# **In the High Court of Justice Family Division/In the Family Court at (name)**

**Domestic Abuse Protection Order under Part 3 of the Domestic Abuse Act 2021**

Case number:

Name of applicant:

Name of respondent:

Respondent’s date of birth:

To: Respondent’s Name

Respondent’s address

**Warning notice**

**If, without reasonable excuse, you do anything you are forbidden from doing or fail to do anything you are required to by this order, including obeying the notification requirement, you will be committing a criminal offence and liable on conviction to a term of imprisonment not exceeding 5 years, or to a fine, or to both.**

**YOU MUST OBEY THIS ORDER AND THE NOTIFICATION REQUIREMENTS BELOW. 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. You have a right to apply to the court to change or cancel the order.**

**Alternatively, if you do not obey this order or the notification requirement, you will be guilty of contempt of court and may be sent to prison.**

**Notification requirements – steps you must now take**

**During the period of this order, you are subject to the notification requirements. You are required to notify the police of certain personal details, and keep them up to date, for as long as this order lasts.**

**You must notify the police within the next 3 days:**

**• your name and where you use one or more other names, each of those names, and**

**• your home address, including your sole or main residence or, where you have no such residence, the address or location of a place where you can regularly be found at and, if there is more than one such place, such one of those places as you may select.**

**You must also notify the police within 3 days of any change to your name or address.**

**Terms of Order**

**Date of order**

**Name of the person to be protected (name)**

Before (title and name of Judge/Magistrate) sitting at (location of hearing) on (date)

**Preamble/Recitals**

This is a domestic abuse protection order made against the respondent [*respondent name*] on [*date*] by [*name of judge*] on the application of the applicant [*applicant name*].

**(Where the order was made without notice)** The judge read the following witness statement[s][*insert*]and heard oral evidence from [*name(s)*].

The reason why the order was made without notice to the respondent was [*insert*]. The respondent has the right to apply to the court to vary or discharge the order.

**Definitions**

The “ premises” is the property at [full address] [and its surrounding gardens, land and outbuildings]].

**Directions/instructions to the applicant**

**Directions for service of order**

1. **(Where the order was made without notice)** [By [*time and date*]

[court bailiff – **select if applicant unrepresented** /

applicant’s legal representative – **select if applicant represented** /

organisation or their legal representative – **select if organisation applying as 3rd party on person to be protected’s behalf**]

shall [use [his] / [her] best endeavours to serve:

* the respondent [personally] [by alternative method or at alternative place], [and]
* [the person to be protected, where applicant is not the person to be protected] [specify method of service]
1. a copy of this order
2. a copy of the application;
3. 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
4. notice of the hearing
5. **(Where the order was made on notice)** [By [*time and date*]

[court bailiff – **select if applicant unrepresented** /

applicant’s legal representative – **select if applicant represented** /

organisation or their legal representative – **select if organisation as 3rd party on person to be protected’s behalf**] shall [use [his] / [her] best endeavours to serve a copy of this order on:

* the respondent [personally] [by alternative method or at alternative place], [and]
* [the person to be protected, where applicant is not the person to be protected] [specify method of service]

**Directions for filing a certificate of service**

1. The certificate of service of this order on the respondent shall be filed at court.
2. **[if applicant is represented / organisation is applying on person to be protected’s behalf]**, applicant’s legal representative / organisation or their legal representative [select as appropriate] must file a certificate of service with the police at the following email address [insert dedicated email address for each police force area].
3. **[If applicant is not represented],** the court bailiff must file a certificate of service with the police at the following email address [insert dedicated email address for each police force area].

