



In the Family Court No: [*Case number*]
sitting at [*Court name*]

The Family Law Act 1996

The [*Marriage*] / [*Civil Partnership*] / [*Relationship*] / [*Family*] of [*applicant name*] and [*respondent name*]
(ADAPT AS NECESSARY)

After hearing [*name the advocates(s) who appeared*]
(IN THE CASE OF AN ORDER MADE WITHOUT NOTICE) After reading the statement[s]
and hearing the witness[es] specified in para [*para number*] of the Recitals below

**NON-MOLESTATION ORDER MADE BY [*NAME OF JUDGE*] ON [*DATE*]
SITTING IN PRIVATE**

**IMPORTANT NOTICE TO THE RESPONDENT, [*RESPONDENT NAME*] OF
[*RESPONDENT ADDRESS*]**

YOU MUST OBEY THIS ORDER. You should read it carefully. If you do not understand anything in this order you should go to a solicitor, Legal Advice Centre or Citizens Advice Bureau. You have a right to apply to the court to change or cancel the order.

WARNING: IF, WITHOUT REASONABLE EXCUSE, YOU DO ANYTHING WHICH YOU ARE FORBIDDEN FROM DOING BY THIS ORDER, YOU WILL BE COMMITTING A CRIMINAL OFFENCE AND LIABLE ON CONVICTION TO A TERM OF IMPRISONMENT NOT EXCEEDING FIVE YEARS OR TO A FINE OR BOTH.

ALTERNATIVELY, IF YOU DO NOT OBEY THIS ORDER, YOU WILL BE GUILTY OF CONTEMPT OF COURT AND YOU MAY BE SENT TO PRISON, BE FINED, OR HAVE YOUR ASSETS SEIZED.

The parties

1. The applicant is [*applicant name*]
The respondent is [*respondent name*] who was born on [*date of birth*]
[*Further respondent[s]: [further respondents name(s)]*]
(SPECIFY IF ANY PARTY ACTS BY A LITIGATION FRIEND)

Definitions

2. The “relevant children” within the meaning of Family Law Act 1996, section 62(2) are:

- a. *[child full name]* (a *[boy]* / *[girl]*) born on *[date]*;
 - b. *[child full name]* (a *[boy]* / *[girl]*) born on *[date]*;
 - c. *[etc]*.
3. *[The “family home” is the property at [full address] [and its surrounding gardens, land and outbuildings]].*
 4. *[[“Property short name”] is the property at [full address] [and its surrounding gardens, land and outbuildings]].*

Recitals

5. This is a non-molestation order made against the respondent *[respondent name]* on *[date]* by *[name of judge]* on the application of the applicant *[applicant name]*.
6. **(WHERE THE ORDER WAS MADE WITHOUT NOTICE)** The judge read the following witness statement*[s]* *[insert]* and heard oral evidence from *[name(s)]*.
7. **(WHERE THE ORDER WAS MADE WITHOUT OR ON SHORT NOTICE)** This order was made at a hearing *[without notice]* / *[on short informal notice]* to the respondent. The reason why the order was made *[without notice]* / *[on short informal notice]* to the respondent was *[insert]*. The respondent has the right to apply to the court to vary or discharge the order – see paragraph *[para number]* below.

Undertakings given to the court by the applicant *[applicant name]*

8. **(WHERE THE ORDER WAS MADE WITHOUT OR ON SHORT NOTICE)** *[By [time and date] the applicant shall:*
 - a. issue an application notice *[in the form of the draft produced to the court] [claiming the appropriate relief]; and*
 - b. file a witness statement *[substantially in the terms of the draft witness statement produced to the court] [confirming the substance of what was said to the court by the applicant’s [counsel] / [solicitor].]*
9. **(WHERE THE ORDER WAS MADE WITHOUT OR ON SHORT NOTICE)** *[By [time and date] the applicant shall [use [his] / [her] best endeavours personally to serve upon the respondent] / [serve upon the respondent, by [insert method of service (FOR EXAMPLE POSTING TO THE RESPONDENT’S USUAL ADDRESS)], together with this order:*
 - a. a copy of the application;
 - b. copies of the witness statement*[s]* and exhibits containing the evidence relied upon by the applicant, and any other documents provided to the court on the making of the application; and
 - c. a note *[prepared by [his] / [her] solicitor]* recording the substance of the dialogue with the court at the hearing and the reasons given by the court for making the order, which note shall include (but not be limited to) any allegation of fact made orally to the court where such allegation is not contained in the witness statement*[s]* or draft witness statement*[s]* read by the judge.]

