**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*]**

**ORDER MADE BY [*NAME OF JUDGE*]** **SITTING IN PRIVATE AT A FIRST HEARING DISPUTE RESOLUTION APPOINTMENT 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)*]

**IMPORTANT NOTICES**

**Confidentiality warning**

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

**RECITALS**

**Issues**

1. The parties have agreed that:
	1. the child[ren] will live with [*name*] [until further order];
	2. the child[ren] will spend time with [*name*] as follows: [*insert*].
	3. [*insert*]
2. The issues that the court needs to decide are as follows:
3. with whom the child[ren] should live;
4. 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*].

**Other recitals**

1. [*Other recitals*]

**IT IS DECLARED THAT:**

1. The court in England and Wales has jurisdiction in relation to the child[ren] on the basis that:
**[please select the appropriate paragraph from list a. to f. below]**

**[pre-11pm on 31 december 2020]**

* 1. the child[ren] [was] / [were] habitually resident in the jurisdiction of England and Wales at the date the application was lodged with the court.
	2. the child[ren] [was] / [were] habitually resident in the jurisdiction of England and Wales immediately before they were wrongfully removed or retained, and they have not acquired a new habitual residence in another Member State and satisfied the conditions in Article 10 (a) or (b) of The Brussels IIa Regulation.

**[post-11pm on 31 december 2020]**

* 1. the child[ren] [is] / [are] habitually resident in the jurisdiction of England and Wales.
	2. the child[ren] [was] / [were] habitually resident in the jurisdiction of England and Wales immediately before they were wrongfully removed or retained, and they have not acquired a new habitual residence in another Member State and satisfied the conditions in Article 7 (a) or (b) of the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.
	3. this is a case of urgency, and the court is taking necessary measures of protection in respect of the [child[ren] who [is] / [are]] / [property belonging to the child[ren] which is] present in England and Wales.
	4. [*insert other basis of jurisdiction*]

**AND THE COURT ORDERS [BY CONSENT] / [SAVE AS TO PARAGRAPHS [*PARA NUMBERS*]]**

**Allocation**

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

**Witness statements**

1. The parties must by 4.00pm 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. 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>
3. 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].
4. At the same time they file the papers with the court, the parties must also send to the court and to the other [party][parties] and [Cafcass][CAFCASS Cymru] copies of the statements of any other witness who they wish to give evidence about the facts of the case.
5. 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.
6. Neither party may use the evidence of more than [*number*] additional witnesses.
7. 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 and dated by the person making it.
8. 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.
9. 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 must 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.

**Section 7 report**

1. [Cafcass] / [CAFCASS Cymru] / [[*Name*] Council] must by 4.00pm 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 affected 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. if direct contact is not appropriate, whether there should be indirect contact and, if so, in what form;
14. recommendations in respect of arrangements for the child[ren] including stepped arrangements with a view to a final order if possible.
15. 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*]].

**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].

**Documents/Bundles**

1. No document other than a document specified in an order or filed in accordance with the Rules or any Practice Direction shall be filed without the court’s permission
2. The bundle for the next hearing will be prepared by [*name*].
3. 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].

Dated [*date*]