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

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

|  |  |
| --- | --- |
|  | **Order****Children Act 1989**  |
|  |  |  |  |
|  | The full name(s) of the child(ren) | Boy or Girl | Date(s) of Birth |
|  |  |  |  |
|  | [*insert*] | [*insert*] | [*insert*] |
|  | [*insert*] | [*insert*] | [*insert*] |
|  |  |  |  |

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

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

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

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

The 3rd [[and] / [to][*insert* **(number so that each child is identified as a separate respondent)**] respondent[s] [is] / [are] the child[ren] (by their children’s guardian [*name*]) represented by [*name*] [of counsel]

**IMPORTANT NOTICES**

## Child arrangements orders warnings

**(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 may be 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.**

## 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.**

**Penal notice**

**(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))**

**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.**

## 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.**

**RECITALS**

*See Schedule*

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

**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*]

## 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 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 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 ‘spending time 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*].

## Contact centre

1. Such contact is to be [supervised]/ [supported] at the [*name*] Contact Centre and the following conditions shall apply:
2. [*name*] / [the court] must provide a copy of this order and any injunction order involving the parties to the centre manager as soon as possible and in any event within 2 days;
3. [*name*] must complete and submit a referral form to the contact centre;
4. any rules of the contact centre must be complied with;
5. 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*];
6. [*name*] must not enter the contact centre before the contact session is due to start;
7. [*name*] must not remain in the same room as the child[ren] during the contact session;
8. any costs charged by the contact centre must be paid by [*name*];
9. both parties are responsible for telling the centre manager when the place is no longer required.

## 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.

## 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*].

## Prohibited steps order

1. [*Name*] must not
2. 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;
3. allow the child[ren] to live at a different address than [*address*];
4. remove the child[ren] from their current school;
5. remove the child[ren] from the United Kingdom;
6. allow the child[ren] to be known by a different surname than [*surname*];
7. [*insert*].

## Costs

1. [There is no order for costs [save public funding assessment of the costs of any publicly funded party.]] / [[*Name*] shall 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.]

Dated [*date*]

**SCHEDULE TO ORDER**

**Summary of oral report given by [Cafcass] / [CAFCASS Cymru] concerning advice given to the parties and whether they or the child[ren]** **have been referred to any agency, including local authority children’s services.**

[*Summarise report*]

## Admissions of domestic abuse

[*Name*] has made the following admissions in relation to domestic abuse

* 1. [*Set out admissions made*]

[*Insert* **(only strictly necessary recitals such as the agreed basis of an order, a concession, an issue resolved, an agreement, mechanical information, such as how an expert will be paid, by whom and what issues the expert should look at)**]

## Issues

The parties have agreed that:

* 1. the child[ren] will [live with [*name*]] / [spend time with [*name of parent*] as follows and the balance of the time with [*name of other parent*]: [*insert*]] / [will divide their time as follows: [*insert*]] [until further order];
	2. the child[ren] will spend time with [*name*] as follows: [*insert*].
	3. [*insert*]

The issues that the court needed to decide were as follows:

1. with whom the child[ren] should live;
2. whether they should spend time with the other parent and, if so,
3. how often;
	1. whether there should be overnight stays and longer stays;
	2. whether it should be supervised or supported;
	3. whether it should be limited to indirect contact;
4. the child[ren]’s education;
5. the child[ren]’s names;
6. holidays or travel plans;
7. proposed relocation by [*name*] with the child[ren] to [*insert*].

The court is satisfied, having regard to PD 12J, that the arrangements for the child[ren] made by this order, including any contact, protect the safety and wellbeing of the child[ren] and the parent with whom they are living.

## Parental responsibility

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’s welfare including but not limited to foreign travel, religion, education, and health.

## Other recitals

The court having heard the oral evidence of [*names*].

[*Other recitals*]