**PRECEDENT LIBRARY OF PRIVATE LAW CASE MANAGEMENT DIRECTIONS AND ORDERS**

This document contains a comprehensive library of case management directions and orders in private law cases to be added to the standard short form template as appropriate.

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# IMPORTANT NOTICES

**(penal notice: not automatically included. if included, the order must be personally served unless the court dispenses with that requirement: fpr 2010, r 37(4))**

**Penal notice**

**IMPORTANT WARNING TO [*NAME*]**

**If you [*NAME*] of [*ADDRESS*] disobey [this order] / [paragraph[s] [*insert paragraph number(s)*] of this order] you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized.**

## Child arrangements orders warnings

**(where the court makes or varies a child arrangements order, it must attach the following notice: s 11i, ca 1989)**

**This order includes a child arrangements order (the part of the order setting out the living arrangement for a child and 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 (“an enforcement order”) or pay financial compensation.**

**(where the court makes a ‘lives with’ child arrangements order, it is good practice to attach the following notice: s13, ca 1989)**

**This order includes a ‘lives with’ child arrangements order (the part of the order setting out the living arrangement for a child). No person may cause the child to be known by a new surname or remove the child from the United Kingdom without either the written consent of every person who has parental responsibility for the child or leave of the court. However, a person named in this order as the person with whom the child ‘lives’ may remove the child from the United Kingdom, for a period of less than one month.**

**(it is good practice to attach the following warning to all child arrangement orders)**

**It may be a criminal offence under the Child Abduction Act 1984 to remove the child[ren] from the United Kingdom without the appropriate consent.**

## Confidentiality warnings

**During the proceedings and 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.**

**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 maybe guilty of an offence.**

**The exceptions to this are in 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.**

## Right to apply

**If you were not told about the hearing you may ask the court to reconsider this order. You must do that within seven days of receiving this order by writing to the court and asking the court to reconsider. You must tell the person who applied for the order that you are asking the court to reconsider the order.**

## Special guardianship order warning

**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 special guardianship order is in force in relation to a child no person may:**

* 1. **cause the child to be known by a new surname**
	2. **remove the child from the United Kingdom**

**without the written consent of every person with parental responsibility for the child or the leave of the court.**

**However, this does not prevent the removal the child from the United Kingdom by a special guardian for a period of less than three months.**

# RECITALS

## Covid recital

1. The court determined that in the exceptional circumstances of the current national public health emergency this case is suitable for hearing remotely (“remote hearing”) by means of [*insert*].

## Legal aid recitals

**(the following appropriate recital should be placed in the schedule to the order)**

### Family Advocacy Scheme (FAS)

1. The court records the following information for the purposes of the Family Advocacy Scheme (FAS):
	1. the advocates met for pre-hearing discussions between [*time*] and [*time*];
	2. the hearing started at [*time*] and ended at [*time*];
	3. the court allowed [*time*] thereafter for preparation and agreement of the order between [*time*] and [*time*];
	4. [*name of advocate*] is entitled to a bolt on because they are representing a client who is facing allegations that they have caused significant harm to a child and these are a live issue in proceedings;
	5. all advocates are entitled to a bolt on because an independent expert witness was cross-examined and substantially challenged by a party at the hearing; and
	6. the advocates’ bundle page count is [*number*].
2. Due to the parties’ remote attendance at court, the parties have referred the court to *The Civil Finance Electronic Handbook*, which, at paragraph 6.11, states as follows: *"We do not require an advocate’s attendance form where a hearing is heard by telephone or video conference. In its place, the court order and attendance notes should be submitted to verify the hearing”.* For the avoidance of doubt, that is why the parties’ attendance times are recorded in the order as confirmation of the same.

### VHCC Cases (‘Events’) – Finding of Fact and Final Hearings

1. The court records the following information for the purposes of legal aid:
	1. the matter was listed for a [finding of fact hearing] / [final hearing];
	2. the sitting days were [*dates*] – that being a total of [*number*] sitting days;
	3. the case was also listed on [*dates*], but the case did not sit – that being a total of [*insert*] under run(s); and
	4. it was not necessary for the court to endorse Family Advocacy Scheme Advocates’ Attendance Forms (‘FAS’ forms) at this hearing as the respondent parties’ Legal Aid Agency funding certificates are each subject to a VHCC.

### Cases where a consent order is lodged without a hearing

1. The court records the following information for the purposes of the Family Advocacy Scheme (FAS):
	1. start time of pre-hearing discussions: [*insert*];
	2. the advocates’ submitted a draft consent order to the court at [*time*] on [*date*];
	3. the court approved the draft order such that there was no need for a hearing to take place; and
	4. the advocates spent a total of [*number*] hours and [*number*] minutes discussing the case and preparing the draft order.

### Cases that fall outside of FAS, e.g. representing a 16.4 guardian

1. Upon the court recording that:
	1. in the exceptional circumstances of the current national public health emergency, this case was listed for a remote hearing by means of [telephone] / [Skype] / [Zoom] / [*insert*];
	2. the hearing was listed as a [*insert hearing type***(e.g. further case management hearing)**];
	3. the advocates conducted their pre-hearing discussions by email from [*start time*] until [*end time*] today;
	4. the advocates met for pre-hearing discussions via [telephone] / [Skype] / [Zoom] / [*insert*] from [*start time*] until [*end time*] today;
	5. during the time listed at paragraphs (iii) and (iv) above, the advocates also took instructions remotely from their respective clients;
	6. the advocates appeared in court remotely today from [*time the judge joined the remote hearing*] until [*time the judge left the remote hearing*]; and
	7. the court allowed the advocates further time to finalise the draft order, which was agreed and sent to the court at [*time*], which shall be recorded as the time the hearing ended

## Prohibition of Cross-Examination in Person Qualified Legal Representative Scheme Funding Recital

1. The court has noted the following provisions for the Cross-Examination Qualified Legal Representative Remuneration Scheme:
	1. Heard before: [*judicial title/level of judge*]
	2. Hearing date: [*date*]
	3. Name of court-Appointed Qualified Legal Representative: [*name*]
	4. Name of court: [*court name*]
	5. Court type: [*court type*]
	6. Case type: [*case type*]
	7. Type of hearing: [Preliminary] / [Final] / [*insert other hearing with cross-examination*]
	8. Pre-hearing discussions began at: [*time*]
	9. Start time of the hearing: [*time*]
	10. End time, including time to agree an order: [*time*]
	11. TOTAL LENGTH OF THE HEARING (DEDUCT ANY ADJOURNMENT): [*hours and minutes*]
	12. [Bundle: [*number of pages*]]
2. [*Insert other recitals*]

## Without/short notice hearings

1. This hearing was listed [at the court’s own initiative] with[out] [short] notice because [*insert reasons*].

# ISSUES

1. The parties have agreed that:
	1. the child[ren] will [live with] [*name*]] / [the children shall spend time with parent [*name*] as follows and the balance of the time with parent [*name*]] / [the child will divide their time as follows [*insert*]] [until further order];
	2. the child[ren] will spend time with [*name*] as follows: [*insert*].
	3. [*insert*]
2. The issues that the court needs to decide are as follows:
	1. with whom the child[ren] should live;
	2. whether they should spend time with [the other parent] / [*name*] and, if so,
		1. how often;
		2. whether there should be overnight stays and longer stays;
		3. whether it should be supervised or supported;
		4. whether it should be limited to indirect spending time arrangements;
	3. the child[ren]’s education;
	4. the child[ren]’s names;
	5. holidays or travel plans;
	6. proposed relocation by [*name*] with the child[ren] to [*insert*].

