



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 including care orders and placement orders at that hearing.

RECITALS

See Schedule

IT IS DECLARED THAT:

1. 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]*

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

Allocation

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

Directions for fact-finding hearing

3. *[Name]* has made allegations against *[name]* which are disputed.
4. *[The court requires more detailed information to enable it to decide whether a separate fact-finding hearing will be necessary to decide the disputed allegations and the parties must comply with these directions.] / [The court will hold a separate fact-finding hearing to decide the disputed allegations and the parties must comply with these directions.]*

(WHERE A FACT-FINDING HEARING IS BEING CONSIDERED) A statement must be sent, giving details of the allegations, and attaching all evidence relied upon in support.

- a. **(WHERE A FACT-FINDING HEARING IS BEING CONSIDERED)** If there were other witnesses to the alleged incidents, or there are documents on which a party intends to rely, that should be referred to in the last paragraph of the statement but no additional witnesses or documents should be sent at this stage.
- b. **(WHERE A FACT-FINDING HEARING IS DIRECTED)** In addition, *[name]* and any witnesses must make written statements of the evidence they will give to the court about the disputed facts, attaching copies of any documents they wish to use to support their evidence.

5. By 4.00pm on *[date]* *[name]* must send to the court and the other *[party]* / *[parties]* [and *[Cafcass]* / *[CAFCASS Cymru]*]:
 - a. A written response to the *[applicant's]* / *[respondent's]* statement setting out brief details of what *[name]* says happened or if the incident is denied. The response must end with a statement that it is true, and be signed and dated.
 - b. **(WHERE A FACT-FINDING HEARING IS BEING CONSIDERED)** If there were other witnesses to the alleged incidents, or there are documents on which a party intends to rely, that should be referred to in the last paragraph of the statement but no additional witnesses or documents should be sent at this stage.
 - c. **(WHERE A FACT-FINDING HEARING IS DIRECTED)** In addition, *[name]* and any witnesses must make written statements of the evidence they will give to the court about the disputed facts, attaching any documents they wish to use to support their evidence.
6. Neither party may use the evidence of more than *[number]* additional witnesses.
7. Every statement must:
 - a. start with the name of the case and the case number;
 - b. state the full name and address of the person making it;
 - c. set out what the person has to say clearly in numbered paragraphs on numbered pages;
 - d. 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
 - e. be signed and dated by the person making it.
8. 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. 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.
9. 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.
10. The statements and documents should also be sent in electronic form if possible.

Completion of forms to consider prevention of cross-examination in person

11. *[Name of whichever party is the alleged victim]* is to complete **Form EX740** (Application and information needed by the court to consider whether to prevent (prohibit) questioning (cross-examination) in person) by *[date]*.

(OR)

[Name of whichever party is the alleged perpetrator] is to complete **Form EX741** (Application and information needed by the court to consider whether to prevent (prohibit) questioning (cross-examination) in person) by *[date]*.

Cross-examination provisions (court bundle/court file)

12. The *[[applicant] / [respondent]'s legal representative] / [court]* shall send the full court bundle or such parts of the court bundle as the court directs to the court-appointed qualified legal representative by *[date]*.
13. Where there is no court bundle, *[the court] / [HMCTS]* will prepare and provide the qualified legal representative with the full court bundle or such parts of the court bundle as the court directs by *[date]*. The court will provide the **final** court bundle or such parts of the court bundle as the court directs to the qualified legal representative 7 days before the hearing with cross-examination.

Appointment of a qualified legal representative

14. The court has considered whether it is necessary in the interests of justice for the witness(es) to be cross-examined by a qualified legal representative(s) and concluded that it is necessary to appoint such a qualified legal representative(s) to conduct the cross-examination.
15. The court is to appoint a qualified legal representative on behalf of *[name of person prohibited from questioning]* for the hearing[s] listed on *[date]* at *[time]* at The Family Court sitting at *[court name]*.
16. The court is authorised to share the contact details of *[name of person prohibited from questioning]* with the court-appointed qualified legal representative.
17. The court appoints *[name of court appointed qualified legal representative]* of *[firm/chambers/email address]* to conduct cross-examination on behalf of the prohibited party, namely *[name]* of the following *[witness] / [witnesses]*:
 - a. *[name]*;
 - b. *[etc]*.on *[date]* at *[time]* at *[name of court]* with a time estimate of *[insert]*.
18. The court-appointed qualified legal representative must notify the court as soon as possible if they are subsequently unable to accept the court appointment.
19. The *[[applicant] / [respondent]'s legal representative] / [court]* shall send the court bundle or such parts of the court bundle as the court directs to the qualified legal representative appointed to conduct the cross-examination **[7 days before the next hearing and]** 7 days before the hearing with cross-examination.
20. A *[preliminary hearing] / [ground rules hearing] / [hearing]* at which contested evidence is to be heard is listed on *[date]* at *[time]* at *[name of court]* with a time estimate of *[insert]*. The qualified legal representative appointed by the court to conduct cross-examination shall attend.

