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



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

**[The Matrimonial Causes Act 1973] /**

**[The Civil Partnership Act 2004] /**

**[Schedule 1 to the Children Act 1989] /**

**[The Inheritance (Provision for Family and Dependants) Act 1975] /**

**[The Matrimonial and Family Proceedings Act 1984 and Schedule 7 to the Civil Partnership Act 2004]**

**(Delete as appropriate)**

**The** **[Marriage] /** **[Relationship] /** **[Family] of [*applicant name*] and [*respondent name*]**

**(Adapt as necessary)**

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

After consideration of the documents lodged by the parties

**(In the case of an order made without notice)** After reading the application, statements and hearing the witnesses specified in para [*para number*] of the Recitals below

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

**(Delete as appropriate)**

|  |
| --- |
| **IMPORTANT NOTICE TO THE RESPONDENT, [*RESPONDENT NAME*] OF [*RESPONDENT ADDRESS*]**  **YOU MUST OBEY THIS ORDER. You should read it carefully. If you do not understand anything in this order you should go to a solicitor, Legal Advice Centre or Citizens Advice Bureau. [(In without notice cases) You have a right to apply to the court to change or cancel the order.]**  **WARNING: IF YOU DO NOT OBEY THIS ORDER, YOU WILL BE GUILTY OF CONTEMPT OF COURT AND YOU MAY BE SENT TO PRISON, FINED OR HAVE YOUR ASSETS SEIZED**  **YOU MAY ALSO BE PREVENTED FROM MAKING ANY APPLICATION TO COURT IF YOU DO NOT DISCHARGE THESE OBLIGATIONS BY THE DUE DATE.** |

**The parties**

1. The applicant is [*applicant name*]

The respondent is [*respondent name*]

Further respondent(s): [*further respondents names*]

**(Specify if any party acts by a litigation friend)**

**Definitions**

1. [*Insert*]

**Recitals**

1. **(In the case of an order made without notice)**
   1. This order was made at a hearing without notice to the respondent. The reason why the order was made without notice to the respondent was [*insert*].
   2. The Judge read the following [affidavits] / [witness statements] / [*insert*] and heard oral testimony from [*name*].
2. **(In the case of an order made following the giving of short informal notice)**

This order was made at a hearing without full notice having been given to the respondent. The reason why the order was made without full notice having been given to the respondent was [*insert*].

1. On [*date*], the court considered the applicant’s application dated [*date*], which shows that:
   1. an order was made by the court under case number [*case number*] on [*date*] requiring the respondent to pay [*insert* **(e.g. ‘periodical payments’ / ‘a lump sum’)**] to the applicant;
   2. the applicant asserts that the respondent has failed to pay [*insert* **(e.g. ‘the periodical payments’ / ‘the lump sum in its entirety’)**];
   3. the applicant further asserts the amount now owing under the order is £[*amount*]; and
   4. the applicant has applied to the court for an order that the respondent should be required to attend court for cross-examination on oath as to [his] / [her] means and that [he] / [she] should be required to bring various documents when [he] / [she] attends.
2. On [*date*], the court made an order that the respondent attend today’s hearing to provide information about [his] / [her] means and any other information needed to enforce the order made by the court under case number [*case number*] on [*date*].
3. The court is satisfied that the respondent was duly served with notice of today’s hearing on [*date*] (more than 14 days before this hearing) by [*method*].
4. The respondent has failed to attend today’s hearing, and the court and/or the applicant has received no communication from the respondent as to [his] / [her] reasons for non-attendance.

