

Controlling or Coercive Behaviour and Divorce

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There is a new criminal offence of **Controlling or Coercive Behaviour in Family Relationships**.

It is good to see this recognised officially in the law. As a family divorce lawyer and mediator these are issues on which I often advise. Family courts are used to seeing physical signs of abuse, particularly if one party has a drug or drink problem. They are less astute at acknowledging more subtle forms of abuse. Domestic abuse includes **psychological, physical, sexual, financial and emotional abuse including controlling and coercive behaviour**. The new criminal offence reflects this wider understanding of these forms of control and abuse.

Emerging from a relationship which is abusive is a difficult task, as is being assertive in negotiations after years of being psychologically overwhelmed or intimidated. If you feel great anxiety at disagreeing with your partner, it will make it very difficult for you to negotiate without strong legal representation. I often suggest to clients in this position that they consider getting emotional support, such as counselling, talking to friends, on-line support, Women's Aid. NHS Choices have information to support male and female victims of domestic abuse in all its forms.

At times of crisis, allegations and counter allegations often abound. It is not unusual for someone accused of coercive behaviour to make counter allegations of abuse. To be unfairly or falsely accused can be devastating and can undermine your credibility when you negotiate key matters such as arrangements for children. It is important that you are not vulnerable to further allegations or at risk of further abuse, so ensure that you are not alone with the person who is abusive or unfairly accusing you. If you feel you could be unfairly accused of

abusive behaviour, perhaps as a cynical way of trying to intimidate you to leave the home, you should get legal advice on how best to manage the situation. If you are the victim of false allegations it is essential that you have representation that is not defensive and asserts your position confidently.

If you are living in a home where your partner is subjecting you to an abusive, controlling or coercive relationship and you have decided you want to get out of the situation, how do you do it? The Court has the power to require one partner to

leave the family home. However, this might be a very short term arrangement which can cost a considerable amount of money to achieve, although Legal Aid is available if you have very limited capital or assets and income. One option for a different approach is negotiation based on one of you and/or the children renting and moving out for a short time,

whilst you sort out separating finances for a longer term arrangement. Having a lawyer involved can help separating couples where there has been abuse to consider if they can reach a safe workable arrangement for a temporary period that both parties and children can live with, whilst working on the longer term plan.

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