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



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

**The Children Act 1989**

**The child[ren]**

**[*Name of child*] [Girl] / [Boy] [*dob dd/mm/yy*]**

**[*Name of child*] [Girl] / [Boy] [*dob dd/mm/yy*]**

**[FINAL] ORDER MADE BY [*NAME OF JUDGE*]** **SITTING IN PRIVATE AT A [FIRST HEARING DISPUTE RESOLUTION HEARING] / [DISPUTE RESOLUTION APPOINTMENT] / [FINAL HEARING] ON [*DATE*]**

**The parties and representation:**

1. The applicant is[*name*], the [*relationship to child*], [in person], represented by [*barrister/solicitor name*] [instructed by [*solicitor firm name*]] whose contact details are [*chambers/firm name*], [*phone number*], [*email*]

The first respondent is [*name*], the [*relationship to child*], [in person], represented by [*barrister/solicitor name*] [instructed by [*solicitor firm name*]] whose contact details are [*chambers/firm name*], [*phone number*], [*email*]

The second respondent[s] [is] / [are] the child[ren] (by their children’s guardian [*guardian name*], represented by [*barrister/solicitor name*] [instructed by [*solicitor firm name*]] whose contact details are [*chambers/firm name*], [*phone number*], [*email*]

Also present at the hearing: [*name(s)*]

**The names of the children and the parties are not to be publicly disclosed without the court’s permission.**

**This order includes a child arrangements order (the part of the order setting out living arrangements for a child and about time to be spent or contact with another person). If you do not do what the child arrangements order says you may be sent to prison and/or fined, made to do unpaid work or pay financial compensation.**

**It is a criminal offence to take a child out of the UK without the consent of everybody with parental responsibility unless the court has given permission. However, if an order has been made that a child is to live with a person, that person may take that child out of the UK for a period of less than one month.**

**While a child arrangements order is in force in respect of a child nobody may cause the child to be known by a new surname without the consent of everybody with parental responsibility or the court’s permission.**

**A penal notice is attached to parts of this order. That means that if you do not do what those parts of the order say, you may be sent to prison, fined and/or your assets may be seized.**

1. This hearing was listed [at the court’s own initiative] with[out] [short] notice because [*insert reasons*].

**Issues**

1. The parties have agreed that:
2. the child[ren] will live with [*name*] [for the time being];
3. the child[ren] will spend time with [*name*] as follows: [*insert*].
4. [*insert*]
5. The issues that the court needs to decide are as follows:
6. who the child[ren] should live with
7. whether they should spend time with the other parent and, if so,
   1. how often;
   2. whether there should be overnight stays and longer stays;
   3. whether it should be supervised or supported;
   4. whether it should be limited to indirect contact;

c. the child[ren]’s education;

d. the child[ren]’s names;

e. holidays or travel plans;

f. proposed relocation by [*name*] with the child[ren] to [*insert*].

**Domestic abuse issues**

1. Domestic abuse has been raised as an issue which is likely to be relevant to any decision of the court relating to the welfare of the child[ren].
2. Notwithstanding the allegations of domestic abuse the court has decided that
3. a fact-finding hearing is not needed;
4. a section 7 report is not necessary to safeguard the child[ren]’s interests; because [*insert reasons*].
5. Although this order is made by consent the court has, before making the order, asked [Cafcass] / [CAFCASS Cymru] to provide an oral report to the court including any advice given by the [Cafcass] / [CAFCASS Cymru] officer to the parties and whether they, or the child[ren], have been referred to any agency, including local authority children’s services. A summary of the oral report is set out in the Schedule to this order.
6. The child[ren] [and parent] would be at risk of harm if a child arrangements order were made.
7. The court is satisfied 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, and do not expose them to the risk of further harm.

**Reasons for participation directions**

1. The court [makes] / [varies] / [revokes] / [has decided not to make] participation directions because [*insert*].
2. The court considers that a measure under Family Procedure Rules rule 3A is necessary but the measure is not available to the court because [*insert reasons*].

**The court orders [by consent] / [save as to paragraphs [*para numbers*]]**

**Allocation**

1. Case management and hearings are allocated to a [Circuit Judge] / [District Judge] / [Justices] and reserved to [*name of judge*].

**Jurisdiction**

1. The court declares it is satisfied it has jurisdiction in relation to the child[ren] based on habitual residence.
2. Although the child[ren] [is] / [are] not habitually resident in the UK the court declares itself satisfied that it has power to deal with this case by exercising its interim protective powers under Article 20 of Council Regulation (EC) No 2201/2013 (Brussels II Revised) and/or under Article 11 of the Hague Convention on the Protection of Children 1996.
3. There being an issue as to jurisdiction (including the application of Council Regulation (EC) No 2201/2003 (Brussel II Revised)) which must be considered by the parties urgently, [*name*] shall forthwith liaise with the relevant consular authority in England & Wales or other competent authority in the relevant state in relation to the proceedings or request the central authority of that state for such information as may be relevant to decide the issue of jurisdiction.

