**In the Family Court Case No: [*Case number*]**

**sitting at [*Court name*]**

|  |  |
| --- | --- |
|  | **Order****The Forced Marriage (Civil Protection) Act 2007****The Family Law Act 1996****The Senior Courts Act 1981** |
|  |  |  |  |
|  | The full name(s) of the children | Boy or Girl | Date(s) of Birth |
|  |  |  |  |
|  | [*insert*] | [*insert*] | [*insert*] |
|  | [*insert*] | [*insert*] | [*insert*] |
|  |  |  |  |

Before [*name of judge*] in private on [*date*] without a hearing.

**The parties:** The applicant is [*name*]

The 1st respondent is [*name*], the [*relationship to child*]

The 2nd respondent is [*name*], the [*relationship to child*]

**IMPORTANT NOTICE TO THE RESPONDENT** **[*RESPONDENT NAME*] OF [*RESPONDENT ADDRESS*]**

**YOU MUST OBEY THIS ORDER. You should read it carefully. If you do not understand anything in this order you should go to a solicitor, Legal Advice Centre or Citizens Advice Bureau. You have the right to apply to the court to change or cancel the order.**

**WARNING: IF, WITHOUT REASONABLE EXCUSE, YOU DO ANYTHING WHICH YOU ARE FORBIDDEN FROM DOING BY THIS ORDER YOU WILL BE COMMITTING A CRIMINAL OFFENCE AND LIABLE ON CONVICTION TO A TERM OF IMPRISONMENT NOT EXCEEDING FIVE**

**YEARS OR TO A FINE OR BOTH.**

**ALTERNATIVELY, IF YOU DISOBEY OBEY THIS ORDER, YOU MAY BE HELD TO BE CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED, OR HAVE YOUR ASSETS SEIZED.**

You have the following legal rights:

* 1. to seek legal advice. This right does not entitle you to disobey any part of this order until you have sought legal advice;
	2. to require the applicant’s solicitors, namely [*applicant firm name*], [*applicant firm address*], [*applicant firm DX*], [*applicant firm phone*], [*applicant firm email*], to provide you with a copy of any application form[s], affidavit[s], note of oral evidence or other note of hearing referred to in paragraph [*para number*] (below);
	3. to apply, whether by counsel or solicitor or in person, to the Judge of the Family Court assigned to hear urgent applications at the Royal Courts of Justice, Strand, London, if practicable after giving notice to the applicant’s solicitors and to the court, for an order discharging or varying any part of this order. This right does not entitle you to disobey any part of this order until your application has been heard;
	4. if you do not speak or understand English adequately, to have an interpreter present in court at public expense in order to assist you at the hearing of any application relating to this order.

**Definitions**

1. The Tipstaff is the enforcement officer of the High Court at the Royal Courts of Justice. They have a deputy and assistants and can authorise police officers to act on their behalf. Any obligation to give information to the Tipstaff or to hand over a document to them includes an obligation to do so to their deputy or assistant or a police officer acting on their behalf.
2. A [Collection] / [Location] / [Passport] order is an order directed to the Tipstaff authorising them to [take steps to collect the child] / [take steps to locate the respondent and to seize any passport or other travel documents from them] / [take steps to seize any passport or other travel document held by the respondent].

**Recitals**

1. This order was made at a hearing without notice to the respondent. The reason why the order was made without notice to the respondent is because:
	1. [*Insert details*]
2. The judge read the following documents:
	1. [*Insert details*]
3. The judge heard the following oral evidence:
	1. [*Insert details*]
4. **(In the event that the applicant is not the person to be protected or a Local Authority)** The court considered that the applicant [*applicant name*] fulfils the criteria for the grant of leave to commence proceedings pursuant to the Forced Marriage (Civil Protection) Act 2007 for the following reasons:
	1. [*Insert details*]
5. **(In the event that any evidence and/or submission are to be withheld from the respondent(s))** The court considered that the criteria within Rule 11.7(2) of the Family Procedure Rules 2010 are met in this case, and as such has directed that certain evidence and/or submissions placed before the court for the purposes of this hearing may be withheld from the respondent herein until further order. The continued need for this direction will be considered at each further hearing of this matter.

