In the Family Court sitting at [*Court name*]

Case No: [*Case number*]

Order
Children Act 1989

The full name(s) of the children	Boy or Girl	Date(s) of Birth
[*insert*]	[*insert*]	[*insert*]
[*insert*]	[*insert*]	[*insert*]

Order made by [*name of judge*] in private on [*date*] at [[an emergency] / [a short notice] hearing of an application for [an] interim care order[s]] / [a preliminary 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

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 including care orders and placement orders at that hearing.

Reporters in the Family Court

It may be that reporters from the press will be present during any hearing you attend. They will not be able to report names or identifying information about the parties or any children involved. The court may also restrict other details from being reported. Further information is available from the court.

Alternative carer nomination warning

The court will only allow the parents to nominate anyone else to be assessed as alternative carers later than directed by this order in exceptional circumstances.

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 D. BELOW)

   a. the child[ren] [is] / [are] habitually resident in the jurisdiction of England and Wales.

   b. 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.

c. 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.

d. [*insert other basis of jurisdiction*].

AND IT IS ORDERED THAT:

Next hearing

2. There shall be a case management hearing at the Family Court sitting at [*court name*] at [*time*] on [*date* **(ON DAY 12 TO DAY 18)**] before [*name of judge*] allowing [*number*] hours. The parties and advocates shall attend 1 hour prior to the listed time for pre-hearing discussions.

3. If any parent fails to attend the hearing without good reason, the court may make orders in their absence.

4. The parents must attend all hearings and their reasonable travel expenses to and from court shall be a disbursement on their public funding certificates.

5. The children's guardian shall attend this hearing unless they have a prior professional commitment and have been excused at the time the case management hearing is fixed or by prior agreement with the court.

Interim care order

6. In the interim [*name(s) of child(ren)*] are placed in the care of the local authority for the duration of these proceedings or until further order.

Interim supervision order

7. In the interim [*name(s) of child(ren)*] are put under the supervision of the local authority for the duration of these proceedings or until further order.

Advocates' meetings

8. The child[ren]'s solicitor shall arrange an advocates' meeting not later than 2 days before the next hearing. The advocates' meeting should be attended by the advocates who will appear at the hearing to which the meeting relates.

9. Not later than 11.00am on the day before the next hearing, the child[ren]'s solicitor shall file at court (in the Position statements tab on the FPL) and serve on the parties the minutes of the advocates' meeting, which must not be a verbatim transcript and should be a succinct summary of the parties' positions on the issues discussed.

10. If the minutes of the advocates' meeting or case summary set out the positions of all parties, then there is no need for each party to also file position statements. Otherwise, it is expected that position statements will be lodged not later than 11.00am on the day before the hearing.

Case summary and draft CMO

11. The local authority must by 11.00am on the day before the case management hearing file at court and serve on the parties a case summary which must be up to date and not include matters which are no longer relevant, and a draft case management order.

Children's guardian's analysis

12. The children's guardian must by 11.00am on the day prior to the case management hearing file at court and serve on the parties an initial case analysis.

Non-compliance with Pre-proceedings Checklist

13. The local authority shall by 4.00pm on [*date not later than 5 days before the case management hearing*] file at court and serve on the parties:
(ONLY INCLUDE RELEVANT PROVISIONS)
    a. a social work chronology;
    b. a genogram;
    c. the current assessments relating to the child[ren] and/or the family and friends to which the social work statement refers and on which the local authority relies;
    d. care plan(s);
    e. an index of Checklist Documents, with any evidential checklist documents.

Assessment plan

14. The local authority shall by not later than 4.00pm on [*date not later than 5 days before the case management hearing*] file at court and serve on the parties an assessment plan setting out the assessments (including alternative carer assessments) which have already been completed and a timetable for any other assessments.

