

Apply for a non-molestation or occupation order

Family Law Act 1996 (Part 4)

You can use this form to apply for a:

- **Non-molestation order:** Protects you and any relevant child from abuse or harassment. This order can also prevent someone coming to or near your home.
- **Occupation order:** The court decides who should live in, or return to, the home or any part of it.

There are no court fees for applying. You can apply for either order or both, depending on your situation.

To be completed by the court

Court name

Date issued

Day

Month

Year

Case number

CourtNav can help you apply for an order

CourtNav is an online tool (provided by RCJ Citizens Advice) that will help you in putting together your application. The tool will also put you in touch with legal advisors to discuss your options.

Visit <https://injunction.courtnav.org.uk> to register and apply. If you choose to use **CourtNav**, you will not need to complete this FL401 form or a supporting statement – **CourtNav** will complete both for you.

Support if you are experiencing domestic abuse

Visit www.gov.uk/report-domestic-abuse for a list of organisations that can provide help and advice about domestic abuse. Call 999 if it's an emergency or you're in immediate danger

Applications without the respondent being told

In exceptional circumstances, such as your safety is immediately threatened, the court may make an order without telling the 'respondent' (the person the order is against). This is called an 'ex parte' or 'without notice' order. It means the court can consider your application without the respondent present. A hearing will be held later and the respondent will be given notice to attend. You can request this in section 1 of this form. You must tell the court why you are applying for a without notice order and what you think might happen if the court does not grant it.

If you want to keep your information confidential

If you do not want your or your child's contact details to be shared with the respondent, do not put these in at any point on the form, even when asked. Instead complete a confidential contact details (C8) form and send it with this application. Visit GOV.UK and search form 'C8'.

Do not include your contact details on any other documents sent to the court, such as supporting evidence.

If you are living in a refuge, it is very important that you keep your address details confidential and only include the address details on a form C8.

Before you start

How old are you?

- ☐ **18 years old or older.** You can continue to apply using this form.
- ☐ **16 to 18 years old.** Someone over 18 must help you apply, such as a parent. They will also need to complete form '**FP9**' to include with your application.
- ☐ **Under 16 years old.** You will need permission from the court to apply. With the help of someone over 18, you must also complete form '**FP2**' and they will need to complete form '**FP9**' and include these with your application. Visit GOV.UK and search form '**FP2**' and form '**FP9**'.

CourtNav - If you choose to use **CourtNav**, you will not need to complete this FL401 form or a supporting statement – **CourtNav** will complete both for you. Visit <https://injunction.courtnav.org.uk> to register and apply.

1. Your situation

1.1 Which order(s) are you applying for?

- ☐ **Non-molestation order** – to stop abusive behaviour
- ☐ **Occupation order** – to decide who lives in or can return to a property

Note 1.1: 'Molestation' is a word used in law and by the court to cover all kinds of unwanted, harassing and abusive behaviours.

Without notice orders

The court may, in any case where it considers that it is just and convenient to do so, make an occupation order or a non-molestation order even though the respondent has not been given prior notice of the proceedings, as would otherwise be required by rules of court.

Please see the guidance on the right to help work out if this may be an option for you.

1.2 Do you want to apply for the order without giving notice to the respondent?

☐ Yes

☐ No. **Go to question 1.5**

1.3 Why do you want to apply without giving notice to the respondent? You can select more than one reason – see guidance note for help.

☐ **a)** there is risk of significant harm to me or a relevant child, attributable to conduct of the respondent, if the order is not made immediately

☐ **b)** it is likely that I will be deterred or prevented from pursuing the application if an order is not made immediately

☐ **c)** I believe that the respondent is aware of the proceedings but is deliberately evading service and that I or a relevant child will be seriously prejudiced by the delay in effecting substituted service

Note 1.2 and 1.3: This is sometimes called ‘ex parte’ and means the order can be made without the respondent knowing in advance. This is only an option if:

- you think there’s a risk that the respondent may try to harm you or your child **(a)**
- you feel like you may be prevented or put off from applying if an order is not made immediately **(b)**
- you think the respondent will try to avoid court proceedings, including being served with the order* – and any delay caused by this could affect your application or the health, safety or wellbeing of you or your child **(c)**

Notifying the respondent of the application and order

You must not serve the application or order yourself. If you do not have a legal representative you can apply for a court official to serve these for you for free. Visit GOV.UK and search form ‘D89’ to apply. Include this form with your application.

