

# Osprey Approach: Non-Molestation / Occupation Order – Respondent

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# **Client Care Letter Respondent**

{ MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD  
LINKNAME\_INITIALS\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }  
{ MERGEFIELD CALCULATION\_ADDRESS }

Your Ref:

Our Ref:  
{ USERINITIALS \\* Upper }/{  
MERGEFIELD "Client\_No" }/{  
MERGEFIELD "Matter\_No" }

Please ask for:  
{ MERGEFIELD  
CALCULATION\_FEE\_E  
Date:  
{ DATE \@ "dd MMMM  
yyyy" } { SET LtrDate {  
DATE \@ "d MMMM  
yyyy" }}

Dear { MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 },

**RE: { MERGEFIELD MATTER\_MATTER\_DESCRIPTION }**

I am { MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }, a { MERGEFIELD  
CALCULATION\_STATUS\_DESCRIPTION }, in the Family Department. I will have conduct  
of your matter throughout. I am supervised by { MERGEFIELD  
CALCULATION\_EXECUTIVE\_NAME } who will also be aware of your matter.

**Your Instructions**

**Our Advice**

Domestic abuse includes all types of abuse, including physical violence, sexual, psychological, financial and emotional abuse between people who are or were in a relationship, or are family members over the age of 16.

Some forms of domestic abuse are criminal offences and should be reported to the police. The law also allows for individuals to apply for orders to protect themselves, called 'non-molestation' and 'occupation' orders.

A non-molestation order is used to prevent a person, the Respondent, from carrying out certain acts. The order prohibits the Respondent from using or threatening violence against the Applicant or a child, or molesting them. The term 'molesting' covers a wide array of behaviours, including direct physical harm such as punching, spitting or verbal abuse or indirect harm such as pestering, persistent abusive messages or pestering/intimidation via a third party.

A non-molestation order can also be used to keep the Respondent away from a certain area, for example prohibiting them from entering a defined area surrounding the Applicant's house or workplace, or keeping them away from a child's school.

For the Court to make an order, there must be evidence of the Respondent's behaviour, that the Applicant and/or a child need protection and that the Respondent's behaviour can only be controlled through obtaining an order.

The Court have, in this instance, made an order, which will remain in force until XX.

If you breach the order, irrespective of the act you commit, it is a criminal offence. The punishment for this offence is up to five years' imprisonment.

An occupation order is used to determine who can live at the family home. It can be used to either prevent someone from living at the family home, or set out rules for sharing the family home.

The making of an order will depend on the rights of both parties to live at the home and their relationship. The Court will consider whether the Applicant would suffer significant harm if an occupation order is not made.

Other factors the Court will consider, are both parties' housing needs and financial resources and the conduct of each party towards the other. The order is intended to set out temporary living arrangements to give you and the Applicant time to organise where you will live and how to divide your property.

An occupation order usually expires after six months, however it is possible to apply for a further order at that time, if necessary.

Sometimes the Applicant will feel it is necessary to apply for an order 'without notice'. This means that you are not notified about the application being made and the Court will make a decision without hearing from you. Without notice applications are made where the Applicant considers it would put their safety in danger if you were to be told about the application, or where the Applicant believes you might try to prevent or persuade the Applicant not to make the application. This type of application is also sometimes referred to as 'ex-parte'.

Since the order has been made without notice, the Court will always schedule a hearing as soon as possible to allow you to respond to the application. This has been set on XX.

### **Next Steps**

I will need to prepare your response statement prior to the return hearing, as this enables you to set out your version of events and respond to those set out by the Applicant.

I will also require you to sign and return the enclosed client care documentation as soon as possible.

If you have any questions, please do not hesitate to contact me. I would encourage you to send any responses via our secure online portal where you will also be able to check the progress of your case. If you have any trouble accessing the internet would you please let me know. We send documents out to you via our secure portal to protect your personal data, however if you are unable to access the internet easily, I can arrange for correspondence to be sent to you via post or another means.

I look forward to hearing from you.

Yours sincerely,

{ MERGEFIELD "CALCULATION\_FEE\_EARNER\_DESCRIPTION" }  
{ **MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME** }

# **Notice of Acting - Respondent**

CASE NO: { MERGEFIELD FW\_INJ\_APP\_FW\_INJ\_CASENO }  
IN THE { MERGEFIELD FW\_INJ\_APP\_FW\_INJ\_COURT\_compname }

**B E T W E E N:**

{ MERGEFIELD FW\_INJ\_CLIENT\_FW\_INJ\_APPFORE } { MERGEFIELD  
FW\_INJ\_CLIENT\_FW\_INJ\_APPSURN }

Applicant

-and-

{ MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }

Respondent

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**NOTICE OF ACTING**

---

**TAKE NOTICE** that we { MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME } of {  
MERGEFIELD PRACTICEINFO\_HOUSE }, { MERGEFIELD  
PRACTICEINFO\_AREA }, { MERGEFIELD PRACTICEINFO\_POSTAL\_TOWN }, {  
MERGEFIELD PRACTICEINFO\_POSTCODE } have been appointed to act as  
Solicitors for the above-named Respondent generally/limited to the following matters  
only:

Our address for service is:

{ MERGEFIELD PRACTICEINFO\_DX\_NO }  
{ MERGEFIELD PRACTICEINFO\_HOUSE }  
{ MERGEFIELD PRACTICEINFO\_AREA }  
{ MERGEFIELD PRACTICEINFO\_POSTAL\_TOWN }  
{ MERGEFIELD PRACTICEINFO\_POSTCODE }

Ref: { MERGEFIELD client\_no }/{ MERGEFIELD matter\_no }



Dated: { SET LETTER{ DATE \@ "d  
MMMM yyyy" } }{ref LETTER \@ "d  
MMMM yyyy" \ \\* MERGEFORMAT }

Signed: .....

{ MERGEFIELD  
PRACTICEINFO\_PRACTICE\_NA  
ME }

For the Respondent

To: The Court  
Applicant

# **Statement Template - Respondent**

**Case No: { MERGEFIELD FW\_INJ\_APP\_FW\_INJ\_CASENO }**  
**{ MERGEFIELD FW\_INJ\_APP\_FW\_INJ\_COURT\_title }**  
**BETWEEN:**

**{ MERGEFIELD FW\_INJ\_CLIENT\_FW\_INJ\_APPFORE } { MERGEFIELD  
FW\_INJ\_CLIENT\_FW\_INJ\_APPSURN }**

**Applicant**

**-and-**

**{ MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }**

**Respondent**

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**STATEMENT OF THE RESPONDENT**

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I, { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 } of { MERGEFIELD CLIENT\_HOUSE }, { MERGEFIELD  
CLIENT\_AREA }, { MERGEFIELD CLIENT\_POSTAL\_TOWN }, { MERGEFIELD  
CLIENT\_COUNTY } { MERGEFIELD CLIENT\_POSTCODE }, will say as follows:

1. I make this statement in accordance with XXX

I believe that the facts stated in this witness statement are true.

**Statement of Truth**

Signed .....

Dated .....

# **Letter Court - File Statement**

**& Notice Respondent**

{ MERGEFIELD FW\_INJ\_APP\_FW\_INJ\_COURT\_compname }  
{ MERGEFIELD FW\_INJ\_APP\_FW\_INJ\_COURT\_address }

Your Ref:

Our Ref:  
{ USERINITIALS \\* Upper }/{  
MERGEFIELD "Client\_No" }/{  
MERGEFIELD "Matter\_No" }

Please ask for:  
{ MERGEFIELD  
CALCULATION\_FEE }  
Date:  
{ DATE \@ "dd MMMM  
yyyy" } { SET LtrDate {  
DATE \@ "d MMMM  
yyyy" } }

Dear Sirs,

**RE: { MERGEFIELD LINKNAME FORENAME 1 } { MERGEFIELD  
LINKNAME SURNAME 1 } v { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } {  
MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }  
Case No. { MERGEFIELD FW\_INJ\_APP\_FW\_INJ\_CASENO }**

We act for the above-named Respondent and enclose herewith our Notice of Acting, together with our client's statement. We should be grateful if these could be placed on the Court file.

Yours faithfully,

**{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME }**

# **Initial Letter to Applicant's**

**Solicitor**



```
{ MERGEFIELD FW_INJ_CLIENT_FW_INJ_APPSOLOR_name
}
{ MERGEFIELD FW_INJ_CLIENT_FW_INJ_APPSOLOR_dxno
}
```

Your Ref:

Our Ref:  
{ USERINITIALS \\* Upper }/{  
MERGEFIELD "Client\_No" }/{  
MERGEFIELD "Matter\_No" }

Please ask for:  
{ MERGEFIELD  
CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
Date:  
{ DATE \@ "dd MMMM  
yyyy" } { SET LtrDate {  
DATE \@ "d MMMM  
yyyy" }}

Dear Sirs,

**RE: { MERGEFIELD FW\_INJ\_CLIENT\_FW\_INJ\_APPFORE } { MERGEFIELD  
FW\_INJ\_CLIENT\_FW\_INJ\_APPSURN } v { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }**

We confirm we act for the above-named Respondent and enclose herewith our Notice of Acting and our client's Statement which we have also filed with the Court.

