

Non-Molestation Orders Fact Sheet

What is a Non-Molestation Order?

A non-molestation order is a type of injunction made by the Court that can help to protect you and your children. They are especially helpful for protecting victims of domestic abuse. The order prevents contact between two people. Non-molestation orders can be made against partners, former partners or other associated persons. These orders can be used to protect against harassment, psychological abuse, coercive and controlling behaviour, as well as physical abuse.

While non-molestation orders are usually made against current or former partners, they can also be made against other associated persons. Associated persons can also include family members, someone you live with or used to live with, amongst others.

How long will a Non-Molestation Order Last?

A non-molestation order will usually last between 6-12 months. However, they can last longer but this will depend on your circumstances and the court will need to believe it is necessary. If you still feel in danger at the end of the term of the non-molestation order, it can be extended.

The non-molestation order will need to be served on the respondent, who is the person you are making the order against. This is usually done in person, via a process server. The order will only come into force once the Respondent has been served with the order and papers.

How do I apply for a Non-Molestation Order?

To apply for a non-molestation order, an FL401 form must be filled out. This form is over 20 pages long and also requires certain supporting documents and evidence. Therefore, while you can apply for a non-molestation order yourself, it is usually best to seek legal advice to ensure the application is completed properly.

Can I get legal aid for a Non-Molestation Order application?

You can get legal aid when applying for a non-molestation order, but this is means and merits tested. Therefore, it is vitally important that all supporting documentation that you are asked to provide is sent through as soon as possible to avoid any



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delays in making your legal aid application Respondents in non-molestation order applications are not entitled to legal aid. There is no court fee when applying for a non-molestation order.

Will notice of my application for a non-molestation order be given to the Respondent?

A non-molestation order can be applied for without the respondent being told about the application. This is known as a 'without notice' or 'ex-parte' application. These types of applications are made when the person applying for the order needs protection quickly or if the respondent finding out about the application could put you in more danger.

The order that is granted for a 'without notice' or 'ex-parte' application is not final. The order will have a return date, which is a second hearing. The respondent will be present at the second hearing. This is so they can give their opinions on the application. The court will need to hear from both sides before making a final order.

What are the Consequences of breaching a Non-Molestation Order?

A breach of the order is a criminal offence and should be reported to the police. This can result in a prison sentence and/or a fine.

Disclaimer: The material contained in this fact sheet is for general guidance only. It is specific to the law of England and Wales, and represents a brief outline of the law current as at the date of the fact sheet. It is not intended to constitute, or to be a substitute for, legal advice specific to your case.

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