**IT IS ORDERED THAT:**

1. The respondent shall by [*time and date*] file and serve on the applicant, a statement setting out [his] / [her] asset, liability and income position, and provide all documents in [his] / [her] possession and control which relate to [his] / [her] means of paying the amount due under the order, including: **(for example)**
   1. [documentary evidence (including Office Copy Entries) of any properties owned by [him] / [her] in [his] / [her] sole name or in joint names with any other party or entity, detailing the legal and beneficial ownership of the properties];
   2. [copies of up-to-date mortgage redemption statements in respect of each of those properties];
   3. [copy statements for each bank and/or building society accounts held by [him] / [her] in [his] / [her] sole name or in joint names with any other party or entity for the last [*number*] [months] / [years];
   4. [copy statements or dividend counterfoils in relation to each to any investments (including shares, PEPs, ISAs, TESSAs, National Savings Investments, bonds, stocks, unit trusts, investment trusts, gilts and other quoted securities) held by [him] / [her] in [his] / [her] sole name or in joint names with any other party or entity for the last [*number*] [months] / [years];
   5. [documentary evidence of any liabilities held by [him] / [her] in [his] / [her] sole name or in joint names with any other party or entity, detailing the current amount outstanding thereunder];
   6. [copy statements for each credit cards account held by [him] / [her] in [his] / [her] sole name or in joint names with any other party or entity for the last [*number*] [months] / [years];
   7. [copies of [his] / [her] P60s, and if applicable P11Ds, for the [*number*] years ended 5 April];
   8. [copies of [his] / [her] payslips for [*number*] months];
   9. [copies of [his] / [her] tax returns, including copies of [his] / [her] self-assessment tax assessments, for the [*number*] years ended 5 April];
   10. [a copy of [his] / [her] current contract [of employment] / [for services]; and]
   11. [a budget for [his] / [her] own income needs.]
2. The application shall be listed for a further hearing before a [District] / [Circuit] / [High Court] Judge at the Family Court sitting at [*name of court*] [on [*date*] at [*time*]] / [on the first open day after [*date*] with a time estimate of [*number*] [days] / [hours]].
3. The respondent shall attend the hearing listed at paragraph [*para number*] above to provide information about [his] / [her] means and any other information needed to enforce the order made by the court under case number [*case number*] on [*date*].
4. The respondent shall at the hearing listed at paragraph [*para number*] above, answer on oath, all questions which the court asks and which the court allows the applicant to ask.
5. [The applicant and/or the applicant’s representative shall attend at the hearing listed at paragraph [*para number*] above for the purposes of cross-examining the respondent.]
6. [A penal notice is attached to paragraph[s] [*para number*] above.]
7. The respondent shall be personally served with this order.
8. [The respondent shall pay the applicant’s costs of this hearing [summarily assessed at £[*amount*]] / [to be subject to detailed assessment in accordance with the Civil Procedure Rules 1998 Part 47 if not agreed] by [*date and time*].] / [The costs of this hearing are reserved to the judge at the hearing listed at paragraph [*para number*] above.]

Dated [*date*]

**Amount owing**

The application shows that the amount owing under the judgment or order (including any costs and interest) is £[*amount*].

The applicant has paid a court fee of £[*amount*].

Total £[*amount*]

If the total amount owing is paid (together with any further interest falling due), the applicant may agree that the questioning need not take place (but may ask for an order for costs).

**To the person ordered to attend**

**How to pay**

* Do not send payments to the court office. They will not be accepted.
* Payment must be made to the applicant at the address below, quoting the reference and the claim number. Allow at least 4 days for payments sent by post to arrive. It is not safe to send cash unless you use registered post.
* Keep records and make sure you can account for all payments made. Proof may be needed if there is a disagreement.
* If you need more information about paying, contact the applicant or representative.
* Correspondence for the court relating to the hearing should be addressed to ‘The Court Manager’ of the court where the hearing is to take place.

**Travelling expenses**

* You may ask the applicant to pay you a sum reasonably sufficient to cover your travelling expenses to and from court.
* You should ensure your request reaches the applicant within 7 days of receiving this order.
* If the court orders you to pay the applicant’s costs, the order may include any amount which has been paid to you for travelling expenses.

**The information required**

* You will be required to disclose full details of your income and outgoings and your assets (what you own) and liabilities (what you owe) and the matters referred to in paragraph 1 of the order.
* (If you have been ordered to attend as an officer of a company or corporation, you will be required to disclose the same details about the company or corporation.)

Judgment creditor’s address

Tel:

Ref:

**Documents in your control**

* You must produce all documents which confirm the information required. If you do not have them in your possession, you must get them if you can.
* These will include

• pay slips

• bank statements

• building society books

• share certificates

• rent book

• mortgage statement

• hire-purchase and similar agreements

• court orders on which you still owe money

• other outstanding bills

• electricity, gas, water and council tax bills for the last year.

* If you have a business or you are a partner in a business, or the judgment debtor is a company or corporation, they will include the above documents so far as they relate to the business and

• bills or invoices owed to the judgment debtor

• two years’ balance sheets and profit and loss accounts

• current management accounts.

* If a list of additional documents is attached to this order, these too must be produced.

**To the applicant**

* If the hearing is to be before a judge, you or your representative must attend and conduct the questioning.
* If the questioning is to be carried out by a court officer, you need not attend, but you or your representative may attend if you wish to ask questions.