## Domestic abuse issues

1. 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.
2. Notwithstanding the allegations of domestic abuse the court has decided, having regard to PD 12J, that
	1. a fact-finding hearing is not needed;
	2. a section 7 report is not necessary to safeguard the child[ren]’s interests; because [*insert reasons*].
3. 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.
4. 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.

**(the following recital should be placed in the schedule to the order)**

## Parental responsibility

1. 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.

# 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)**

* 1. the child[ren] [was] / [were] habitually resident in the jurisdiction of England and Wales at the date the application was lodged with the court.
	2. 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)**

* 1. the child[ren] [is]/ [are] habitually resident in the jurisdiction of England and Wales.
	2. 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.
	3. 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.
	4. [*insert other basis of jurisdiction*]

# ORDERS

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

## Activity directions/conditions

1. [*Name*] must attend the following activity programme[s] [as a condition of the child arrangements order] on dates and at times to be confirmed by the activity provider, and in any event by [*date*]:
	1. a mediation information and assessment meeting (MIAM);
	2. a [Planning Together for Children course **(cafcass only)] / [**Working Together For Children course (WT4C) **(cafcass cymru only)**];
	3. **[(cafcass only)** an Improving Child and Family Arrangements service (ICFA) intervention;]
	4. the court must send this order to [Cafcass] / [CAFCASS Cymru] with all contact details (in the case of a [Planning Together for Children to planningtogether@cafcass.gov.uk] / [WT4C to CafcasscymruCAT@gov.wales], otherwise to the family court adviser);
	5. the court records the consent of the parties to disclosure of their details by [Cafcass] / [CAFCASS Cymru] to the activity provider;
	6. if the party is not suitable, [Cafcass] / [CAFCASS Cymru] must report to the court by [*date*] making any alternative recommendations.

## Adjournment of this hearing

1. This hearing is adjourned until [*time*] on [*date*] at the Family Court sitting at [*court* *name*] before [*name of judge*] allowing [*number*] hours because [*insert reasons for adjournment*].

## Allocation

1. The proceedings are [re]allocated for case management and hearings to a [Circuit Judge] / [District Judge] / [Justices] and reserved to [*name of judge*].

## Appointment of a qualified legal representative

**(insert the following recital into the order)**

1. 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.

**(within the body of the order)**

1. 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*].
2. Permission is given to the qualified legal representative to attend the [preliminary hearing] / [ground rules hearing] remotely if doing so means a qualified legal representative who could not otherwise act can be appointed.
3. The court is authorised to share the contact details of [*name of person prohibited from questioning*] with the court-appointed qualified legal representative.
4. **[*Name of person prohibited from questioning*] must notify the court, the other parties, and the court-appointed qualified legal representative straight away if at any time they become legally represented in these proceedings.**
5. The case must be returned to the [judge] / [magistrates] for further directions if after 28 days the court has not succeeded in appointing a qualified legal representative.

**(This direction may alternatively go in the main case management order made at the ground rules hearing or another preliminary hearing)**

1. [*Name of person prohibited from questioning*]shall by 4.00pm on [*date not later than 3 working days before the hearing*] file at court a written list of the questions that they wish to have asked prior to the main hearing. The list shall also be sent to the qualified legal representative, but must not be sent to the witnesses or other parties.

**(This direction should be made at the ground rules hearing or earlier preliminary hearing)**

1. [*Name of person prohibited from questioning*]shall by 4.00pm on [*date*]file at court and serve on the parties a clear statement shortly stating the allegations, facts or findings that they seek to establish.

## Appointment of the Official Solicitor as litigation friend

**(Insert the following recitals into order)**

1. [*Name of expert*]’s capacity assessment report dated [*date*] confirms [*name*] lacks capacity (within the meaning of the Mental Capacity Act 2005) to conduct the proceedings.
2. The court records that [*name*] is a protected party within the meaning of r.2.3 Family Procedure Rules 2010; that this is a case of last resort; and that [*name*] has the benefit of a legal aid certificate for representation in the proceedings.

**(Within the body of the order)**

1. The Official Solicitor is invited to act for [*name*], and shall, subject to their consent, be appointed to act.
2. The solicitors for [*name*] shall forthwith complete and send to the Official Solicitor the:
	1. The sealed court order inviting him to act as litigation friend (with a note of the reasons approved by the judge if appropriate);
	2. **(adult party)**
		1. A copy of the letter of instruction to the expert by which an opinion was sought as to the party’s capacity to conduct the proceedings;
		2. The opinion on capacity from the Official Solicitor's pro forma certificate of capacity to conduct proceedings;
	3. A full explanation as to how the costs of legal representation are to be paid (including any relevant supporting documents);
	4. Confirmation that there is no other person suitable and willing to act as litigation friend (including enquiries made about this);
	5. The court file/full indexed copy of the bundle.
3. The solicitor for [*name*] shall keep the court informed as to their progress in meeting the Official Solicitor’s criteria for continuing to act and will notify the parties in the event of a delay in the Official Solicitor accepting appointment.

Additional Official Solicitor clauses

1. Because [*name*] is not publicly funded:
	1. All parties shall cooperate with, and respond promptly to, any request by the Official Solicitor for information or documents to assist in establishing whether [*name*] would be eligible for legal aid or how their legal costs will otherwise be met.
	2. If any party is aware that [*name*] has a person properly appointed to manage their financial affairs, that party shall forthwith provide the Official Solicitor with the details of that person.
2. The Official Solicitor may apply to the case management judge for directions to assist in securing [*name*]’s legal costs.