10. The statement of service of this order on the respondent shall be filed at court and shall be in a form which complies with section 9 of the Criminal Justice Act 1967 [and shall include the following signed declaration:
“This statement is true to the best of my knowledge and belief and I make it knowing that, if it were tendered in evidence, I would be liable to prosecution if I wilfully stated in it anything which I know to be false or did not believe to be true.””]

IT IS ORDERED (BY CONSENT):

Non-Molestation Order – Applicant

11. The respondent, [*respondent name*], must not use or threaten violence against the applicant, [*applicant name*], and must not instruct, encourage or in any way suggest that any other person should do so.
12. The respondent, [*respondent name*], must not intimidate, harass or pester the applicant, [*applicant name*], and must not instruct, encourage or in any way suggest that any other person should do so.
13. The respondent, [*respondent name*], must not telephone, text, email or otherwise contact or attempt to contact the applicant, [*applicant name*], (including via social networking websites or other forms of electronic messaging) [except for the purpose of making arrangements for contact between the respondent and the relevant children] / [except through [*his*] / [*her*] solicitors [*respondent firm name*], [*respondent firm address*], [*respondent firm DX*], [*respondent firm email*], [*respondent firm phone*], [*respondent firm fax*]].
14. The respondent, [*respondent name*], must not damage, attempt to damage or threaten to damage any property owned by or in the possession or control of the applicant, [*applicant name*], and must not instruct, encourage or in any way suggest that any other person should do so.
15. The respondent, [*respondent name*], must not damage, attempt to damage or threaten to damage the property or contents of [*the family home*] / [*property short name*] and must not instruct, encourage or in any way suggest that any other person should do so.

Non-Molestation Order - Zonal

16. The respondent, [*respondent name*], must not go to, enter or attempt to enter [*the family home*] / [*property short name*] / [any property where [*he*] / [*she*] knows or believes the applicant, [*applicant name*], to be living], and must not go [within [*number*] metres of it] / [along the road[s] known as [*road(s) name(s)*]] / [anywhere within the territory of the map annexed hereto], except that the respondent may [go to the property [without entering it]] / [go along the road[s] known as [*road(s) name(s)*]] for the purpose of collecting the relevant child[ren] for, and returning them from, such contact with the children as may be agreed in writing between the applicant and the respondent or in default of agreement ordered by the court.

Non-Molestation Order - Children

17. The respondent, [*respondent name*], must not use or threaten violence against the relevant child[*ren*], and must not instruct, encourage or in any way suggest that any other person should do so.
18. The respondent, [*respondent name*], must not intimidate, harass or pester the relevant child[*ren*], and must not instruct, encourage or in any way suggest that any other person should do so.
19. The respondent, [*respondent name*], must not telephone, text, email or otherwise contact or attempt to contact the relevant child[*ren*] (including via social networking websites or other forms of electronic messaging) [except for such contact as may be agreed in writing between the applicant and the respondent or in default of agreement ordered by the court].
20. The respondent, [*respondent name*], must not [between the hours of 8.30am and 4.00pm] go to, enter or attempt to enter the school premises known as [*school name*], and must not go [within [*number*] metres of it] / [along the road[s] known as [*road(s) name(s)*]], except [by prior written agreement with the applicant] / [by prior written invitation from the school authorities].