Parents' Response

15. [*Names*] shall each by 4.00pm on [*date not later than 3 days before the case management hearing*] file at court (in the Threshold tab on the FPL) and serve on the parties their Parents' Response which must include:
    a. their substantive response to the threshold statement; and
    b. their placement proposals (both in the immediate and long term) including the identity and whereabouts of all relatives and friends they propose be considered by the court;
    c. information which may be relevant to a person's capacity to litigate including information about any referrals to mental health services and adult services.

16. When responding to the threshold statement, the response must set out:
    a. the matters which are accepted;
    b. the matters which are disputed, and the basis upon which they are disputed;
    c. if it has not already been found by the court, whether the section 38 interim threshold is met; and
    d. whether it is accepted that the section 31 threshold is met.

17. 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.

18. The full contact details (phone number, address and email address) for any proposed alternative carer must be included in the Parents' Response. If these details are available earlier than the date to file the statement, then they shall be sent to the local authority by email as soon as possible and no later than the advocates' meeting. The parents must confirm if they have discussed the matter with the person(s) nominated.

19. If the parents fail to respond [to the schedule of findings in support of the threshold criteria], the court may proceed to consider at the [next hearing] / [IRH] / [final hearing] whether the section 31(2) Children Act 1989 threshold criteria are established by reference to the written evidence filed by the local authority.

Parents' Initial Statement

20. [*Names*] shall by 4.00pm 3 days before the case management hearing file at court and serve on the parties a statement (as a separate document to the Parents' Response) setting out:
    a. a response to the local authority's evidence to date;
    b. any other matters relevant to the issues before the court and the welfare of the child[ren];
    c. where a family group conference (FGC) or Family Group Decision Meeting (FGDM) has not yet taken place, whether they agree to that and who they would wish to be present;
    d. if the father of any of the children is not yet joined as a party to these proceeding, or they believe the local authority may not have his contact details, the name, date of birth and all contact details that they are aware of in relation to that father, including where possible his parents' details, and any workplace that may assist in finding him, together with details of when he last saw the child[ren] and his involvement in their life;
    e. whether the child[ren]'s birth has been registered with any foreign consulate, providing full details, documents and case references;
    f. [in respect of each alleged injury:
        i. whether they accept that the injury is inflicted/has been sustained;
        ii. any explanation(s) they wish to advance for the causation of the injury, which should include how and when the injury was caused; and
        iii. who they say is responsible for the injury and why.
    g. a history of their involvement with the child[ren] in the 2 weeks before the injuries were discovered, and who else had care of the child[ren].]

[WARNING: The court expects any explanations for the injuries to be advanced as soon as possible, and may draw adverse conclusions if an explanation that has not been advanced before is advanced later in the proceedings without good reason.]

Local authority identification of alternative carers and further assessment

21. The local authority shall not later than 4.00pm on [*date not later than 2 days before the case management hearing*] file at court and serve on the parties a statement dealing with the following:
    a. if not already included in the genogram filed with the application, a genogram (which should be as detailed as possible) of the relevant family setting out all the relatives and connected persons the local authority is aware of;
    b. by reference to the genogram, what alternative relative or connected persons have been approached to consider short or long-term care for the child[ren];
    c. what each individual's response was and whether the same is confirmed in writing; and
    d. in respect of any connected persons not yet assessed who wish to be assessed, what are the dates by which they will file the viability and/or assessments of them as foster carers and special guardians.

22. The above direction does not relieve the local authority of its duty to proactively investigate relative carers/connected individuals as alternative carers for children at genuine risk of being removed from the care of their parents in the short or long term.

23. If any of the existing viability or full assessments of alternative carers is negative, if it has not already done so the local authority shall write to the person assessed informing them how they may apply to the court to challenge that assessment, the date and time of the case management hearing, and that they must attend that case management hearing and have issued any application they seek to make prior to that date.

Disclosure

24. In the event that the local authority has not already made a police protocol request pre-proceedings, it must make an Annex 1 request for any police disclosure it seeks within 7 days.