## Assessment of litigation capacity and cognitive functioning

1. [*Name*] shall by 4.00pm on [*date*] file at court and serve on the parties a report from [*name of expert*], [a general practitioner] / [a treating consultant] / [a psychiatrist] / [a psychologist] / [adult social services] assessing their cognitive functioning and whether in the expert’s opinion [*name*] has litigation capacity (within the meaning of the Mental Capacity Act 2005) to conduct the proceedings; is competent to give evidence; and if so any recommendations for measures required for them to give their best evidence; and has capacity to consent to placement for adoption or the making of a placement order. The cost of the report shall be paid by [the parties equally] / [*name*].
2. This matter is listed for a hearing at the Family Court sitting at [*court name*] on [*date*] at [*time*] before [*name of judge*] allowing 30 minutes to determine [*name*]’s capacity to conduct the proceedings. This hearing shall stand vacated if on receipt of the expert evidence the court is informed that a) [*name*] has capacity to conduct the proceedings and no party challenges that expert evidence; or b) that [*name*] does not have capacity to conduct the proceedings and the parties lodge a consent order providing for the appointment of a litigation friend for [*name*].
3. If [*name*] is assessed as having litigation capacity, the cognitive assessment shall also consider whether [he] / [she] is a vulnerable person and, if so:
	1. how their evidence in chief should be given;
	2. whether and how they should be questioned (cross-examined) including the length of questioning and the need for, and frequency of, any breaks;
	3. what support should be made available;
	4. whether separate waiting or other facilities are needed;
	5. whether their evidence should be given remotely.
4. There will be a hearing at [*place*] on [*date*] to assess [*name*]’s capacity to litigate. If on receipt of the capacity evidence [*name*]’s solicitor confirms (a) that [*name*] does not assert that [he] / [she] has capacity and (b) that there is no other person proposed to act as litigation friend, the following directions will be given without a hearing and the capacity assessment hearing will be vacated.
5. The court deciding that [*name*] is a protected party

**(either)**

[*Name*] is appointed as [his] / [her] litigation friend.

**(or)**

and that there is no other person suitable and willing to act as [his] / [her] litigation friend (so that the appointment of the Official Solicitor is the last resort), and [he] / [she] being publicly funded, subject to his consent the Official Solicitor is appointed as litigation friend of [*name*].

1. As [*name*] is not publicly funded:
	1. all parties must co-operate with, and respond promptly to, any request made by the Official Solicitor for information/documents for the purpose of establishing the protected party’s eligibility for legal aid or, if the protected party is ineligible for legal aid, how their legal costs may otherwise be paid;
	2. in the event that any party is aware that the protected party has an attorney under a lasting or enduring power of attorney, or a financial deputy appointed by the Court of Protection, or an appointee for state benefits, that party must provide the Official Solicitor with the identity and contact details of that person;
	3. the Official Solicitor may apply in writing to the case management judge for any further directions which may assist in securing the protected party’s legal costs.

## Attendance at MIAM / Alternative Dispute Resolution (ADR)

1. The court has considered the exemption claimed for attendance at a mediation information and assessment meeting (MIAM) and is not satisfied that it was properly claimed. Accordingly [*name*] must attend a MIAM and produce evidence at the next hearing that they have done so.
2. The FHDRA has been adjourned until [*date*] therefore the parties are encouraged to [re]consider alternative dispute resolution methods including: mediation including shuttle mediation, arbitration, early neutral evaluation. The judge on the next occasion [may] / [will] require confirmation as to whether or not any alternative methods have been attempted.

## Attendance at the next hearing

1. The next hearing will be an [attended] hearing at [[*court name*] Family Court] / [a remote hearing via [*specify platform*]].
2. [The author of the section 7 report] / [*Witness name*] [need not] / [must] attend the next hearing to give evidence.

## [Cafcass] / [CAFCASS Cymru] – Summary of oral report/advice

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:
	1. [*Summarise report*]

## Child arrangements order

1. The child[ren] shall live with [*name(s)*].
2. [*Name(s)*] must make sure that the child[ren] spend[s] time or otherwise [has] [have] contact with [*name*] as follows: [*insert*].

## Child arrangements order – Spending time and contact arrangements

1. Such time is to be [supervised] / [supported] at [[*name*] Centre] / [an accredited centre] and the following conditions shall apply:
	1. [*name*] / [the court] must provide a copy of this order, the safeguarding letter or information filed by [Cafcass] / [CAFCASS Cymru] and any injunction order involving the parties to the centre manager as soon as possible and in any event within 2 days;
	2. [*name*] must [complete and submit a referral form to the contact centre] / [use the online referral service];
	3. any rules of the contact centre must be complied with;
	4. the child[ren] must be taken by [*name*] to the contact centre promptly for the start of each session and collected at the end of each session by [*name*];
	5. [*name*] must not enter the contact centre before the contact session is due to start;
	6. [*name*] must not remain in the same room as the child[ren] during the session;
	7. any costs charged by the contact centre must be paid by [*name*];
	8. both parties are responsible for telling the centre manager when the place is no longer required;
	9. contact will continue at the contact centre until [*date*]; thereafter contact shall take place in accordance with the following order.

## Child arrangements - directions and conditions

1. The following conditions apply to the spending time and contact arrangements:
	1. handovers at the start of will be at [*place*] and [*name*] must [collect] / [deliver] the child[ren];
	2. handovers at the end of will be at [*place*] and [*name*] must [collect] / [deliver] the child[ren];
	3. handovers at the start and end of must be at an agreed public place covered by CCTV cameras [namely [*place*]];
	4. the parties must ensure that [no other adult] / [*name*] accompanies them to handovers
	5. any party delayed for a handover must let the other know immediately;
	6. handovers will be facilitated by [*name*];
	7. communication between the parties must be confined to issues concerning the child[ren] [and must only be by text message/email. The telephone numbers/email addresses of the parties are [*insert*]];
	8. a ‘contact handover book’ shall be used to note any matters of concern of importance which one party needs to tell the other. The book is to be used solely for communication about spending time arrangements and the health and welfare of the child[ren][and must not be used to criticise or verbally abuse the other parent]. The book must be passed from one party to the other at handovers and must be brought to court on each occasion the parties attend;
	9. [*name*] must not drink alcohol or use non-prescribed drugs for 24 hours before, or at any time while, seeing the child[ren];
	10. contact will only take place if [*name*] provides a negative breathalyser sample at the start of any session when requested to do so. The testing kit is to be provided by [*name*].
	11. the contact is to be supervised at all times by [*name*].

