



**PARFITT CRESSWELL**  
**SOLICITORS**

## **FAMILY LAW - DOMESTIC ABUSE**



**Book your complimentary initial consultation**

We offer a FREE initial consultation giving you the opportunity to speak with one of our legal experts and find out where you stand.

**CALL US ON 0800 999 4437**



## **Domestic abuse - there are options available to you and we are here to assist**

Many people consider “domestic abuse” to mean physical violence against a person or an imminent threat of physical violence. As a result many people remain in unhappy relationships, tolerating unacceptable behaviour, including controlling and coercive behaviour, forced isolation from family and friends and critical and belittling behaviour because they feel there is nothing they can do about it.

This is not the case and domestic abuse can be deemed to exist in many different ways within a marriage or relationship.

The Family Team at Parfitt Cresswell not only deal with all matters relating to the breakdown of a relationship or marriage but also offer specialist advice and assistance for people who are suffering from domestic abuse.

**If you are experiencing domestic abuse and require legal assistance we are here to help.**



# Domestic Abuse - The options available to you:

## What can the Court do?

The court have a range of powers including making:

- An order forbidding a party from behaving in a particular manner towards another party
- An order regulating the use of a dwelling-home
- An order removing a party from a dwelling-home for a period of time
- An order excluding a party from entering or attempting to enter a dwelling-home, to include a specified radius of the dwelling - home

## What is an injunction?

An injunction is a court order preventing a named person from doing something. In the context of family and intimate relationships, it is possible to obtain both a Non-Molestation Order and Occupation Orders.

## Who can apply for an injunction ?

To be able to apply, the other party must be an "associated person".

## Associated persons include:

- Current or former married parties or civil partners
- Current or former cohabitants

- Parties residing in the same household (but excluding employees, tenants, lodgers and boarders)
- Relatives
- Parties currently or formerly engaged
- Parents of a child or parties holding/formerly holding parental responsibility together
- Parties currently or formerly in a significant intimate relationship

## How long does it take?

In some circumstances you can obtain an injunction without giving notice to the other party. This is called an "ex parte" order. Cases proceeding on notice can be listed for a hearing within 2-4 weeks of application.

## What do I need to do?

You need to prepare and send to the court an application with a summary statement as to why you need the order. The court will issue the proceedings and the other party will need to be personally served with the proceedings and a date for the court hearing. You will need to attend court on the date of the hearing. You can seek assistance from a solicitor who can prepare the necessary documents and attend court with you.

## How much does it cost?

The cost associated with an application pursuant to the Family Law Act 1996 will

depend on how many hearings there are and whether the proceedings can be concluded by agreement/consent or are defended.

## What if the party to the order ignores it?

Non-Molestation orders have a "power of arrest" attached, which means that if the order is breached by the party the order is against, the police will arrest said party on being notified.

Whilst it is possible for the court to order that a power of arrest be attached to an Occupation Order in certain circumstances, it is common for a penal notice to be applied and if breached, the offending party can be committed to prison.

If satisfied that the order has been breached a court can:

- apply an immediate prison sentence
- apply a suspended prison sentence
- apply a fine
- apply a Community Service order

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