

{ MERGEFIELD LINKNAME_TITLE_1 } { MERGEFIELD
LINKNAME_INITIALS_1 } { MERGEFIELD
LINKNAME_SURNAME_1 }
{ MERGEFIELD CALCULATION_ADDRESS }

Your Ref:

Our Ref:
{ USERINITIALS * Upper }/{
MERGEFIELD "Client_No" }/{
MERGEFIELD "Matter_No" }

Please ask for:
{ MERGEFIELD
CALCULATION_FEE_EARNER_DESCRIPTION }
Date:
{ DATE \@ "dd MMMM
yyyy" } { SET LtrDate {
DATE \@ "d MMMM
yyyy" } }

Dear { MERGEFIELD LINKNAME_TITLE_1 } { MERGEFIELD LINKNAME_SURNAME_1 },

RE: { MERGEFIELD MATTER_MATTER_DESCRIPTION }

I am { MERGEFIELD CALCULATION_FEE_EARNER_DESCRIPTION }, a JOB TITLE, in the Family Department. I will have conduct of your matter throughout. I am supervised by NAME, a JOB TITLE.

Your Instructions

Our Advice

Domestic abuse includes all types of abuse, including physical violence, sexual, psychological, financial and emotional abuse between people who are or were in a relationship or are family members over the age of 16.

Some forms of domestic abuse are criminal offences and should be reported to the police. The law also allows for individuals to apply for orders to protect themselves, called 'non-molestation' and 'occupation' orders.

A non-molestation order is used to prevent the other party (the Respondent) from carrying out certain acts. The order prohibits them from using or threatening violence against you or a child or molesting you. The term 'molesting' covers a wide array of behaviours, including direct physical harm such as punching, spitting or verbal abuse or indirect harm such as pestering, persistent abusive messages or pestering/intimidation via a third party.

A non-molestation order can also be used to keep the Respondent away from a certain area, for example prohibiting them from entering a defined area surrounding your house or workplace or keeping them away from a child's school.

For the Court to make an order, there must be evidence of the Respondent's behaviour, that you and/or your child need protection and that the Respondent's behaviour can only be controlled through obtaining an order.

If the Court make an order against the Respondent, it only comes into force once the Respondent has been served with a copy of the order. The order usually expires after six to 12 months, however a further order can be applied for if it is necessary at the time.

If the Respondent breaches the order, despite the act committed, it is a criminal offence. The punishment for this offence is up to five years' imprisonment.

An occupation order is used to determine who can live at the family home. It can be used to either prevent someone from living at the family home, or set out rules for sharing the family home.

The making of an order will depend on the rights of both parties to live at the home and their relationship. The Court will consider whether you would suffer significant harm if an occupation order is not made.

Other factors the Court will consider, are both parties' housing needs and financial resources and the conduct of each party towards the other. The order is intended to set out temporary living arrangements to give you and the Respondent time to organise where you will live and how to divide your property.

An occupation order usually expires after six months, however it is possible to apply for a further order at that time, if necessary.

Sometimes it will be necessary to apply for an order 'without notice'. This means that the Respondent is not notified about your application and the Court will make a decision without hearing from the Respondent. Without notice applications are made where it would put your safety in danger if the Respondent were to be told about the application, or where the Respondent would try to prevent or persuade you not to make the application. This type of application is also sometimes referred to as 'ex-parte'.

If orders are made without notice, the Court will always schedule a hearing as soon as possible to allow the Respondent to respond to the application.

Next Steps

I will need to prepare your application together with a statement detailing the events leading to you applying for a non-molestation or occupation order.

I will also require you to sign and return the enclosed client care documentation as soon as possible.

If you have any questions, please do not hesitate to contact me.

Yours sincerely,

{ MERGEFIELD "CALCULATION_FEE_EARNER_DESCRIPTION" }
{ MERGEFIELD PRACTICEINFO_PRACTICE_NAME }