

Protection from Domestic Abuse

This information leaflet gives you introductory guidance to protection from domestic abuse. It does not however give you legal advice. If you need legal advice please contact Mike Devlin in our Family department on 01942 774416.

This leaflet:

- Outlines what can be considered domestic abuse.
- Outlines what you can do to protect yourself.
- Outlines what we can do to help.

Overview

Domestic abuse can take many forms including; physical abuse (including slapping and pushing), mental abuse (including intimidation, harassment, damage to property), sexual abuse. Domestic abuse can also include threats of physical, sexual or mental abuse.

If a person causes a child to witness or puts a child at risk of witnessing the abuse of another person then this can also be considered as domestic abuse. Domestic abuse affects children even if they are not physically abused.

Domestic abuse can involve one single act or a number of acts forming a pattern of behaviour.

What can I do to protect myself?

If you are suffering domestic abuse the first source of protection would be to contact your local Police Station to seek urgent protection or to report any incidents of abuse.

Other organisations may also be able to offer advice and assistance:-

- Police domestic violence unit officers based at local police stations (Leigh/Wigan domestic violence unit 01942 867968).
- Womens refuges can provide emotional support and advice and also admission to the refuge if necessary (contact 01942 262270).
- DIAS domestic violence centre (contact 01942 459230).
- Wigan Womens Aid (contact 01942 496094).
- Bolton Womens Aid (contact 01204 365677).
- RELATE (contact 01204 528302).

If the Police are unable to offer you adequate protection against domestic abuse then you can seek help and advice to obtain protection through the legal system.

What can we do to protect you?

If the domestic abuse does not involve recent physical abuse or threats of physical abuse then we would consider with you whether a warning letter should firstly be sent to the other party pointing out the remedies available to you and requesting that they stop the domestic abuse before any further action is taken on your behalf.

The Police may assist you under the Protection from Harassment Act if appropriate. It is important to liaise with the Police and report any incidents. The Court can impose a Restraining Order on the other party.

In more urgent cases the following remedies are available through the Courts to provide protection for yourself, and if appropriate for your children, from domestic abuse:

Non-Molestation Order:

This order protects you from the violence or the threat of violence arising out of a domestic relationship. Further, it can also provide protection from intimidation, harassment or pestering. The Court may attach a Power of Arrest if the Court is satisfied that physical violence has been used or threatened against you. A Power of Arrest allows the Police to make an immediate arrest if the terms of the Order are broken.

Occupation Orders:

This order can be applied for if you live or have lived in the same household. The Order can require the other party to leave the home and can restrict the other party from returning to, entering or attempting to enter the home or from coming within a prescribed distance of it. The Court can also make provisions, if appropriate, requiring the other party to pay the outgoings on the property.

Practical Tips:

- before any application can be made to the Court for protection it is in the most cases necessary for the domestic abuse to have been reported to the Police.
- we would also advise you to report any injuries suffered to your GP or the hospital as this independent evidence will assist in strengthening your application
- we would also encourage you to keep a record of relevant events as this will again assist to support your application
- keep money available at home in the event that you need to leave in urgent circumstances
- keep essential items close at hand in the event that you need to leave home urgently
- maintain access to family/friends/emergency services via access to a telephone

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