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

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

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

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

**CMO NO. [*NUMBER*] AT TIMETABLE WEEK NO. [*NUMBER*]**

**The parties:** The applicant is [*local authority*] represented by [*name*] [of counsel] [instructed by [*name of solicitor*]] whose contact details are [*solicitor firm name*], [*solicitor’s telephone number*], [*solicitor’s email address*]].

The 1st respondent is [*name*], the [*relationship to child*], represented by [*name*] [of counsel] [instructed by [*name of solicitor*]] whose contact details are [*solicitor firm name*], [*solicitor’s telephone number*], [*solicitor’s email address*]].

The 2nd respondent is [*name*], the [*relationship to child*], represented by [*name*] [of counsel] [instructed by [*name of solicitor*]] whose contact details are [*solicitor firm name*], [*solicitor’s telephone number*], [*solicitor’s email address*]].

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] [instructed by [*name of solicitor*]] whose contact details are [*solicitor firm name*], [*solicitor’s telephone number*], [*solicitor’s email address*]].

**Important Notices**

## Confidentiality warnings

**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 is guilty of an offence.**

**Further, during the proceedings or 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.**

**Information related to the proceedings must not be communicated to any person other than as allowed by 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 including care orders and placement orders at that hearing.**

**General provisions in this order, the first case management order, to apply in subsequent case management orders**

**The following provisions in this first case management order shall apply throughout these proceedings unless the subsequent order expressly makes different provision:-**

**(i) The declaration of “Jurisdiction”.**

**(ii) The provisions made under the heading of “Documents/Bundles”.**

**(iii) The provisions made under the heading of “Variation of orders”.**

**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*].

**AND IT IS ORDERED [BY CONSENT] THAT:**

## Next hearing

1. There shall be a [FCMH] / [IRH/EFH] / [ground rules hearing] / [pre-trial directions hearing] / [finding of fact hearing] / [final hearing] at the Family Court sitting at [*court name*] at [*time*] on [*date*] before [*name of judge*] allowing [*hours/days*]. The parties and advocates shall attend 1 hour prior to the listed time for pre-hearing discussions.
2. There shall be the following further hearings:
	1. A [FCMH] / [IRH/EFH] / [ground rules hearing] / [pre-trial directions hearing] / [finding of fact hearing] / [final hearing] at the Family Court sitting at [*court name*] at [*time*] on [*date*] before [*name of judge*] allowing [*hours/days*].
	2. [*Etc*.]
	3. The parties and advocates shall attend each hearing 1 hour prior to the listed time for pre-hearing discussions.
3. The following hearings remain listed:
	1. A [FCMH] / [IRH/EFH] / [ground rules hearing] / [pre-trial directions hearing] / [finding of fact hearing] / [final hearing] at the Family Court sitting at [*court name*] at [*time*] on [*date*] before [*name of judge*] allowing [*hours/days*].
	2. [*Etc*.]
	3. The parties and advocates shall attend each hearing 1 hour prior to the listed time for pre-hearing discussions.
4. If the parents fail to attend the [IRH/EFH] [or] [final] hearing without good reason the court may make final orders including care [and placement] orders in their absence.
5. The parents must attend all hearings and their reasonable travel expenses to and from court shall be a disbursement on their public funding certificates.
6. The hearing on [*date*] shall be attended by advocates only, and the attendance of the parents is excused provided they have given their advocates full instructions.
7. The attendance of the guardian from the hearing on [*date*] is excused provided they have given their advocate full instructions.
8. The child[ren]’s solicitor shall arrange an advocates’ meeting [at [*time*] on [*date*]] / [not later than 2 working days before the next hearing] / [not later than 7 working days before the IRH] which shall be attended by the advocates who will appear at the hearing or any subsequent fact-finding or final hearing if different.
9. The agenda for the advocates’ meeting on [*date*] shall include:
	1. agreement of a threshold document setting out what is agreed and any disputed allegations that need to be determined; and
	2. an agreed witness template for the final hearing.

## Parents’ response

1. [*Name*] shall by 4.00pm on [*date*] file at court and serve on the parties their Parent’s Response.
2. The time for [*name*] to file at court and serve on the parties their Parent’s Response is extended to 4.00pm on [*date*].
3. The number of alternative carers the parents are permitted to put forward are limited to a maximum of 3 per parent or 4 per child.
4. If [*name*] fails to comply with paragraph [*para number of parent’s response direction*] of this order they shall be deemed to accept the threshold allegations made by the local authority and to not be putting forward any alternative carers unless this paragraph is varied upon application.

## Family Group Conference

1. The local authority shall by 4.00pm on [*date*] file at court and serve on the parties a statement setting out either the date and time of the Family Group Conference or explaining why it is not proposed to hold one in this matter.
2. The local authority has permission to disclose the court bundle to the Family Group Conference coordinator for the purpose of preparing the report for the Family Group Conference. Permission is given for that report to be disclosed to the family members attending the conference.
3. The local authority shall file at court and serve on the parties the minutes of the Family Group Conference not later than 14 days after the conference is held.

