



Domestic abuse



Domestic abuse is the misuse of power and control by one person over another within an intimate or family relationship. It can take the form of physical, emotional, psychological, financial or sexual abuse, or a combination of all of these. This behaviour can be obvious, such as threatening, trying to, or actually committing assault. It can also be subtle, such as socially isolating someone or their children. Domestic abuse also includes forced marriage and so-called 'honour-based' crimes. Anyone forced by their partner to change their behaviour because they are frightened is being abused.

The effects of domestic abuse on children

Most children living in a household where there is domestic abuse are aware that this abuse is taking place. Witnessing domestic abuse is harmful for children and in many domestic abuse situations children are also being directly physically harmed.

Children can suffer both short and long-term problems as a result of being a victim or witness of domestic abuse. For example, they may be physically injured but also suffer emotional problems such as becoming anxious or depressed, developing problems at school or becoming aggressive or withdrawn.

We know that it can be difficult to talk about any domestic abuse you may be suffering or may have suffered. However, if you are a victim, it is important that you let us know as soon as possible so that we can help to keep you and your children safe.

What should I do if I am a victim of domestic abuse?

It is very important that you tell the court about any domestic abuse as soon as possible. You should fill in the CIA form from the court outlining the nature of the abuse. You can download a form by going to www.hmcourts-service.gov.uk and clicking on 'Forms and guidance'. Or, you can collect a form from the court or from your solicitor, if you have one.

Victims of domestic abuse who meet certain evidence requirements may be eligible for legal aid; you can find our more information about applying for legal aid here www.justice.gov.uk/legal-aid-for-private-family-matters/legal-aid-divorcing-separating-abusive-partner. You may also be exempt from the requirement to attend a Mediation Information and Assessment Meeting (MIAM) before applying to court. You can find out more information about MIAMs in the CB7 Guide for Separated Parents information leaflet.

Even though it may be difficult, you should tell your Cafcass worker about any abuse. They will treat you sensitively and with respect, and will take what you say seriously.

If you are the victim of current abuse or at high risk of violence, you should also consider asking the court to make an injunction. These can be made as part of family court proceedings or as a stand-alone application.



What will Cafcass do?

If we learn that there is, or has been, domestic abuse in your case, we will tell the court so the judge can make a decision about your children which will keep them safe. We may also tell the local authority so it can make sure that your children are kept safe and that they receive any help they need. We may also refer your family to the police or to a MARAC (multi-agency risk assessment conference) if we are very worried about the level of risk.

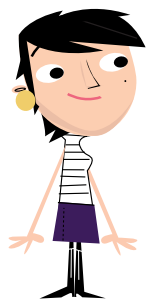


What will the court do?

Sometimes, one parent may make an allegation of domestic abuse which the other parent denies. In these cases, the court may decide to hold a 'finding of fact' hearing. This will allow each parent to give their side of the story and allow the court to look carefully at all the information before making a judgment on whether the abuse is likely to have happened or not. This judgment will affect the court's later decisions about arrangements for your children. The court may order the party to attend a Domestic Abuse Perpetrator Programme (DAPP). The DAPP aims to help people, who have been abusive towards their partners or ex-partners, change their behaviour and develop respectful, non-abusive relationships. You can find out more information about this in our DAPP factsheet. The court will make a final decision about your children based on what it thinks is best for them and will help to keep them safe.

Myths about domestic abuse and the courts

Some victims of domestic abuse believe that if the court learns about the abuse, they will take their children away. This is not the case as the courts recognise that the best way of protecting children is to help the parent or carer who is not abusive to do their best for the children. Social workers will not take children away from parents if they can work with them to make sure that the children are safe at home.



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You can get more help from the following organisations.

- * In an emergency, call the police on 999.
- * National Freephone: 0808 2000 247
A 24-hour domestic violence helpline.
This is run by Women's Aid www.womensaid.org.uk and Refuge www.refuge.org.uk.
- * Childline: 0800 1111
A 24-hour helpline for children in distress or danger.
- * Men's advice line: 0808 801 0327
A range of services for men experiencing domestic violence or abuse.
- * Broken Rainbow: 0300 999 5428
Help for gay, lesbian, bisexual and transgender people experiencing domestic abuse.
- * Respect: 0808 802 4040
Help for those who commit acts of domestic violence or abuse.
- * The Forced Marriage Unit at the Foreign and Commonwealth Office: 020 7008 0151
Advice on forced marriages.
- * Shelterline: 0808 800 4444
Advice about housing issues.
- * Victim Support: 0808 168 9111
Provides support to victims and witnesses of crime.



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