



myerson

Myerson **Family**

**Our guide to domestic abuse and protective
orders.**

0161 941 4000 | myerson.co.uk | lawyers@myerson.co.uk

Welcome

It's a deep source of satisfaction that so many clients choose Myerson as their trusted adviser. Everything we do is ultimately about you, and it is important you get to know the team that will be working with you every step of the way, dealing with your matter sensitively and with compassion.

Why Myerson?

Our highly experienced and discreet family lawyers, provide clear and supportive legal advice, tailored towards your individual family needs.

As a Top 200 UK Law Firm, we are also proud to be ranked as '**Top Tier**' in the prestigious international directory **The Legal 500**, and commended by The Times '**Best Law Firms 2023**'. This means you can be certain that you will be receiving the highest quality legal advice.

Being a full-service law firm means we are well placed to provide wide-ranging, tailored legal advice to meet your individual needs. We work closely with other departments internally including Real Estate, Corporate, Commercial and Private Wealth Lawyers to ensure that your needs are protected comprehensively.

You can find out more about our **Family Team** by clicking [here](#).



Domestic abuse and protective orders

What is domestic abuse?

Domestic abuse is an incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 years or over who are or have been intimate partners or family members.

The definition applies irrespective of gender, sexuality, or ethnicity.

This can include the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

How can Myerson help?

At Myerson we are alert to the protection that you may need. If you have been harmed or at risk of harm, we can act quickly and advise you in respect of legal options and practical measures you can take to protect yourself.

If you are suffering from any form of abuse, you may be able to apply to the Family Court for a protective order.

What types of orders are available?

There are two types of protective orders available, namely, non-molestation orders and occupation orders.



Non-molestation orders

A non-molestation order prohibits a person associated with the applicant from molesting them or a relevant child. Non-molestation orders are used to protect a party from violence, harassment and threats.

Occupation orders

An occupation order grants the applicant the right to occupy a dwelling house. The Court can decide who should or should not reside in all or part of the home and occupation orders can also exclude the other person from an area around the home.

The order can deal with practical matters of occupation including who is responsible for paying the rent or mortgage.

Who can apply?

To apply for a non-molestation order, you must be an associated person. A person is associated if they fall under one of the following categories:

- You are, were or intend to be married to each other.
- You are, were or intend to be civil partners to each other.
- You are or were cohabitants.
- You live or have lived in the same household in a familial relationship.
- You are relatives.
- You have or have had an intimate personal relationship of significant duration with each other; or
- You are a parent of a child or have or have had parental responsibility for a child.



How do I apply for a non-molestation order or occupation order?

The application is made using Form FL401 and a witness statement must be prepared setting out, in detail, what has happened.

How does the Court decide whether to make an order?

When deciding whether to make a non-molestation order, the Court will consider the health (mental and physical), safety and wellbeing of the applicant or any relevant child.

The Court must be satisfied that there is evidence of molestation, and that the applicant needs protection.

When deciding whether to make an occupation order, the Court applies different tests depending on the relationship status of the people involved.

For certain categories of applicant, the Court will apply a 'balance of harm' test. The Court will balance the harm that would be caused to the applicant, the respondent and any relevant children, if the occupation order were or was not made.



How much does it cost to apply for an order?

There is no court fee to apply for a non-molestation order or occupation order.

Legal aid is available for if you need to protect yourself from abuse or harassment, if you have been the victim of domestic abuse.

Most legal aid cases are means tested so you will have to show that you cannot afford to pay legal costs.

We do not have a legal aid contract, but you can search for a legal adviser or family mediator with a legal aid contract in England and Wales **here**.

To find out more about our charges, we will need to know more about the circumstances of your case.

For a free, no obligation initial telephone conversation, please contact a member of our family team.



You're in safe hands!

If you would like further information about how we can help you with your **Protective Orders**, or if you have any questions, please don't hesitate to contact a member of our **Family Law Team** today.

Call: 0161 941 4000

Click: myerson.co.uk

Email: lawyers@myerson.co.uk



Myerson Solicitors
Grosvenor House, 20 Barrington Road,
Altrincham, Cheshire, WA14 1HB
Tel: 0161 941 4000 | lawyers@myerson.co.uk
www.myerson.co.uk

