**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:
2. the child[ren] will live with [*name*] [until further order];
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:
	1. with whom the child[ren] should live;
	2. 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;
	3. the child[ren]’s education;
	4. the child[ren]’s names;
	5. holidays or travel plans;
	6. 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.

**Other recitals**

1. [*Insert 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*].

**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 separate fact-finding hearing will be necessary to decide the disputed allegations and the parties must comply with these directions.] / [The court will hold a separate fact-finding hearing to decide the disputed allegations and the parties must comply with these directions.]
3. By 4.00pm 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:
	* 1. The list must be signed and dated. Each incident must be numbered and set out in date order, giving thedate 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.
		2. 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.
		3. The list must end with a statement that it is true, and be signed and dated (see the example table).
		4. **(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 and attaching all evidence relied upon in support.
		5. **(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.
		6. **(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.
4. By 4.00pm on [*date*] [*name*] must send to the court and the other [party] / [parties] [and [Cafcass] / [CAFCASS Cymru]]:
	* 1. 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).
		2. **(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.
		3. **(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.
		4. **(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.
5. Neither party may use the evidence of more than [*number*] additional witnesses.
6. 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.
7. 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.
8. 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.
9. 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.
10. The list or table, statements and documents should also be sent in electronic form if possible.

**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. **(for interim orders before determination of facts)** having regard to the allegations of domestic abuse if proved:
	* 1. 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;
		2. 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;
		3. whether contact should be supervised or supported and, if so, where and by whom and the availability of resources for that purpose;
		4. if direct contact is not appropriate, whether there should be indirect contact and, if so, in what form;
14. **(in all cases where domestic abuse has BEEN FOUND TO HAVE occurred)** having regard to the findings of fact made as set out in the Schedule to [this order] / [the order made on [*date*]]:
	* 1. 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;
		2. 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;
		3. information about the facilities available locally (including domestic abuse support services) to assist any party or the child[ren];
		4. the report should address the matters set out in paragraphs 36 and 37 of PD 12J;
15. recommendations in respect of arrangements for the child[ren] including stepped arrangements with a view to a final order if possible.
16. 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] [a fact-finding hearing].

**Attendance at next hearing**

1. The parties must attend court one hour before the time the next hearing is listed. This is to allow for any discussions before the hearing starts.
2. The author of the section 7 report [need not] [must] attend the next hearing [to assist the parties to resolve any issues] [to give evidence].
3. The author of the section 7 report may email the court in the event that s/he considers that nothing will be achieved the author’s attendance at the DRA explaining why not so the court may consider excusing the author’s attendance.

**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*]

**SCHEDULE TO ORDER**

1. **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*]

1. **Admissions of domestic abuse**.

[*Name*] has made the following admissions in relation to domestic abuse:

* 1. [*Set out admissions made*]
1. **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** |
| **No** | **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)** |
| 1. | [*date*] | [*insert*] | [*name*] | [*insert*] | [*insert*] |  |
| 2. | [*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*] |