

**17. BEING A RESPONDENT IN AN INJUNCTION –
RESOLUTION GUIDANCE FOR RESPONDENTS SERVED WITH INJUNCTION**

What has happened?

If you have received a Court Order then an application has already been made to the Court. Evidence, including probably a sworn statement (if so it should be attached) has been considered by the Court. The Court may have heard only one side of the story. The fact of the Application and the Order shows that there are issues that need to be addressed. The Court has made an Order as a first aid measure, whilst other issues and concerns are looked for.

What does it mean?

- You should read the terms of the Order carefully.
- If you break them (even if you do not accept what is said), you could be committed to prison.
- The Order covers a range of provisions.
- It is written in legal terms and stops you from acting and behaving in a certain way.

It is serious for a Court to make an Order and you should consult a Solicitor immediately about its effect. A list of local Solicitors who are members of Resolution can be obtained by telephoning 01689 850227 or from your local Citizens Advice Bureau. A list of Solicitors approved by the Law Society and the Legal Services Commission to advise on family law can also be obtained. These solicitors have achieved the Community Legal Service Quality Mark, and can be found listed in the Community Legal Services Directory, available at our office, or a reference library or CAB. This directory is also available at www.justask.org.uk.

You may qualify for Public Funding (legal aid) which offers some help with the legal costs of the Solicitor. The Solicitor will explain the terms of the Order, its full implications and your rights.

Domestic violence or abuse, and similar behaviour may often also be a crime and the Police may get involved if there is trouble or further difficulties in the future. Again if this happens, please consult a Solicitor immediately.

What happens next and what should you do?

Once you receive the papers, if there is a hearing date in the Order, you will need to attend Court on that day. You are entitled to ask the Court to vary or end the existing Order and/or tell the Court your side of the story. You are entitled to put a sworn statement before the Court (but this must be provided to the Applicant's Solicitor). If you don't do anything, you risk another and perhaps even more serious Order being made in your absence. The Order may also order you to pay the costs.

How to help your family

It is important to recognise that the making of the Order shows that there is a problem that must be faced within the family. It is better for all concerned if matters are resolved amicably, calmly and constructively, despite what may have happened or have been said.

Children can be badly affected by living in a family with serious tension between adults. It can affect their education, their health, their confidence and upbringing. It is important to decide what is best for them for the future. The matters alleged in the Court Order can put at risk the continuation of a family relationship and continued occupation of the family home.

It is better not to discuss this Order with the person who obtained it (or arrange for anyone else to do so on your behalf). Speaking to that person may be an immediate breach.

Other help available

In addition to your Solicitor, other local help may be available such as the Citizens Advice Bureau, the Court Office, marriage/relationship guidance, the local mediation service, and the Samaritans. A list of approved quality mark suppliers of such advice is available in the Community Legal Services Directory.

DUNN & BAKER – HERE TO HELP YOU
dunnandbaker.co.uk

Disclaimer: The material contained in this fact sheet is for general guidance only. It is specific to the law of England and Wales, and represents a brief outline of the law current as at the date of the fact sheet. It is not intended to constitute, or to be a substitute for, legal advice specific to your case. Dunn and Baker will be responsible only for advice specifically given to you.

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