## Child[ren] giving evidence

1. There shall be a hearing on [*date*] to consider whether the child[ren] should give oral evidence. In preparation for that hearing:
	1. [*Insert*] must by [*date*] make available any ABE interview of the child[ren] to be viewed by the judge and all parties;
	2. **(where there is a pending criminal investigation or prosecution)** [*Insert*] must give notice to the [police] / [CPS] that a decision will be made at the hearing whether the child[ren] should give evidence in these proceedings and that they may either send written representations or attend the hearing to express any views they have;
	3. [Cafcass] / [CAFCASS Cymru] / [The child[ren]’s guardian [*name*]] must by [*date*] send to the court and to the parties a report in respect only of the child[ren] subject of these proceedings to whom the question of giving evidence relates dealing with the following issues in relation to the question whether the child[ren] should give oral evidence:
		1. the child[ren]’s wishes and feelings, in particular the child[ren]’s willingness to give evidence;
		2. the child[ren]’s particular needs and abilities;
		3. the maturity, vulnerability and understanding, capacity and competence of the child[ren];
		4. the support or lack of support the child[ren] [has] / [have];
		5. any harm that may be caused to the child[ren] by giving, or by not being allowed to give, oral evidence;
		6. whether any specialist assessment is required before the court can decide whether the child[ren] should give evidence;
		7. the views of the children’s guardian having discussed the issue with the child[ren].
	4. The parties must by [*date*] send to the court, to [Cafcass] / [CAFCASS Cymru] and to the other parties written submissions dealing with the matters set out in paragraphs 9, 12 and 14 of the Family Justice Council *Guidelines on the issue of Children Giving Evidence in Family Proceedings* (December 2011) [a copy of which is attached to this order for the benefit of any unrepresented party].
2. The child[ren] will [not] give evidence at the hearing on [*date*].
3. There will be a ground rules hearing at [*place*] on [*date*] [which the parents and any other family members must not attend] to consider the following matters:
	1. whether the child[ren] should give evidence in chief and if so how, in particular whether the child[ren]’s evidence should be pre-recorded or given by live link;
	2. the need for and use of an intermediary or other communications specialist or other support for the child[ren] giving evidence;
	3. whether, by whom and how the child[ren] [is] / [are] to be cross-examined including:
	4. the format of questions and whether they should be submitted for judicial/intermediary approval in advance;
	5. any specific questions or topics to be covered;
	6. length of questioning and the need for breaks;
	7. what if any papers should be disclosed to the child[ren];
	8. arrangements for
	9. the child[ren] to see their ABE interview;
	10. a familiarisation visit by the child[ren] before the hearing;

access and waiting facilities at court for the child[ren] and their [security] / [privacy].

## Children’s Guardian - Appointment - FPR rule 16.4

1. The child[ren] [is] / [are] joined as [a party] / [parties] to the proceedings and [an officer of [Cafcass] / [CAFCASS Cymru]] / [*name*] must be appointed to act as children’s guardian. The appointed children’s guardian must promptly appoint a solicitor to act for the child[ren] and inform the other parties of the solicitor instructed.
2. The court must send a copy of this order to the [Cafcass] / [CAFCASS Cymru] Service manager who must allocate an officer as guardian promptly and tell the court who has been appointed.
3. If [Cafcass] / [CAFCASS Cymru] is unable to appoint a children’s guardian within 7 days of service of this order, they must tell the court straightaway.

## Children’s guardian’s report

1. The children’s guardian must file a report at court by 4.00pm on [*date*] [and must send a copy to the parties] / [and may send a copy to the parties at the children’s guardian’s discretion] / [but must not disclose it to the parties without further directions].

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

1. [*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*].

## Contact at a contact centre

1. Such contact is to be [supervised] / [supported] at [[*name*] Contact Centre] / [an accredited centre] and the following conditions shall apply:
	1. [*name*] / [the court] must provide a copy of this order, the safeguarding letter or information filed by [Cafcass] / [CAFCASS Cymru] and any injunction order involving the parties to the centre manager as soon as possible and in any event within 2 days;
	2. [*name*] must [complete and submit a referral form to the contact centre] / [use the online referral service];
	3. any rules of the contact centre must be complied with;
	4. the child[ren] must be taken by [*name*] to the contact centre promptly for the start of each session and collected at the end of each session by [*name*];
	5. [*name*] must not enter the contact centre before the contact session is due to start;
	6. [*name*] must not remain in the same room as the child[ren] during the contact session;
	7. any costs charged by the contact centre must be paid by [*name*];
	8. both parties are responsible for telling the centre manager when the place is no longer required;
	9. contact will continue at the contact centre until [*date*]; thereafter contact shall take place in accordance with the following order **(use paras 31-33 above)**.

## Costs

1. [There is no order for costs [save public funding assessment of the costs of any publicly funded party.]] / [[*Name*] must pay [a contribution of £[*amount*] towards] / [*percentage*]% of] the costs of [*name*] [summarily assessed at £[*amount*]] / [subject to detailed assessment] [not to be enforced without an enquiry as to the amount, if any, that [*name*] (a funded party) can reasonably afford to pay towards those costs.]

## Cross-examination provisions (court bundle/court file)

1. 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*].
2. 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.

## Directions for fact-finding hearing

1. [*Name*] has made allegations against [*name*] which are disputed.
2. [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.] By 4.00pm on [*date*] [*name*] must send to the court and the other [party] / [parties] [and [Cafcass] / [CAFCASS Cymru]]:
3. **(where a fact-finding hearing is being considered but no decision is yet made on whether it is required)** A statement giving details of the allegations, and attaching all evidence relied upon in support. 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.
4. **(where a fact-finding hearing is directed to take place)** Written statements by [*name*] and any witnesses 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]]:
6. 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.
7. **(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.
8. **(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.
9. Neither party may use the evidence of more than [*number*] additional witnesses.
10. Every statement must:
	1. start with the name of the case and the case number;
	2. state the full name and address of the person making it;
	3. set out what the person has to say clearly in numbered paragraphs on numbered pages;
	4. 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
	5. be signed and dated by the person making it.
11. 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.
12. 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.
13. The statements and documents should also be sent in electronic form if possible.

## Direction to DWP for disclosure of party’s address

1. A separate order is made in relation to disclosure of a party’s whereabouts by the DWP. Upon receipt, such information must be held by the court as confidential and not disclosed to the parties without permission of the court.

## Direction to file Statement in relation to NCDR

1. [Both parties] / [The applicant] / [The respondent] shall file with the court and serve on [the other party] / [all other parties] by [[*number*] days before the [First Appointment **(if proceedings concern an application for a financial remedy)**] / [FHDRA **(if proceedings concern an application for a child arrangements order)**]] / [the next hearing] / [[*time*] on [*date*]] Form FM5 setting out their views on using non-court dispute resolution as a means of resolving the matters raised in the proceedings.

## Disclosure of this order

1. Permission is given to the parties to disclose this order, redacted to remove any parts of the order not relevant for the purpose of such disclosure, to any third party from whom information/reports/evidence is directed.

