

Domestic abuse

practical advice

What if I want to leave my partner?

How does the law protect me?

What will happen to my children?



0845 345 4 345

www.communitylegaladvice.org.uk

See page 10 for useful phone numbers and website addresses

A free and confidential advice service paid for by Legal Aid

community
legal advice

The Community Legal Service

This guide has been produced by the Community Legal Service (CLS), an organisation that has been set up by the government to help you find the right legal information and solve your problems.

The CLS:

- provides leaflets with advice on a range of problems, and
- can help you find people and organisations that can help you with your legal problems.

To find out more about how the CLS can help, call us or visit our website.

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*Community
Legal Service*



Domestic abuse includes all kinds of behaviour that is meant to hurt or frighten you. It can mean hitting and slapping or cruel words and threats that are meant to scare you. Domestic abuse can happen to anyone: to women and men; people of any age or background; and gay or lesbian as well as straight (heterosexual) people.

This leaflet answers some common questions about domestic abuse, and outlines how you can use the law to protect yourself from abuse.

My partner is abusing me – what can I do?

You don't have to put up with abuse or the threat of abuse from anyone. There are laws to protect you and your children. If you or your children have been injured, or if your partner is threatening to hurt you, call the police.

If you don't need to call the police or you don't want to, contact the **National Domestic Violence Helpline** on **0808 2000 247**. Calls are free, and you can call any time of the day or night. The helpline will be able to give you practical advice and support to help you decide what you should do. This may be to:

- leave your partner (see right) or
- use the law to stop them abusing you or make them stay away from you (see 'How can the law help me?' on page 07).

For other sources of advice, see 'Where can I get help and advice?' on page 10.

What if I want to leave my partner?

If you feel you have nowhere to go and no one who can help you, contact the free 24-hour **National Domestic Violence Helpline** on **0808 2000 247**.

If you don't need to leave your home urgently just now, you can prepare so you are ready to leave later if you need to.

Things you should take are:

- money
- personal items, such as clothes and toiletries
- your passport (and your children's, if you have any)
- benefit books or details
- your National Insurance number
- bank details
- any other personal identification, such as an official letter addressed to you at your home, and any photo you have of your partner.

If you are taking your children with you, you should also take their passports and health records, and some books and toys.

If your money is in a joint account with your partner, think about setting up a separate bank account before you leave, if you have time to.

Where will I live?

You may be able to stay with friends or family – but this may not feel safe enough, or you may not want to involve them. You could contact your local housing authority to see if they can find you a temporary home. Housing authorities' numbers are listed in the phone book under your local council's listings.

Most areas also have women's refuges that offer temporary housing to women and their children. The staff in a refuge will give you advice and support and help you work out what to do next. You will be able to stay there until you can find somewhere safe to live.

Refuges do not print their addresses or phone numbers, so your partner will not be able to find you if you don't want them to. The organisations **Refuge** and **Women's Aid** can give you details of refuges in your area – see the back of this leaflet for their details.

What if I have to leave my children?

If you or your children are in danger, it may be safer for you all just to get out of the home with whatever you can take. Don't panic; make sure you are safe first. Then contact the **National Domestic Violence Helpline** as soon as you can.

If you have to leave your children, you will not lose your rights as a parent. But it is important that you contact a solicitor as soon as possible so you can take steps to get back to your children (if you want to).

What if I had to leave everything behind?

If you have had to leave in a rush and need to go back home to get important things, but are scared of your partner, contact the police. They will normally find someone to go with you.

Will I get help if this has happened before?

You can still get help and take action, even if your partner has abused you before. You can get protection even if you have already had help and then got together again with your partner. Don't be afraid to ask for help again over problems with your partner.

What if I don't have any money?

If you can, set up a separate bank account before you leave your home. If you don't have any money of your own, call your local **JobCentre Plus**. You may be able to get a crisis loan if you need it, and you can apply for Income Support at the same time.

You may be able to get other benefits, depending on things such as what income you have and whether you have children. For many types of benefit, you must apply at a Jobcentre Plus. Even if you already receive some benefits, there may be others you could get.

To find out about the different benefits you might be able to receive and whether you would be entitled to them, ask at your local **citizens advice bureau**. Or if you have internet access, you can find out about benefits from the website of the **Department for Work and Pensions** www.dwp.gov.uk

What if my money is in a joint bank account?

If your money is in a joint account with your partner, think about asking the bank to put a stop on the account so that your partner cannot take out money without you. However, this will mean you can't get money out either, so before you do this make sure you have enough for the time being.

How can the law help me?

There are several ways the law can protect you if you've been abused by your partner.

