



## The Domestic Abuse Act 2021: Recent Developments

*by Jade Royal, Family Law Paralegal*

### *Jade Royal, Family Law Paralegal, considers the recent developments of the Domestic Abuse Act 2021.*

The recent developments of the Domestic Abuse Act 2021 and the Court of Appeal case of *Re H-N and others* (children) herald a welcome step and long-awaited recognition that domestic abuse is not just physical and can take many forms including but not limiting to physical, emotional and economic abuse.

The home is somewhere where one should feel safe. Unfortunately, it is a setting in which abuse is inflicted upon so many. The impact of such a volatile environment can have a detrimental effect upon victims of abuse and, in particular, children, with at least 40% of private law children proceedings involving elements of domestic abuse allegations.

Certain provisions of the Domestic Abuse Act 2021 (DAA 2021) come into force today (01 October 2021) and are as follows:-

- DAA 2021, s1 (definition of ‘domestic abuse’);
- DAA 2021, s2 (definition of ‘personally connected’);

- DAA 2021, s3 (children as victims of domestic abuse) only for the purposes of s 63 (special measures in family proceedings: victims of domestic abuse) and Part 4 (Local Authority support);
- DAA 2021, s63 (special measures in family proceedings: victims of domestic abuse); and
- DAA 2021, Pt 4 (Local Authority support)

#### What do the Provisions mean?

The Act creates a statutory definition of domestic abuse as any incident of controlling, coercive or threatening behavior, violence or abuse between those aged 16 or over who are or have been intimate partners or family members, regardless of their gender or sexuality.

The provision extends children as victims of domestic abuse. This applies where behaviour of a person (“A”) towards another person (“B”) is domestic abuse under the statutory definition. A victim of domestic abuse includes reference to a child who sees or hears, or experiences the effects of, the abuse and is related to A or B whether the person is a parent of, or has parental responsibility for, the child or the child and the person are relatives.

The focus of the new law is to also prohibit cross-examination in person in family proceedings in certain circumstances. The court may make a special