



The impact of isolation on domestic abuse

Many abusers use isolation as a means of control. Keeping their partner or family member away from family and friends keeps the suspicion of others at bay. The current situation may also increase physical violence in the home for those in abusive relationships.

This could be because the abuser has less concern that marks resulting from physical violence will be noticed, or due to rising tensions in the family home resulting from people being in closer proximity for longer periods of time.

Most people will find staying at home for long periods taxing, but when you add someone who potentially has anger management issues it could be a dangerous environment for many people.

Self-isolating in an abusive relationship with coercive control

Domestic abuse goes further than physical violence. Coercive and controlling behaviour was criminalised in December 2015 and we are seeing an increasing number of cases of emotional, financial and coercive control.

Victims may find themselves being controlled by their abuser taking advantage of the worry of the virus or quoting financial concerns such as potential job losses, lack of access to resources etc as a reason to control. The difficulty with this form of domestic abuse is that it is often much more difficult to recognise for victims and their friends and family.

What help is available for people self-isolating in an abusive relationship?

If you are in immediate risk, you should call 999 and the police will be able to assist.

Domestic abuse has been criminalised and therefore, the police, where appropriate, may take both protective actions and consider prosecuting abusers.

There are local and national charities that are able to provide refuge and emotional support during and after the process during this outbreak. For example, if you, or someone you know, needs support and advice, you can contact Women's Aid via the Live Chat [here](#). There are more useful contacts at the end of this article.

If you find yourself in a potentially dangerous situation, ensure you have a plan in place. Pack a bag with clothing essentials, money, phone and charger, and your passport, and let a friend or family member know that they will be "safe space contact" if anything were to happen. It is not always so easy to hide a packed bag in the house. However, where possible, other arrangements, such as somewhere to stay, or a friend who knows that they may need to come and collect you at an agreed place to do this, should be made.

Throughout this COVID-19 outbreak, all Stowe solicitors are able to work remotely, including telephone and video appointments, to ensure we are able to continue to help our clients.



The courts are keeping the situation under review but many already have conferencing facilities to enable business as usual. This, of course, may change, but for the time being, courts are still open and it is understood that steps are being taken to ensure facilities are available where necessary. You can read the latest update [here](#).

Legal options for people experiencing domestic abuse

There are civil remedies available by way of non-molestation orders (NMO) and occupation orders (OO).

A non-molestation order

Molestation involves any form of physical, sexual or physical molestation or harassment that has a serious impact on alleged's health and wellbeing or the health and wellbeing of any children. Molestation is not only defined as violent behaviour, it may be other forms of behaviour.

A non-molestation order provides protection from this behaviour, intimidation and general communication including text messages, emails and phone calls, as well as direct contact. It can be extended to include a reference to not damaging any of your property and can, in some circumstances, protect children.

It will also prevent and prohibit a party from using or threatening violence and can contain very specific provisions based on the particular type of abuse.

The order can also provide regulation to prevent one party from entering the house or certain rooms in the house. This can be used as an alternative to an occupation order and would be something to consider when self-isolation is necessary and in place.

A wide range of people can apply for protection, from spouses to students living in the same house. A solicitor will explore whether a person falls into the permitted categories during their initial appointment.

Applying for a non-molestation order

To proceed with an application the necessary court form will be completed together with a witness statement setting out in detail what has taken place.

An application can be made to court either 'on notice' (the other person is given a prior warning) or 'without notice' in urgent situations where safety is at risk.

A middle ground of 'on notice but urgently' can also be considered in certain circumstances such as if bail conditions are to run out in the next few weeks, as the immediate risk of harm is not present but there is justification to have the matter dealt with quicker than usual.

The court will tend to err on the side of caution, so where applications are made without notice or urgently, the protection sought will usually be made in the interim.



Where orders are made without the other party being aware, they will need to be personally served on the other party by a process server. This means the order is physically handed to them so as to prove they are aware of the order and cannot later deny knowledge to justify a breach. Copies are also sent to the police.

More detail about the court process will be provided in an initial meeting with a solicitor, but where an agreement cannot be reached between parties via legal representation, a Judge will hear evidence at a later date and will decide whether to grant the order or not.

Typically, non-molestation orders last for a period of 12 months. They can be granted for longer, but they are not usually indefinite. If, after 12 months, the behaviour prevented in the order starts again, then a further application for an order would be made.

In deciding whether to grant a non-molestation order, the Court has wide discretion. The Court will consider all the circumstances of the case, including the need to secure the health, safety and wellbeing of the victim and any child.

The Court will consider whether there is evidence of the molestation and whether the party and/or the children need protection and judicial intervention is required to control the abuser's behaviour.

In considering the above the Court will regard the alleged's health which includes both physical and mental health.

Breach of a non-molestation order is a criminal offence and the police can arrest someone who is disobeying an order.

Occupation order

This order sets out who can live in the family home (or certain parts of it) and can also restrict someone entering the area surrounding the home. An occupation order will not affect the other party's financial interest in the home, it will simply regulate who can live in it.

It is the same application form as the non-molestation order. The process for the occupation order will run alongside the process for the non-molestation order. It is unlikely that an occupation order will be made in the interim. However, protection is often provided by the non-molestation order.

The approach to the 'without notice' applications for non-molestation orders is different to 'without notice' applications for occupation orders.

It is recognised that a person has no legal right to inflict or threaten violence or harm against someone else therefore a 'without notice' non-molestation order does not infringe on legal rights.

However, an occupation order overrides proprietary rights to a property. The Courts have therefore stated that an order to exclude someone from a property that they have a right to be in should seldom be granted without notice.



In deciding whether to grant an occupation order the Court will consider whether the alleged and any children are likely to suffer significant harm as a result of the other party's behaviour or conduct if an order is not made.

This will be balanced against any harm that the other party is likely to suffer if the order is made. If the harm the other party will suffer is greater than the harm likely to be suffered by the alleged and any children, then the Court will not make the order. This is known as the balance of harm test.

The Court will consider the effect of the other parties' conduct on the victim and any children rather than concentrate on what their intention was.

The Court will also give consideration to each of the parties' housing needs and housing resources, their financial resources and the likely effect of any order or decision not to exercise its powers on the health, safety or wellbeing of the alleged and any children.

The Court will also give consideration to both parties' conduct. This will include considering whether either party can afford to rent somewhere else, or whether there is somewhere that they can stay, for example with a family member. The Court can make an order for an indefinite period of time or for a term.

Self-isolating when it is not safe

Some useful organisations who can provide you with information and support.

National Domestic Violence Helpline – 0808 2000 247

The Men's Advice Line, for male domestic abuse survivors – 0808 801 0327

The Mix, free information and support for under 25s in the UK – 0808 808 4994

National LGBT+ Domestic Abuse Helpline – 0800 999 5428

Samaritans (24/7 service) – 116 123

Please note that Stowe Family Law does not necessarily endorse the organisations listed.

Need more information?

Call our Client Care Team on **0330 838 7456** to speak with one of our specialist family lawyers or visit **www.stowefamilylaw.co.uk**