* Usually the respondent will be given the order by hand. In some cases, the court may decide that the order should be served in another way, such as by email or text message. This is called ‘substituted’ or ‘alternative’ service.

The court or police cannot act if the respondent does something the order says they aren’t allowed to until they have been served with the order.

1.4 Why do you think one or more of the reasons you have chosen for question 1.3 may happen?

Note 1.4: Please describe as best as you can why these things may happen. This could include things the respondent has said or done in the past.

1.5 As far as you know, are there any bail conditions stopping the respondent from contacting or coming near you?

☐ Yes

☐ No. **Go to question 1.7**

1.6 When do the bail conditions end?

Day

Month

Year

1.7 Is there anything else about your situation that you would like the court to know about or consider?

Note 1.7: It is important for the court to know about any special characteristics relating to you, the respondent or a child of the family. This could include whether there are any illnesses or disabilities suffered by anybody, or if you are pregnant.

You can provide more details about your situation in your supporting witness statement.

2. Your details

2.1 Your full name

First name(s)

Last name

2.2 Any other names you have been known by

2.3 Your date of birth

Day

Month

Year

2.4 Can your contact details be shared with the respondent?

☐ Yes

☐ No. Complete the separate **C8** form with your details.

2.5 Your full current address

Building and street

Second line of address

Town or city

County (optional)

Postcode

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Note 2.4: If you do not wish to disclose your contact details you should leave those details blank and complete form C8 Confidential contact details.

Note 2.5: The address you provide will be where the court will send your documents.

If you think the respondent may open your post or hide it from you, give us a different address to send the documents. Write the request on a separate sheet and include it with this application.

If you do provide a different address, make sure that it is of someone you trust and they can contact you.

If you are keeping your contact details confidential you should include both your address and the different address on the C8 form.

2.6 Your phone number

2.7 Your email address

2.8 How do you prefer to be contacted?

☐ Phone

☐ Email

2.9 Contact instructions, including safe call times

Note 2.8: Do not select phone for contact preference if it is not safe for you to take calls. If there is a safe time to call, please let us know when that is by providing a contact instruction (question 2.9). If you are worried that the respondent has access to your email account, please create a new email account and use that address here. This will be the email address used on your application to the court.

2.10 Do you have a legal representative?

☐ Yes

☐ No. **Go to Section 3**

2.11 Your legal representative's name

Note 2.9: Your safe call times will be when you are not going to be with the respondent. Please provide hours between 9am and 5pm.

2.12 Name of your legal representative's firm

2.13 Address of your legal representative's firm

Building and street

Second line of address

Town or city

County (optional)

Postcode

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DX number (if known)

2.14 Your legal representative's phone number

2.15 Your legal representative's address email address

2.16 Your legal representative's reference

3. Respondent's details

3.1 Their name

First name(s)

Last name

3.2 Any other names the respondent has been known by

3.3 Their date of birth

Day

Month

Year

3.4 Does the respondent live with you?

☐ Yes

☐ No

3.5 Their full current address

Building and street

Second line of address

Town or city

County (optional)

Postcode

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Note 3: The 'respondent' is the person you are asking the court to make the order against. In any court papers or hearings this person will be called 'the respondent'. You will be called 'the applicant'.

Note 3.5: An address for the respondent is needed so any order can be 'personally served' on them. The order is usually handed directly to the respondent. See the first page of this form for more information and guidance.

If you don't know their address, include an alternative address, such as a family member of the respondent or workplace where you know they are likely to be.

It is very important to include an address for the respondent as the order cannot be enforced until it has been served on them or they are aware of it. This means the police or court may not be able to take any action if the respondent does something the order says they aren't allowed to.

3.6 Their phone number (if you know it)

3.7 Their email address (if you know it)

4. Your relationship with the respondent

4.1 If your relationship with the respondent is one of the following, select the one which best describes your relationship and go to question 4.2.