**Immigration information**

1. The court requests the Home Office to provide the information set out in Form EX660 annexed by no later than [*date*]. The court shall submit the EX660 to the Home Office online. Once received, the information shall be forwarded by the court to all parties.

EX660 can be obtained at:  
[www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/Guidance/EX660-2013.pdf](http://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/Guidance/EX660-2013.pdf)

**Adjournment of this hearing**

1. This hearing is adjourned until [*date*] at [*time*] allowing [*hours*] because [*insert reasons*].

**Urgent hearing**

1. There shall be an urgent hearing at [*place*] on [*date*] before [*name of judge*] allowing [*hours*] to deal with [*insert issues to be dealt with*]. Time for notice of this hearing is shortened to [*insert*].

**Cafcass / CAFCASS Cymru** **safeguarding checks**

1. [Cafcass] / [CAFCASS Cymru] shall send completed safeguarding checks to the court by 16:00 on [*date*].
2. [Cafcass] / [CAFCASS Cymru] shall undertake enhanced police checks in respect of [*insert*].
3. This hearing is adjourned until [*time*] on [*date*] allowing [*time estimate*] to enable safeguarding checks to be completed.

**Attendance at MIAM**

1. There being no valid reason why [*name*] has not attended a mediation information and assessment meeting (MIAM), [*name*] must attend a MIAM and produce evidence at the next hearing that they have done so.

**Litigation capacity/cognitive assessment**

1. [*Name*] must by 16:00 on [*date*] send to the court a [report] / [cognitive assessment] by a [general practitioner] / [treating consultant] / [psychiatrist] / [psychologist] / [adult social services] / [*insert*] dealing with the question whether [*name*] has litigation capacity within the meaning of sections 2 and 3 of the Mental Capacity Act 2005 [and [he] / [she] is competent to give evidence].
2. If [*name*] is assessed as having litigation capacity, the cognitive assessment shall also consider whether [he] / [she] is a vulnerable person and, if so:
3. how their evidence in chief should be given;
4. whether and how they should be questioned (cross-examined) including the length of questioning and the need for, and frequency of, any breaks;
5. what support should be made available;
6. whether separate waiting or other facilities are needed;
7. whether their evidence should be given remotely.
8. There will be a hearing at [*place*] on [*date*] to assess [*name*]’s capacity to litigate. If on receipt of the capacity evidence [*name*]’s solicitor confirms (a) that [*name*] does not assert that [he] / [she] has capacity and (b) that there is no other person proposed to act as litigation friend, the following directions will be given without a hearing and the capacity assessment hearing will be vacated.
9. The court deciding that [*name*] is a protected party
10. [*Name*] is appointed as [his] / [her] litigation friend;
11. and that there is no other person suitable and willing to act as [his] / [her] litigation friend (so that the appointment of the Official Solicitor is the last resort), and [he] / [she] being publicly funded, subject to his consent the Official Solicitor is appointed as litigation friend of [*name*].
12. As [*name*] is not publicly funded:
13. All parties shall co-operate with, and respond promptly to, any request made by the Official Solicitor for information/documents for the purpose of establishing the protected party’s eligibility for legal aid or, if the protected party is ineligible for legal aid, how their legal costs may otherwise be paid.
14. In the event that any party is aware that the protected party has an attorney under a lasting or enduring power of attorney, or a financial deputy appointed by the Court of Protection, or an appointee for state benefits, that party shall provide the Official Solicitor with the identity and contact details of that person.
15. The Official Solicitor may apply in writing to the case management judge for any further directions which may assist in securing the protected party’s legal costs.

**Participation directions/Ground rules**

1. The court considering that the participation of [*name*] in the proceedings requires that participation directions be given, the following directions apply:
2. [*Name*] shall attend the hearing by way of live link and the following arrangements shall be made:
3. The proceedings are transferred to the Family Court sitting at [*place*] for the next hearing [and all future hearings]
4. [The next hearing] / [All future hearings] shall be held at [*court name*]
5. The court shall ensure that separate [entrance and] waiting arrangements are available for [*name*] .
6. [*Name*] shall have the assistance of an intermediary at all future hearings to be arranged by [his] / [her] solicitors sending a booking form to HMCTS who shall make the booking and pay for the attendance of the intermediary.
7. Ground rules for the [fact-finding] / [final] hearing will be considered at [the DRA] / [a separate hearing on [*date*]].
8. [*Name*] shall undertake an assessment of [*name*]’s needs to ensure they can participate fully at any hearing and shall provide a [written]/ [oral] report at the ground rules hearing with a view to participation directions being given. The cost of such report shall be paid by HMCTS.
9. The evidence of [*name*] at the [fact-finding] / [final] hearing shall be given:
   1. by live link;
   2. by a recording made [and transcribed] in advance of the hearing;
   3. with assistance of an intermediary present when the evidence is given;
   4. with the assistance of a [signer] [*name*];
   5. by use of evidence already given in other proceedings, namely [*insert*];
   6. [*insert other*].
10. The following directions apply to the cross-examination of [*name*]:
    1. any questions that [can be] / [have been] put by one advocate may not be repeated by another without permission of the court;
    2. questions or topics must be agreed prior to the hearing;
    3. questions may be put by [one advocate] / [the judge] only;
    4. [example] questions [from each topic to be put] must be 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];
    5. [*insert other*].
11. [*Insert other participation directions*]
12. The participation directions given on [*date*] are [revoked] / [varied] as follows: [*insert*].

