**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**

## 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.**

**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.**

**RECITALS**

**Issues**

1. The [parties have agreed] / [court has ordered] that:
2. the child[ren] will live with [*name*] [until further order];
3. the child[ren] will spend time with [*name*] as follows: [*insert*];
4. [*insert*].
5. The issues that the court needed to decide were as follows:
6. whether the [mother] / [father] should be able to remove the child[ren] temporarily from the jurisdiction of England and Wales;
7. [*insert*].

**Other recitals**

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

**IT IS DECLARED THAT:**

1. The mother and father agree and the court declares that the courts of England and Wales are the courts with primary jurisdiction to consider matters relating to the exercise of parental responsibility in respect of the child[ren] on the basis that (as at the date of this order):

**(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*]; and
	5. the courts of England and Wales are best placed to make decisions about the child[ren]’s upbringing and welfare.
1. The court further declares that the [mother] / [father] has parental responsibility and ‘rights of custody’ in relation to the children for the purposes of Articles 3 and 5 of the 1980 Hague Convention on the Civil Aspects of International Child Abduction.
2. The [mother] / [father] agree and acknowledge that:
	1. the child[ren] [lives] / [live] in the jurisdiction of England and Wales in the care of the [mother] / [father];
	2. the [mother] / [father] is the primary carer of the child[ren];
	3. the [mother] / [father] does not seek to challenge (and will not seek to challenge before any court in [*State*]) the fact that the child[ren] [lives] / [live] in the jurisdiction of England and Wales in the primary care of the [mother] / [father].
3. [*Insert other declarations*]

**Undertakings**

1. The [mother] / [father] gives the following undertakings to the court, voluntarily and with the benefit of legal advice, and understanding the consequences if [she] / [he] were to be found by a court in England and Wales to have breached such undertakings:
	1. not to initiate or issue any proceedings in any court in [*State*] in relation to the child[ren] except for the purpose of complying with the conditions set out in this order;
	2. to return, or cause the return of the child[ren] to the jurisdiction of England and Wales forthwith at the conclusion of the period of time to be spent in [*State*] in accordance with the order below.

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

**Live with order**

1. For the avoidance of doubt, the child[ren] shall live with [*name*] [as follows: [*insert*]].

**Permission to remove temporarily/Child arrangements Order spending time with**

1. Subject to the prior implementation in full before the child[ren] [leaves] / [leave] the jurisdiction of England and Wales of the requirements and safeguards set out below, the [mother] / [father] shall have permission to take the child[ren] out of the jurisdiction of England and Wales for the purposes of spending time with the [father] / [mother] in [*State*] in accordance with the order below.
2. The [mother] / [father] shall not be permitted to remove the child[ren] from [*State*] except for effecting the return of the child[ren] to the jurisdiction of England and Wales at the conclusion of the period of time provided for by this order.
3. The [mother] / [father] shall make the child[ren] available to spend time with the [father] / [mother] in [*State*] as follows: [*insert*].
4. Any time spent by the child[ren] with the [mother] / [father] provided for by this order shall be subject to strict compliance with the following conditions imposed pursuant to section 11(7) of the Children Act 1989:
	1. prior to the children leaving the jurisdiction the [mother] / [father] shall:
		1. obtain from a competent court in [*State*] in the form referred to below; and
		2. provide the [father] / [mother] with a sealed and officially certified copy of such order;
	2. the [mother] / [father] shall arrange and pay for the air fares for the child[ren] to travel to and from [*State*];
	3. the [mother] / [father] shall provide the [father] / [mother] with the child[ren]’s flight itinerary not less than seven days prior to the date of travel (such itinerary to include airline details and flight times);
	4. the [mother] / [father] shall arrange and pay for the retention of the child[ren]’s passports for the entirety of the time the child[ren] spend in [*State*]. [*Insert other provisions in relation to the retention of passports, as necessary*].
5. The order to be obtained by the [mother] / [father] must if the conditions in this order are to be satisfied contain the following provisions:
	1. provisions in mirror form to the recitals and orders contained at paragraphs [*para numbers*] of this order;
	2. provisions so that the courts of [*State*] recognise that England and Wales is the State of the child[ren]’s habitual residence and that the courts of England and Wales are the courts with primary jurisdiction in relation to the child[ren];
	3. a provision that in the event that the [mother] / [father] does not forthwith return the child[ren] to the jurisdiction of England and Wales in accordance with the [mother’s] / [father’s] undertakings and the terms of this order, the courts of [*State*] shall, on the provision of affidavit evidence, but without a hearing, order the immediate return of the child[ren] to England and Wales;
	4. a provision directing the attention of the immigration authorities of [*State*] and all other relevant authorities in [*State*] to the terms of the order obtained in the courts of [*State*].

**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*]