



/guide



Your questions answered

HOW TO: GET A NON-MOLESTATION ORDER

[Watch the supporting 'Get a Non-molestation Order' video](#)

This Stowe talks: How to guide explains how you apply for and obtain a non-molestation order.

What is a non-molestation order?

A non-molestation order is a type of injunction that you can apply for through the family court. These orders are granted to prevent a person from causing you or your children harm. This can include protecting you from someone you're having or have had a relationship with, a family member, or someone you're living or have lived with.

What does a non-molestation order cover?

Non-molestation orders can protect you or your children from abuse, harassment or pestering. This includes prohibiting

an abuser from using or threatening physical violence, and communicating with you. They can prevent someone coming to or near your home, your place of work or your child's school. A non-molestation order will also prevent the abuser from instructing or encouraging others to do any of these actions.

Who can apply for a non-molestation order?

You can apply for a non-molestation order if you are the victim of domestic abuse, and the person you wanted to be protected from is someone you're having or have had a relationship with, a family member, or someone you're living or have lived with.

How do you apply for a non-molestation order?

You apply for a non-molestation order by making an application to the family court using a form called an FL401. This will be submitted to the court, along with evidence in support of your application. There is no court fee for making this application.

It is possible to make an emergency application to the court for a non-molestation order if the incident has happened recently, for example within the last week, unless there is a good reason for any delay.

It is also possible to make an application to the court, and for the court to make an order without the abuser knowing. This would prevent situations where the abuser becomes aware of your application, and this aggravates the situation, and they then commit further abuse against you before there is any order in place as protection.

What evidence do you need for a non-molestation order?

To apply for a non-molestation order, you need evidence showing that you have been subjected to abuse or harassment by the other person. A lawyer can help you draft a witness statement in support of your non-molestation order application, outlining the abuse you have been subjected to and any key events that have occurred.

Providing evidence of abusive text messages, emails or social media posts, along with photos of any injuries or damage to your property, will strengthen your case. If you have sought assistance or reported the abuse you are suffering to the police, your GP or a support worker, a report from them can also be used as evidence to support your case.

Do you have to go to court?

Once your application is submitted to the court, it will be listed for a hearing to consider whether the order should be granted. Depending upon the seriousness of the threat to you or your children, the order may be made at that first hearing, or there may be up to three hearings.

Where a non-molestation order is not made at the first hearing, the court may order that the abuser has to comply with undertakings (promises to the court) whilst the proceedings are ongoing, and then the judge would decide at a final hearing whether to make a non-molestation order.

Breach of an undertaking is not an arrestable offence, but the abuser will be in contempt of court, which can lead to fines, community service or even imprisonment.

Where you have made an emergency application and an order is granted, there will usually be a further hearing around 2 weeks later, to give your abuser the opportunity to tell the court whether they oppose the order being in place.

When attending court, if the hearing is in person, you can request special measures be put in place to protect you from the abuser, if they are also in attendance at the hearing. This can include a separate entrance and waiting room, or screens in the hearing room.

What factors does the court consider before approving a non-molestation order?

The factors the court considers when deciding whether to grant a non-molestation order are all the circumstances of the situation, and specifically the need to secure the health, safety and wellbeing of you and any children.

What if someone breaches the order?

If someone breaches the non-molestation order, this is an arrestable offence.

Should your abuser breach the order, you can enforce it by reporting them to the police to start criminal proceedings, or begin civil proceedings, by applying to the family court who made the order, for the abuser to be arrested or punished.

Within the criminal court, the maximum sentence of breach of a non-molestation order is five years imprisonment and a fine. Within the family court, the maximum sentence is two years imprisonment, a suspended sentence or fines.

How long does a non-molestation order last for?

A non-molestation order is usually granted for between 6-12 months, although in certain circumstances, it could be granted for a longer period. The judge hearing your case will decide the duration of the order, depending on the circumstances of your case and the threat to you or your children.

A non-molestation order can also be extended in some circumstances, by applying to the family court who initially granted it.

What happens next?