**Child[ren] giving evidence**

1. There shall be a hearing on [*date*] to consider whether the child[ren] should give oral evidence. In preparation for that hearing:
   1. [*Insert*] shall by [*date*] make available any ABE interview of the child[ren] to be viewed by the judge and all parties;
   2. **(where there is a pending criminal investigation or prosecution)** [*Insert*] shall give notice to the [police] / [CPS] that a decision will be made at the hearing whether the child[ren] should give evidence in these proceedings and that they may either send written representations or attend the hearing to express any views they have;
   3. [Cafcass] / [CAFCASS Cymru] / [The child[ren]’s guardian [*name*]] shall by [*date*] send to the court and to the parties a report dealing with the following issues in relation to the question whether the child[ren] should give oral evidence:
      1. the child[ren]’s wishes and feelings, in particular the child[ren]’s willingness to give evidence;
      2. the child[ren]’s particular needs and abilities;
      3. the maturity, vulnerability and understanding, capacity and competence of the child[ren];
      4. the support or lack of support the child[ren] [has] / [have];
      5. any harm that may be caused to the child[ren] by giving, or by not being allowed to give, oral evidence;
      6. the views of the guardian having discussed the issue with the child[ren].
   4. The parties shall by [*date*] send to the court, to [Cafcass] / [CAFCASS Cymru] and to the other parties written submissions dealing with the matters set out in paragraphs 9, 12 and 14 of the Family Justice Council Guidelines on the issue of Children Giving Evidence in Family Proceedings December 2011[a copy of which is attached to this order for the benefit of any unrepresented party].
2. The child[ren] shall [not] give evidence at the hearing on [*date*].
3. There shall be a ground rules hearing at [*place*] on [*date*] [which the parents and any other family members shall not attend] to consider the following matters:
4. whether the child[ren] should give evidence in chief and if so how, in particular whether the child[ren]’s evidence should be pre-recorded or given by live link;
5. the need for and use of an intermediary or other communications specialist or other support for the child[ren] giving evidence;
6. whether, by whom and how the child[ren] [is] / [are] to be cross-examined including
   1. the format of questions and whether they should be submitted for judicial/intermediary approval in advance;
   2. any specific questions or topics to be covered;
   3. length of questioning and the need for breaks;
7. what if any papers should be disclosed to the child[ren];
8. arrangements for
   1. the child[ren] to see their ABE interview;
   2. a familiarisation visit by the child[ren] before the hearing;
   3. access and waiting facilities at court for the child[ren] and their [security] / [privacy].

**Permission to apply**

1. [*Name*] has permission to apply for a
2. child arrangements order;
3. prohibited steps order;
4. specific issues order;
5. special guardianship order.

**Permission to withdraw**

1. [*Name*] has permission to withdraw [his] / [her] application for a
2. child arrangements order;
3. prohibited steps order;
4. specific issues order;

and the application is recorded by the court as withdrawn.

**Direction to DWP for disclosure of party’s address**

1. A separate order has been made in relation to disclosure of a party’s whereabouts by the DWP. Upon receipt, such information shall be held by the court as confidential and not disclosed to the parties without permission of the court.

**Recovery of the child - section 34 FLA 1986**

1. A separate order is made authorising a police officer to take charge of the child[ren].

**Appointment of children’s guardian - FPR rule 16.4**

1. The child[ren] [is] / [are] joined as [a party] / [parties] to the proceedings and [an officer of [Cafcass] / [CAFCASS Cymru]] / [*name*] shall be appointed to act as children’s guardian.

The court shall send a copy of this order to the [Cafcass] / [CAFCASS Cymru] Service manager who shall allocate an officer as guardian promptly and tell the court who has been appointed.

If [Cafcass] / [CAFCASS Cymru] is unable to appoint a guardian within 7 days of service of this order, they shall tell the court straightaway.

**Guardian’s report**

1. The guardian shall file a report at court by 4.00pm on [*date*] [and shall send a copy to the parties] / [and may send a copy to the parties at the guardian’s discretion] / [but shall not disclose it to the parties without further directions].

