



Leaving An Abusive Relationship: What Are My Legal Options?

This guide will focus on your legal options as a survivor of domestic violence.

This guide will focus on your legal options as a survivor of domestic violence. **See Useful contacts** for details of domestic abuse support services that can help you with issues that are not covered in this guide such as:

- Identifying domestic abuse
- Safety planning
- Counselling and support services
- Money issues and benefits
- Refuges

In this guide, the term partner includes your husband, wife, civil partner, and unmarried partner or those who are living together.

All Rights of Women guides referred to in this guide are available on our website www.row.org.uk and printed copies can be requested by calling **020 7251 6575**.

The Government defines domestic violence as:

“Any incident or pattern of incidents of controlling, coercive or 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. This can encompass but is not limited to the following types of abuse:

- Psychological abuse
- Physical abuse
- Sexual abuse
- Financial abuse
- Emotional abuse

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

This definition, which is not a legal definition, includes so called ‘honour’ based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.”

Reporting domestic violence to the police

In an emergency you can contact the police for assistance by dialling **999** or text phoning **0800 112 999**.

If it is not an emergency you can report a crime by:

- calling 101 (please be aware that there is a charge for these calls)
- visiting the front desk of your local police station in person

Reporting abuse to the police may lead to your partner being taken away from the home and conditions may be imposed upon him not to contact you while the police investigate or whilst there are court proceedings. If your partner admits to the crime or if he is found guilty of the crime then he will be sentenced either to a prison term, or a fine or a community-based sentence.

You should be provided with a named contact at the police. You can contact the police officer and ask them for information about what is happening with the case if you are unsure. The **Code of Practice for Victims of Crime** also known as the Victim's Code outlines your entitlements as the victim of a crime. It also outlines the duties that statutory organisations such as the police have towards you. You can find a copy online here: <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime>

While the police are investigating, your partner may be placed on bail with conditions not to contact you or go to your home. If there are no bail conditions, or the bail conditions are coming to an end, and you feel you need protection then you may be able to apply for orders to protect yourself from the family court (**see our guide on Domestic violence injunctions**).

For more information on the criminal justice process see Rights of Women's guides on **Reporting an offence to the police: A guide to criminal investigations** and **From charge to**

trial: A guide to criminal proceedings. You can also contact our legal advice line.

If you have experienced a violent crime you may be able to get criminal injuries compensation. For more details **see A guide to criminal injuries compensation.**

Domestic Violence Protection Notice (DVPN) and Domestic Violence Protection Order (DVPO)

The police have the power to issue a DVPN in certain circumstances following a domestic violence incident. DVPNs last for 48 hours. Within that time the police will have to apply to the court for a DVPO. DVPOs last for up to 28 days, which will give you time to look into your long term options. DVPNs and DVPOs will include restrictions on your partner's activity which can include:

- Not to contact you directly or indirectly
- Not to attend your address

Police take no further action

Sometimes the police or Crown Prosecution Service (CPS) decide to take no further action after a report of abuse or after completing the investigation. An example of why this might happen is if there is not enough evidence to charge him. If this happens **A guide to the victim's right to review scheme** will explain whether you can ask for a review of the decision to take no action. You can also call our **advice line** to find out

whether there may be other action you can take.

Whether or not the police take action, you may still obtain orders from the family court to protect yourself and seek help from a domestic abuse support organisation (**see Useful contacts**).

What action can I take that does not involve the police?

You may decide you do not want to report a crime to the police. Or, you may have reported to the police but need further help with family issues. The rest of this guide will focus on legal action you can take to protect yourself and resolve family issues through the family courts.

Can I get court orders to prevent further abuse?

If you have decided to end the relationship and are worried about how your partner will react, you may be able to get protection from the Family Court by applying for a non-molestation order. A non-molestation order is a court order that can forbid your partner from behaviour that is abusive towards you and your child.