Duration of Non-Molestation Order

21. Paragraph[s] [*para number*] of this order shall be effective against the respondent [*respondent name*] once it is personally served on [him] / [her] [and] / [or] once [he] / [she] is made aware of the terms of this order whether by personal service or otherwise.
22. Paragraph[s] [*para number*] of this order shall last until [*date and time*] unless it is set aside or varied before then by an order of the court.
23. The respondent has the right to apply to the court at any time, [(WHERE THE ORDER WAS MADE WITHOUT NOTICE) and without waiting until the return date], to set aside, vary or revoke this order. [(IF APPROPRIATE) The respondent must give [[*number*] [hours] / [days] [written] notice of the application to the [applicant] / [applicant's solicitors].] If the respondent intends to rely on any evidence in support of [his] / [her] application to set aside, or vary this order, [(WHERE THE ORDER WAS MADE WITHOUT NOTICE) or intends to rely on any evidence to oppose the continuation of the order at the return date], the substance of it must be provided in writing to the [applicant] / [applicant's solicitors] in advance.
24. (WHERE THE ORDER WAS MADE WITHOUT OR ON SHORT NOTICE) [If the respondent intends to oppose the continuation of the order on the return date [he] / [she] must notify the court [in writing or by email] no later than [*date and time*] that [he] / [she] intends to attend the hearing on the return date and to oppose the continuation of the order. If the respondent does not notify the court then the court may, if appropriate, make an order dispensing with the need for any attendance by the [applicant] / [applicant's solicitors] on the return date and may, if appropriate, on the return date make an order extending the injunction.]

Hearings

25. The application[s] [is] / [are] listed for a further [directions] hearing in the Family Court sitting at [court name] / on [date] ('the return date'). At the hearing on the return date the court will reconsider the application and decide whether [the order should continue] / [the application should be granted and the order should be made] (time estimate: [days/hours]). If the respondent does not attend on the date and at the time shown the court may make an order in [his] / [her] absence.
26. [The application[s] [is] / [are] listed for a final hearing in the Family Court sitting at [court name] / on [date]. At the hearing, the court will reconsider the application and decide whether [the order should continue] / [the application should be granted and the order should be made] (time estimate: [days]). If the respondent does not attend on the date and at the time shown the court may make an order in [his] / [her] absence.]

Costs

27. The costs of this application are [reserved to the judge hearing the application on the return date] / [in the application] / [specify].

Dated [date]

(WHERE THE COURT HAS MADE A NON-MOLESTATION ORDER A COPY OF THE ORDER MUST BE DELIVERED TO THE OFFICER IN CHARGE OF THE POLICE STATION FOR THE APPLICANT'S ADDRESS, OR SUCH OTHER POLICE STATION AS THE COURT MAY SPECIFY, AND MUST BE ACCOMPANIED BY A STATEMENT SHOWING THAT THE RESPONDENT HAS BEEN SERVED WITH THE ORDER OR INFORMED OF ITS TERMS: SEE FPR 2010, RULE 10.10.)

Note to Arresting Officer:

Under section 42A of the Family Law Act 1996, breach of a non-molestation order is a criminal offence punishable by up to five years' imprisonment. It is an arrestable offence and it is not necessary to obtain a warrant.

"A person who without reasonable excuse does anything that he is prohibited from doing by a non-molestation order is guilty of an offence".

Family Law Act 1996, section 42A(1).

(WHERE UNDERTAKINGS HAVE BEEN GIVEN)

Notice

You [name] may be held to be in contempt of court and imprisoned or fined, or your assets may be seized, if you break the promises that you have given to the court.

Statement of understanding

I understand the undertakings that I have given, and that if I break any of my promises to the court I may be sent to prison, or fined, or my assets may be seized for contempt of court.

[applicant name]

Notice

You *[name]* may be held to be in contempt of court and imprisoned or fined, or your assets may be seized, if you break the promises that you have given to the court.

Statement of understanding

I understand the undertakings that I have given, and that if I break any of my promises to the court I may be sent to prison, or fined, or my assets may be seized for contempt of court.

[respondent name]

Communications with the court

All communications to the court about this order should be sent to:

[court name]

[court address]

Tel: *[court telephone]*

Name and address of applicant's legal representatives

The applicant's legal representatives are:

[applicant firm name]

[applicant firm address]

Ref: *[applicant firm reference]*

DX: *[applicant firm DX]*

Email: *[applicant firm email]*

Phone: *[applicant firm telephone]* (office hours)

[applicant firm telephone (out of hours)] (out of office hours)

Fax: *[applicant firm fax]*