**Joining [parties] / [interveners]**

1. [*Name*] is joined as a [party] / [intervener] [limited for the purpose of [*insert*]].

[*Name*] shall by 4.00pm on [*date*] provide [*insert*] with the case documents [necessary to deal with [*insert*]] [redacted as to [*insert*]].

**Live with order**

1. The child[ren] shall live with [*name*] [until further order] [as follows: [*insert*]].

**Contact order**

1. [*Name*] must make sure that the child[ren] spend[s] time or otherwise [has] / [have] contact with [*name*].
2. [*Insert other*]

**Contact directions and conditions**

1. The following conditions apply to contact:
   1. handovers at the start of contact will be at [*place*] and [*name*] shall [collect] / [deliver] the child[ren];
   2. handovers at the end of contact will be at [*place*] and [*name*] shall [collect] / [deliver] the child[ren];
   3. handovers at the start and end of contact shall be at an agreed public place covered by CCTV cameras [namely [*place*]];
   4. neither party may be accompanied at handovers by another adult approaching within [*number*] metres;
   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 be by text. The telephone numbers of the parties are [*insert*]];
   8. communication between the parties about contact and the presence of parties will not of themselves amount to a breach of the injunction order dated [*date*] made in case number [*case no.*] and a copy of this order shall be sent by the court to [*Area*] Police to note;
   9. a ‘contact book’ shall be used to note any matters of concern of importance which one party needs to tell the other. The book will be passed from one party to the other at contact handovers and must be brought to court on each occasion the parties attend;
   10. [*name*] must not drink alcohol or use non-prescribed drugs for 24 hours before, or at any time while, seeing the child[ren];
   11. contact will only take place if [*name*] provides a negative breathalyser sample at the start of any contact session when requested to do so. The testing kit is to be provided by [*name*].
   12. 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] shall 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*] shall not enter the contact centre before the contact session is due to start;
7. [*name*] may not remain in the same room as the child[ren] during the contact session;
8. any costs charged by the contact centre shall be paid by [*name*];
9. both parties shall be responsible for telling the centre manager when the place is no longer required.

**Indirect contact**

1. [*Name*] must make sure the child[ren] [has] / [have] contact with [*name*] by letters, cards and gifts to be sent no more frequently than [*insert*] [and must encourage the child[ren] to respond].
2. [*Name*] must send to [*name*] school reports, photographs and any updated medical information when received.

**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 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*].

**Penal notice**

**If you do not comply with paragraph[s] [*para number(s)*] of this order you may be sent to prison and/or fined and/or your assets may be seised.**

**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.**

**Family assistance order**

1. All parties concerned having consented to a family assistance order being made, a [Cafcass] / [CAFCASS Cymru] officer shall advise, assist and befriend [*name*] and the child[ren] until [*date*]. The following further directions apply:
   1. all persons to whom this order is addressed shall ensure that the officer is informed of any change of address or contact details (including those of the child[ren]) and that the officer is able to visit them.;
   2. all persons to whom this order is addressed shall ensure that the officer is able to see the child[ren];
   3. the officer shall give advice and assistance as regards establishing maintaining, and improving contact;
   4. if the officer is of the view that any order relating to the living or contact arrangements for the child[ren] may need to be altered or discharged, the officer shall report to the court accordingly.

**Activity directions/conditions**

1. [*Name*] must attend the following activity programme[s] [as a condition of the child arrangements order] on dates and at times to be confirmed by the activity provider, and in any event by [*date*]:
2. a mediation information and assessment meeting (MIAM);
3. **(england only)** a separated parenting information programme (SPIP);
4. **(wales only)** a working together for children course (WT4C)
5. **(england only)** a child contact intervention;
6. **(england only)** subject to suitability, a domestic abuse perpetrator’s programme (DAPP);
7. the court shall send this order to [Cafcass] / [CAFCASS Cymru] with all contact details (in the case of [a SPIP to [spip.referrals@cafcass.gsi.gov.uk](mailto:spip.referrals@cafcass.gsi.gov.uk)] / [WT4C to [CafcasscymruCAT@gov.wales](mailto:CafcasscymruCAT@gov.wales)] otherwise to the family court adviser);
8. the court records the consent of the parties to disclosure of their details by [Cafcass] / [CAFCASS Cymru] to the activity provider;
9. if the DAPP does not accept the referral because of unsuitability, [Cafcass] / [CAFCASS Cymru] shall report to the court and make any alternative recommendations;
10. [Cafcass] / [CAFCASS Cymru] shall notify the court at the conclusion of the directed activity whether the parties attended;
11. when the DAPP has reached midway point, [Cafcass] / [CAFCASS Cymru] shall provide a written report to the court regarding engagement and progress.

