Non-Molestation Order

If you are experiencing abuse from a current or former partner or family member, a non-molestation order can provide urgent legal protection. As of 12th January 2026 new court guidance has come into force which changes how judges approach these applications, particularly where there is controlling or coercive behaviour or non physical abuse.

The updated guidance reflects the modern understanding of domestic abuse and is designed to ensure applications are dealt with safely, quickly and fairly, especially where immediate protection is needed.

If you are considering applying for a non-molestation order it is important to understand not only how the process works but also how the new guidance may affect whether the court will make an order, how quickly your application will be heard and what level of protection you can expect.

What is a Non-Molestation Order and when would you apply for one?

A non-molestation order is an order prohibiting a person from, for example, threatening, harassing or intimidating another person who is associated with them or a relevant child. These orders are a form of legal measure used to ensure the safety of individuals and to protect them from domestic abuse.

You can only apply and become the "applicant" for the purposes of the court application if you have an "associated" relationship with the person you need protection from (the "respondent").

Association includes if you:

- Have been or are married to each other
- Have been or are civil partners of each other
- Are cohabitants or former cohabitants
- Live or lived in the same household beyond the relationship of individuals who are merely lodgers, tenants, boarders or the others' employee
- Relatives
- Agreed to marry one another or enter into a civil partnership agreement (whether or not the agreement has since been terminated)
- Have or had an intimate personal relationship with each other which is or was of significant duration or both have parental responsibility in relation to the same child.

The court will only make an order after considering all the circumstances including the need to secure the health, safety and wellbeing of you and of any relevant child. The court must balance the appropriateness of the sanction with the importance of protecting the vulnerable and victim survivors.

What is the impact of a Non-Molestation Order being made?

Once a non-molestation order is made by the court and received by the respondent, they commit a criminal offence and can be arrested if they do something that the court order prohibits them from doing.

The court can, for example, order that the respondent must not do the following:

- Contact or try to contact or communicate with you in any way or by any means
- Go to or enter any place where you live or stay or visit or work
- Go to or travel on a specific named road or a clearly defined area or specific places such as schools, nurseries and workplaces
- Track where you and/or the child/ren are or what you are doing by any means including but not limited to electronic devices or apps
- Damage, interfere with or dispose of, in any way any property belonging to you or jointly owned unless a court order allows them to dispose of any such property
- Post or threaten to post about you and/or the child/ren on the internet or social media

How long does a Non-Molestation Order remain in place

In certain circumstances the court can agree to make an order without telling the respondent in advance. This is known as a without notice application. If a without notice order is made the court must give the respondent an opportunity to be heard and a date must be set within 28 days for both you and the respondent to attend a hearing. Where there are vulnerability concerns the court will consider ways to ensure your safety with some courts offering the ability to enter the court building through different entrances and use different waiting areas, it may be possible for you to attend remotely.

Where an on notice application has been made the court should set a date for an on notice hearing within 21 days of an application being made.

Where a without notice order has been made the respondent will receive a form allowing them to either agree to the order, disagree with the application but not object to the order, or oppose the order. Some respondents do not attend the return date hearing or challenge the order made. If the respondent does oppose the order however they can apply to vary or set it aside, they do not have to wait until the return date hearing. If they choose to do this, the court will list an urgent hearing.

If the respondent does not agree with the order but does not make an application to vary or have it set aside, the application will proceed to the return date hearing. At this hearing the judge will decide whether the order can continue and for how long. The period of the order is a matter for the judge and may for a substantial period such as 6 or 12 months, depending on the circumstances.

For advice about family law matters please contact Heather Weavill at Alison Fielden & Co on 01285 653261.