25. Any party intending at the case management hearing to seek an order for disclosure from a third party shall give written notice of the application with a copy of this order to the third party by [*date*].

26. Any third party objecting to the disclosure sought is directed either to attend the case management hearing to explain the objection or make written representations.

27. Any disclosure made in these proceeding is confidential and may not be disclosed to any third party without the court's permission.

Disclosure of other proceedings

28. If any party seeks disclosure of proceedings in which there are parties other than the parties to this case, they shall apply on notice to all persons who may be affected not later than 4.00pm on [*date*].

29. The application for disclosure of those proceedings into these proceedings shall be listed for determination at the case management hearing.

30. If all parties to the other proceedings consent to disclosure of those proceedings into this matter, the parties in this case shall lodge a consent order forthwith.

(WHERE THERE HAVE BEEN PREVIOUS PRIVATE OR PUBLIC LAW PROCEEDINGS INVOLVING THE SAME PARTIES)

31. The files in case number[s] [*case no.(s)*] must be available to the court at the case management hearing so that appropriate disclosure from those proceedings can be considered. The advocates must agree a list of documents, for approval by the court at the case management hearing, which are to be disclosed into these proceedings.

Police disclosure

32. By 2.00pm on [*date*], the local authority shall [file at court and] serve on the parties the police disclosure received pursuant to the protocol request in a paginated format.

Health visitor evidence

33. By 2.00pm on [*date*], the local authority shall file and serve a health visitor statement with respect to the relevant child[ren] setting out:
    a. the child[ren]'s health;
    b. parental engagement;
    c. any welfare concerns regarding the child[ren] recorded or observed; and
    d. any other matter relevant to the child[ren]'s welfare.

Immigration information

34. The court has made a separate order requesting immigration information from the Home Office in respect of [*names*].

Experts

35. Any party intending to seek permission to instruct an expert must make such application not later than 2 days in advance of the case management hearing and must comply with the requirements of FPR 2010 Part 25 and PD 25C.

Residential assessment

36. Any party proposing a residential assessment may disclose the case papers to any proposed provider for the purpose of viability assessments and shall by no later than 2 days before the advocates' meeting issue their application and file at court and serve on the parties details of any proposed providers and copies of any viability assessments received.

Family Group Conference/Family Group Decision Making (FGC/FGDM)

37. 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 FGC/FGDM or explaining why it is not proposed to hold one in this matter.

38. The local authority has permission to disclose to the co-ordinator any key documents requested. Permission is given for information to be disclosed by the co-ordinator to the family members attending the conference.

39. The local authority shall file at court and serve on the parties any family plan generated by the FGC/FGDM no later than 14 days after the meeting is held.

Birth certificates

40. The local authority shall, by no later than the case management hearing, file at court and serve on the parties copies of the child[ren]'s birth certificate[s]. Where the birth has not yet been registered, the local authority shall file a copy of the child's birth certificate as soon as the birth has been registered.

Forward planning

41. The local authority shall have available at the case management hearing information in respect of any appropriate parallel planning, including the following:
    a. in the event of a plan for placement with a connected person, the date by which the report will be filed, confirmation that preliminary steps have been taken to seek the health reports, references and DBS checks in respect of the connected person and the target panel date;
    b. in the event of a possible plan for adoption, confirmation that preliminary steps have been taken to arrange the permanence medical and a target date for the decision of the Agency Decision Maker (ADM).

Participation directions

42. **(EITHER)**
    The court has concluded that there are currently no parties or witnesses for whom it is necessary to make participation directions because 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.
    (OR)
    The court considers that it may be necessary to make participation directions in respect of a party or witness.

43. 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, together with any evidence the party relies on in support of their application which must set out:
    a. why the party or witness would benefit from assistance;
    b. the measure or measures that would be likely to maximise as far as practicable the quality of their participation and/or evidence and why; and
    c. written confirmation from any relevant witness of their views.