**Monitoring by [Cafcass] / [CAFCASS Cymru]**

1. [Cafcass] / [CAFCASS Cymru] must monitor compliance with the [child arrangements order] / [activity direction/condition] made above until [*date*]and report to the court in the event of any non-compliance.

**Drug/alcohol testing**

1. The court needs a report to find out whether [*name*] use[s] drugs and/or alcohol.
2. [*Name*] must provide samples so that tests can be undertaken and a report prepared.

So that can be done

1. [*name*] must make arrangements with [his] / /[her] GP so that samples can be taken no later than [*date*];
2. [*name*] must produce photo proof of identity at the time samples are taken;
3. [*name*] must provide a copy of this order to the GP before samples are taken;
4. the GP shall send the samples to [*company*] for testing by no later than [*date*];
5. the tests must cover [*number*] months to the date samples are taken and must be for the use of alcohol and the following drugs: [*insert*];
6. [*name*] must send the test report to the court and to the parties by 16:00 on [*date*];
7. the cost of testing [which must not exceed £[*amount*]] must be paid by [*name*] [and shall be a necessary and reasonable charge against the funding certificate of any publicly funded party].

**Paternity testing**

1. The court needs a report to find out whether [*name*] is the father of [*name*]. A tester needs samples from [*name*] and [*name*] so that tests can be carried out and a report prepared.  
     
   **(testing through cafcass/cafcass cymru)**
2. The court office shall complete Parts I and II of form BD1 and send this to [**(if child is resident in england)** DNA Requests, CAFCASS National Business Centre, Millburn Hill Road, University of Warwick Science Park, Coventry CV4 7JJ ([DNArequests@cafcass.gsi.gov.uk](mailto:DNArequests@cafcass.gsi.gov.uk); telephone number 0300 456 4000)] / [**(if child is resident in wales)** Central Administrative Team, Welsh Government Rhydycar Business Park, Merthyr Tydfil CF48 1UZ ([CafcasscymruCAT@wales.gsi.gov.uk](mailto:CafcasscymruCAT@wales.gsi.gov.uk))].
3. An officer of [Cafcass] / [CAFCASS Cymru] shall then
4. make arrangements with [*name*] for mouth swab samples to be taken by [*name*] supervised by a trained officer of [Cafcass] / [CAFCASS Cymru];
5. take photographic identity of [*name*] at the time the sample is taken;
6. send the samples to the tester to arrive by [*date*] .

**(testing not through cafcass/cafcass cymru)**

1. The court office shall complete Parts I and II of form BDI and send this to [*name*].

[*Name*] must contact an accredited tester and make arrangements for an appropriate sampler to obtain samples by [*date*].

At the time the samples are obtained the person giving the samples must provide to the sampler the completed form BD1, a copy of this order and photo identity.

The sampler must send the samples to the tester by [*date*].

**(in either case)**

1. The tester must send the written test report to the court and [Cafcass] / [CAFCASS Cymru] by [*date*].
2. The costs of sampling, testing and reporting must be paid by [*name*] [and shall be a necessary and reasonable charge on the funding certificate of any publicly funded party].

**Parentage/parental responsibility**

1. It is declared that [*name*] is [not] the father of [*name*], a [male] / [female], born on [*date*]. The Court shall send a copy of this order to the Registrar General within 21 days.
2. Parental responsibility is granted to [*name*] in respect of [*name*].

**Witness statements**

1. The parties must by 16:00 on [*date*] send to each other, to [Cafcass] / [CAFCASS Cymru] and to the court written statements of the evidence they will give to the court.
2. Copies of all statements must be sent to the court and to [Cafcass] / [CAFCASS Cymru]
3. A party’s statement may be prepared using the witness statement template which is available from the court or at <https://formfinder.hmctsformfinder.justice.gov.uk/c120-eng.pdf>
4. Each party's statement must set out:
   1. any relevant background information;
   2. the party's position in relation the matters which are not agreed;
   3. any relevant facts they are asking the court to decide about matters which are not agreed (this direction applies to the parties themselves and the statements of any witnesses they want to call); and
   4. the party's proposals for the arrangements for the child[ren]
5. At the same time, the parties must also send copies of the statements of any other witness who they wish to give evidence of the facts of the case.
6. Unless the court gives permission, nobody will be allowed to give oral evidence at a hearing unless their written statement has been sent by the date fixed in this order.
7. Neither party may use the evidence of more than [*number*] additional witnesses.
8. Every statement must:
   1. start with the name of the case and the case number;
   2. state the full name and address of the person making it;
   3. set out what the person has to say clearly in numbered paragraphs on numbered pages;
   4. end with this statement: 'I believe that the facts stated in this witness statement are true.'; and
   5. be signed by the person making it and dated.
9. If a witness or party is unable to read the statement in the form produced to the court, the statement must include a certificate that it has been read or interpreted to the witness by a suitably qualified person. If a witness who has made a statement is to give evidence or be questioned and is unable to do so in spoken English (or Welsh if the hearing is in Wales), the party relying on that witness must ensure that a suitable independent interpreter is available.
10. Statements shall be no longer than [*number*] pages of A4 paper, preferably typed in a font no smaller than 12pt and at no less than 1.5 in line spacing.