- ☐ Married or in a civil partnership
- ☐ Formerly married or in a civil partnership
- ☐ Engaged or proposed civil partnership
- ☐ Formerly engaged or proposed civil partnership
- ☐ Live together as a couple
- ☐ Formerly lived together as a couple
- ☐ Boyfriend, girlfriend or partner who does not live with me
- ☐ Former boyfriend, girlfriend or partner who did not live with me

- ☐ None of the above. **Go to question 4.4**

4.2 When did your relationship start and when did it end?

Start

Day

Month

Year

End (if applicable)

Day

Month

Year

4.3 If you are or were previously married or in a civil partnership with the respondent, what date was your wedding or civil ceremony?

Day

Month

Year

Note 4: To get an injunction against the respondent, you will need to show the court that you have a connection to them. The courts call this being an 'associated person'.

The questions in this section are used to decide if you are an associated person for this application

Note 4.2: If you don't know the exact date your relationship started or ended, give your best guess of the month and year.

4.4 What is the respondent's relationship to you (if not answered in question 4.1)?

My

- | | | | |
|---|---------------------------------|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> Father | <input type="checkbox"/> Mother | <input type="checkbox"/> Son | <input type="checkbox"/> Daughter |
| <input type="checkbox"/> Brother | <input type="checkbox"/> Sister | <input type="checkbox"/> Grandfather | <input type="checkbox"/> Grandmother |
| <input type="checkbox"/> Uncle | <input type="checkbox"/> Aunt | <input type="checkbox"/> Nephew | <input type="checkbox"/> Niece |
| <input type="checkbox"/> Cousin | | | |
| <input type="checkbox"/> Other – please specify | | | |

4.5 Do you have any children, have parental responsibility for any children or need to protect other children with this application?

- ☐ Yes. **Go to Section 5 – Your family**
- ☐ No. **Go to Section 6 – Respondent's behaviour**

Note 4.4: If the respondent is your relative by birth, please check the appropriate box.

If the respondent is your relative by marriage or other association, please select other and specify. This includes in-laws and step relatives of you or your partner.

The respondent must be, or have been, someone listed in question 4.1, **or** a relative by birth, marriage or other association. If they are not, then you cannot apply for a non-molestation or occupation order and should seek legal advice.

5. Your family

5.1 Who is this application for?

- ☐ You only. **Go to question 5.3**
- ☐ You and your child/children

Note 5.2: Parental responsibility means all the responsibilities and rights that a parent has towards their child. A mother automatically has parental responsibility for her child from birth. A father usually has parental responsibility if he's either married to the child's mother or listed on the birth certificate.

For more information visit

www.gov.uk/parental-rights-responsibilities

5.2 Details of the child or children to be protected by this order:

Child's full name	Child's date of birth	Your relationship to the child	Do you and the respondent both have parental responsibility for this child?	Respondent's relationship to the child

5.3 Are there any ongoing family court proceedings involving both of you?

- ☐ Yes
- ☐ No. **Go to Section 6 – Respondent's behaviour**

Note 5.3: Such as a case about child arrangements or one where the respondent has asked for an injunction against you. This could also include divorce proceedings.

5.4 Family court proceedings

Name of court	Case number	Type of case and any other details

6. Respondent's behaviour

6.1 Are you applying for a non-molestation order?

- ☐ Yes
- ☐ No. **Go to Section 7 – The home**

6.2 What do you want to stop the respondent from doing?

- ☐ Being violent towards me or threatening me
- ☐ Harassing or intimidating me
- ☐ Posting or publishing about me either in print or digitally
- ☐ Contacting me directly
- ☐ Causing damage to my possessions
- ☐ Causing damage to my home
- ☐ Coming into my home
- ☐ Coming near my home
- ☐ Coming near my place of work

6.3 What do you want to stop the respondent from doing to your child or children (if applicable)?

- ☐ Being violent towards my children or threatening my children
- ☐ Harassing or intimidating my children
- ☐ Posting or publishing anything about my children in print, or digitally
- ☐ Contacting my children directly without my consent
- ☐ Going to or near my children's school or nursery

6.4 Is there anything else you want the respondent to stop doing that is not mentioned in question 6.1 or 6.2?

Note 6: This section is to capture a summary of the type of behaviours from the respondent that you want to stop.