- If your partner has injured you or your children, you should tell the police. They may arrest him or her and charge them with assault. If your partner is released on bail, the police can stop them coming back to the home for the time being, and stop them contacting the children.
- Whether or not you have been injured, you can also get an order from the court to stop your partner abusing you. Court orders can say, for example, that your partner must not harass or threaten you, or must stay away from your home. If your partner breaks the terms of a court order, they could be arrested.

How do I get a court order?

If you think you need a court order to protect you (and your children), you will normally need to see a solicitor. They will explain how court orders work, and can apply for one for you. A solicitor can also tell you about other possible ways of stopping your partner abusing or threatening you.

How do I find a solicitor?

You will need to find a solicitor who specialises in 'family' law, as they will know about the laws on relationships. You can find solicitors through:

- **Community Legal Advice**
- **Yellow Pages**
- **the Law Society**
- **Resolution**, an organisation for solicitors who specialise in family law.

See page 10 for phone numbers and website addresses.

What if I can't afford a solicitor?

If you can't afford a solicitor, you may be able to receive legal aid to pay for the cost of your case. This will depend on your case and whether you need a solicitor to apply to the court for you. You may have to pay some of the costs.

To find out whether you might be able to receive legal aid, visit the Community Legal Advice website, www.communitylegaladvice.org.uk, or call **Community Legal Advice** on **0845 345 4 345**.

If you are eligible for legal aid, Community Legal Advice can also give you names of solicitors in your area who take legal aid cases and specialise in family law.

Where can I get help and advice?

National Domestic Violence Helpline

Freephone 24-hour, run in partnership between **Women's Aid** and **Refuge**
phone: **0808 2000 247**

The websites of Women's Aid and Refuge have advice, links and contacts for women

www.womensaid.org.uk

www.refuge.org.uk

Welsh Women's Aid

phone: **0808 80 10 800**

8am to 2pm and 8pm to 2am

www.welshwomensaid.org

Welfare Benefits

For information about welfare benefits and how to claim them

Visit:

- your nearest **JobCentre Plus** (listed in the phone book); or
- the **Department for Work and Pensions** website at www.dwp.gov.uk

Other Publications

To read more about how the law can protect you from domestic abuse

Get these two free leaflets:

- 'Domestic Violence, Abuse and Harassment: your rights to protection', published by Community Legal Advice, which you can download from www.communitylegaladvice.org.uk; and
- 'Domestic violence – Financial control, emotional abuse', published by the Home Office, which you can download from www.crimereduction.gov.uk/dv08b.htm

Family Law

Community Legal Advice can give you names of legal advisers and solicitors in your area that specialise in family law: www.communitylegaladvice.org.uk
phone **0845 345 4 345**

The Law Society, the organisation that represents solicitors in England and Wales: www.lawsociety.org.uk
phone **0870 606 2555**

Resolution, an organisation for lawyers that specialise in family law: www.resolution.org.uk
phone **01689 820272**

Can I get legal aid?

If you need help with the costs of legal advice, you can apply for legal aid. Whether you will get it will depend on:

- the type of legal problem you have
- your disposable (spare) income and how much disposable capital (money, property, belongings) you have, and
- whether there is a reasonable chance of winning your case and whether it is worth the time and money needed to win.

There is an online calculator on our website, at www.communitylegaladvice.org.uk/en/legalaid/calculator where you can see whether you could be financially eligible for legal aid.

What if I think I am eligible?

If you think you could be eligible for legal aid, you should speak to a legal adviser who can deal with legal aid cases. You can search our directory to find an adviser in your area, at the 'Find a legal adviser' section of our website www.communitylegaladvice.org.uk, or call our helpline 0845 345 4 345.

Help for other problems

This leaflet is one of a series of free leaflets produced by Community Legal Advice giving easy-to-read advice on a range of problem areas. The leaflets in this series are:

- C1 Dealing with rent problems
- C2 Domestic abuse
- C3 Fair treatment at work: your rights if you are disabled
- C4 Your rights at work
- C5 Dealing with debt
- C6 Losing your home
- C7 Claiming benefits
- C8 Problems with school
- C9 Mental health laws
- C10 Community care
- C11 Divorce and separation
- C12 Living together
- C13 Medical accidents
- C14 Dealing with the police
- C15 Care proceedings
- C16 Claiming asylum (available August 09)
- C17 Removal and deportation (available August 09)
- C18 Dealing with a will (available August 09)

You can order any of these leaflets free by:

- phoning **0845 3000 343**
- fax **0845 5438 258**, or
- emailing orderleaflets@communitylegaladvice.org.uk.

All of these leaflets are also available in Welsh, Braille and Audio.



The Legal Services Commission manages the Community Legal Service and Community Legal Service Fund (legal aid). To find out more about us, visit www.legalservices.gov.uk

This leaflet is published by the Legal Services Commission and the Ministry of Justice (MoJ)

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