## Documents and bundles

1. 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.
2. The bundle for the next hearing will be prepared by [*name*].
3. 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], and the guidance at https://www.judiciary.uk/wp-content/uploads/2020/05/GENERAL-GUIDANCE-ON-PDF-BUNDLES-f-1.pdf

## Domestic abuse admissions

1. [*Name*] has made the following admissions in relation to domestic abuse:
	1. [*Set out admissions made*]

## Drug/alcohol testing

1. [*Name*] shall by 4.00pm on [*date*] file at court and serve on the parties a report detailing the results of [drug] [and] [alcohol] testing which shall cover:
	1. Use of amphetamine, methamphetamines, benzodiazepines, cannabinoids, cocaine (including crack cocaine), ketamine, methadone, opiates (including heroin), and tramadol in the preceding [3] / [6] months [segmented by month];
	2. FAEE, EtG, [LFT,] [Peth,] [CDT] testing for a period of 3 months; and
	3. Whether the results are consistent with any admitted usage.

The cost of such testing and report shall be paid by [*name*] / [the parties equally].

1. [*Name*] shall by 4.00pm on [*date*] file at court and send to the parties a report detailing the results of transdermal continuous alcohol testing (TACT or SCRAM testing) for a period of [3] / [6] months commencing on [*date*]. [*Name*] is responsible for the instruction of the expert undertaking such testing and report. The costs shall be paid by [*name*] / [the parties equally].
2. The court may draw a negative inference against [*name*] from failure to comply with the [drug] [and] [alcohol] testing directed above.

## Experts

1. The application by [*name(s)/party/ies*] for permission to instruct an expert namely [*name*] [type of expert] [as a [single] / [joint] expert] is refused.

1. The application by [*name*] for permission to instruct an expert [*type of expert*] is adjourned pending compliance with Part 25C. Upon compliance the court will consider the application [at the hearing on [*date*]] / [on paper].
2. [*Name(s)/party/ies*] [is] / [are] permitted to instruct [*name and discipline of expert*].

The following directions shall apply to these instructions:

* 1. The lead for the instruction of the expert shall be [*name*].
	2. The letter of instruction to the expert [as approved by the court today] / [to be agreed by the parties by 4.00 pm on [*date*] and sent to the court] shall be sent the expert by 4.00 pm on [*date*].
	3. The questions to be dealt with by the expert are as follows:
	4. [*insert*].
	5. Permission is [not] given for the expert to see and assess the child[ren].
	6. The expert’s report must be sent to the court and to the parties by no later than 4.00 pm on [*date*].
	7. Permission is [not] given to call [*name*] to give oral evidence at the hearing.
1. Questions of the expert must be dealt with in accordance with FPR rule 25.10.
2. Experts can request the court (by letter or email) to give directions pursuant to FPR rule 25.17 for the purpose of assisting in the carrying out of the expert’s functions.

1. Unless the experts are agreed, there shall be a meeting of experts to be arranged by the solicitor for the child[ren]. An agenda for the meeting must be circulated and agreed not later than 5 days before the meeting. The meeting must be chaired by [*name*]. Within 7 days after the meeting the experts must produce a joint statement setting out the issues on which they agree and, with reasons, those on which they do not.
2. Any application for permission to call an expert to give oral evidence must be made no later than 2 working days before the dispute resolution appointment. Any party making such an application will be expected to have raised written questions in accordance with FPR rule 25.17.
3. The following experts shall give their evidence concurrently: [*names*].
4. [*Name of expert(s)*] shall give evidence by live link. [*Name*] must send a witness bundle to the expert no later than 2 working days before the hearing.
5. The costs of the expert[s] [attending] must be paid by the parties [equally] / [in the same proportions as the costs of the original instruction of the expert, subject to any further order made by the court].
6. The reports by [*name*] may be disclosed to any person or agency providing professional therapy, counselling or treatment to either of the parents or child[ren].
7. The court being satisfied that the expert evidence is being sought on behalf of the child[ren] alone, the expert’s fees shall be paid through the child[ren]’s public funding certificate.
8. Notwithstanding that the expert evidence is sought by all parties, the court having assessed the parties’ financial circumstances and being satisfied that the parents can[not] [only] afford a contribution [of £[*amount*]] the expert’s fees shall be paid through the child[ren]’s public funding certificate [with contribution from the parties of £[*amount*]].
9. The provisions of FPR 25.19(1) apply to [the [child’s solicitor] / [*name of party instructing’s solicitor*].
10. In respect of the court’s sealed order and approved [written]/ [transcript of] judgment (or in the absence of written or transcribed judgment any written note taken by the advocate), the provisions of FPR 25.19(2) apply. The [child’s solicitor] / [*name of party instructing’s solicitor*] is directed to provide a copy of the sealed court order and approved [written] / [transcript of] judgment (or in the absence of written or transcribed judgment any written note taken by the advocate) to [*name of expert(s)*] within 10 working days of these being received.

## Family assistance order

1. All persons named in the order [and the local authority] having consented to a family assistance order being made, [[Cafcass] / [CAFCASS Cymru]] / [[*name*] [Council] must make an officer available to advise, assist and befriend [*name*] and the child[ren] until [*date*]. The following further directions apply:
	1. all persons to whom this order is addressed must ensure that the officer is informed of any change of address or contact details (including those of the child[ren]) and that the officer is able to visit them.;
	2. all persons to whom this order is addressed must ensure that the officer is able to see the child[ren];
	3. the officer must give advice and assistance as regards establishing, maintaining, and improving contact;
	4. if the officer is of the view that any order relating to the living or contact arrangements for the child[ren] may need to be altered or discharged, the officer must report to the court accordingly.

## Ground Rules – See Participation directions

## Guardianship – section 5, Children Act 1989

1. [*Name*] is appointed guardian of the child[ren] [*name(s)*] under section 5 of the Children Act 1989.
2. [*Name*]’s appointment as guardian of the child[ren] [*name(s)*] is terminated.

## Immigration information

1. A separate order is made requesting immigration information.

## Indirect contact

1. [*Name*] shall have indirect contact with the child[ren] by sending them letters, cards, gifts and/or photos no more than once every [fortnight] / [month] starting on [*date*]. [*Name*] must make the items sent available for the child[ren] to read or see (reading any letters or cards to the child if the child cannot read for him or herself) and must keep items sent for the child[ren] to access when they wish from time to time. [*Name*] must encourage the child[ren] to respond to each item sent by way of letter or card in reply. [*Name*] must copy items sent and keep proof of postage or sending.
2. [*Name*] must send to [*name*] school reports, photographs and any updated medical information relating to the child[ren] [when received] / [every [*insert frequency*]] together with periodic updates as to the child[ren]’s health, welfare and interests.