**Directions for fact-finding hearing**

1. [*Name*] has made allegations against [*name*] which are disputed.
2. [The court requires more detailed information to enable it to decide whether a special hearing will be necessary to decide the disputed allegations and the parties must comply with these directions.] / [The court will hold a special hearing to decide the disputed allegations and the parties must comply with these directions.]
3. By 16:00 on [*date*] [*name*] must send to the court and the other [party] / [parties] [and [Cafcass] / [CAFCASS Cymru]] a list of all the allegations being made:
4. The list must be signed and dated. Each incident must be numbered and set out in date order, giving the date each incident happened so far as possible and giving a brief description of what happened and where. If someone else was there at the time of the incident, and/or the incident was reported to the police or medical attention was sought, details should be given.
5. If possible, the list of allegations shall be set out in the form of a table with headings. An example table is attached to this order.
6. The list must end with a statement that it is true, and be signed and dated (see the example table).
7. **(where a fact-finding hearing is being considered)** A statement must be sent with the list, giving more details of the allegations, referring to each allegation by its number in the list.
8. **(where a fact-finding hearing is being considered)** If there were other witnesses to the alleged incidents, or there are documents on which a party intends to rely, that should be referred to in the last paragraph of the statement but no additional witnesses or documents should be sent at this stage.
9. **(where a fact-finding hearing is directed)** In addition, [*name*] and any witnesses must make written statements of the evidence they will give to the court about the disputed facts, attaching copies of any documents they wish to use to support their evidence. Copies of the statements and any documents must be sent with the lists.
10. By 16:00 on [*date*] [*name*] must send to the court and the other [party] / [parties] [and [Cafcass] / [CAFCASS Cymru]]:
11. A written response to each of the allegations (using the same table if possible) and setting out brief details of what [*name*] says happened or if the incident is denied. The response must end with a statement that it is true, and be signed and dated (see the example table).
12. **(where a fact-finding hearing is being considered)** A statement giving more details of the responses, referring to each allegation by its number in the list.
13. **(where a fact-finding hearing is being considered)** If there were other witnesses to the alleged incidents, or there are documents which a party intends to rely, that should be referred to in the last paragraph of the statement but no additional witnesses or documents should be sent at this stage.
14. **(where a fact-finding hearing is directed)** In addition, [*name*] and any witnesses must make written statements of the evidence they will give to the court about the disputed facts, attaching any documents they wish to use to support their evidence. Copies of the statements and any documents must be sent with the lists.
15. Neither party may use the evidence of more than [*number*] additional witnesses.
16. Every statement must:
17. start with the name of the case and the case number;
18. state the full name and address of the person making it;
19. set out what the person has to say clearly in numbered paragraphs on numbered pages;
20. end with this statement: 'I believe that the facts stated in this witness statement are true.'; and
21. be signed by the person making it and dated.
22. If a witness or party is unable to read the statement in the form produced to the court, the statement must include a certificate that it has been read or interpreted to the witness by a suitably qualified person. If a witness who has made a statement is to give evidence or be questioned and is unable to do so in spoken English (or Welsh if the hearing is in Wales), the party relying on that witness must ensure that a suitable independent interpreter is available.
23. Statements shall be no longer than [*number*] pages of A4 paper, preferably typed in a font no smaller than 12pt and at no less than 1.5 in line spacing.
24. The list or table, statements and documents should also be sent in electronic form if possible.

**Police disclosure**

1. A separate order has been made in relation to police disclosure in form Annex H.

**Medical disclosure**

1. [*Name*] must by 4.00pm on [*date*] disclose [his] / [her] GP and hospital medical records to [*name*].
2. A copy of this order must be sent with any request to the record holder.
3. Any fee charged by the record holder is to be paid by [*name*] [and will be a reasonable and necessary charge on the funding certificate of any publicly funded party].

