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Categories: domestic violence by adult child; interpreter

Safety order against Son struck out after key returned

A mother appeared in a rural District Court to apply for a safety order against her son. A protection order had been granted to her previously and the safety order was now in for hearing. The woman was represented by a solicitor from the Legal Aid Board, and her son was also represented by a solicitor and barrister from the Legal Aid Board. There was also an interpreter in Court for both parties.

The barrister for the son applied to have the matter adjourned as he had just received documents and instructions from his client that he needed to examine. He told the judge that there were also videos that his client wished to show the judge to defend the safety order application.

The barrister indicated that if the matter proceeded today, “I would be flying with one wing”.

The judge stated that the safety order application was in for hearing that day and she had to balance that with the barrister’s need to examine the documents that he had just received, to enable him to defend the application against his client.

The judge asked both legal representatives if both parties were still living together. The solicitor acting for the applicant mother stated that her son had since moved out of the property they had both previously lived in.

The judge stated that “it would be prudent to adjourn matters” to balance the rights of the son’s barrister to fully defend the application. She stated that given that they were mother and son, if there was any breach or appeal of the safety order, if granted, it would cause further upset between the parties and she would adjourn the application and make it peremptory against the son so that it would proceed on the adjourned date. She indicated that the protection order would continue.

The mother’s solicitor asked for the return of the key to the family home that the son had retained after he moved out. The judge directed a short adjournment so that both parties could discuss the handing over of the key.

When the case came back before the judge, the mother’s solicitor told the judge that the key had been returned to her client and that her client had agreed to withdraw her safety order application. The judge stated that this would mean that the protection order currently in place would fall, and the safety order application was struck out.