

Factsheet

Domestic Abuse and Homelessness: Legal Help

How the law can protect you – getting a Court Order

What are ‘Emergency Injunctions’?

The word ‘injunction’ describes any Court Order that makes someone act or forbids someone from acting in a certain way. An emergency injunction is an informal description for a Court Order made without notice.

This means the person/s you are applying the injunction for will not be aware of it until it is served on them.

The most common types of emergency injunction that provide protection against domestic abuse are as follows:

Non-molestation Order

How does a Non-molestation Order protect you?

Usually forbids the person/s from:

- using or threatening physical violence;
- intimidating, harassing, or pestering;
- communicating with you (if appropriate);
- instructing or encouraging others to contact you.

This type of order is typically granted for **6-12 months**, and the person can be arrested if breached if a penal notice is attached to the Order and / or subject to committal proceedings. There is no cost involved.

When you can apply?

When the Applicant (victim/survivor) and Respondent (perpetrator) are associated persons; this is determined by [s.62\(3\) of the Family Law Act 1996](#) and covers most relationships, including:

- partners and former partners;
- family relations (including in-laws);
- people who live/d together;
- people who have children together.

If there has been a recent incident/s or a threat of physical violence:

Lewes District Council

Southover House
Southover Road
Lewes
BN7 1AB

Tel: 01273-471600

Eastbourne Borough Council

Town Hall
Grove Road
Eastbourne
BN21 4UG

Tel: 01323-410000

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You can make an emergency application, usually meaning something has happened within the last 5-7 days (this may be extended if there have been bail conditions or the respondent has been in prison, etc.).

Occupation Order

How does an Occupation Order protect you?

An Occupation Order regulates the family home, such as:

- suspending rights to occupy or visit.
- evicting an abuser from the home.
- preventing an abuser from returning.
- 100 metres protection around the home.

This type of order is typically granted for 6-12 months and the person can be arrested if breached.

There is no court fee to apply for an occupation order. However, if you ask a solicitor to help you with your application, you should ask them how much they are going to charge you for this service.

When you can apply?

When the Applicant (victim/survivor) and Respondent (perpetrator) are associated persons under the Family Law Act 1996.

Respondent has somewhere else to live (this is not always strictly necessary).

There has been a recent use or threat of physical violence.

If you have recently suffered physical violence or the threat of violence:

This means you can make an emergency application, usually meaning something has happened within the last 5-7 days.

Prohibited Steps Order

A Prohibited Steps Order is where the Court prevents a certain action. A prohibited Steps Order may be made against anyone regardless of whether they have parental responsibility. The Court must be satisfied that making the order is better for the child/ren than making no order at all.

How does a Prohibited Steps Order protect you?

- Forbids someone from taking your child/ren away from your care and control.
- This order is particularly appropriate when the person threatening to take away your child/ren is ordinarily allowed to have the care and control of them.
- No power of arrest attached though police may assist informally.
- Enforceable in the County Court as contempt of court.

It does not necessarily prevent all contact between the child/ren and the respondent if appropriate in the circumstances.

When you can apply?

The victim/survivor that has parental responsibility under the Children Act 1989 (this can include parents and many others).

The perpetrator has made a recent direct or indirect threat to remove a child from your care and control.

It is in the best interests of the relevant child/ren regarding their overall welfare.

If your partner/ex-partner has threatened to take your child/ren, contact the Police or Children's Services immediately.