

LEGAL REMEDIES FOR DOMESTIC DISPUTES

HOUSING

WHAT YOU CAN GET

Injunction excluding man from home, and/or restricting him to part of the home.

Protection Order excluding husband from the home.


Court Order declaring your right to occupy the home, and/or restricting husband to part of the home.


Injunction excluding man from the home for the protection of child/ren.

Injunction preventing man from entering your home.

Injunction excluding man from home; preventing him from selling it; permanent transfer of tenancy or ownership to your name; Order that he pay mortgage.

HOW TO GET IT

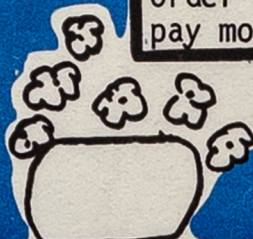
 Application to the County Court under the Domestic Violence Act.

 Application to the Magistrates Court under the Domestic Proceedings and Magistrates Court Act.

Application to the County Court under the Matrimonial Homes Act.

Application to the County Court under the Guardianship of Minors Acts.

Civil action in the County Court for damages for assault and/or trespass; Injunction based on those proceedings.

 Petition for Divorce or Judicial Separation in the Divorce County Court or the High Court; Injunction based on those proceedings.

WHO CAN GET IT

Any woman who is married or "living as husband and wife" who needs protection for herself and/or the child/ren.

A married woman who can show that her husband has behaved violently towards her, or threatened to do so.

Any married woman who fears she may be locked out, or her right of occupation of the home may be interfered with in some way by her husband.

Any woman with children whose welfare is affected by the presence or behaviour of the man in the house.

Any woman who can prove the man has trespassed in the home she owns or rents - or any woman who has been assaulted - who needs protection.

Any married woman with grounds for Divorce or for Judicial Separation (see under MONEY for these) - who needs protection for herself or the child/ren.

HOW QUICKLY CAN YOU GET IT

The Injunction can be obtained the same day, if the case is extremely urgent, by EX PARTE application. But usually a Court will only make an exclusion order ON NOTICE - so you may have to wait a week or more for the hearing.

¹³ The Magistrates Court cannot make an exclusion order unless the man has been served with a summons. So you may have to wait for some weeks before the hearing.

There will usually be a delay of about a month before the Court hearing.

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ADVANTAGES * DISADVANTAGES

Can be used if you are not married, or do not want a divorce. But the Exclusion Order only lasts for 3 months, so if the home is in his name the protection is only temporary.

The Court and procedures are fairly informal. But they may be less sympathetic to battered women as they are used to criminal cases.

Can only be used by married women, but useful if your only worry is your right to occupy the home.

Useful if you are not married and mainly worried about the child/ren. The procedure is formal.

Useful if you are unmarried and not living together. You can always abandon the main action (which is the claim for 'damages') once you have been granted the Injunction.

All matters, such as money and children, can be dealt with in the same set of proceedings. The Court proceedings are formal.

THIS CHART

is designed to show you the range of legal remedies available to battered women, what use can be made of the law, whether you can use a particular legal remedy, and its advantages and disadvantages. It is not a full or definitive statement of the law. For this, you should refer to books or get advice from a lawyer.



98 Legal Remedies + Domestic Disputes (HOUSING).

TWL.2003.305

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