**IT IS ORDERED (BY CONSENT):**

**Domestic Abuse Protection Order**

1. The respondent, [*respondent name*], must not use or threaten violence against the applicant/person to be protected, [*applicant name*/person to be protected name] and must not instruct, encourage or in any way suggest that any other person should do so.
2. The respondent, [*respondent name*], must not be physically or sexually abusive towards the applicant/person to be protected, [*applicant name*/person to be protected name] , and must not instruct, encourage or in any way suggest that any other person should do so.
3. The respondent, [*respondent name*], must not intimidate, harass or pester the applicant/person to be protected, [*applicant name*/person to be protected name] and must not instruct, encourage or in any way suggest that any other person should do so.
4. The respondent, [*respondent name*], must not telephone, text, email or otherwise contact or attempt to contact the applicant/person to be protected [*applicant name/person to be protected name*], (including via social networking websites or other forms of electronic messaging) and must not instruct, encourage or in any way suggest that any other person should do so. [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]].
5. The respondent, [respondent name], must not control the applicant/person to be protected [applicant name/person to be protected name] and must not instruct, encourage or in any way suggest that any other person should do so.
6. The respondent, [respondent name], must not behave in a coercive way towards the applicant/person to be protected [applicant name/person to be protected name] and must not instruct, encourage or in any way suggest that any other person should do so.
7. The respondent, [respondent name], must not financially or economically abuse the applicant/person to be protected [applicant name/ person to be protected name]. and must not instruct, encourage or in any way suggest that any other person should do so.
8. The respondent, [respondent name], must not be psychologically, emotionally or otherwise abusive towards the applicant/person to be protected, [applicant name/person to be protected name] and must not instruct, encourage or in any way suggest that any other person should do so.
9. 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/ person to be protected, [*applicant name/ person to be protected name*], and must not instruct, encourage or in any way suggest that any other person should do so.
10. The respondent, [*respondent name*], must not damage, attempt to damage or threaten to damage the property or contents of [the premises] / [*property short name*] and must not instruct, encourage or in any way suggest that any other person should do so.
11. The respondent [respondent name] must not evict or exclude the applicant/person to be protected [applicant name/person to be protected name] from (address). and must not instruct, encourage or in any way suggest that any other person should do so.

**Domestic Abuse Order - Zonal**

1. The respondent, [*respondent name*], must not go to, enter or attempt to enter [the premises] / [*property short name*] / [any property where [he] / [she] knows or believes the applicant/person to be protected, [*applicant name/person to be protected name*], to be living]/place of work/children’s school or nursery 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 premises [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/person to be protected and the respondent or in default of agreement ordered by the court.
2. [The respondent’s compliance with this requirement will be electronically monitored.]
3. The respondent, [*respondent name*], must not [between the hours of 8.30am and 4.00pm / change as appropriate] go to, enter or attempt to enter the school/nursery premises known as [*school name/*nursery 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/person to be protected] / [by prior written invitation from the school authorities].

**Electronic monitoring:**

**Exclusion zone not to enter for a period with electronic monitoring**

* Place / area Example Street, NF1 1NF
* Exclusion and electronic monitoring period 6 Months
* Start date for tag 16/10/2023
* Start time for tag 18:00
* End date for tag 15/04/2024
* End time for tag 23:59

**Curfew with electronic monitoring**

* Curfew and Electronic Monitoring period 6 Months
* Start date of tagging 16/10/2023
* Start time of tagging 18:00
* End date of tagging 15/04/2024
* End time of tagging 23:59
* Respondent to remain at 145 Test Street, NF1 1NF
* Details and timings daily, between 18:00 - 05:00

**Responsible Person for Electronic Monitoring**

1. The Responsible Person for electronic monitoring for this order will be the electronic monitoring supervisor.
2. You [*respondent name*] must:
	* + submit to being fitted with the monitoring device and any installation of equipment as required:
			1. Use this direction if Exclusion zone EM imposed, this is a temporary condition: confine yourself to (INSERT ADDRESS – this will be the address where the court agreed EM equipment can be installed) between 5 p.m. and midnight until (INSERT DATE TWO DAYS AFTER COURT ORDER) for the installation of your electronic monitoring device. This condition no longer applies once the device has been installed.

OR

* + - 1. Use this direction if curfew EM imposed: Remain at (INSERT CURFEW ADDRESS) between (INSERT HOURS OF CURFEW) for tag and equipment to be installed
		- co-operate with any checks or repair of device or equipment as required
		- not interfere with the device or equipment
		- do what’s required to keep the equipment in working order
		- keep in touch with your responsible person as that officer tells you
		- ask permission from the court before you change address
		- tell the responsible person about change of address
1. These conditions are part of the order. You must obey all the conditions.
2. HMCTS will send a notice to the electronic monitoring supervisor telling them about this order.

