

# DOMESTIC VIOLENCE

**Leaflet No. 7.**



**LEGAL AID BOARD**

**This leaflet is not an interpretation of the law.**

## LEAFLET No. 7

### DOMESTIC VIOLENCE

Domestic violence includes physical, sexual or psychological violence which threatens the safety or welfare of family members and certain persons in other domestic relationships.

#### **Types of protection available under domestic violence legislation**

There are four main kinds of protection available from the courts:-

- a **protection order** is a temporary safety order. A court may make this order when a person applies for a safety and / or barring order. A protection order only lasts until the full court hearing of the application for a safety or barring order;
- a **safety order** simply prohibits a person from using or threatening violence towards the person applying for the order and / or dependent children;
- an **interim barring order** is a temporary barring order. A court may make this order when a person applies for a barring order. An interim barring order only lasts until the full court hearing of the application for a barring order and is only made in exceptional circumstances; and
- a **barring order** requires a person, against whom the order is made, to leave and stay away from the place of residence of the person applying for the order and / or dependent children.

#### **Length of protection**

The District Court can make a safety order for a five year period and a barring order for up to three years. These orders may be renewed.

#### **Persons who may obtain protection**

The following persons may apply for orders under the domestic violence legislation:-

- **spouses** may seek protection against each other;
- **cohabitees**, who are not married but living together, may seek protection against each other. However, a court will not grant a safety order unless the cohabitees lived together for six months during the twelve month period before the application for protection was made. A court will not grant a barring order unless the cohabitees lived together for six months during the nine month period before making the application. A barring order will not be made against a cohabitee who owns the place of residence or who has greater ownership rights than the cohabitee seeking protection;

- **parents** may seek protection against their children over the age of 18 years. However, a court will not grant a barring order against a child who owns the place of residence or who has greater ownership rights than the parent seeking protection;
- **persons living together** in the same residence may apply for protection against each other. The person against whom protection is sought must be over the age of 18 years. However, the court will not grant protection if it considers that there is a contractual relationship between the persons. A safety order is the only protection available here;
- **children** can seek protection but must have an adult or a health board apply to the court on their behalf;
- a **parent** may apply for protection on behalf of his / her own child; and
- a **health board** may apply for protection on behalf of a person and / or that person's dependent children in circumstances where the person cannot apply himself / herself.

### **Breach of orders**

A breach of any order made under the domestic violence legislation is a criminal offence. The Gardaí can arrest and charge a person who breaches such an order.

### **Other criminal offences**

Regardless of whether or not court orders are made under the domestic violence legislation, physical and / or sexual violence is a crime. The Gardaí have the power to arrest and charge a person who is violent.

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Leaflet No. 2.	Family law - general	Leaflet No. 10.	Customer care and complaints procedure
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**LEGAL AID BOARD**



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