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How the law can help anyone who is suffering from domestic abuse

VICKY Gallier, head of family law at Knights Solicitors in Tunbridge Wells, offers advice for anyone suffering domestic abuse.



If someone is suffering domestic abuse by way of violence, threats or harassment, as well as contacting the police – the first step if there is immediate danger – he or she may seek additional help by applying to the court for an injunction, not just for his or her own protection but also that of children.

Where the abusive behaviour is caused by someone the victim is having or has had a relationship with, or who is a family member, an application can be made for a non-molestation order to stop violence, threats or harassment.

The order may state the person against whom the application is made - the respondent - must not use or threaten violence, communicate with the applicant or enter or come within a specified distance of the applicant's home. It would also be forbidden for the respondent to instruct or encourage another person to do so, other than his or her solicitor, in the case of communications.

In certain circumstances an occupation order could be sought to regulate who may live in the family home or enter the area around it, thus offering additional protection.

To apply for any of these orders, an application form and statement would need to be prepared and submitted to the court. If it is an emergency, an order may be made without the respondent being present and it would take effect as soon as it is served on him or her.

The terms of the emergency injunction would last for a short period of time until there can be a second hearing in court, when the respondent would have a chance to contest the application before any further order is made.

That order could take effect for a longer period of time, perhaps six to 12 months, and if a term of any such order is breached, the respondent could be arrested and committed to prison.

If you need advice or help with these orders or with any other family law matter, please contact Vicky via vicky.gallier@knights-solicitors.co.uk or on 01892 537311 to arrange a meeting.