**Positive requirements (behaviour change programme)**

**Assessment of suitability**

1. You [*respondent name*] are required to attend an assessment of suitability for a programme. You must make yourself available to attend such an assessment when notified to do so by the organisation that has been asked to undertake the assessment.

**Attendance on a programme**

1. You [*respondent name*] are required to complete the following programme provided by (name and contact details of provider). The provider will be the responsible person for this requirement.
2. You must
* keep in touch with your responsible person the way they ask you to
* tell them if you change your home address or no longer have a home address
1. These conditions are part of the order. You must obey all the conditions
2. HMCTS will send a notice to the provider telling them about this order.

**Duration of Domestic Abuse Protection Order**

1. 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.
2. Paragraph[s] [*para number*] of this order shall last until [*date and time*]/further order unless it is set aside , varied or discharged before then by an order of the court.
3. 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 discharge 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, vary or discharge 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.
4. **(Where the order was made without 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 order.]

**Hearings –[ this is for the court to choose if return hearing is ordered]**

1. The application[s] [is] / [are] listed for a further [directions] hearing in the Family Court sitting at [*court name*] / on [*date / time*] (‘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.
2. [The application[s] [is] / [are] listed for a final hearing in the Family Court sitting at [*court name*] / on [*date / time*]. 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**

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

Dated [*date*]

**Note to Arresting Officer:**

Under section 39 of the Domestic Abuse Act 2021, breach of a domestic abuse protection order, without reasonable excuse, is a criminal offence punishable by up to five years’ imprisonment, or a fine, or both. It is an arrestable offence and it is not necessary to obtain a warrant.

'(1) A person who is subject to a domestic abuse protection order commits an offence if without reasonable excuse the person fails to comply with any requirement imposed by the order.'

Domestic Abuse Act 2021, section 39(1).

Under section 43 of the Domestic Abuse Act 2021, it is also an offence for a person who, without reasonable excuse, fails to comply with the notification requirements (of their name and address to the police including any changes to such details) under section 41, or notifies such information falsely, or fails to comply with the notification requirements under section 42(5).

'(1) A person (“P”) commits an offence if P—
(a) fails, without reasonable excuse, to comply with a requirement imposed by or under section 41, or
(b) notifies the police, in purported compliance with such a requirement, of any information which P knows to be false.
(2) A person who fails, without reasonable excuse, to comply with section 42(5) commits an offence.’

Domestic Abuse Act 2021, section 43(1) - (2).

**[Include if positive requirement imposed by the order]**

Failure of the respondent to keep in touch with the responsible person for supervising compliance with a positive requirement, or, failing to notify them of a change of home address or lack thereof under section 36(7) of the Domestic Abuse Act 2021 is also an offence.

‘(7) A person (“P”) who is subject to a requirement imposed by a domestic abuse protection order—

(a) must keep in touch with the person specified under subsection (2) in relation to that requirement, in accordance with any instructions given by that person from time to time;

(b) if P changes home address, must notify the person specified under subsection (2) of the new home address;

(c) if P ceases to have any home address, must notify the person specified under subsection (2) of that fact.

These obligations have effect as requirements of the order.’

Domestic Abuse Act 2021, section 36(7).

**[Include if electronic monitoring requirement imposed by the order]**

Failure of the respondent to comply with the obligations in relation to the electronic monitoring requirements under section 37(8) of the Domestic Abuse Act 2021 is also an offence.

‘(8) Where a domestic abuse protection order imposes an electronic monitoring requirement on a person, the person must (among other things)—

(a) submit as required from time to time by the responsible person, to—

 (i) being fitted with, or installation of, any necessary apparatus, and

 (ii) the inspection or repair of any apparatus fitted or installed for the purposes of the monitoring,

(b) not interfere with, or with the working of, any apparatus fitted or installed for the purposes of the monitoring, and

(c) take any steps required by the responsible person for the purpose of keeping in working order any apparatus fitted or installed for the purposes of the monitoring.

These obligations have effect as requirements of the order.’

Domestic Abuse Act 2021, section 37(8).

**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*]