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

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

|  |  |
| --- | --- |
|  | **Order****Female Genital Mutilation Act 2003** |
|  |  |  |  |
|  | The full name(s) of the children | Boy or Girl | Date(s) of Birth |
|  |  |  |  |
|  | [*insert*] | [*insert*] | [*insert*] |
|  | [*insert*] | [*insert*] | [*insert*] |
|  |  |  |  |

Order made by [*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 [insert name] 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 [insert para]
	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 Passport Order is an order directed to the Tipstaff authorising them to seize any passport or other travel documents from them.

**Recitals**

1. This order was made at a hearing [with notice] / [without notice] to the [first respondent] / [second respondent].
2. The judge read the following documents: [*insert*]
3. The court was satisfied on a provisional basis on the basis of the evidence filed that:
	1. The person to be protected, [*name*] was habitually resident in the jurisdiction of England and Wales on [*date*] and continued to be habitually resident in this jurisdiction on the date that the proceedings were instituted, [*date*];
	2. The person to be protected, was [removed from England to] / [retained in] [*State*] on [*date*] [; and]
	3. [The courts of England and Wales have jurisdiction in matters of parental responsibility over the child pursuant to [Articles 8 and 10 of BIIR] / [Articles 5 and 7 of the 1996 Hague Convention].]

**AND NOW THEREFORE THIS HONOURABLE COURT RESPECTFULLY REQUESTS:**

1. Any person not within the jurisdiction of this court who is in a position to do so to co-operate in assisting and securing the immediate return to England and Wales of the person to be protected, [*name*].

**IT IS ORDERED THAT:**

1. The respondent, or each of them, are prohibited from:
	1. Arranging, attempting to arrange, or otherwise instructing or encouraging any other person to subject the person to be protected [*name*] to any procedure involving female genital mutilation and the excision, infibulation or mutilation of the whole or any part of the person’s labia majora, labia minora or clitoris;
	2. Instructing or otherwise encouraging the person to be protected [*name*] to undergo any procedure involving female genital mutilation and the excision, infibulation or mutilation of the whole or any part of the person’s labia majora, labia minora or clitoris;
	3. Facilitating, allowing or otherwise permitting the person to be protected [*name*] to undergo any procedure involving female genital mutilation and the excision, infibulation or mutilation of the whole or any part of the child’s labia majora, labia minora or clitoris;
	4. Using or threatening violence against the person to be protected [*name*] or otherwise instructing or encouraging any other person to do so;
	5. Intimidating, harassing or pestering the person to be protected [*name*] or otherwise instructing or encouraging any other person to do so;
	6. Upon [*name*]’s return to this country, from removing, seeking to remove or instructing or encouraging any other person to remove the child from the jurisdiction of England and Wales.
2. The injunctions as made at paragraph [*para number*] shall continue until [*date*].
3. The respondent, or each of them, shall:
	1. By no later than 4.00pm on [*date*] notify the solicitors for the applicant [*applicant solicitor firm name*] of the arrangements that will be made for the return of the person to be protected [*name*] to the jurisdiction of England and Wales;
	2. 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 4.00pm on [*date*].
4. The matter shall be adjourned and relisted at a hearing before a High Court Judge of the Family Division sitting in private at the Royal Courts of Justice, The Strand, London, WC2A 2LL on [*date*] with a time estimate of [*time estimate*].
5. The respondent shall attend the hearing listed pursuant to paragraph [*para* *number*] (above) together with solicitors and/or counsel if so instructed.
6. The costs of translation of the papers in the proceedings from English into [*language*] (to include any payment of a premium fee to have the translation expedited due to the extreme urgency of the case that may be paid under the discretion of the Legal Aid Agency) are certified to be a proper and reasonable disbursement upon the applicant’s legal aid certificate.
7. Permission is granted to the [first] / [second] respondent to make an application no later than 4.00pm on [*date*] upon 48 hours’ notice to the other parties, to vary or discharge the terms of this order.
8. Costs be reserved.

Dated [*date*]

**Note to Arresting Officer:**

Under Schedule 2, Part 1, section 4(1) of the Female Genital Mutilation Act 2003, breach of a FGM 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 an FGM protection order is guilty of an offence.”
Female Genital Mutilation Act 2003, Schedule 2, Part 1, section 4(1)