



In the Family Court
sitting at [Court name]

Case No: [Case number]

**Order
Children Act 1989**

The full name(s) of the child(ren)	Boy or Girl	Date(s) of Birth
[insert]	[insert]	[insert]
[insert]	[insert]	[insert]

Before [name of judge] in private on [date] at a [type of hearing].

The parties: The applicant is [name] represented by [name] [of counsel]

The 1st respondent is [name], the [relationship to child],
represented by [name] [of counsel]

The 2nd respondent is [name], the [relationship to child],
represented by [name] [of counsel]

The 3rd [[and] / [to] [insert (NUMBER SO THAT EACH CHILD IS IDENTIFIED AS A SEPARATE RESPONDENT)]] respondent[s] [is] /
[are] the child[ren] (by their children's guardian [name])
represented by [name] [of counsel]

IMPORTANT NOTICES

Child arrangements orders warnings

This order includes a child arrangements order (the part of the order setting out the living arrangement for a child and about the time to be spent or contact with another person).

If you do not do what the child arrangements order says you may be made to do unpaid work or pay financial compensation. You may also be held to be in contempt and imprisoned or fined, or your assets may be seized.

It is a criminal offence to take a child out of the United Kingdom without the consent of everybody with parental responsibility unless the court has given permission.

While a child arrangements order is in force in relation to a child nobody may:

- a. cause the child to be known by a new surname

b. remove the child from the United Kingdom without the written consent of every person with parental responsibility for the child or leave of the court.

However, this does not prevent the removal of the child from the United Kingdom for a period of less than one month by a person named in the child arrangements order as a person with whom the child is to live.

Confidentiality warnings

Until the conclusion of the proceedings no person shall publish to the public at large or any section of the public without the court's permission any material which is intended or likely to identify the child[ren] as being involved in these proceedings or an address or school as being that of the child[ren]. Any person who does so is guilty of an offence.

Further, during the proceedings or after they have concluded no person shall publish information related to the proceedings including accounts of what has gone on in front of the judge, documents filed in the proceedings, transcripts or notes of evidence and submissions, and transcripts and notes of judgments (including extracts, quotations, or summaries of such documents). Any person who does so may be in contempt of court.

Information related to the proceedings must not be communicated to any person other than as allowed by Rules 12.73 or 12.75 or Practice Direction 12G of the Family Procedure Rules 2010.

Compliance warnings

All parties must immediately inform the allocated judge as soon as they become aware that any direction given by the court cannot be complied with and to seek in advance an extension of time to comply.

In the event that a party fails to comply with directions and/or fails to attend any hearing without good reason the court may make final orders at that hearing.

RECITALS

See Schedule

THE COURT ORDERS [BY CONSENT] / [SAVE AS TO PARAGRAPHS [PARA NUMBERS]]

Allocation

1. Case management and hearings [continue to be] [are] [re-]allocated to a [Circuit Judge] / [District Judge] / [Justices] and reserved to [name of judge].

Jurisdiction

2. The court declares it is satisfied it has jurisdiction in relation to the child[ren] based on habitual residence.

IT IS DECLARED THAT:

3. The court in England and Wales has jurisdiction in relation to the child[ren] on the basis that:

(PLEASE SELECT THE APPROPRIATE PARAGRAPH FROM LIST A. TO F. BELOW)

(PRE-11PM ON 31 DECEMBER 2020)

- a. the child[ren] [was] / [were] habitually resident in the jurisdiction of England and Wales at the date the application was lodged with the court.
- b. the child[ren] [was] / [were] habitually resident in the jurisdiction of England and Wales immediately before they were wrongfully removed or retained, and they have not acquired a new habitual residence in another Member State and satisfied the conditions in Article 10 (a) or (b) of The Brussels IIa Regulation.

