

Protecting Spouses Against Domestic Violence

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Part 2

As a young student lawyer volunteering in Crumlin Free Legal Advice Centre, I first encountered victims of domestic violence and verbal abuse. As a family lawyer, I regularly provide advice and guidance to victims of such abuse and represent them in court. Whilst the majority are wives and increasingly also female co-habitees, there are also husbands and other male victims of such conduct. In an earlier column I discussed legal protections available under the Domestic Violence Act 1996. I now discuss practical steps to utilizing this Act and refer to other legal options.

Proceedings under the 1996 Act can be initiated by a victim directly or by her/his solicitor. Dolphin House in East Essex St in Dublin 2 is the primary venue where the Dublin District Court hears domestic violence proceedings. There, any person needing protection for themselves or their children can (Mon-Fri 9.30 am to 12.30 pm and 2pm to 4pm) with the assistance of helpful court staff initiate domestic violence proceedings. Where an emergency Barring or Protection Order is required one must attend Dolphin House before 3.00 p.m. and a court clerk will there and then arrange for the applicant to meet a District judge in private to explain the background. Any barring or protective order made under the Act is sent to the applicant's local Garda Station and any application issued and emergency order made is posted to the other spouse. Where an emergency order is made the court will also normally direct a practical form of immediate communication to the other spouse detailing the order made. Breach of any order made can result in immediate arrest.

A full court hearing may not take place until 4-10 weeks from the date the application is first issued. However, if an emergency Barring Order is granted immediately excluding a spouse from the family residence, there may be a full court hearing within 8 days. When determining Domestic Violence proceedings the court can also make other important family court orders such as child custody and access orders and maintenance support orders.

Those who cannot afford lawyers in private practice and who qualify for State legal aid, can obtain legal representation through a government law centre or a solicitor on the Legal Aid Boards panel. I believe it essential that anyone involved in such court proceedings is legally represented in the full court hearing.

Spouses who are victims of assault may also seek a Circuit or High Court decree of judicial separation and take a separate civil action against the violent spouse/partner

seeking civil damages for assault. The report of an assault by a spouse to an Garda Siochana can also result in criminal prosecution of the perpetrator.

Resources: Women's Aid Helpline Tel. 1800 341 900 www.womensaid.ie
National Network of Women's Refuges & Support Services: www.nnwrss.ie
Legal Aid Board: www.legalaidboard.ie

The above article is by way of introductory information only. Every person's family circumstances and personal background differs and individual legal advice should be sought for guidance on individual family circumstances