## Interpreters/translation

1. The court must arrange for [*number*] interpreters fluent in [*language (and dialect if necessary)*] to be available at all future hearings to attend no later than one hour before the time the hearing is listed.
2. The court authorises the use of interpreters by the solicitors for [*name*] to enable them to take instructions. The cost of the interpreters must be paid by [*name*].
3. The parties must agree the documents (or summaries of documents) that it is necessary to translate to enable the parties to understand the case and give instructions. A list of the documents it is proposed to translate must be submitted to the court by 4.00pm on [*date*] so that the court can satisfy itself that the documents need to be translated.
4. [*Name*] must arrange for the translation of [*identify documents*] to be made into [*language (and dialect if necessary)*] and provided to [*name*]. The court is satisfied that the translation of these documents is necessary. The cost of translation shall be paid by [*name*].

## Intervenors / Joinder

1. [*Name*] is joined as [a party] / [an intervener] [limited for the purpose of [*insert*]].
2. [*Name*] must by 4.00pm on [*date*] provide [*insert*] with the case documents [necessary to deal with [*insert*]] [redacted as to [*insert*]].

## Live with order

1. The child[ren] shall live with [*name*] [until further order] [as follows: [*insert*]].

## Monitoring by [Cafcass] / [CAFCASS Cymru]

1. [Cafcass] / [CAFCASS Cymru] must monitor compliance with the [child arrangements order] / [activity direction] / [condition] made above until [*date*]and report to the court in the event of any significant non-compliance which the monitoring officer considers should be reported.

## Next hearing(s)

1. 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 ground rules hearing] / [a fact-finding hearing] / [a final hearing] / [a review hearing]. The parties and advocates shall attend 1 hour prior to the listed time for pre-hearing discussions.
2. If any party fails to attend the any hearing without good reason, the court may make orders including final orders in their absence.
3. The parties must file with the court and serve on each other by no later than 11:00 am on the working day prior to the next hearing a position statement, including:
	1. [a summary of the order or directions sought by that party at [that hearing] / [the final hearing]];
	2. [his/her response to the section 7 report];
	3. [confirming whether s/he is pursuing their allegations];
	4. [a concise update as to the progress of contact];
	5. [*insert*].
4. The case will be listed for a [directions hearing] / [ground rules hearing] / [PTR] at [*time*] on [*date*] allowing [*time estimate*].
5. An witness template shall be filed and served by not later than [*insert*] days prior to the final hearing.
6. [The author of the section 7 report] / [*Witness name*] [need not] / [must] attend the next hearing to give evidence.

## Parental Responsibility Order

1. Parental responsibility is granted to [*name*] in respect of [*name*].

## Participation directions / Ground Rules

1. The [*insert party*] has made allegation[s] of domestic abuse. The [*insert party*] are therefore vulnerable for the purposes FPR Part 3A and their participation in the proceedings is likely to be affected.
2. The court considers that it may be necessary to make participation directions in respect of a party or witness.
3. 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:
	1. it is alleged that [*name*] is the victim of domestic abuse;
	2. 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;
	3. [*insert other reason*]*.*
4. 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:
	1. why the party or witness would benefit from assistance;
	2. the measure or measures that would be likely to maximise as far as practicable the quality of their evidence or participation and why;
	3. written confirmation from any relevant witness of their views.
5. The court has concluded that there are currently no parties or witnesses for whom it is necessary to make participation directions because:
	1. 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;
	2. it has considered the matters adduced by [*name*] and concluded that the facilities available at court should afford sufficient protection.
6. [*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:
	1. the quotation must be sent to HMCTS for the attention of the court manager by [*date*];
	2. HMCTS must confirm acceptance of the quotation and payment of intermediary services within 7 days after receipt of the quotation;
	3. the case will be listed for a [DRA] / [directions hearing] / [ground rules hearing] / [PTR] at [*time*] on [date] allowing [*time estimate*];
	4. [*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;
	5. 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.
7. 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:

* 1. provide separate entrances to, and waiting areas in, the court building for [*name(s)*];
	2. prevent [*name*] from seeing [*name*] whilst within the court building or its precincts;
	3. 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;
	4. security and the court staff must liaise to make sure that the parties do not meet except when they are in the hearing room;
	5. neither party is to approach the other directly;
	6. allow [*name*] to participate in hearings and give evidence:
	7. by live link;
	8. by a recording made [and transcribed] in advance of the hearing;
	9. with the aid of a [signer] / [*insert*];
	10. by use of evidence already given in other proceedings, namely [*specify*];
	11. [*insert*].
	12. provide for [*name*] to:
	13. use a [*identify aid*] to help communicate;
	14. participate in proceedings with the assistance of an intermediary;
	15. be questioned in court with the assistance of an [Qualified Legal Representative] / [intermediary];
	16. provide for all hearings to take place in a courtroom;
	17. ensure in relation to any questioning of [*name*] that:
	18. questions or topics are agreed prior to the hearing;
	19. any questions that [can be] / [have been] put by one advocate may not be repeated by another without the court’s permission;
	20. questions may be put by [one advocate] / [the judge] only;
	21. [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];
	22. [*insert*].
1. The court has made these participation directions for the following reasons:
	1. they are a proportionate way to meet the apparent needs of [*name*];
	2. they protect both parties from coercive conduct or false allegations of coercive conduct;
	3. [*insert*].

1. 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.
2. 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*].
3. The participation directions given on [*date*] are [revoked] / [varied] as follows: [*insert details*] because [*insert reasons*]
4. 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.

## Paternity testing

1. It is directed pursuant to s 20(1) of the Family Law Reform Act 1969:
	1. that DNA tests be used to ascertain whether such tests show that [*putative father’s name*] is or is not excluded from being the father of [*name of child*] born on [*date*]; and
	2. that for that purpose samples be taken on or before [*date*] from the following persons: [*putative father’s name*], [*mother’s name*] (mother of [*name of child*]) and [*name of child*]; and
	3. that the person appearing to the court to have care and control of [*name of child*], who is under the age of 16, is [the local authority] / [*name*];
	4. that such tests be carried out by [*accredited company name*];
	5. the results of such tests shall be filed at court and served on the parties by 4.00pm on [*date*]; and
	6. the costs of such testing shall be paid by [*name*] / [the parties equally].
2. As the dispute regarding parentage has arisen in relation to an application for a child arrangement order and as the court has made the above direction for a report on parentage of its own motion, a test is considered necessary to resolve the proceedings:

**(either, if testing is through cafcass/cafcass cymru)**

* 1. The court officer must complete Parts I and II of form BD1 and send this to:
	2. [**(where the child whose parentage is in dispute is resident in england)** DNA Requests, CAFCASS National Business Centre, Millburn Hill Road, University of Warwick Science Park, Coventry CV4 7JJ (DNArequests@cafcass.gsi.gov.uk and inboundpost@cafcass.gsi.gov.uk; telephone number 0300 456 4000)]
	3. [**(where the child whose parentage is in dispute is resident in wales)** Central Administrative Team, Welsh Government Rhydycar Business Park, Merthyr Tydfil CF48 1UZ (CafcasscymruCAT@wales.gsi.gov.uk)].
	4. an officer of [Cafcass] / [CAFCASS Cymru] must then make arrangements with [*name*] for mouth swab samples to be given by [*name*], supervised by a trained officer of [Cafcass] / [CAFCASS Cymru];
	5. [*name*] must allow the officer of [Cafcass] / [CAFCASS Cymru] to take photographic identity of [his] / [her] identity at the time the sample is taken;
	6. the officer of [Cafcass] / [CAFCASS Cymru] must send the samples to the tester to arrive by no later than [*date*];
	7. the tester must send the written test report to the court and [Cafcass] / [CAFCASS Cymru] by [*date*];
	8. the costs of the sampling, testing and report will be paid for by Cafcass in respect of proceedings in England and by the Ministry of Justice in respect of proceedings in Wales.

 **(or, if testing is not through cafcass/cafcass cymru)**

* 1. The court office must complete Parts I and II of form BDI and send this to [*name*];
	2. [*Name*] must contact an accredited tester and make arrangements for an appropriate sampler to obtain samples by [*date*];
	3. At the time the samples are obtained the person giving the samples must provide to the sampler the completed form BD1, a copy of this order and photo identity;
	4. The sampler must send the samples to the tester by [*date*];
	5. The tester must send the written test report to the court and [Cafcass] / [CAFCASS Cymru] by [*date*];
	6. The costs of sampling, testing and reporting must be paid by [*name*].

## Permission to apply

1. [*Name*] has permission to apply for a
	1. [child arrangements order;]
	2. [prohibited steps order;]
	3. [specific issues order;]
	4. [special guardianship order].

## Permission to withdraw

1. [*Name*] has permission to withdraw [his] / [her] application for a
	1. [child arrangements order;]
	2. [prohibited steps order;]
	3. [specific issues order;]
	4. [special guardianship order]

and the application is recorded by the court as withdrawn.

## Police disclosure

1. A separate order is made in relation to police disclosure by 4.00pm on [*date*].

## Position Statements

1. The parties must file with the court and serve on each other by no later than 11:00 am on the working day prior to the next hearing a position statement, including:
	1. [a summary of the order or directions sought by that party at [that hearing] / [the final hearing]];
	2. [his/her response to the section 7 report];
	3. [confirming whether s/he is pursuing their allegations;
	4. [a concise update as to the progress of contact];
	5. [*insert*].

## Prohibited steps order

1. [*Name*] must not
	1. remove the child[ren] from the care of [*name*] or any person or institution (including any nursery or school) to whom that party has entrusted the child[ren]’s care, nor instruct or encourage anybody else to do so, other than for the purpose of contact agreed in writing or ordered by the court, in which case the child[ren] must be returned promptly at the end of each such contact period;
	2. allow the child[ren] to live at a different address than [*address*];
	3. remove the child[ren] from their current school;
	4. remove the child[ren] from the United Kingdom;
	5. allow the child[ren] to be known by a different surname than [*surname*];
	6. [*insert*].

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

**(insert as a recital)**

1. The court has determined that an automatic prohibition on cross examination applies under the Matrimonial and Family Proceedings Act 1984 (MFPA) because:

**(Select relevant sub paragraph(s))**

* 1. **Section 31R:** The vulnerable party is the victim of a specified domestic abuse offence perpetrated by the other party;
	2. **Section 31S:** the vulnerable party is protected by an on-notice protective injunction against the other party;
	3. **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.

**(within the body of the order)**

1. [*Name*] is prohibited from being the person to cross examine [*names*].
2. [*Name*] must notify the court by 4.00pm on [*date*] (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.
3. 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.
4. 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*].

## Recovery of the child - section 34 FLA 1986

1. A separate order is made authorising a police officer to take charge of the child[ren].

## Safeguarding checks – [Cafcass] / [CAFCASS Cymru]

1. [Cafcass] / [CAFCASS Cymru] must send completed safeguarding checks to the court with a copy to the parties unless considered inappropriate by 4.00pm on [*date*].
2. [Cafcass] / [CAFCASS Cymru] must undertake enhanced police checks in respect of [*insert*].
3. This hearing is adjourned until [*time*] on [*date*] allowing [*time estimate*] to enable safeguarding checks to be completed.

## Section 7 report

1. [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:
	1. with whom the child[ren] should live;
	2. whether the child[ren] should see the other parent [or [*name*]];
	3. how often and for how long the child[ren] should see the other parent [or [*name*]];
	4. the wishes and feelings of the child[[ren] so far as they can be ascertained;
	5. the home conditions and suitability of the accommodation of [*name*];
	6. the concerns of [*name*] with regard to [*name*];
	7. whether or not the child[ren]’s [physical] / [emotional] / [educational] needs are being met by [the parents] / [*name*];
	8. how the child[ren] would be affected by the proposed change of [*insert*];
	9. 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*]];
	10. the parenting capacity of [*name*] [having regard to the [allegations] / [findings] made];
	11. whether the local authority should be requested to report under section 37 of the Children Act 1989;
	12. **(for interim orders before determination of facts)** having regard to the allegations of domestic abuse if proved:
	13. 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;
	14. 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;
	15. whether contact should be supervised or supported and, if so, where and by whom and the availability of resources for that purpose;
	16. if direct contact is not appropriate, whether there should be indirect contact and, if so, in what form;
	17. **(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*]]:
	18. 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;
	19. 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;
	20. information about the facilities available locally (including domestic abuse support services) to assist any party or the child[ren];
	21. the report should address the matters set out in paragraphs 36 and 37 of PD 12J;
	22. recommendations in respect of arrangements for the child[ren] including stepped arrangements with a view to a final order if possible.
2. 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*]].

## Section 37 report

1. It appears to the court that it may be appropriate for a care or supervision order to be made with respect to the child[ren] because [*insert reasons*].
	1. [*Name*] Council must undertake an investigation of the child[ren]’s circumstances under section 37 of the Children Act 1989 and consider whether they should apply for a care or supervision order, provide services as assistance for the child[ren] or the family or take any other action in respect of the child[ren].
	2. The court must send this order to the legal adviser to the local authority by [*date*] together with the following documents: [*insert*].
	3. If the local authority decides not to apply for a care or supervision order they must by 4.00pm on [*date* **(eight weeks)**] file at court a report setting out
	4. the reasons for so deciding;
	5. any services or assistance they have provided, or intend to provide, for the child[ren] and the family;
	6. any other action they have taken, or propose to take, with respect to the child[ren]; and
	7. when they propose to review the case.
	8. Upon receipt of the report the court will consider whether it should be sent to the parties. It will, in any event, be considered at the next hearing.

