

# LEGAL REMEDIES FOR DOMESTIC DISPUTES

## VIOLENCE

### WHAT YOU CAN GET

Money 'damages' to compensate you for pain and suffering, expenses and financial loss.

An Injunction to prevent the man from battering you; the child/ren; and/or to exclude him from the home.

A Protection Order to prevent the man from battering you; the child/ren; and/or to exclude him from the home.

The man 'bound over' to keep the peace, fined or imprisoned.

### HOW TO GET IT

Civil action in the County Court for damages for Assault and/or Trespass.

Petition for Divorce or Judicial Separation in the Divorce County Court or High Court of the Family Division.

Application under the Domestic Violence Act in the County Court.

Application under the Domestic Proceedings and Magistrates Court Act, in the Magistrates Court.

You or the police take out summons for hearing in the Magistrates Court.

### WHO CAN GET IT

Any woman who has been assaulted or threatened with violence, and can prove assault or trespass.

Any married woman who has been battered or threatened with violence, and who has the grounds for Divorce or Judicial Separation (see under MONEY for these).

Any woman who is married or 'living as husband and wife', and who has been battered or fears violence.

Any married woman whose husband has threatened violence or has been violent to her or to the child/ren.

Any woman who has been assaulted by a man - if the injuries are bad the police will prosecute.

### HOW QUICKLY CAN YOU GET IT

If the man decides to defend the case, it can be a very long time before the end of the case, unless it can be settled 'out of court'.

Any Injunction can be obtained the same day without the man being told you are going to Court (called an EX PARTE application) - if the case is urgent enough. Otherwise Injunction applications ON NOTICE will usually be heard within one or two weeks. It may take a month for the Injunction to be made final, from either kind of application.

Can be heard the same day if the hearing is EXPEDITED (urgent danger of physical injury) and the man is not told of the application to the Court. Otherwise there may be some weeks' delay before the first hearing.

If the man has been arrested by the police the first Court hearing will be within one or two days. If you are bringing the prosecution there may be some weeks' delay before the hearing.

### ADVANTAGES

The Court procedures and hearing are formal. If you lose the case, you may have to pay costs. You can drop the case at any time; useful if you want an Injunction and are unmarried and not living together.

The Domestic Violence Act can be used by unmarried women. The procedure is less complicated (you can do it without a lawyer) than applying for an Injunction based on a Divorce or Judicial Separation Petition, but these have the advantage that all matters - children, housing and money - can be dealt with in the same set of proceedings.

### DISADVANTAGES

Magistrates Courts are local and the procedure is fairly informal. But they may be less sympathetic to battered women as they are more used to dealing with criminal cases.

If the man has disappeared, the police will usually try to find him. Criminal proceedings give you no protection against his violence, except for 'binding over' to keep the peace. Legal Aid is not available for criminal prosecutions.

### WOMEN'S AID

groups can give you more information about your legal, financial and housing rights, and put you in contact with sympathetic solicitors.

There are over 100 refuges throughout the country, houses where women who have been mentally or physically ill-treated can live together with their children, while they decide what steps they are going to take, go through legal proceedings, wait to be re-housed, or just have a few days' breathing space before returning home.

The National Womens Aid Federation can give you information about refuges; phone 01-837-9316.



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