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# NON-MOLESTATION ORDER

## GUIDANCE



### What is a Non-Molestation Order?

- A Non-Molestation Order is a civil injunction issued by the court to protect you, not a place or property.
- It stops an abuser from doing certain things, such as using or threatening violence; pestering, harassing or intimidating you; and communicating with you.
- An Order will also prohibit the abuser (the Respondent) from asking or encouraging someone else to do any of those acts for them.
- The Order can also prevent the Respondent from coming within a certain distance of a property where you are, such as your home or place of work.

### Who can apply for a Non-Molestation Order?

- In order to apply for a Non-Molestation Order, both you and the Respondent must be over the age of 16 and you must be what the Family Law Act calls "associated persons". You will be an associated person with the Respondent if:
  - You are or were married to them
  - You are or were in a civil partnership with them
  - You are or were living together as intimate partners (cohabiting)
  - You are living or have lived in the same household
  - You have a child together
  - You are or were engaged
  - You are relatives
  - You are or were intimate partners for a significant period. The judge will decide whether the period has been significant based on the nature of your relationship with the Respondent.

### What is Molestation?

- The law does not define what molestation means. However, the Respondent's behaviour must be considered to be abusive.
- Abusive behaviour consists of the following:
  - Physical or sexual abuse
  - Violent or threatening behaviour
  - Controlling or coercive behaviour. Coercive control is a pattern of behaviour that is designed to make you feel dependent on the Respondent and threatened by them.
  - Economic abuse, such as having a negative effect on your ability to access money
  - Psychological, emotional or other abuse.

### How do I apply for a Non-Molestation Order?

- In order to apply for a Non-Molestation Order, you will need to complete an FL401 form, which is the court application form.
- You will also need to provide a supporting statement, detailing the reasons why you require the protection of the court order.

### How much does a Non-Molestation Order cost?

- There is no fee when applying for a non-molestation order.

### How does the Court decide whether to grant a Non-Molestation Order?

- There must be evidence of abuse, which should be set out in your supporting statement
- The Judge must consider that you are in need of protection
- The Judge must be satisfied that a court order is needed to control the Respondent's behaviour.

### How long will a Non-Molestation Order last?

- For a specific period, usually 6 months or 12 months. The court may impose an order for a greater length, but this will depend on the particular facts of the case.