Once a non-molestation order is granted and the abuser has been personally served with a copy of the order, it is effective, and any breach of the order is a criminal offence.

If an order has been made on an emergency basis without putting the abuser on notice, there will be a further hearing around 2 weeks later, to give your abuser the opportunity to tell the court whether they oppose the order being in place. At that hearing, the judge will then decide whether the order should continue, or if it will be disregarded.

When the order ends, usually between 6-12 months after it is granted, if you feel that continued protection is required, you can make an application to the family court who initially granted it to extend the order.

When deciding whether to extend the order, the court will consider all your circumstances, and specifically the need to secure the health, safety and wellbeing of you and your children.

The importance of legal advice

It is important to speak to a family lawyer before making an application to the court for a non-molestation order, because you will need to ensure that your circumstances meet the threshold to apply, to avoid wasted time and costs.

In some situations, if the incident is not serious enough to make an application to the court, we may advise writing to the abuser on your behalf first to ask them to stop their abusive behaviours. If the behaviour then continues or becomes worse, at that stage we would advise you to apply to the court for a non-molestation order.

When making an application, your supporting statement and the evidence you provide is absolutely key to the success of your application. It is therefore really important to seek the assistance of a family lawyer who is an expert in this area and can give you the best possible chance of obtaining the protective order.

Court hearings can be a daunting task for anyone, especially for domestic abuse victims where the incidents you have suffered are being discussed, and your abuser is potentially also present in the hearing room.

This can feel like you are in a very vulnerable position, and it is therefore a good idea to instruct a family lawyer, as they or a barrister can be present at the court hearing to represent you and put your case forward on your behalf.

It is also a great comfort to have another person who is supportive of you present with you in the court building, where you may be uncomfortable being in the vicinity of your abuser.

Useful links

Government portal to make an online application for a non-molestation order: <https://www.gov.uk/injunction-domestic-violence>

FL401: Non-molestation order application form https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1140663/FL401_0223_save.pdf

FL401T: Template supporting statement https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1185378/FL401T_0721.pdf

C1: Apply to keep your details private in the family court https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/993551/c8-eng.pdf

N117: Form that sets out Undertakings made to the court <https://www.gov.uk/government/publications/form-n117-general-form-of-undertaking>

Guide to special measures in the family court <https://rightsofwomen.org.uk/wp-content/uploads/2022/06/Rights-of-Women-Labyrinth-Guide-Special-Measures.pdf>

Help with court fees

Find out more about help paying court fees here: <https://www.gov.uk/get-help-with-court-fees>

You can apply for help with court fees online here https://helpwithcourtfees.service.gov.uk/checklist?_ga=2.49897317.291397894.1693818360-2023738386.1683294732

Or download and complete Form EX160, for help with court fees here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1139233/EX160_0422_save.pdf

Support

If you are in immediate danger, please call the police. Help and support can also be accessed from the National Domestic Abuse Helpline on 0808 2000 247 or visit: www.nationaldahelpline.org.uk.

You can also access support from the different organisations and charities below.

Women's Aid directory of local support up to date information about domestic abuse support services across the UK.

Galop LGBT+ support. Helpline: 0800 999 5428

Mankind Initiative support for male victims. Helpline: 01823 334244

Respect information for people worried their own behaviour is abusive. Helpline: 0808 8024040

NSPCC confidential advice if you are worried about a child. Helpline: 0808 800 5000

Refuge National Domestic Abuse Helpline: 0808 2000 247

Forced Marriage Unit national advice and support for victims and potential victims of forced marriage, and professionals dealing with cases. Helpline: 020 7008 0151

Karma Nirvana specifically for victims of Forced Marriage/Honour Based Abuse, especially victims whose first language is not English. Helpline: 0800 5999 247

Samaritans Helpline: 116 123

For more Stowe talks: How to videos and further free resources, visit: stowefamilylaw.co.uk/support

Need more information?

Call our Client Care Team on **0330 838 7456** to speak with one of our specialist family lawyers or visit www.stowefamilylaw.co.uk