

Breaches of a Domestic Violence Order

What happens if an order is breached?

- It is a criminal offence to breach a domestic violence order
- If the order is breached the Gardai have immediate powers of arrest
- Report a breach during or as soon as possible after the incident
- It is important to make a signed written statement with the Garda. You may need to ask the guard to do this after the incident
- Anyone found guilty of breaching a domestic violence order is liable for a fine or a term of imprisonment of up to 12 months or both
- The person in breach of the order will be taken to the Garda station and will see a judge as soon as possible. The judge will set the bail condition and a court date will be set for the hearing
- It is very important that you get the name and contact number of the arresting Garda, this way you can keep updated
- You may not need to attend all the hearings, you should keep in touch with your investigating guard about this
- You do not need legal representation at this court hearing – the arresting Garda will be the prosecutor

Some points to discuss with the arresting Garda:

- When will the accused be released?
- Can the Garda notify you when the accused is due to be released?
- Conditions of the bail if there is a risk of further assault?
- You may want to consider making an application for further domestic violence orders
- Will you be required to attend court as a witness and how will you be notified of this?