21. The court bundle or such parts of the court bundle as the court directs will be sent by *[date]* by the *[[applicant] / [respondent]’s legal representative] / [court]* to the court appointed qualified legal representative. If the bundle or such parts of the court bundle as the court directs has not been received by the qualified legal representative, the qualified legal representative should notify the court in good time. HMCTS will send the bundle or such parts of the court bundle as the court directs to the court- appointed qualified legal representative.
22. Should the contested hearing be adjourned or vacated by the court, the court will notify the court-appointed qualified legal representative of the date and time of the rescheduled contested hearing.

Section 7 report

23. *[Cafcass] / [CAFCASS Cymru] / [[Name] Council]* must by 4.00pm on *[date]* send to the court and to the parties a report under section 7 of the Children Act 1989 dealing with the following:
 - a. with whom the child*[ren]* should live;
 - b. whether the child*[ren]* should see the other parent *[or [name]]*;
 - c. how often and for how long the child*[ren]* should see the other parent *[or [name]]*;
 - d. the wishes and feelings of the child*[ren]* so far as they can be ascertained;
 - e. the home conditions and suitability of the accommodation of *[name]*;
 - f. the concerns of *[name]* with regard to *[name]*;
 - g. whether or not the child*[ren]*’s *[physical] / [emotional] / [educational]* needs are being met by *[the parents] / [name]*;
 - h. how the child*[ren]* would be affected by the proposed change of *[insert]*;
 - i. whether or not it appears that the child*[ren]* *[has] / [have]* suffered or are at risk of suffering *[any harm] / [the harm alleged by [name]]*;
 - j. the parenting capacity of *[name]* *[having regard to the [allegations] / [findings] made]*;
 - k. whether the local authority should be requested to report under section 37 of the Children Act 1989;
 - l. **(FOR INTERIM ORDERS BEFORE DETERMINATION OF FACTS)** having regard to the allegations of domestic abuse if proved:
 - i. the impact on the child*[ren]* and on the care given by the parent making the allegation of domestic abuse of any contact and the risk of harm, whether physical, emotional or psychological, if a contact order is made;
 - ii. whether contact between the child*[ren]* and the *[mother] / [father]* can take place safely (physically, emotionally and psychologically) for the child and the parent with whom the child is living;
 - iii. whether contact should be supervised or supported and, if so, where and by whom and the availability of resources for that purpose;
 - iv. if direct contact is not appropriate, whether there should be indirect contact and, if so, in what form;
 - m. **(IN ALL CASES WHERE DOMESTIC ABUSE HAS BEEN FOUND TO HAVE OCCURRED)** having regard to the findings of fact made as set out in the Schedule to *[this order] / [the order made on [date]]*:
 - i. any harm suffered by the child*[ren]* and the parent with whom the child*[ren]* are living as a consequence of the domestic abuse found;

- ii. any harm which the child[ren] and the parent with whom the child[ren] are living is at risk of suffering if a contact order is made;
 - iii. information about the facilities available locally (including domestic abuse support services) to assist any party or the child[ren];
 - iv. the report should address the matters set out in paragraphs 36 and 37 of PD 12J;
- n. recommendations in respect of arrangements for the child[ren] including stepped arrangements with a view to a final order if possible.
24. A copy of this order must be sent by the court to [Cafcass] / [CAFCASS Cymru] / [the legal adviser to the local authority at *[name of local authority]*].