44. The court has concluded that [*name*] is a [vulnerable] / [protected] party and that their participation in the proceedings is likely to be affected because:
    a. it is alleged that [*name*] is the victim of domestic abuse;
    b. 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;

c. [*insert other reason*].

45. [*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:
    a. the quotation must be sent to HMCTS for the attention of the court manager by [*date*];
    b. HMCTS must confirm acceptance of the quotation and payment of intermediary services within 7 days after receipt of the quotation;
    c. the case shall be listed for a [FCMH] / [ground rules hearing] / [IRH] at [time] on [date] allowing [time estimate];
    d. [*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;
    e. 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.

46. 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:
    a. provide separate entrances to, and waiting areas in, the court building for [name(s)];
    b. prevent [*name*] from seeing [*name*] whilst within the court building or its precincts;
    c. 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;
    d. security and the court staff must liaise to make sure that the parties do not meet except when they are in the hearing room;
    e. neither party is to approach the other directly;
    f. allow [*name*] to participate in hearings and give evidence:
        i. by live link;
        ii. by a recording made [and transcribed at the expense of [the parties equally] / [*name(s)*]] in advance of the hearing;
        iii. with the aid of a [signer] / [*insert*];
        iv. by use of evidence already given in other proceedings, namely [specify];
        v. [*insert*];
    g. provide for [*name*] to:
        i. use a [*identify aid*] to help communicate;
        ii. participate in proceedings with the assistance of an intermediary;
        iii. be questioned in court with the assistance of an intermediary.
    h. provide for all hearings to take place in a courtroom;
    i. ensure in relation to any questioning of [*name*] that:

i. questions or topics are agreed prior to the hearing;
ii. any questions that [can be] / [have been] put by one advocate may not be repeated by another without the court's permission;
iii. questions may be put by [one advocate] / [the judge] only;
iv. [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];

j. [*insert*].

Documents and bundles

47. 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.

48. Court bundles must be prepared and lodged at court in accordance with PD 27A.

49. Permission is [not] given for the court bundle to exceed 350 pages [limited to [*number*] pages].

50. The local authority must provide a witness bundle for any hearing at which evidence is to be called.

Variation of orders

51. Any application to vary this or any other order is to be made to the allocated judge on notice to all parties. The party seeking variation must seek the prior agreement of the other parties to the variation and shall submit a draft order in word format and confirm whether:
    a. the proposed variation is agreed; and, if so
    b. to what extent the proposed variation would affect the timetable for the proceedings.

SCHEDULE

LAA billing information

1. The court records the following information for the purposes of legal aid:
    a. hearing date: [*date*];
    b. advocates: [*insert names*];
    c. the hearing was before [Magistrates] / [a judge of [District] / [Circuit] Judge level] / [a Judge of High Court level];
    d. the case type is care proceedings;
    e. the case was listed for an interim hearing;
    f. the hearing started at [*time*] and ended at [*time*];
    g. the length of the lunch adjournment was [60 minutes] / [0 minutes – the advocates worked through lunch];
    h. the total length of the hearing was [*insert hours and minutes*];
    i. [[*name of advocate(s)*] [is] / [are] 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;]

j. [[*name of advocate(s)*] [is] / [are] entitled to a bolt on because they are representing a person who has difficulty in giving instructions or understanding advice;]

k. [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;]

l. [the advocates' bundle page count is [between 351 and 700 pages] / [over 700 pages];] and

m. an advocates meeting occurred on [*date*] attended by [*names of advocates*].

(THE START TIME IS THE TIME ADVOCATES WERE ORDERED TO ATTEND. THE END TIME IS THE TIME THE ADVOCATES LEFT THE HEARING PLUS ANY TIME ALLOWED THEREAFTER TO AGREE THE ORDER – USUALLY 1 HOUR. IF THE INTERIM HEARING STARTS ON ONE DAY AND CONCLUDES ON ANOTHER DAY ADD THE APPROPRIATE DATES BEFORE EACH TIME, AND SET OUT THE TIMES THE CASE WAS ADJOURNED OVERNIGHT.)

