



**Synnott
Lawline**
Family Law Advice & Services



Domestic Abuse & Barring Orders. Factsheet

Domestic violence encompasses the use of physical or emotional force in an intimate relationship. Under Irish Law, Safety, Protection, Barring and Emergency Order Applications are in place to protect victims of abuse.

Court Protection from Domestic Violence / Abuse

Domestic violence under Irish Law encompasses the use of physical or emotional force or threat of physical force, including sexual violence, in an intimate relationship. It also protects the victim of behavior constituting:

- Emotional abuse
- Destruction of property
- Controlling behaviours such as control over ones personal items, food, money, communications, and transportation. Additionally, the legislation in this area protects against controlling behaviours such as isolation from friends, family and other potential sources of support
- Threats to others including children
- Stalking

What Protections are Available?

1. Safety Orders

A safety order is an order of the court. This order prohibits the offending party (the Respondent) from engaging in violent acts or threats of violence. This order can cover those living together or apart. In relation to those who do not reside in the one residence, this order prevents the offending party from watching or being near the home of the protected party and from communicating with the protected party or their Dependants. This order can remain in place for five years.

The legislation is quite generous in who it covers and as such safety orders are available to those in the following relationships:

- Spouses and civil partners
- Parents with a child in common
- Partners in an intimate relationship (including cohabitants and dating partners)
- Parents of an abusive child if that child is over 18
- People residing with the Respondent in a non-contractual relationship, such as two relatives living together
- Former partners (former spouse or cohabitant).

2. Protection Orders

It can take some time to get a court date for a hearing and as this area can be extremely serious and time sensitive, the courts have the option of protection orders. These orders are temporary in nature and are used to bridge the gap between the time the protection is needed until the court can hear the case in full and grant the appropriate order.

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If the court deems it necessary between the making of the application for a safety order / barring order and the court's hearing of the matter, where there are reasonable grounds for believing that the safety and welfare of the Applicant or of a dependent person is at risk. Where this is the case, the court has power to award a protection order to prohibit the respondent from:

- The use of violence or the threat of such
- Where the parties involved do not reside together, prohibit the Respondent from watching or coming near the Applicants residence
- Communication with (including electronically) or following the applicant or their Dependents.

3. Barring Orders

This is probably the most familiar term when it comes to domestic violence protections. These orders can last up to three years. Barring order applications are available to the following people:

- Spouses and civil partners
- Cohabitants who live in an intimate relationship (subject to a property test)
- Parents when the abuser is a non-dependent child

Barring orders direct that the violent party must leave the residence and is prohibited from entering the home. They prohibit the Respondent from committing further acts / threats of violence and from watching or being near the home and from communication with the applicant or Dependents.

4. Emergency Barring Order

The Domestic Violence Act 2018 created a new order called the Emergency Barring Order. This order has immediate effect and can last for a maximum of eight days, where there is reasonable grounds to believe there is an immediate risk of significant harm to the Applicant or a dependent person and unlike the protection / interim orders, the Applicant in this case does not have to satisfy the property test (ie no need to own / co-own or have their name on the lease of the property). It covers the same behaviours as the regular barring order.

For further details on these orders or for information on how to apply, please do not hesitate to contact our offices and a Solicitor in our Family Law Department would be happy to assist you.

Contact our Family Law Department. We are here to Help

If either you or your spouse is contemplating an application for divorce please contact our family law department. One of our family law specialists will be happy to discuss your case with you in absolute confidence and will provide guidance and expertise on how best to represent your interests in the context of divorce.

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