**Section 7 report**

1. [Cafcass] / [CAFCASS Cymru] / [[*Name*] Council] must by 16:00 on [*date*] send to the court and to the parties a report under section 7 of the Children Act 1989 dealing with the following:
2. with whom the child[ren] should live;
3. whether the child[ren] should see the other parent [or [*name*]];
4. how often and for how long the child[ren] should see the other parent [or [*name*]];
5. the wishes and feelings of the child[[ren] so far as they can be ascertained;
6. the home conditions and suitability of the accommodation of [*name*];
7. the concerns of [*name*] with regard to [*name*];
8. whether or not the child[ren]’s [physical] / [emotional] / [educational] needs are being met by [the parents] / [*name*];
9. how the child[ren] would be effected by the proposed change of [*insert*];
10. whether or not it appears that the child[ren] [has] / [have] suffered or are at risk of suffering [any harm] / [the harm alleged by [*name*]];
11. the parenting capacity of [*name*] [having regard to the [allegations] / [findings] made];
12. whether the local authority should be requested to report under section 37 of the Children Act 1989;
13. **(for interim orders before determination of facts)** having regard to the allegations of domestic abuse:
14. the impact on the child[ren] and on the care given by the parent making the allegation of domestic abuse of any contact and the risk of harm, whether physical, emotional or psychological, if a contact order is made;
15. whether contact between the child[ren] and the [mother] / [father] can take place safely (physically, emotionally and psychologically) for the child and the parent with whom the child is living;
16. whether contact should be supervised or supported and, if so, where and by whom and the availability of resources for that purpose.
17. if direct contact is not appropriate, whether there should be indirect contact and, if so, in what form;
18. **(in all cases where domestic abuse has occurred)** having regard to the findings of fact made as set out in the Schedule to [this order] / [the order made on [*date*]]:
19. any harm suffered by the child[ren] and the parent with whom the child[ren] are living as a consequence of the domestic abuse found;
20. any harm which the child[ren] and the parent with whom the child[ren] are living is at risk of suffering if a contact order is made;
21. information about the facilities available locally (including domestic abuse support services) to assist any party or the child[ren];
22. the report should address the matters set out in paragraphs 36 and 37 of PD 12J;
23. recommendations in respect of arrangements for the child[ren] including stepped arrangements with a view to a final order if possible.

A copy of this order must be sent by the court to [Cafcass] / [CAFCASS Cymru] / [the legal adviser to the local authority at [*name of local authority*]].

**Section 37 report**

1. It appears to the court that it may be appropriate for a care or supervision order to be made with respect to the child[ren] because [*insert reasons*].
2. [*Name*] Council must undertake an investigation of the child[ren]’s circumstances under section 37 of the Children Act 1989 and consider whether they should apply for a care or supervision order, provide services as assistance for the child[ren] or the family or take any other action in respect of the child[ren].
3. The court shall send this order to the legal adviser to the local authority by [*date*] together with the following documents: [*insert*].
4. If the local authority decides not to apply for a care or supervision order they must by 4.00pm on [*date* **(eight weeks)**] file at court a report setting out
   1. the reasons for so deciding;
   2. any services or assistance they have provided, or intend to provide, for the child[ren] and the family;
   3. any other action they have taken, or propose to take, with respect to the child[ren]; and
   4. when they propose to review the case.
5. Upon receipt of the report the court will consider whether it should be sent to the parties. It will, in any event, be considered at the next hearing.

**Permission for experts**

1. The court gives permission for [the parties] / [*name*] to rely on the following expert evidence. The expert is to be instructed as a single joint expert. The parties must make sure that the expert evidence is obtained and made available to the court in accordance with the directions below and must provide any samples that are required for the purposes of testing.
2. Type of expert: [*insert*]
3. The issues upon which the expert is to report: [*insert*]
4. The expert is to be instructed by the parties together as a single joint expert, the lead being taken by [*name*]. A draft letter of instruction is to be distributed by [*name*] and agreed by [*name*].
5. The expert is to be instructed by [*name*].
6. A copy of this order is to be sent to the expert with the instructions.
7. The instructions must be delivered to the expert by [*date*].
8. The expert may [not] see the child[ren] for the purposes of the report.
9. The expert’s report must be delivered by [*date*].
10. The parties may within 10 days of receipt of the expert’s report put written questions to the expert for the purpose only of clarification of the report. The questions must be proportionate. Any questions shall be copied to the other parties at the same time they are sent to the expert.
11. The expert shall reply to any written questions within [*number*] days.
12. The expert can request the court (by letter or email) to give directions pursuant to Family Procedure Rules rule 27.17 for the purpose of assisting in the carrying out of the expert’s functions.



1. Permission is [not] given to call the expert to give oral evidence at a hearing.
2. Any application for permission to call an expert to give oral evidence must be made by no later than [*date*]. Any party making such an application will be expected to have asked written questions in accordance with this order.
3. The expert’s fees are to be paid by [*name*] [and shall be a proper and reasonable charge on their funding certificate(s)].
4. The court being satisfied that the expert evidence is being sought on behalf of the child[ren] alone, the expert’s fees shall be paid through the child[ren]’s public funding certificate.
5. Notwithstanding that the expert evidence is sought by all parties, the court having assessed the parties’ financial circumstances and being satisfied that the parents can[not] [only] afford a contribution [of £[*amount*]] the expert’s fees shall be paid through the child[ren]’s public funding certificate [with contribution from the parties of £[*amount*]].
6. Unless the experts are agreed, there shall be a meeting of experts to be arranged by [the solicitor for the child[ren]] / [*name*]. An agenda for the meeting shall be circulated and agreed not later than 5 days before the meeting. The meeting shall be chaired by [*name*]. Within 7 days after the meeting the experts shall produce a joint statement setting out the issues on which they agree and, with reasons, those on which they do not.
7. The application by [*name*] for permission to instruct an expert is adjourned until that party complies fully with Practice Direction 25C. Upon compliance the court will consider the application further and either make an order or list a hearing.
8. The application by [*name*] for permission to instruct an expert [*insert type of expert*] is refused.