(POST-11PM ON 31 DECEMBER 2020)

- c. the child[ren] [is] / [are] habitually resident in the jurisdiction of England and Wales.
- d. the child[ren] [was] / [were] habitually resident in the jurisdiction of England and Wales immediately before they were wrongfully removed or retained, and they have not acquired a new habitual residence in another Member State and satisfied the conditions in Article 7 (a) or (b) of the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.
- e. this is a case of urgency, and the court is taking necessary measures of protection in respect of the [child[ren] who [is] / [are]] / [property belonging to the child[ren] which is] present in England and Wales.
- f. *[insert other basis of jurisdiction]*

Witness statements

4. The parties must by 4.00pm on [date] send to each other, to [Cafcass] / [CAFCASS Cymru] and to the court written statements of the evidence they will give to the court.
- a. A party's statement may be prepared using the witness statement template which is available from the court or at <https://formfinder.hmctsformfinder.justice.gov.uk/c120-eng.pdf>
 - b. Each party's statement must set out:
 - i. any relevant background information;
 - ii. the party's position in relation the matters which are not agreed;
 - iii. any relevant facts they are asking the court to decide about matters which are not agreed (this direction applies to the parties themselves and the statements of any witnesses they want to call); and
 - iv. the party's proposals for the arrangements for the child[ren].
 - c. At the same time they file the papers with the court, the parties must also send to the court and to the other [party] / [parties] and [Cafcass] / [CAFCASS Cymru] copies of the statements of any other witness who they wish to give evidence about the facts of the case.

- d. Unless the court gives permission, nobody will be allowed to give oral evidence at a hearing unless their written statement has been sent by the date fixed in this order.
- e. Neither party may use the evidence of more than *[number]* additional witnesses.
- f. Every statement must:
 - i. start with the name of the case and the case number;
 - ii. state the full name and address of the person making it;
 - iii. set out what the person has to say clearly in numbered paragraphs on numbered pages;
 - iv. end with this statement: 'I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth. I believe that the facts stated in this witness statement are true'; and
 - v. be signed and dated by the person making it.
- g. If a witness or party is unable to read the statement in the form produced to the court, the statement must include a certificate that it has been read or interpreted to the witness by a suitably qualified person.
- h. If a witness who has made a statement is to give evidence or be questioned and is unable to do so in spoken English (or Welsh if the hearing is in Wales), the party relying on that witness must ensure that a suitable independent interpreter is available.
- i. Statements must be no longer than *[number]* pages of A4 paper, preferably typed in a font no smaller than 12pt and at no less than 1.5 in line spacing.

Next hearing

- 5. The next hearing will be at *[place]* on *[date]* at *[time]* before *[name of judge]* allowing *[time estimate]* which will be a final hearing.

Attendance at next hearing

- 6. The parties must attend court one hour before the next hearing is listed. This is to allow for any discussions before the hearing starts.
- 7. The *[author of the section 7 report]* / *[witness name]* *[need not]* / *[must]* attend the next hearing to give evidence.

Documents/Bundles

- 8. No document other than a document specified in an order or filed in accordance with the Rules or any Practice Direction shall be filed without the court's permission.
- 9. The bundle for the next hearing will be prepared by *[name]*.
- 10. The party preparing the bundle must comply with Practice Direction 27A concerning the preparation and presentation of bundles *[a summary of which is attached to this order for the benefit of any unrepresented party preparing the bundle]*.

Dated *[date]*

SCHEDULE

1. ***[Insert (ONLY STRICTLY NECESSARY RECITALS SUCH AS THE AGREED BASIS OF AN ORDER, A CONCESSION, AN ISSUE RESOLVED, AN AGREEMENT, MECHANICAL INFORMATION, SUCH AS HOW AN EXPERT WILL BE PAID, BY WHOM AND WHAT ISSUES THE EXPERT SHOULD LOOK AT)]***

Issues

2. The parties have agreed that:
 - a. the child~~[ren]~~ will *[live with [name]] / [spend time with [name of parent] as follows and the balance of the time with [name of other parent]: [insert]] / [the child[ren] will divide their time as follows: [insert] [until further order];*
 - b. the child~~[ren]~~ will spend time with *[name]* as follows: *[insert]*.
 - c. *[insert]*
3. The issues that the court needs to decide are as follows:
 - a. with whom the child~~[ren]~~ should live;
 - b. whether they should spend time with the other parent and, if so,
 - i. how often;
 - ii. whether there should be overnight stays and longer stays;
 - iii. whether it should be supervised or supported;
 - iv. whether it should be limited to indirect contact;
 - c. the child~~[ren]~~'s education;
 - d. the child~~[ren]~~'s names;
 - e. holidays or travel plans;
 - f. proposed relocation by *[name]* with the child~~[ren]~~ to *[insert]*.

Other recitals

4. *[Insert other recitals]*