Examples of what a non-molestation order might include:

- Your abuser must not be violent, threaten violence, intimidate, pester or harass you
- Your abuser must not contact you by telephone, email, social media or in person

- Your abuser must not attend or contact for any reason your place of work

To find out more about non-molestation orders **see our legal guide Domestic violence injunctions.**

If the court gives you a non-molestation order make sure you keep a copy for yourself. This will be important if he does anything that is forbidden in the order

I want my partner to leave the family home, can I force him to leave?

If your partner has no right to live in the family home then you can ask the police to help you remove him from the home or refuse him entry to your home. You may choose to apply for a non-molestation order to forbid him from coming within a certain distance of your home.

If your partner has a right to live in the family home then you can apply to the family court for an occupation order. An occupation order is an order which deals with who lives at the family home. An occupation order can:

- Order your abuser to move out of the home or to stay away from the home
- Order your abuser to keep a certain distance away from the home
- Order your abuser to stay in certain parts of the home at certain times (for example it can order him to sleep in a different bedroom)

- Order your abuser to allow you back into the home if he has locked you out
- Order him to continue to pay the mortgage, rent or bills

To find out more about whether your partner has a right to live in your home and occupation orders **see our legal guide Domestic violence injunctions.**

If you are married or in a civil partnership and your partner is the sole owner of your home then you should also read **Marriage: your rights to your home.**

I want to leave the family home, where can I go?

If you want to leave the family home and you have nowhere else to go then you can seek advice about your housing options. This could include finding a place at a women's refuge. Call the **National Domestic Violence Helpline** on **0808 2000 247** for help finding a refuge.

For advice on council accommodation and receiving help from your local authority contact **Shelter** on **0808 800 4444.**

If you leave the family home, try to take any important documents that you can find with you. For example, passports for you and the children, birth certificates, records of your bank accounts, mortgage, tenancy agreement, benefits payments, debts, insurance policies, car ownership, National Insurance number, driving licence, etc.

If you are a migrant woman with children and with no recourse to public funds you can call **Project 17** on **07963 509 044.**

I am worried about money and homelessness if I leave my partner

These are common concerns. The solution will depend upon your circumstances. The first step is for you to reach out and seek advice. A domestic violence support service can help you find the right advice (**see Useful contacts**).

The following may help you achieve safety in the short-term:

- Apply for an **occupation order** to remove your partner from the home, so that you can continue living there. The court can also order your partner to continue paying the mortgage or rent in certain circumstances.
- Get advice on benefits. This could include housing benefit to cover housing costs, and other benefits for living costs.
- If debt is an issue, seek advice as soon as possible.

You may find the following organisations helpful:

Citizens Advice on **03444 111 444** for advice on benefits and debt.

Step Change on **0800 138 1111** for support in relation to debt.

National Debtline on **0808 808 4000** for debt advice.

Money Advice Service on **0800 138 7777** for free and impartial money advice.

Project 17 on **07963 509 044** for migrant women with children and with no recourse to public funds.

Disability Law Service on **0207 791 9800** for women with disabilities

When you feel ready, you can obtain advice on achieving long-term financial stability such as advice on obtaining a job, training or benefits.

If you are married, there may be financial claims you can make in relation to the family home, any other properties, money and other assets. Our guide on **Financial arrangements after marriage breakdown** sets out your legal options. We also have a guide to **Financial arrangements after civil partnership breakdown.**

If you not married then you may find some helpful information in our guides on **Living together and the law** and **Owning property jointly with your partner.**

What about our children?

If you are concerned that your partner is abusing your children you can report this to the police. You may also be able to obtain orders from the family court preventing further abuse such as a **non-molestation order** or **prohibited steps order.**

You will need to think about who the children will live with and how often they will see the other parent (if at all). For some families this will be obvious and there is no dispute about who the children will live with. In some cases, the parents reach an agreement. In some cases, the parents cannot agree and need legal advice. **Children and the law: when parents separate** gives information on making decisions about children after separation and legal options if you and the other parent cannot agree.

You can take your children with you when you leave the family home without the other parent's consent unless there is a court order forbidding you from doing so. There are applications that the other parent can make to the family court if he is concerned or disagrees with your decision. The court will decide what is best based on what it thinks is best for the children.