Prohibition on cross-examination in person and consideration of appointing a qualified legal representative

25. The court has determined that an automatic prohibition on cross-examination applies under the Matrimonial and Family Proceedings Act 1984 (MFPA) because:
- (SELECT RELEVANT SUBPARAGRAPHS)**
- a. **[Section 31R: The vulnerable party is the victim of a specified domestic abuse offence perpetrated by the other party.]**
 - b. **[Section 31S: The vulnerable party is protected by an on-notice protective injunction against the other party.]**
 - c. **[Section 31T: The vulnerable party adduces specified evidence that they are a victim of domestic abuse perpetrated by the other party.]**
- (OR)**
- [Under Section 31U of the MFPA, it appears to the court that the quality of the party’s evidence on cross-examination is likely to be diminished if the cross-examination is conducted in person, or if the conduct of cross-examination in person would cause significant distress to a party, and it would not be contrary to the interests of justice to make the direction.]**
26. The [applicant] / [respondent] must notify the court by 4.00pm on:
- a. whether, in their view, there are suitable alternative means of cross-examination; and
 - b. should the court determine that there are no suitable alternative means of cross-examination, whether they intend to appoint their own qualified legal representative.
27. The file is to be referred to *[name of judge]* on *[date (FOLLOWING DEADLINE FOR FILING THE RESPONSE SET OUT ABOVE)]* to consider whether it is necessary for the court to appoint a qualified legal representative to conduct cross-examination on behalf of either party.
28. If *[name]* does intend to appoint their own qualified legal representative for the purpose of cross-examination, they shall provide the name and contact details of that person no later than *[date]*.

Next hearing

29. The next hearing will be at *[place]* on *[date]* at *[time]* before *[name of judge]* allowing *[number]* hours which will be *[an adjourned FHDRA] / [a dispute resolution appointment] / [a fact-finding hearing]*.

Attendance at next hearing

30. The parties must attend court one hour before the time the next hearing is listed. This is to allow for any discussions before the hearing starts.
31. The author of the section 7 report *[need not] / [must]* attend the next hearing to *[assist the parties to resolve any issues] / [give evidence]*.
32. The author of the section 7 report may email the court in the event that s/he considers that nothing will be achieved the author's attendance at the DRA explaining why not so the court may consider excusing the author's attendance.

Documents/Bundles

33. 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.
34. The bundle for the next hearing will be prepared by *[name]*.
35. 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 TO ORDER

1. **Summary of oral report given by [Cafcass] / [CAFCASS Cymru] concerning advice given to the parties and whether they or the child[ren] have been referred to any agency, including local authority children's services.**
[Summarise report]
2. **Admissions of domestic abuse.**
[Name] has made the following admissions in relation to domestic abuse:
 - a. *[Set out admissions made]*
3. *[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)]*
4. The parties have agreed that:
 - a. the child[ren] will *[live with [name]] / [the children shall 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]*
5. 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]*.

Parental responsibility

6. It is recorded by the court that the parties share joint and equal parental responsibility for the child[ren] and therefore: The parties shall share and consult with each other in advance of making decisions about the child[ren]'s welfare including but not limited to foreign travel, religion, education, and health.

Domestic abuse issues

7. Domestic abuse has been raised as an issue which is likely to be relevant to any decision of the court relating to the welfare of the child[ren] having regard to PD 12J.

8. Notwithstanding the allegations of domestic abuse the court has decided, having regard to PD 12J, that
 - a. a fact-finding hearing is not needed;
 - b. a section 7 report is not necessary to safeguard the child[ren]'s interests; because *[insert reasons]*.
9. Although this order is made by consent the court has, before making the order, asked [Cafcass] / [CAFCASS Cymru] to provide an oral report to the court including any advice given by the [Cafcass] / [CAFCASS Cymru] officer to the parties and whether they, or the child[ren], have been referred to any agency, including local authority children's services. A summary of the oral report is set out in the Schedule to this order.
10. The child[ren] [and parent] would be at risk of harm if a child arrangements order were made.
11. The court is satisfied, having regard to PD 12J, that the arrangements for the child[ren] made by this order, including any time spending time arrangements, protect the safety and wellbeing of the child[ren] and the parent with whom they are living.

Participation directions / Ground Rules

12. The [party] has made allegation[s] of domestic abuse. The [party] are therefore vulnerable for the purposes FPR Part 3A and their participation in the proceedings is likely to be affected.
13. The court considers that it may be necessary to make participation directions in respect of a party or witness.
14. The court has concluded that [name] is [vulnerable] / [a protected party] and that [his] / [her] participation in the proceedings is likely to be affected because:
 - a. it is alleged that [name] is the victim of domestic abuse;
 - b. the court considers that the quality of evidence given by [name] is likely to be assisted by the services of an intermediary who can facilitate and enable communication and understanding of questions to and answers by a witness or party;
 - c. *[other reason]*.
15. If they have not already done so, any party who considers that specific measures need to be taken to enable a party or witness to understand the proceedings and their role in them when in court, put their views to the court, instruct their representatives before, during, and after the hearing or attend the hearing without significant distress should file an application notice and include the following information as far as practicable:
 - a. why the party or witness would benefit from assistance;
 - b. the measure or measures that would be likely to maximise as far as practicable the quality of their evidence or participation and why;
 - c. written confirmation from any relevant witness of his/her views.

