

## Information Sheet: Non-Molestation Orders

**A civil court order preventing someone from contacting you or coming near you. A breach is a criminal offence.**

When somebody needs immediate protection from a partner, ex-partner or family member they can make an application for a court order called a non-molestation order. A non-molestation order is an injunction that tells the other person things they must not do. If they ignore the order and do one of the things that are prohibited (not allowed) it is a criminal offence and the police can arrest them. This is called a breach. They could face time in jail.

Typically, an order will prevent an ex-partner from;

- Being violent towards you or your children;
- Threatening violence towards you or your children;
- Communicating with you or your children (except perhaps through lawyers or a specific method);
- Harassing you or your children by going to certain places (i.e. - your house, workplace or school).

### Step 1: Application

You can apply for an order yourself at your local Family Court. The court will give you the forms that you need to fill in to apply for an order. You will also need to write a witness statement.

You will need to write a statement to explain why you need an order. In your written statement, only include details that you can support with evidence if the order is challenged.

If you are applying for the order without a solicitor, you should ask the court to arrange for a Court Bailiff to serve the order. You will need to fill in a form.

### Step 2: Help with getting an order

You may wish to have a solicitor to help you with getting an order. If you are a victim of domestic abuse you may be entitled to some help with the legal costs of getting an order, this is called Legal Aid. You do not have to have a solicitor to make an

application for a non-molestation order, but you might find it reassuring to take a friend or support worker with you to support you.

[Find out more about Legal Aid »](#)

### **Step 3: The hearing**

Once the application for the order has been made the Judge will decide whether to arrange a hearing with one or both people at the hearing and how urgently the case needs to be heard.

If there is a risk that the person might react violently to you asking for an order, the court can make the order before the other person has been told about it. This is called a hearing 'Without Notice'. Sometimes people also refer to this as 'Ex Parte'. This means that the order can be made without them knowing it and given to the other person without you needing to contact them.

At the hearing you may be asked some questions about your witness statement.

### **Step 4: Serving the order**

The Order must be served to the other person (respondent) by a Process Server or a Bailiff. The order must also be served to the Police so that they can act if the person breaches the order. If you have a solicitor, they should arrange this for you. If you are applying for the order by yourself, you should check that the court are going to serve the order to the respondent and the Police.

### **Step 5: Return hearing**

Once the other person has the order, they will have the opportunity to argue against the order at a 'Return Hearing'. This is a hearing which is held so that the Judge can hear both people's viewpoints.

You may need to attend the Return Hearing together. If you are worried about this, you can speak to court staff about ways that they can help to make you feel safer when you go to court. In some cases, you may be able to give evidence on the phone or via video link.

[Find out more about feeling safe at court »](#)

[Watch our video about special measures »](#)



### **Step 6: Breaches of the order**

The Police must be given a copy of the order because they cannot make an arrest without being sure that an order is in place. You can also have a copy of the order with you to show the Police that you have an order.

Once the order has been given (served) to the other person then they can be arrested if they breach the order and could face jail time. The Police need evidence that there has been a breach of the order to be able to get a criminal conviction.

If the person breaches the court order against them, then you can call the Police. It is a good idea to tell the Police that you have an order. They may need to see a copy of the order to make an arrest.