

What legal options may be available to help you remain more safely in your current home?

If you are a sole tenant or homeowner and you are living with an abusive husband, wife or civil partner

You could consider seeking legal advice on whether you should apply for a non-molestation order and an occupation order to bring your abusive husband, wife or civil partner's Matrimonial Home Rights to an immediate end.

The long-term decision about the property will be made as part of your divorce or dissolution settlement. You should also seek advice from a domestic abuse support service to check that this option is likely to be a safe option for you.

If you are living in an abusive husband, wife or civil partner's home

- You should consider registering your Matrimonial Home Rights with the Land Registry Office to try to prevent your husband, wife or civil partner from selling the home without your consent.
- You could apply for a non-molestation order (link to non-molestation orders) if you think that this could change your abusive husband, wife or civil partner's abusive behaviour.
- You could apply for an occupation order to try to exclude them from the home for a short period until the divorce or dissolution court can make a judgement on what happens to the home once you separate.

These can be difficult to get without a strong case. It might help your case if you have evidence of the abuse, and you can show why you need to live there.

The courts give high priority to the needs of any children and will also consider other factors such as disability adaptations within the home as well as the financial situation of both parties involved.

If you are living in an abusive partner's home

- You probably don't currently have any right to carry on living in your partner's home, but you may be able to obtain an occupation order to let you stay there for a few months to give you more time to decide where to go next. These are very difficult to get unless you can provide the court with evidence about why you should be allowed to remain there for a while. In exceptional cases it may also be possible to exclude your partner for the length of the court order.
- If the home is a council or housing association tenancy, you may also be able to apply for a Transfer of Tenancy to transfer the tenancy from your partner's name into your name. You are much more likely to be successful in such an application if you are the main carer for any dependent children in the relationship, and you have been living there for a long period of time and can provide evidence of the domestic abuse.

If you live in your own home, away from the abuser and wish to continue living there

- You could consider applying for a non-molestation order to try to stop your abuser from continuing their abuse if you think they will be influenced by a court order.
- If you are nervous that your abuser may try to break into your home, you could approach your local authority and ask them to assess you for help under Sanctuary or Target Hardening which are local authority schemes to help survivors of domestic abuse to remain more safely in their homes. The local authority can organise for a security assessment of your home and then pay for additional security measures to be put in place.

You can only access this support if your abuser has no right to enter your home

If you are renting your home, you will need the consent of your landlord before the recommended measures can be put into place. Most social landlords are supportive of Sanctuary and Target Hardening. Private landlord attitudes vary.

Family law and occupation rights are complex. You must always obtain advice from a qualified expert before making any decisions regarding applying for court orders in relation to your home.

If you are a man experiencing domestic abuse, contact Men's Advice Line Domestic Abuse Helpline for Men | Men's Advice Line UK.

Shelter Housing and Homelessness Advice pages

Use our online advice pages linked below if you want to find out your housing rights:

- Housing advice from Shelter – Shelter England
- Get help from Shelter – Shelter England

Respect
Men's advice line

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Registered charity number: 263710 (England and Wales), SC002327
(Scotland). Company number: 01038133 88 Old Street, London,
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