Note 6.2 and 6.3: You can choose more than one option for questions 6.2 and 6.3.

You will be asked to provide more detail in your supporting witness statement, including information about specific incidents.

Note 6.4: The kinds of abusive behaviour you might want to stop could for example be sexual, psychological, physical, emotional, financial.

7. The home

7.1 Are you applying for an occupation order?

☐ Yes

☐ No. **Go to Section 8 – Going to court**

7.2 To what address do you want the occupation order to apply?

Building and street

Second line of address

Town or city

County (optional)

Postcode

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7.3 Who currently lives at the address?

Please select all that apply.

☐ Me

☐ The respondent

☐ My child or children

☐ Someone else – please specify

Note 7: Please only complete this section if you are applying for an occupation order. This is where a court decides who lives or stays in a property, or who should be excluded from a property.

If you are not applying for an occupation order, please go the next section, 'Going to court' (Section 8).

Note 7.3: If selecting 'someone else', please provide their name and why they live there. For example, they rent a room, they are a lodger, they are a relative, they are a dependent parent.

7.4 Have you or the respondent ever lived at the address but don't live there currently?

☐ Yes, both of us

☐ Yes, myself

☐ Yes, the respondent

☐ No

7.5 If you answered 'No' to question 7.4, did you or the respondent ever intend to live at the address?

- ☐ Yes, both of us
- ☐ Yes, myself
- ☐ Yes, the respondent
- ☐ No

7.6 If any children live at the address, please provide their name(s) and age(s).

a) Any children that both you and the respondent are parents of or responsible for:

Child's name	Child's age

b) Other children that you are the parent of or are responsible for that the respondent is not:

Do not complete this question if you want to keep your child or children's information confidential from the respondent. See notes on the first page for more information and instructions.

Child's name	Child's age

7.7 Is the property specially adapted in any way for you, your children or anyone else living there?

- ☐ Yes
- ☐ No. **Go to question 7.9**

Note 7.7: For example, changes made to a property to support someone with a physical or mental health disability.

7.8 Please provide details of how the property is specially adapted.

7.9 Is there a mortgage on the property?

☐ Yes

☐ No. **Go to question 7.13**

Note 7.9: Please do not select 'Yes' if thinking of a mortgage your landlord may have. See question 7.13 for landlord information.

7.10 Who is named on the mortgage? Please select all that apply

☐ Me

☐ The respondent

☐ Someone else – please specify

Note 7.10: If selecting 'someone else', please provide their name and their relationship to you and/or the respondent.

7.11 Please provide your mortgage number, if you know it

7.12 What is the name and address of the mortgage lender?

Name

Building and street

Second line of address

Town or city

County (optional)

Postcode

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Note 7.12: The mortgage lender is usually a bank, building society or savings and loans association.

You must serve your mortgage company or landlord with the application. They will be given the opportunity to provide information to the court about the mortgage or tenancy.

7.13 Is the property rented?

☐ Yes

☐ No. **Go to question 7.16**

7.14 Who is named on the rental agreement? Please select all that apply

☐ Me

☐ The respondent

☐ Someone else – please specify

Note 7.14: If selecting someone else, please provide their name and their relationship to you and/or the respondent.

7.15 What is the name and address of the landlord?

Name

Building and street

Second line of address

Town or city

County (optional)

Postcode

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7.16 Do you have any home rights?

☐ Yes

☐ No

Note 7.16: Home rights mean you have a right to live in the property whether or not your name is on a legal agreement. This could be, for example, where you are married to the respondent but your name is not on the mortgage or rental agreement. You may wish to seek legal advice.

7.17 What exactly do you want to happen with your living situation?

- ☐ I want to be able to stay in my home
- ☐ I want to be able to return to my home
- ☐ I don't want the respondent to be able to enter my home
- ☐ I want to keep the respondent away from the area surrounding my home
- ☐ I want to limit where in the home the respondent can go

7.18 Is there anything else you want to happen with the family home?

- ☐ I need the respondent to pay for or contribute to repairs or maintenance to the home
- ☐ I need the respondent to pay for or contribute to the rent or mortgage
- ☐ I need the use of the furniture or other household contents

7.19 Is there anything else you want to be considered by the court?

Note 7.17: There are several options available to you when you apply for an occupation order, for example removing the respondent from the property altogether or limiting areas of the property they can live in, for example that they cannot go into a specific room, such as a bedroom.

