

LEGAL REMEDIES FOR DOMESTIC DISPUTES

MONEY

WHAT YOU CAN GET

Money 'damages' to compensate you for pain and suffering, loss and/or particular financial expenses.

Maintenance Order - in the form of weekly payments and/or a lump sum for you.

Maintenance Order - in the form of weekly payments and/or a lump sum for the child/ren.

HOW TO GET IT

Start a civil action in the County Court for Assault and/or Trespass.

Divorce Petition - in the Divorce County Court or the High Court of the Family Division.

Petition for Judicial Separation - in the Divorce Court or the High Court of the Family Division.

Application under the Domestic Proceedings and Magistrates Court Act, in the Magistrates Court.

Take affiliation proceedings in the Magistrates Court.

Application under the Guardianship of Minors Act, in the County Court or Magistrates Court.

WHO CAN GET IT

Any woman who can prove trespass (entry without right or invitation) to the home she owns or rents. Any woman who can prove she has been assaulted - a witness or medical report is useful.

Any woman who has been married for three years and whose marriage has irretrievably broken down, because of one or more of these facts: adultery; unreasonable behaviour; two years' separation with consent; desertion for two years; five years' separation.

Any woman who is married and who has one or more of the grounds for divorce.

Any woman who is the mother of an illegitimate child under 3 years and who has a witness prepared to give evidence for her, as to the fatherhood of the child.

Any woman who is the mother of a child.

Any married woman who can show her husband has failed to provide reasonable maintenance for her or the child; or has behaved unreasonably; or has deserted her.

HOW QUICKLY CAN YOU GET IT

If the man decides to defend the case, it can take months or years - but it is usually possible to settle the case 'out of court' (before the final hearing of the case).

An 'interim' order can be made to tide you over until the final order is made; this could be a long time if the Petition is defended by your husband.

There will usually be up to six weeks' delay between issuing the summons and the first Court hearing.

There will usually be up to six weeks' delay between issuing the summons and the first Court hearing, in both Courts. The County Court can make an 'interim' maintenance order before the final hearing.

ADVANTAGES

The procedure is formal, and the final decision may not be made for a very long time. Unless the injuries or financial loss have been very severe, it may not be worth bringing the action unless the man is likely to make an offer of settlement 'out of court'.

All other matters, such as custody of the child/ren, and housing, can be dealt with in the same set of proceedings. The Court procedure is formal. Judicial Separation is useful if you have religious objections to divorce, or have not been married for three years - and it can be converted into a Divorce later.

DISADVANTAGES

Lump sum payments are limited to £500.

The Magistrates Court Order does not mean the end of your marriage. Lump sum payments are limited to £500.

Lump sum maintenance orders in the Magistrates Court are limited to £500. The County Court procedure is more formal.

LEGAL AID

is available for all these proceedings (except for prosecution of the man in a criminal court).

Most women are eligible for Legal Aid, which means that your solicitor is paid from a State fund, rather than by you; but if your income is comparatively high you may have to make some contribution towards your legal costs.

If you only want advice from a solicitor, s/he will be able to provide this under the Green Form scheme, which enables a solicitor to do £25 work for a fixed fee from you, depending on your income and expenses - it will be free if you are on Supplementary Benefit, or have a low income.

BILLS

BILLS

95 Legal Remedies + Domestic Disputes (MONEY).

MISC

TWL.2003.303

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the last date stamped below.

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