

LEGAL PROTECTION AVAILABLE UNDER DOMESTIC VIOLENCE LEGISLATION

WHAT IS DOMESTIC ABUSE?

Domestic abuse is an incident or pattern of incidents of controlling, coercive, threatening, degrading or violent behaviour, by a partner, ex-partner, a family member or carer.

Domestic abuse can include, but is not limited to, the following:

- Coercive control
- Psychological and/or emotional abuse
- Physical or sexual abuse
- Financial or economic abuse
- Harassment and stalking
- Online or digital abuse

Domestic abuse is a crime.

COURT ORDERS EXPLAINED

Under the domestic violence legislation, you can apply to court for orders, these orders are made to protect the welfare or safety of the person making the order (also referred to as the applicant) and if applicable their dependent children. Court orders are made by a judge and come with specific instructions or directions. Some orders direct a person accused of abusive behaviour (also referred to as the respondent) to stop committing further acts or threats of violent behaviour. Others direct that person to leave – and stay away from – you and your dependent children (if applicable) and the home. You will need to explain to the judge in court why you are asking for a specific order.

Most applications for domestic violence orders are made in the District Court. However, some are made in the Circuit Court or High Court. These are often as part of other cases such as divorces or judicial separations.

Safety Order

A safety order prohibits a person from using or threatening violence towards the person who has been granted the order and/or any dependent children. A safety order does not require a person to leave the home they share with the person who has been granted the order. You don't need to be living with the person(s) you are seeking protection from. A safety order lasts for up to five years.

Protection Order

A protection order is a temporary safety order which can be granted by a court when a person applies for a safety order and/barring order. A protection order prohibits a person from using or threatening violence towards the person who has been granted the order and/or any dependent children and only lasts until the full court hearing of the application for a safety order and/or barring order. It is not necessary to be living with the person or have lived with them in the past to apply for a protection order.

Barring Order

A barring order directs the person whom protection was being sought against to leave - or stay away from - your home and any dependent children. In some cases, it can direct them also to stop using - or threatening to use - violence against you or putting you in fear. It may also direct them to stop following you, or communicating verbally or electronically with you or dependent children. require a person, against whom the order is made, to leave and stay away from the home(place of residence) of the person applying for the order and/or dependent children. It last up to three years.

Interim Barring Order

An interim barring order is a temporary barring order. It is only made in exceptional circumstances as it is granted without notice to the person against whom it is made. Where the court is of the opinion that there are reasonable grounds for believing that there is an immediate risk of significant harm to the person seeking protection or any dependent person it may grant an interim order. An interim order made without notice to the person against whom it is made can last for no more than eight days. Further orders may be made until the full hearing of the case.

Emergency Barring Order

An emergency barring order is available in certain circumstances to people living together and parents of adult children who would not be ordinarily able to apply for a barring/interim barring order because they have lesser ownership rights in the place of residence than the person against whom the order is being sought. It can be granted without notice to the person against whom it is made and can last for no longer than eight days.

WHO CAN APPLY FOR A COURT ORDER?

Violent acts or threats can be made by someone who is related to you by blood or adoption, such as parents, adult sons and daughters, and grandparents. They can also be made by people the court considers an intimate partner. These include current and former spouses, civil partners, cohabiting partners, your child's other parent, and unmarried intimate partners.

WHAT HAPPENS IF A PERSON DOSE NOT OBEY A COURT ORDER?

A breach of any order made under the domestic violence legislation is a criminal offence. The Gardaí can arrest and charge a person who breaches such an order.

For Gardai assistance call **999** or **112**.

WHERE CAN I GET MORE INFORMATION?

At Aoibhneas, we have a court preparation and accompaniment service whereby we can offer you support in the following areas:

- Information on legal orders, court process, court application process.
- Court accompaniment
- Court preparation
- Assistance in legal aid application and gathering necessary and applicable documents.
- Linkage/Advocacy with Gardaí, Solicitors, Barristers, Social Workers and Legal Personnel.
- Support after court. For more information and resources visit www.aoibhneas.ie



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We cover the Dublin area with clinics in Smithfield, Swords, Balbriggan Coolock



For more information and resources visit www.aoibhneas.ie

