

Your Legal Questions

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Q: My husband has recently become violent towards me, shouting at me and telling me that I'm a useless wife and mother, usually after he has been out with his friends drinking. We have two children, aged 3 and 6. What can I do as I cannot continue to live in fear of him, but I have nowhere else to go. What can I do?

A: You and your children can seek protection from the Court who can grant an injunction – a Court order – which orders him not to assault or molest you and the children. The court can also make an order excluding your husband from the family home and a certain area around your home.

The first step is normally to go to court without informing your husband. The Court will consider your evidence and hopefully grant you an injunction immediately, fixing a "return date" within days. This gives your husband notice of the case and the opportunity to obtain independent legal advice. Whilst this can offer speedy protection it is not effective until the order is handed to your husband, so if there are difficulties in finding him you remain without the benefit of the injunction. You must consider whether your husband is likely to ignore any injunction granted. If you believe he will take no notice of the Court, especially before the return date, you may wish to consider staying elsewhere if possible until the return date.

An order excluding your husband from the property is unlikely to be made without him having notice of the application and only in the case of extreme violence will the Court consider it appropriate to exclude someone from their home without giving them the chance to be present at Court to put forward their own case.

Your husband will have the opportunity to put his side of the case to the court at the second hearing

Should your husband breach the injunction he can be arrested. A breach of a non-molestation order is a criminal offence which is punishable by up to 5 years in prison.

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