We look forward to hearing from you with preliminary documents in readiness for the return date hearing. We shall send our client's statement as soon as possible.

Yours faithfully,

```
{ MERGEFIELD "CALCULATION_FEE_EARNER_DESCRIPTION" }
{ MERGEFIELD PRACTICEINFO_PRACTICE_NAME }
```

**Return Date Hearing Outcome**

{ MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD  
LINKNAME\_INITIALS\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }  
{ MERGEFIELD CALCULATION\_ADDRESS }

Your Ref:

Our Ref:  
{ USERINITIALS \\* Upper }/{  
MERGEFIELD "Client\_No" }/{  
MERGEFIELD "Matter\_No" }

Please ask for:  
{ MERGEFIELD  
CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
Date:  
{ DATE \@ "dd MMMM  
yyyy" } { SET LtrDate {  
DATE \@ "d MMMM  
yyyy" } }

Dear { MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }

**RE: { MERGEFIELD FW\_INJ\_CLIENT\_FW\_INJ\_APPFORE } { MERGEFIELD  
FW\_INJ\_CLIENT\_FW\_INJ\_APPSURN } v { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }**

Further to the hearing of { MERGEFIELD FW\_INJ\_DATES\_FW\_INJ\_RETRN \@ "d  
MMMM yyyy" }, I write to confirm the outcome as follows.

Yours sincerely,

{ MERGEFIELD "CALCULATION\_FEE\_EARNER\_DESCRIPTION" }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME }

# **Final Hearing Outcome Letter**



{ MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD  
LINKNAME\_INITIALS\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }  
{ MERGEFIELD CALCULATION\_ADDRESS }

Your Ref:

Our Ref:  
{ USERINITIALS \\* Upper }/{  
MERGEFIELD "Client\_No" }/{  
MERGEFIELD "Matter\_No" }

Please ask for:  
{ MERGEFIELD  
CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
Date:  
{ DATE \@ "dd MMMM  
yyyy" } { SET LtrDate {  
DATE \@ "d MMMM  
yyyy" } }

Dear { MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 },

**RE: { MERGEFIELD FW\_INJ\_CLIENT\_FW\_INJ\_APPFORE } { MERGEFIELD  
FW\_INJ\_CLIENT\_FW\_INJ\_APPSURN } v { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }**

Further to the final hearing of { MERGEFIELD FW\_INJ\_DATES\_FW\_INJ\_FH \@ "d  
MMMM yyyy" }, I write to confirm the outcome as follows.

Yours sincerely,

{ MERGEFIELD "CALCULATION\_FEE\_EARNER\_DESCRIPTION" }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME }

# **Brief to Counsel**

CASE NO: { MERGEFIELD FW\_INJ\_APP\_FW\_INJ\_CASENO }  
IN THE { MERGEFIELD FW\_INJ\_APP\_FW\_INJ\_COURT\_compname }

BETWEEN:

{ MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }

Applicant

-and-

{ MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }

Respondent

---

BRIEF TO COUNSEL

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Counsel will find enclosed:

1. Bundle
2. Legal Aid Certificate

**Background:**

Should Counsel have any questions or wish to discuss anything would he/she please contact { MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION } of Instructing Solicitors.

Dated: { DATE \@ "dd MMMM yyyy" }

CASE NO: { MERGEFIELD FW\_INJ\_APP\_FW\_INJ\_CASENO }

IN THE { MERGEFIELD FW\_INJ\_APP\_FW\_INJ\_COURT\_compname }

BETWEEN:

{ MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }

Applicant

-and-

{ MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }

Respondent

---

BRIEF TO COUNSEL

---

Counsel: { MERGEFIELD FW\_INJ\_APP\_FW\_INJ\_CHAMBERS\_name }  
{ MERGEFIELD FW\_INJ\_APP\_FW\_INJ\_CHAMBERS\_address }

Solicitor: { MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME }  
{ MERGEFIELD BRANCHINFO\_HOUSE }  
{ MERGEFIELD BRANCHINFO\_AREA }  
{ MERGEFIELD BRANCHINFO\_POSTAL\_TOWN }  
{ MERGEFIELD BRANCHINFO\_COUNTY }  
{ MERGEFIELD BRANCHINFO\_POSTCODE }

{ IF { MERGEFIELD BRANCHINFO\_DX\_NO } <> "" "DX: «BRANCHINFO\_DX\_NO»"  
"" }

Tel: { MERGEFIELD BRANCHINFO\_PHONE\_NO }

Fax: { MERGEFIELD BRANCHINFO\_FAX\_NO }

Ref: { MERGEFIELD "MATTER\_FEE\_EARNER\_ID" \\* Upper }/{ MERGEFIELD  
client no }/{ MERGEFIELD matter no }