

Domestic Violence

Are you being subjected to domestic violence or harassment by a family member and at a loss as to what to do to protect yourself? At Hatten Wyatt our team of Family solicitors can advise and assist you in making any necessary applications at Court which will afford you greater protection against the perpetrators.

If you have been subjected to acts of physical violence or threats of violence then you may seek protection under the Family Law Act 1996. Upon taking initial instructions we will assess the merits of your case and establish the level of police involvement and whether they can assist further. The Police should always be your first port of call in situations of domestic violence or harassment but there are occasions when they are limited as to the measures they can take due to lack of evidence for example.

In situations such as these, you may be eligible to make an application to the Courts for either a Non-Molestation Order or an Occupation Order, or both.

What is a Non-Molestation Order and an Occupation Order?

A Non-Molestation Order provides protection for the Applicant and other family members against the Respondent (the person who has been physically violent or made threats of violence). This Order provides protection against any form of violence be it physical or verbal, as well as any form of pestering, molesting, intimidation and/or harassment. If such an Order is granted by the Court, failure by the Respondent to adhere to it is a criminal offence and can result in the Respondent being arrested.

An Occupation Order excludes the other party from the former family home and it can also be extended to include exclusion of a specified area around the property in question. The Courts will only make such an Order providing they are satisfied that not making the Order will cause greater harm than making an Order; this is known as the 'Balance of Harm Test.'



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Who is eligible under the Family Law Act 1996 to make such an application to the Court?

You have to be classed as an 'associated person' to be able to make an application to the court for either one of the above Orders. An associated person is:

- Someone who is or has been married to the perpetrator, this includes Civil Partnerships).
- Someone who is cohabiting or was cohabiting with the perpetrator, (this includes same sex relationships).
- someone who has lived in the same household as the perpetrator
- Relatives
- Someone who agreed to marry the perpetrator
- Parents of a child
- Someone who is party to the same Family Proceedings as the Perpetrator.

In the event that you do not fall into

one of the above categories and you are being subjected to violence or harassment you should contact our Civil Department who may be able to advise and assist you under the Harassment Act 1997.

Whether you need to make an application under the Family Law Act 1996 or the Harassment Act 1997 we have solicitors who specialise in both of these areas who will be willing and able to advise and assist you. We will also assess your eligibility for Legal Aid to establish whether we can advise and represent you under the Legal Aid System.