## Alternative carer assessments

1. The local authority shall by 4.00pm on [*date*] file at court, serve on the parties, and send to the person assessed viability assessments of the alternative carers proposed by the parents.
2. In the event that any viability assessment is positive, the local authority shall file at court, serve on the parties, and send to the person being assessed a special guardianship or connected person foster care assessment of that person by 4.00pm on [*date*].
3. Permission is given for the local authority to disclose such documents as they consider necessary from the bundle to the person being assessed.
4. If the assessment is negative the local authority shall write to the person assessed informing them how they may apply to the court to challenge that assessment and the date and time of the next hearing in this matter.
5. The local authority is requested to fund a session of legal advice for one potential carer (or joint carers) for consideration of the legal basis upon which they seek to care for the child[ren].
6. The local authority must not undertake any further viability assessments without application to the court.
7. The local authority must arrange for any proposed special guardian to attend the hearing on [*date*] provided for above. The proposed special guardian must be sent a copy of the care plans for the children when it is filed at court and served on the parties.

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## Parenting assessment

1. The local authority shall file at court and serve on the parties:
	1. By 4.00pm on [*date*] a parenting assessment plan; and
	2. By 4.00pm on [*date*] a [PAMS] parenting assessment of [*name(s)*] [as joint and sole carers].

## Final evidence

1. The local authority shall by 4.00pm on [*date*] file at court and serve on the parties their final evidence and care plans.
2. The parents shall by 4.00pm on [*date*] file at court and serve on the parties their final statements in reply.
3. The guardian shall by 4.00pm on [*date*] file at court and serve on the parties a final analysis.

## Issues resolution hearing / early final hearing

1. The following directions apply in preparation for the issues resolution hearing / early final hearing provided for above:
	1. The respondents shall not later than 3 working days prior to the hearing file at court and serve on the parties a position statement.
	2. The parties shall agree a witness template for the final hearing (if one is required) not later than 2 working days prior to the hearing.
	3. The local authority shall by 11.00am on the working day before the hearing file at court and serve on the parties a case summary, draft order, and the completed witness template for the final hearing.
	4. The court may treat the hearing as an early final hearing and may take evidence and make final orders.
	5. The guardian must attend this hearing unless they have a prior professional commitment and have been excused when this hearing was listed.
	6. [The guardian is excused attendance at this hearing provided they have given full instructions to their advocate.]

## 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 a [vulnerable] / [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. [i*nsert other reason*]
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] / [ground rules hearing] / [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:
		* 1. by live link;
			2. by a recording made [and transcribed at the expense of [the parties equally] / [*name(s*)]] in advance of the hearing;
			3. with the aid of a [signer] / [*insert*];
			4. by use of evidence already given in other proceedings, namely [*specify*];
			5. [*insert*].
	7. provide for [*name*] to:
		* 1. use a [*identify aid*] to help communicate;
			2. participate in proceedings with the assistance of an intermediary;
			3. be questioned in court with the assistance of an intermediary;
	8. provide for all hearings to take place in a courtroom;
	9. ensure in relation to any questioning of [*name*] that:
		* 1. questions or topics are agreed prior to the hearing;
			2. any questions that [can be] / [have been] put by one advocate may not be repeated by another without the court’s permission;
			3. questions may be put by [one advocate] / [the judge] only;
			4. [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];
	10. [*insert*].
5. The special measures directed on [*date*] are discharged.
6. The special measures directed on [*date*] are varied as follows:
	1. [*insert*]

## 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*].

## 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*].

## 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. The court is authorised to share the contact details of [*name of person prohibited from questioning*] with the court-appointed qualified legal representative.

## Documents and bundles

1. No document other than a document specified in an order or filed in accordance with the Rules of any Practice Direction shall be filed without the court's permission.
2. Court bundles must be prepared and lodged at court in accordance with Practice Direction 27A.
3. Permission is [not] given for the court bundle to exceed 350 pages [limited to [*number*] pages].
4. The local authority must provide a witness bundle for any hearing at which evidence is to be called.

## Variation of orders

1. Any application to vary this or any other order is to be made to the allocated judge on notice to all parties.
2. The application may be by email to the court for the attention of the allocated judge provided that the parties agree, a consent order is lodged with the application, and the email application clearly states the effect of the proposed variation on the timetable for the proceedings.

**SCHEDULE**

## 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 1 hour 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 which have been made or adopted by the local authority and are a live issue in proceedings;
	5. [*name of advocate*] is entitled to a bolt on because they are representing a person who has difficulty in giving instructions or understanding advice;
	6. 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
	7. the advocates’ bundle page count is [*number*].

**Child[ren]’s current arrangements**

1. The child[ren] [is] / [are] living with [*name(s)*] and [is] [are] having contact with the parent[s] [*name(s)*].

**Allocation**

1. The proceedings are allocated to [*name of judge*].

**Timetable for the proceedings**

1. 26 weeks from the date of issue of these proceedings will expire on [*date*].

**Timetable for the child[ren]**

1. The key dates for the child[ren] are as follows:
	1. [Moves of school] / [Start of new [school term] / [academic year]]: [*dates*]
	2. [Medical] / [Psychological] treatment: [*dates*]
	3. LAC reviews: [*dates*]

**Threshold**

1. The threshold criteria are [agreed] / [in dispute] / [in dispute subject to concessions made].

**Key issues**

1. The key issues in the case are:
	1. [*insert*]

**Parties’ positions**

1. The parties’ positions are:
	1. [*insert*]

**Alternative carers**

1. The following person[s] [is] / [are] identified as possible alternative carer[s]: [*names(s)*]
2. The parties have identified all the persons they wish to be assessed as possible alternative carers and the court has explained to them that any persons identified by them in the future may not be assessed due to the delay not being consistent with the timetable for the child[ren].

**Other relevant matters**

1. [*Insert*]

Dated [*date*]