Child[ren]'s current arrangements

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

Allocation

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

Timetable for the proceedings

4. 26 weeks from the date of issue of these proceedings will expire on [*date*].

Timetable for the child[ren]

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

Threshold

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

7. The court finds interim threshold pursuant to s.38 Children Act 1989 is met [as set out in the application/document dated [date]] / [in accordance with the judgment given today].

Key issues

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

Parties' positions

9. The parties' positions are:

a. [*insert*]

Alternative carers

10. The following person[s] [is] / [are] identified as possible alternative carer[s]: [*names(s)*]

11. 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

12. The local authority sent an Annex 1 request for disclosure to [*name of police force*] on [*date*], the response to which is due on [*date 20 working days after request made*].

13. [*Insert*]

Dated [*date*]

ANNEX – ADDITIONAL ORDERS

(ANY RELEVANT ADDITIONAL ORDERS FROM THIS ANNEX ARE TO APPEAR IN THE MAIN BODY OF THE ORDER. THE PRECEDENT WORDING FOR COMMON DIRECTIONS ARE INCLUDED IN THIS ANNEX FOR EASE OF DRAFTING, AND THIS ANNEX SHOULD NOT APPEAR IN THE FINALISED ORDER)

Capacity

1. It appearing there may be an issue as whether [*name*] lacks capacity (within the meaning of the Mental Capacity Act 2005) to conduct the proceedings, [*name*] shall by 4.00pm on [*date*] file at court and serve on the parties a report from [*name of expert*] assessing their cognitive functioning and whether in the expert's opinion [*name*] has capacity to conduct 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. On receipt of the expert evidence the parties may lodge a consent order providing for the appointment of a litigation friend for [*name*].

3. The court will otherwise determine [*name*]'s capacity to conduct the proceedings at the case management hearing if the expert evidence is available by that date.

Interpreter/translation

4. The court must arrange for [*number*] interpreter[s] fluent in [*language and dialect*] to attend all future hearings. The interpreter must attend 1 hour prior to the listed time.

5. 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*].

6. If it has not already done so the local authority must by 4.00pm on [*date*] serve on [*name*] translations into language[s] they will understand of the documents upon which the local authority relies to support any allegations made and which explain why the local authority seeks the order[s] it has applied for.

Joinder of father without parental responsibility

7. [*Name*] is believed to be the father of a child in the proceedings but is not named on the child's birth certificate. Unless by 4.00pm on [date] any party sends to the local authority objection to [*name*] being joined as party to the proceedings, he shall be joined as party without further order and the local authority must send to him the documents served on the other parties [redacted as to [*insert*] [but limited to [*insert*]].

8. [*Name*] must so far as practicable comply with the requirements of this order.

9. If any party objects to [*name*] being joined as party the local authority must give him notice of the case management hearing so that he may attend and the question whether he should be joined can be considered at that hearing.

Jurisdiction issues

10. It appearing there may be an issue as to jurisdiction, the parties must consider the issue of jurisdiction as a matter of urgency and unless the making of such an enquiry may risk the safety of any of the parties to the proceedings or their relatives the local authority must forthwith request of the relevant consular authority in England & Wales or competent authority in the relevant State relevant information needed to decide issues of jurisdiction with a view to that information being available before the case management hearing.

(WHERE THE CHILD(REN) IS/ARE FOREIGN NATIONALS)

11. Unless the making of such an enquiry may risk the safety of any of the parties to the proceedings or their relatives the local authority must by [*date*] inform in writing the consular authority of [*State*] of the existence of these proceedings, the date of the next hearing and invite any representations to be made to the court by [*date* **(DAY BEFORE ADVOCATES' MEETING)**].

Production order

12. A separate production order has been made.