Note 7.19: This should include information about where you and your children will be able to live if unable to stay in your home or return to it.

Please also include details of any hardship you might face if you are not able to stay in your home or return to it. For example, you may not be able to attend your workplace or your child may not be able to attend their school or nursery.

If you can also demonstrate that the respondent is able to live elsewhere and is not entirely dependent upon the home, this may support your application.

8. Going to court

8.1 Do you need an interpreter at court?

☐ Yes

☐ No. **Go to question 8.3**

8.2 Please tell us what language and/or dialect.

Language

Dialect

8.3 Do we need to provide something different in court or when we contact you, because of a disability?

☐ Yes

☐ No

8.4 Explain how your disability affects you, giving as much information as you can.

8.5 Special measures can be put in place to keep you separate from the respondent when you attend court. Please select any of the following measures you would like to request.

☐ a separate waiting room in the court building

☐ a separate entrance and exit from the court building

☐ to be shielded by a privacy screen in the courtroom

☐ to join the hearing by video link rather than in person

Note 8: The court will try to provide you and any witnesses with the special assistance that you ask for. However, this is not always possible and can depend on the facilities available at your local court.

It is a good idea to contact the court before your court hearing to find out whether they can supply the special assistance that you have requested.

Note 8.3: We know that people with disabilities sometimes need our help and support to use our services. This can mean that we need to provide something different so you can access and use our services in the same way as a person without a disability.

Explaining how your disability affects you will help court staff or the judge to consider any help we can provide.

Note 8.5: A privacy screen would mean the respondent would not be able to see you while in the courtroom.

Domestic Abuse Act 2021

Provisions in the Domestic Abuse Act 2021 have the effect of preventing an individual accused of abuse from questioning in person a party or witness in the case who is the victim of the abuse, and also prevents a victim of abuse from questioning in person the accused individual in specified circumstances

If the court directs that the proceedings be listed for a hearing where oral evidence may be given, form **EX740** (person making the abuse accusation) or form **EX741** (person accused of abuse) 'Application and information needed by the court to consider whether to prevent (prohibit) questioning (cross-examination) in person' may need to be completed so that the court can consider whether questioning in person should be prevented. The court will send the appropriate form with the court order.

Statement of truth

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

☐ **I believe** that the facts stated in this form and any continuation sheets are true.

☐ **The applicant** believes that the facts stated in this form and any continuation sheets are true. **I am authorised** by the applicant to sign this statement.

Signature

☐ Applicant

☐ Applicant's legal representative

Date

Day

Month

Year

Full name

Name of applicant's legal representative's firm

If signing on behalf of firm or company give position or office held

You can sign the application by hand or type your name in if completing electronically.

This application is to be served on the respondent.

You must not serve the documents yourself on the person you are seeking the order against. See the first page of this form for more information and instructions about serving the documents.

What to do next

You will need to include a supporting witness statement with your application. You can find a template statement and guidance for how to complete it alongside this form. Visit GOV.UK and search '**FL401T**'.

If you have completed your form and statement electronically, please email them with any supporting documents to your local family court. If you are asking the court to keep your contact details confidential, please attach the **C8** confidential contact details form as a separate attachment.

If you have completed the form and statement by hand, we will need 3 copies of each for a non-molestation order application or 4 copies for an occupation order application. If you have legal representation (a solicitor) you can ask them to make copies. If you do not have legal representation, you only need to provide one copy of each document. You can take your application to your local family court or send it there by post.

Visit www.gov.uk/find-court-tribunal to find your local family court's postal and email addresses.

Notifying the respondent of the application and order

After the court has received and accepted your application, a copy must then be given to the respondent. This is called 'serving the application'. However, if the court has agreed to hear your case without the respondent being told, then they must not be served with the application. If the court grants an order, this must be served on the respondent in all cases.

You must not serve the application or order yourself. If you do not have a legal representative you can apply for a court official to serve these for you for free. Visit GOV.UK and search form '**D89**' to apply. Include this form with your application.