16. The court has concluded that there are currently no parties or witnesses for whom it is necessary to make participation directions because:
 - a. no matters have been drawn to the attention of the court and it is aware of no reasons which would lead it to conclude otherwise;
 - b. it has considered the matters adduced by *[name]* and concluded that the facilities available at court should afford sufficient protection.

17. *[Name]* must by 4.00pm on *[date]* ask *[name of intermediary provider]* to provide a quotation for the supply of services in the form of a preliminary assessment to include necessary preparative work and, if required, intermediary services and necessary preparative work for the ground rules hearing and final hearing and the following directions apply:
 - a. the quotation must be sent to HMCTS for the attention of the court manager by *[date]*;
 - b. HMCTS must confirm acceptance of the quotation and payment of intermediary services within 7 days after receipt of the quotation;
 - c. the case will be listed for *[a FCMH] / [a ground rules hearing] / [an IRH]* at *[time]* on *[date]* allowing *[time estimate]*;
 - d. *[Name of intermediary provider]* must file a preliminary assessment by *[4 weeks after confirmation of payment of services by HMCTS] / [date]* and shall attend, if required, the subsequent hearings;
 - e. any default in compliance with these directions shall be brought to the attention of the case management judge on 48 hours' notice to all parties.

18. The following measures are to apply to all hearings in this matter unless otherwise ordered. They must also be set out clearly in a separate schedule headed 'Measures which apply in case number *[case number]*' which is to be placed prominently on the case file and provided by the court office to security and the court usher for each hearing.
 Measures are to be taken to:
 - a. provide separate entrances to, and waiting areas in, the court building for *[name(s)]*;
 - b. prevent *[name]* from seeing *[name]* whilst within the court building or its precincts;
 - c. make sure that *[name]* is to arrive at court no later than 30 minutes before the hearing and is to report to *[court security] / [the usher]* immediately on arrival;
 - d. security and the court staff must liaise to make sure that the parties do not meet except when they are in the hearing room;
 - e. neither party is to approach the other directly;
 - f. allow *[name]* to participate in hearings and give evidence:
 - i. by live link;
 - ii. by a recording made *[and transcribed]* in advance of the hearing;
 - iii. with the aid of a *[signer] / [other]*;
 - iv. by use of evidence already given in other proceedings, namely *[give details]*;
 - v. *[other]*.
 - g. provide for *[name]* to:
 - i. use a *[identify aid]* to help communicate;
 - ii. participate in proceedings with the assistance of an intermediary;

- iii. be questioned in court with the assistance of [a Qualified Legal Representative] / [an intermediary];
 - h. provide for all hearings to take place in a courtroom;
 - i. ensure in relation to any questioning of [name] that:
 - i. questions or topics are agreed prior to the hearing;
 - ii. any questions that [can be] / [have been] put by one advocate may not be repeated by another without the court's permission;
 - iii. questions may be put by [one advocate] / [the judge] only;
 - iv. [example] questions [from each topic to be put] are provided in writing in advance of the hearing so that [the intermediary can consider whether they will be understood by the witness] / [they can be put by the judge];
 - v. [other].
19. The court has made these participation directions for the following reasons:
- a. they are a proportionate way to meet the apparent needs of [name];
 - b. they protect both parties from coercive conduct or false allegations of coercive conduct;
 - c. [insert other reasons].
20. These participation directions have been made by the court without receiving representations from all parties. An application may be made to set aside, vary or stay them provided it is issued within seven days of service of this order.
21. The court considers that a measure under Family Procedure Rules rule 3A is necessary but the measure is not available to the court because [insert reasons].
22. The participation directions given on [date] are [revoked] / [varied] as follows:
- a. [insert details] because [give reasons].
23. All parties' legal representatives are expected to be familiar with and to use the techniques employed by the toolkits and approach of The Inns of Court College of Advocacy. The toolkits are available at <https://www.theadvocatesgateway.org/toolkits-1-1-1>

Other recitals

24. [Insert other recitals]