be made on the same day in certain circumstances.

## How Can I Apply for an Order?

You will probably need the help of a solicitor to make the necessary application to the Court. You will need to make a written statement setting out what has been happening and telling the Court why you want the Order. Your solicitor can help you to prepare this. Usually the person against whom you are applying for the order will have to be served with the Court papers 2 days before the hearing. As mentioned previously, in certain extreme cases this part can be bypassed and we can ask the Court to make an order the same day. Ultimately though the person will have to be served with the papers and will be given an opportunity to dispute the case.

## Who Will Pay for My Application?

Usually public funding (legal aid) is available to pay for the application, our help and representation at Court. You will need to speak to your solicitor to find out if you are eligible for this. If you are not, we will be able to discuss other options available to you before the application is made.

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