If your partner has threatened to take your children away from you, you may need to apply for an urgent court order called a prohibited steps order. This order is explained further in our guide on **Children and the law: when parents separate.**

It is important to be aware of who has parental responsibility for your children. If you are the children's birth mother you will automatically have parental responsibility for the children. You may share parental responsibility for the children with other people (such as the father). **Our Children and the law: parental responsibility guide**

explains more about who has parental responsibility and who can obtain it.

If the children mainly live with you, you can make an application to the Child Maintenance Service for child maintenance for your children. You do not have to pay an application fee if you are a victim of domestic violence. **See our guide Children and the law: child maintenance.**

If you are eligible for child benefit but this has been paid into your partner's account, contact the Child Benefit Office and inform them of the change in circumstances. Ask for the child benefit to be paid into your account.

Where can I get more information about divorce or ending our civil partnership?

Separating from your partner will not end your marriage. If you want to end your marriage see **A guide to divorce.**

If you are in a civil partnership **see A guide to dissolving civil partnerships.** Currently, civil partnerships can only be entered into by same sex couples.

If you are worried about how your husband or wife will react when they find out that you want to divorce then seek advice from a domestic abuse support organisation (see **Useful Contacts**). You can also contact our family law advice line to discuss options such as obtaining a non-molestation order before you apply for a divorce.

Will leaving my partner affect my immigration status?

If you are a migrant woman and your stay in the United Kingdom is dependent upon your partner then it is possible that leaving him will affect your immigration status. You should seek advice from a qualified immigration adviser. You can call our immigration law advice line on **020 7490 7689** on **Monday 10am – 4pm** and **Thursday 10am – 1pm, 2pm- 5pm.**



The law is complex and may have changed since this guide was produced. This guide is designed to provide general information only for the law in England and Wales. You should seek up-to-date, independent legal advice.

Rights of Women does not accept responsibility for any reliance placed on the legal information contained in this guide.

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For confidential legal advice on family law:

Women living and working in London: call **020 7608 1137** the advice line is open **Mon 11am–1pm**, and **Tues 2-4pm, Wed and Thurs 10am-12noon and 2pm-4pm.**

For all women: call **020 7251 6577** the advice line is open **Tues-Thurs 7-9pm** and **Fri 12–2pm.**

For confidential legal advice on criminal law call **020 7251 8887**. The advice line is open on **Tuesdays 7pm-9pm**

For legal advice on immigration law visit **www.rightsofwomen.org.uk** for our advice line details.

Useful contacts

Emergency Contacts

Police (emergency)

999

Domestic abuse support services

24 hour National Domestic Violence Helpline

0808 200 0247

Solace (for women in London)

0808 802 5565

Women and Girls Network (for women in London)

0808 801 0660

Rape Crisis England and Wales Freephone Helpline

0808 802 9999

National LGBT Domestic Violence Helpline

0300 999 5428

Forced Marriage Unit Helpline

0207 008 0151

Revenge Porn Helpline

0845 6000 459

www.revengepornhelpline.org.uk

Stop Online Abuse

www.stoponlineabuse.org.uk

Other Services

Shelter (for housing advice)

0808 800 4444

www.england.shelter.org.uk

Samaritans

08457 909090

www.samaritans.org.uk

National Debtline

0808 808 4000

www.nationaldebtline.org

Other Services

Citizens Advice

03444 111 444

www.citizensadvice.org.uk

Step Change

0800 138 1111

www.stepchange.org

Money Advice Service

0800 138 7777

www.moneyadviceservice.org.uk

Project 17

07963 509 044

www.project17.org.uk

Disability Law Service

020 7791 9800

www.dls.org.uk

Law Society (find a solicitor)

020 7320 5650

www.solicitors.lawsociety.org.uk

Legal aid Agency

0345 345 4 345

Court forms and locations

www.justice.gov.uk/about/hmcts

Child Benefit Office

www.tax.service.gov.uk/shortforms/form/CBO_General

Child Maintenance Service

0800 171 2345

www.childmaintenanceservice.direct.gov.uk

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