## Section 91(14) Order

1. Pursuant to section 91(14) of the Children Act 1989 no application for an order that relates to [the child[ren] / [*issue*] pursuant to section [*insert*] of the Children Act 1989, shall be made by the [applicant] / [respondent] / [*insert party*] without the court’s permission until [*date*] / [further order].
2. During the currency of the s91(14) order, any applications that the [applicant] / [respondent] / [*insert party*] makes in respect of [the child[ren], [*issue*] shall be listed before [*name of judge*] if available.

## Settlement Conference

1. The parties having read the settlement conference information and filing their signed consents to a settlement conference, the matter is listed for a settlement conference at [*place*] on [*date*] at [*time*] before [*name of judge*] allowing [*number*] hours, the parties to attend at [*time*].
2. No party shall file any position statements prior to the settlement conference.
3. The parties having read the settlement conference information but not consenting to a settlement conference, a settlement conference is not directed. In the event that the parties do all consent they must by 4.00pm on [*date*] send their signed consent form to the court together with a request for a settlement conference to be listed on a date prior to the final hearing date.

## Special measures

1. Any party seeking specific measures to enable them to understand the proceedings or participate effectively in the proceedings shall lodge an application as soon practicable which sets out clearly why such measures are sought.
2. The court has concluded that [*name*] is [vulnerable] / [a protected party] and that their participation in the proceedings is likely to be affected because:
	1. it is alleged that [*name*] is the victim of domestic abuse;
	2. 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;
	3. [*Insert*]
3. [*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:
	1. the quotation must be sent to HMCTS for the attention of the court manager by [*date*];
	2. HMCTS must confirm acceptance of the quotation and payment of intermediary services within 7 days after receipt of the quotation;
	3. the case shall be listed for [a FCMH] / [a ground rules hearing] / [an IRH] at [*time*] on [*date*] allowing [*time estimate*];
	4. [*Name of intermediary provider*] must file a preliminary assessment [4 weeks after confirmation of payment of services by HMCTS] / [ by [*date*]] and shall attend, if required, the subsequent hearings;
	5. 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.
4. 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 no*.]’ 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:
	1. provide separate entrances to, and waiting areas in, the court building for [*name(s)*];
	2. prevent [*name*] from seeing [*name*] whilst within the court building or its precincts;
	3. 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;
	4. security and the court staff must liaise to make sure that the parties do not meet except when they are in the hearing room;
	5. neither party is to approach the other directly;
	6. allow [*name*] to participate in hearings and give evidence:
	7. by live link;
	8. by a recording made [and transcribed at the expense of [the parties equally] / [*name(s)*]] in advance of the hearing;
	9. with the aid of a [signer] / [*insert*];
	10. by use of evidence already given in other proceedings, namely [*specify*];
	11. [*insert*].
	12. provide for [*name*] to:
	13. use a [*identify aid*] to help communicate;
	14. participate in proceedings with the assistance of an intermediary;
	15. be questioned in court with the assistance of an intermediary;
	16. provide for all hearings to take place in a courtroom;
	17. ensure in relation to any questioning of [*name*] that:
	18. questions or topics are agreed prior to the hearing;
	19. any questions that [can be] / [have been] put by one advocate may not be repeated by another without the court’s permission;
	20. questions may be put by [one advocate] / [the judge] only;
	21. [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];
	22. [*insert*].
5. The special measures directed on [*date*] are discharged.
6. The special measures directed on [*date*] are varied as follows:
	1. [*insert*]

## Specific issue order

1. [*Name*] must
	1. return the child[ren] to the care of [*name*] immediately [upon service of this order];
	2. make sure that the child[ren] attend school at [*name of school*];
	3. make sure the child[ren] [is] / [are] known by the last name [*surname*];
	4. deliver the child[ren]’s passport[s] to [*name*] by [*date*];
	5. [*insert*].

## Termination of qualified legal representative

1. The appointment of [*name*] as qualified legal representative is terminated on [*date*] at [*time*].

## Transcript

1. The [local authority] / [*other*] must by 4.00pm on [*date*] apply for a transcript of the [fact-finding] judgment given [today] / [on [*date*]] [together with the evidence given by [*name*] on [*date*]] [and such transcript shall be expedited].
2. A transcript of the judgment is necessary:
	1. [so that the expert can carry out a[n] [risk] assessment based on the findings made];
	2. [to inform the welfare hearing];
	3. [so that [*name*] may [be advised whether to] apply for permission to appeal the order made [today] / [on [*date*]].
3. The cost of the transcript must be [paid by the local authority] / [shared by all parties equally] / [met as a public expense].

## Translation / Interpreters

1. The court must arrange for [*number*] interpreters fluent in [*language (and dialect if necessary)*] to be available at all future hearings to attend no later than one hour before the time the hearing is listed.
2. The court authorises the use of interpreters by the solicitors for [*name*] to enable them to take instructions. The cost of the interpreters must be paid by [*name*].
3. The parties must agree the documents (or summaries of documents) that it is necessary to translate to enable the parties to understand the case and give instructions. A list of the documents it is proposed to translate must be submitted to the court by 4.00pm on [*date*] so that the court can satisfy itself that the documents need to be translated.
4. [*Name*] must arrange for the translation of [*identify documents*] to be made into [*language (and dialect if necessary)*] and provided to [*name*]. The court is satisfied that the translation of these documents is necessary. The cost of translation shall be paid by [*name*].

## Urgent hearing

1. There will be an urgent hearing at [*place*] on [*date*] before [*name of judge*] allowing [*hours*] to deal with [*insert issues to be dealt with*]. Time for notice of this hearing is shortened to [*insert*].

## Witness statements

1. 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.
	1. Copies of all statements must be sent to the court and to [Cafcass] / [CAFCASS Cymru].
	2. 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
	3. Each party's statement must set out:
	4. any relevant background information;
	5. the party's position in relation the matters which are not agreed;
	6. 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
	7. the party's proposals for the arrangements for the child[ren]
	8. At the same time they file the papers with the court, the parties must also send to the court and 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.
	9. 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.
	10. Neither party may use the evidence of more than [*number*] additional witnesses.
	11. Every statement must:
	12. start with the name of the case and the case number;
	13. state the full name and address of the person making it;
	14. set out what the person has to say clearly in numbered paragraphs on numbered pages;
	15. 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
	16. be signed and dated by the person making it.
	17. 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.
	18. 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.
2. 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.
3. There is permission to the [applicant] / [respondent] / [*insert party*] to file at court and serve on the other party a witness statement from [*witness*] 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.