**Special guardianship directions**

1. Permission is given to [*name*] to apply for a special guardianship order in respect of the child[ren].
2. [*Name*] Council is directed to investigate and prepare a report to the court about the suitability of [*name(s)*] for appointment as special guardian[s]. The information to be included in the report to the court shall include that set out in Regulation 21 of, and the Schedule to, the Special Guardianship Regulations 2005. The report shall be sent to the court [and to the parties] by 16:00 on [*date*].
3. The local authority shall liaise with the person[s] being assessed to ascertain whether there is any information they would wish to be redacted from the special guardianship report before it is disclosed to the parents or others. The local authority shall by 4.00pm on [*date*] send [the report to the court with any representations as to disclosure and/or redaction of the report and the court will decide whether and to whom the report should be disclosed and whether any redaction is necessary prior to disclosure.] / [a complete copy of the special guardianship report to [the child[ren]’s guardian and a copy to] those with parental responsibility for the child[ren] excluding the following information:
4. any references given;
5. any financial information;
6. detailed medical information in relation to the proposed special guardian[s];
7. any other information which the proposed special guardian[s] in conjunction with the local authority deem to be appropriate to exclude from the report before it is disclosed.]
8. The special guardianship report is not to be served on those with parental responsibility.

**Settlement Conference**

1. The parties having read the Settlement Conference Protocol and filing their signed consents to a settlement conference, the matter is listed for a settlement conference at [*place*] on [*date*] at [*time*] before [*name of judge*] allowing [*number*] hours, the parties to attend at [*time*].
2. In addition to the allocated social worker, the court requests that [*name*] attends the settlement conference.
3. No party shall file any position statements prior to the settlement conference.
4. The parties having read the Settlement Conference Protocol but not consenting to a settlement conference, a settlement conference is not directed. In the event that the parties do all consent they shall by 4.00pm on [*date*] send their signed consent form to the court together with a request for a settlement conference to be listed on a date prior to the final hearing date.

**Next hearing**

1. The next hearing will be at [*place*] on [*date*] at [*time*] before [*name of judge*] allowing [*number*] hours which will be [an adjourned FHDRA] / [a dispute resolution appointment] / [a ground rules hearing] / [a fact-finding hearing] / [a final hearing] / [a review hearing].

**Further hearings**

1. There will also be a further hearing at [*place*] on [*date*] before [*name of judge*] allowing [*number*] hours to deal with [*insert*].

**Interpreters/translation**

1. The court shall arrange for [*insert*] interpreters fluent in [*language and dialect*] to be available at all future hearings to attend no later than one hour before the time the hearing is listed.
2. [*Name*] shall arrange for the translation of [*identify documents*] to be made and provided to [*name*]. The cost of translation shall be paid by [*name*] and shall be a reasonable and necessary charge on the public funding certificate of any publicly funded party.
3. The court authorises the use of interpreters by the solicitors for [*name*] to enable them to take instructions and the expense shall be a reasonable and necessary charge on the public funding certificate of any publicly funded party.

**Bundles**

1. The bundle for the next hearing will be prepared by [*name*].

The party preparing the bundle must comply with Practice Direction 27A concerning the preparation and presentation of bundles [a summary of which is attached to this order for the benefit of any unrepresented party preparing the bundle].

**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.]

**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*]

**Example schedule of allegations and responses for fact finding hearing**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **The person making the allegation should fill in these parts.** | | | | **The person replying should fill in this part** | **This part should be left blank for the judge to use** |
| **Date** | **Briefly, what do you say happened and where?**  **(Give more detail in your statement)** | **Who else was there?** | **If the incident was reported, give details.** | **Briefly, what do you say happened?**  **(Give more detail in your statement)** |
| [*date*] | [*insert*] | [*name*] | [*insert*] | [*insert*] |  |
| [*etc.*] |  |  |  |  |  |

|  |  |  |
| --- | --- | --- |
| I believe that the information I have entered in this list is true |  | I believe that the information I have entered in this list is true |
|  |  |  |
| Name: [*name*]  Signed: |  | Name: [*name*]  Signed: |
|  |  |  |
| Dated: [*date*] |  | Dated: [*date*] |