

Chapter 33: Guidance on answering the self-test questions

Question 1: Alice and Julie are a same-sex couple who are not in a civil partnership. They have been going out for a year, regularly spend the night at each other's houses, but do not cohabit. Alice has become abusive to Julie. Will Julie be able to apply for a non- molestation order?

In order to apply for a non-molestation order, an applicant must be an associated person under s62 Family Law Act 1996. The only category which seems to apply to Julie is that the couple have been in an intimate personal relationship of significant duration. Julie and Alice are probably associated persons.

Question 2: Your client was engaged to an alleged abuser two years ago. Can she apply for a non- molestation order? What evidence could you produce to the court?

There should be either written evidence e.g. a newspaper announcement or evidence of a gift of a ring in order for the parties to be associated person based on an agreement to marry.

Question 3: Fela is applying for parental responsibility for his child and has suffered constant threats from the child's mother. Is he an associated person?

Fela is an associated person as he is the parent of the same child as the alleged abuser.

Question 4: Explain the test that a court must consider when deciding whether to grant a non- molestation order.

s42(5) Family Law Act 1996 states that the court must consider all the circumstances of the case including the need to secure the health, safety and well being of the applicant and any relevant child. 'Health' includes both physical and mental health.