

Re: Your application for a non-molestation order/occupation order

Further to our telephone conversation I have enclosed an Options Form which must be completed and returned to us before we can assist you.

What is the options form for?

The Options Form allows us to assess your matter and process the documents as quickly as possible. In particular, your application for an Order must be supported by a witness statement. The witness statement details who you both are – you are referred to as the Applicant and the other party is referred to as the Respondent. The witness statement gives details as to the first, worst and last incident of violence and abuse. It should also include a paragraph detailing the reason why you are applying for the Order.

In the Options Form you will be asked whether you would like us to either:

1. **Draft documents for you.** To do this, we will need to telephone you between 9am and 3:30pm to take a witness statement from you. The duration of the call is likely to take one hour. If you opt for a telephone call please confirm if am/pm is better for you and we will try our best to call you around the requested time. Once we have taken your witness statement, we will draft all necessary documents and send it to you.

OR

2. **Send you a template.** We will send you a template Witness Statement, Court application and a Draft Order, by email or post, containing standard wording. The template documents will be sent with detailed guidance of the next steps as well as tips for completion. They will be sent in a format that you can easily amend. If you prepare your statement and you are unsure whether the content is correct, we will do our best to check it for you.

Will someone be with me when I go to Court?

If you would like someone to go to Court with you, we will do our best to arrange a McKenzie Friend to accompany you (subject to availability). A McKenzie Friend is a person that does not have the right to speak for you in the Court but can accompany you and offer you some support and guidance. If we cannot allocate a McKenzie Friend and/or you would prefer your own friend to accompany you, we can send you a draft letter to take to Court. This letter will ask the Judge if your friend can go into Court with you.

What are some of the possible outcomes of attending court as a litigant in person?





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Court grants the Order	Your application for an injunction has been successful at court. You must now organise process serving to make the Order legally effective which may incur a fee
Application goes to a return hearing	The judge may invite you and the respondent back to court to check facts. If an Occupation Order has been applied for, you and the respondent will be invited back to court. You may need to instruct a solicitor
Application is heard on-notice, not on an emergency basis	The judge may invite you and the respondent back to court to check facts. You may need to instruct a solicitor
Respondent later challenges the Order granted	The respondent takes you to court to contest the Order. Another hearing will take place where you will both be invited. You may need to instruct a solicitor
Court may refuse to grant the Order	Your application is rejected and no Order is made. The judge may suggest other ways to protect you

How do I serve an Order?

There are a few options available for serving an Order on the Respondent. The Police may be able to support in some instances free of charge. Alternatively you could ask a court bailiff to serve the papers, often without incurring a cost. Often the best solution will be to instruct a private company to serve the papers. You can call around to receive quotes or you can speak to us for assistance.

What if I change my mind?

We understand that some applicants may change their mind. If we do not receive your completed Options Form we shall assume that you no longer wish to proceed. Please be assured that this does not prevent you from using our services in the future. We will close your file and if you need us in the future you should call us on 0844 8044 999.

What if I want to accept the legal aid contribution?

If you qualified for legal aid subject to a contribution and now seek full legal representation please let us know on your options form and we shall contact you to make the necessary arrangements.

Next steps

In order to help you as swiftly as possible please complete the enclosed Options Form and return it to us. Either return the Options Form in the envelope provided, scan and email to admin2@ncdv.org.uk or fax to 02071609383. We will not be able to begin the process until we receive your completed Options Form.

Kind regards,

NCDV Team



Scan to Website

*The Centre for Domestic Violence Ltd: Registered Company No. 07917926
Registered Address: Edgeborough House, Upper Edgeborough Road, Guildford, Surrey. GU1 2BJ
Data Protection Act Registration: Z3034557*



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Litigant in Person OPTIONS FORM

Litigant in Person - Please complete in block capitals

Your name (Applicant): _____

Your address for correspondence: _____

_____ Post Code: _____

Your email: _____ @ _____

Your mobile: _____ Any other number: _____

The full name of the respondent: _____

I would like NCDV to: (Please tick)

1. Telephone me and provide me with draft documentation to make an application for a non molestation order

or

2. Provide me with template pack to allow me to draft the application documents

3. Arrange for me to meet with a McKenzie friend (subject to area and availability)

4. Send me a McKenzie Friend letter so that my friend may be able to come into court with me

or

5. Request a pro-bono solicitor to draft a warning letter

My nearest court is: _____

The county court will not charge you to make an application for a non molestation order and an occupation order.

I understand that once I have obtained the order it is very important that it is served correctly on the respondent. (The court and the police may help for free or other process servers will charge).

I wish to make an application as soon as possible/next few days/next couple of weeks. NCDV have a number of McKenzie Friends who work all over the UK on a voluntary basis - you do not have to pay for a McKenzie Friend to attend Court with you. A McKenzie friend cannot offer you legal advice as their role is for support only. If a McKenzie Friend offers you legal advice which you subsequently act upon you do so at your own risk. NCDV does not accept any responsibility whatsoever for a McKenzie Friends actions. We would encourage you to inform us if any legal advice has been provided by the McKenzie Friend so that we may investigate this.

Signed: _____

Date: _____

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