**Undertakings to the court by the solicitors for the applicant**

1. The solicitors for the applicant undertake:
	1. To issue these proceedings forthwith and in any event by no later than [*date*];
	2. To pay the *ex parte* application fee forthwith and in any event by no later than [*date*];
	3. To serve these proceedings on the respondent at the earliest available opportunity, but subject to execution of the [Tipstaff] / [Collection] / [Location] / [Passport] Order as applicable.

**IT IS ORDERED THAT:**

1. The respondent, or each of them, are prohibited from:
	1. Forcing, attempting to force or otherwise instructing or encouraging any other person to force the person to be protected [*name*] to undergo any ceremony (or purported ceremony) of marriage, civil partnership, betrothal or engagement;
	2. Instructing or otherwise encouraging the person to be protected [*name*] to undergo any ceremony (or purported ceremony) of marriage, civil partnership, betrothal or engagement;
	3. **(If appropriate)** Facilitating, allowing or otherwise permitting the person to be protected [*name*] to undergo any ceremony (or purported ceremony) of marriage, civil partnership, betrothal or engagement;
	4. **(If appropriate)** Using or threatening violence against the person to be protected [*name*] or otherwise instructing or encouraging any other person to do so;
	5. **(If appropriate)** Intimidating, harassing or pestering the person to be protected [*name*] or otherwise instructing or encouraging any other person to do so;
	6. **(Upon the person to be protected’s return to this country)** Removing, seeking to remove or instructing or encouraging any other person to remove the person to be protected [*name*] from the jurisdiction of England and Wales.
	7. Leaving the jurisdiction of England and Wales.
2. The injunctions as made at paragraph [*para number*] (above) shall continue until [*date*] unless previously varied or otherwise discharged by further order of the court.
3. The respondent, or each of them, shall:
	1. By no later than **(If appropriate)** notify the solicitors for the applicant, [*applicant firm name*], of the current whereabouts of the person to be protected [*name*] and [*insert* **(if appropriate)**] the current care arrangements for them;
	2. By no later than [*time*] notify the solicitors for the applicant, [*applicant firm name*], of the arrangements that will be made for the return of the person to be protected to the jurisdiction of England and Wales;
	3. Return or cause the return of the person to be protected [*name*] to the jurisdiction of England and Wales in accordance with the arrangements notified at sub-paragraph b. (above) and by no later than [*time and date*].
4. Upon the return of the person to be protected [*name*] to the jurisdiction of England and Wales the respondent, or each of them, shall be prohibited from removing the said person to be protected from the jurisdiction of England and Wales, and from instructing or encouraging any other person to so remove them.
5. **(In the event that the applicant is not the person to be protected or a Local Authority)** The applicant [*applicant name*] shall have leave to commence proceedings for the protection of the person to be protected [*name*] pursuant to the Forced Marriage (Civil Protection) Act 2007
6. **(If applicable)** [*Name of litigation friend*] shall be appointed as the litigation friend of the person to be protected [*name*].
7. The matter shall be adjourned and relisted to allow the respondent to make representations about this order (or any part of it) at a hearing before a [High Court Judge of the Family Division] / [Judge of the Family Court] sitting in private at [*place*] on [*date*] at [*time*], with a time estimate of [*time estimate*].
8. The respondent shall attend the hearing listed pursuant to paragraph [*para number*] (above) together with solicitors and/or counsel if so instructed. A penal notice is attached to this paragraph.
9. The respondent may, if so advised, file and serve a statement of evidence by no later than [*time and date*].
10. Costs reserved.

Dated [*date*]

**Note to Arresting Officer:**

Under section 63CA of the Family Law Act 1996, breach of a forced marriage protection order is a criminal offence punishable by up to five years’ imprisonment. It is an arrestable offence and it is not necessary to obtain a warrant.

“A person who without reasonable excuse does anything that the person is prohibited from doing by a forced marriage protection order is guilty of an offence.”

Family Law Act 1996, section 63CA (1)