*Order*

**In the High Court of Justice No:**



**Family Division**

**Sitting at [place]**

**THE CHILDREN ACT 1989**

**THE SENIOR COURTS ACT 1981**

**COUNCIL REGULATION (EC) No. 2201/2003 (BIIR)**

**[CONVENTION OF 19 OCTOBER 1996 ON JURISDICTION, APPLICABLE LAW, RECOGNITION AND ENFORCEMENT AND CO-OPERATION IN RESPECT OF PARENTAL RESPONSIBILITY AND MEASURES FOR THE PROTECTION OF CHILDREN]**

*Delete or Adapt as appropriate*

**The Child(ren) AA (a boy/girl born on dd/mm/yyyy)**

**BB (a boy/girl born on dd/mm/yyyy)**

**CC (a boy/girl born on dd/mm/yyyy)**

After hearing [*name the advocate(s) who appeared]…*

After consideration of the documents lodged by the applicant and respondent

After reading the statements and hearing the witnesses specified in paragraph [x] of the recitals below

**ORDER MADE BY [NAME OF JUDGE] ON [DATE] SITTING IN [OPEN COURT]/[PRIVATE]**

**The parties**

1. The applicant is XX (represented by [INSERT SOLICITORS FIRM].

The respondent is [YY]

*Specify any additional respondents*

*Specify if any adult party acts by a litigation friend*

*Specify if the children or any of them act by a children’s guardian*

1. Unless otherwise stated, a reference in this order to ‘the respondent’ means all of the respondents.

**Recitals**

1. The Judge read the following documents:
   1. [INSERT DETAILS]
2. The Judge heard the following oral evidence
   1. [INSERT DETAILS]
3. The court decided that the threshold criteria in section 31 of the Children Act 1989 for the making of a care order have been met in this case, as more fully recorded in the schedule to this order and the judgment delivered on [*date*].
4. The court determined on [*date*] that it has jurisdiction over the child(ren) pursuant to Article 8 BIIR it having determined that the child(ren) was/were habitually resident in England and Wales at the time these proceedings were commenced and that no other Member State had jurisdiction pursuant to Article 10 or 12 of BIIR.
5. The court determined that the provisions of Article 15 of BIIR are now met in this case, in that *(amend as appropriate)*:
   1. The child has a particular connection with [*name country]*  in that it is the place of his former habitual residence, is the place of his nationality and is the habitual residence of his mother; and
   2. The courts of [*name country]*are best placed to hear the remaining part of these proceedings; and
   3. It is in best interests of the child(ren) for these proceedings to be transferred to *[name country]*

and that accordingly this court should request the courts of [*name country*] to accept a transfer of this court’s jurisdiction pursuant to Article 15(1)(b) BIIR.

1. The court sets the time limit required by Article 15(4) BIIR at [*date*].

(*include or delete as appropriate*)

1. The court requests that the courts of [*name country*] do now accept the request for a transfer, the court observing that, although Article 15(5) BIIR allows a period of 6 weeks from the date the court is seised in accordance with Article 15(1)(b) for the courts of [*name country*] to accept the request, the best interests of the child(ren) would be better promoted by an immediate acceptance of the request.
2. The Court has been informed in [*identify document]* that the [*identify organisation]*, the competent authority for the purposes of Article 56 BIIR, consents to the child(ren) being placed in their care, either in an institution or with a named foster carer.
3. This court requests that the Office of the International Liaison Judge and the Central Authority for England and Wales do co-operate and liaise with the [*name country*] Hague Network and/or European Judicial Network Liaison Judge and the [*name country*] Central Authority to ensure that the request for the [*name country*] courts to accept a transfer of jurisdiction pursuant to Article 15 BIIR by [*insert date]*  and that the placement of the child(ren) in an institution and/or foster care in [*name country*] pursuant to Article 56 BIIR is effected immediately and if possible that an order placing the child(ren) in the custody of the foster carer [*insert name if identified]* is made prior to return of the child(ren) to [*name country*] if at all possible.
4. The court records that the interim care order made below will be automatically recognised in [name country] by operation of Article 21 BIIR.

**IT IS ORDERED THAT:**

1. The child(ren) shall be placed in the care of the applicant, [*name of local authority*], for a period of 28 days. This order shall be discharged upon the making of an order by the courts of [*name country*] placing the child(ren) in the care of the foster carer [*identify person or institution*] or after 28 days whichever is the sooner.
2. Upon the courts of [*name country*] accepting the request that these proceedings shall be transferred to them these proceedings shall be transferred to [*name country*] and this court will decline jurisdiction in accordance with Article 15(5) BIIR.
3. In the event that the courts of [*name country*] have not accepted the request for a transfer of these proceedings by [*date*] these proceedings shall be listed for directions by [*date*], time estimate 1 hour. The applicant shall be responsible for re-listing the matter with the Clerk of the Rules in the event that the request for transfer has not been accepted.
4. In the event that the courts of [*name country*] have not accepted the request for a transfer of these proceedings by [*date*] the applicant shall apply to renew the Interim Care Order for a further period of 28 days; the applicant to give notice to the other parties by 16:00 on [*date*] in the event that a renewal is necessary.
5. Permission is granted to the applicant to remove the child(ren) permanently from the jurisdiction of England and Wales to be placed in an institution or foster care in [*name country*].
6. The judgments delivered on [*dates*] together with all statements, reports and other documents within these proceedings shall be disclosed into the proceedings in the courts of [*name country*]. Translations of the judgments and this order shall be provided by the applicant. Permission is granted to the parties to disclose the court papers and the judgments to any lawyer they instruct in [*name country*] in relation to the proceedings concerning the child(ren) and to the [*name country*]n Central Authority and the Guardian.
7. The applicant must liaise with the competent authority of [*name country*] for the purposes of making arrangements for
8. The transporting of the child(ren) to [*name country*].
9. The implementation of the placing of the child(ren) into institutional or foster care in [*name country*].
10. No order for costs save detailed assessment of the parties publicly funded costs.

Dated

**(*include if appropriate)***

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**SCHEDULE OF FINDINGS**

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