

DOMESTIC ABUSE AND THE FAMILY COURT

If you are experiencing or have experienced domestic abuse and are going to the family court, they can help to keep you safe and make sure what has already happened to you is taken into account, especially with anything involving your children.

What is domestic abuse?

Domestic abuse is legally defined as:

“Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to:

- psychological
- physical
- sexual
- financial
- emotional”

The definition includes coercive, controlling behaviour, as well as female genital mutilation, so called honour based violence, and forced marriage.

WHERE TO FIND SUPPORT

Supporting Victims in North Yorkshire

Tel: 01609 64310

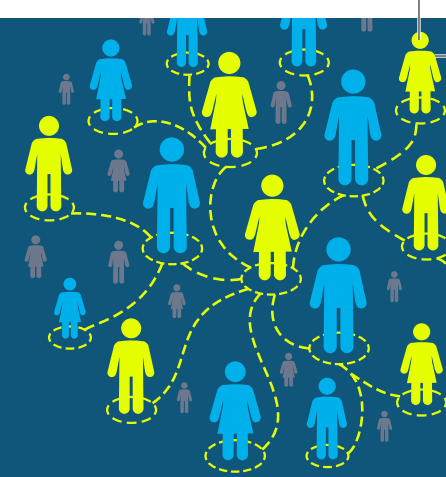
(Monday – Friday, 8am – 7pm)

Email: help@supportingvictims.org

www.supportingvictims.org

Supporting Victims in North Yorkshire can get you help to cope and recover from Domestic Abuse

Remember if you are in danger and need help quickly always call 999 for the police



FAMILY COURT PROCEEDINGS AND THE IMPACT OF DOMESTIC ABUSE

What to expect during family court proceedings, support and legal advice available and how the police can help



**DOMESTIC ABUSE:
A WHOLE SYSTEM
APPROACH**

www.dawsa.org.uk

HAVE A VOICE AND BE SAFE

There are many family law firms that can help you and provide you with legal advice and representation in court. Most firms offer at least 30 minutes of free legal advice, some offer up to an hour.

Your chosen legal adviser should discuss whether you qualify for legal aid so that your fees are met in full or in part by the legal aid agency. If you do not qualify for legal aid, the cost of legal advice differs between firms.

You should shop around and check costs, some firms will offer a fixed fee which may be a good option if you have a set budget and there should be various payment options available.

Find out more here about legal aid:
www.gov.uk/check-legal-aid

If you cannot afford to or choose not to have legal representation, you can represent yourself in person during family court proceedings.

HOW THE POLICE CAN HELP

If you have experienced domestic abuse it is important that you make the family court aware of this and any impact you feel it has on your case. For example, you may feel this is relevant to deciding on appropriate contact arrangements for your children.

If you have previously reported domestic abuse to the police, this information can be disclosed to the family court so that the court can take this into account when making decisions at your hearing. This does not happen automatically, an application has to be made to police requesting they provide this information to the court.

If you have legal representation, your solicitor will do this for you. If you are representing yourself then you will have to apply, you can find out more details by sending an email request to our disclosure unit at CivilDisclosure@northyorkshire.pnn.police.uk

Once the police receive your application, they prepare the information to be disclosed and it will be provided to you or the court, the police will advise you on this process as it will differ depending on the circumstances.

If you qualify for legal aid you may not have to pay for this. If you do not qualify for legal aid there may be a fee.

WHAT TO EXPECT IN COURT

Family courts are different to criminal courts

The family court will not know about previous domestic abuse or criminal convictions of anybody else involved in your case unless you tell them. And even when the court do know about it, you will need to tell the court why and how it matters to your hearing.

Looking after you

Once the court know about the domestic abuse, they will do their best to protect you. Tell the court your concerns and ask for help. For example, the court could let you use a separate entrance and waiting areas and use screens or video link to give evidence. If anyone that has abused you wants to ask you questions, the judge can stop this, just ask them.

Who will be there?

Anyone can attend the waiting area but only certain people can be present during the court proceedings. Family courts do not have a jury like criminal court. Instead, decisions are taken by a Judge or Magistrates. If you have a lawyer, they may come with you and your opponent may also have a lawyer there. You can also take a friend for support, ask the court in advance if you want to bring someone into the hearing.

