**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 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)*]

**IMPORTANT NOTICES**

**Confidentiality warning**

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

**Child arrangements orders warnings**

**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.**

**RECITALS**

**Issues**

1. The [parties have agreed] / [court has ordered] 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 needed to decide were as follows:
6. whether the [mother] / [father] should be able to remove the child[ren] temporarily from the jurisdiction of England and Wales;
7. [insert].

**Other recitals**

1. The court having heard the oral evidence of [*names*].
2. The mother and father agree and the court declares that the courts of England and Wales are the courts with primary jurisdiction to consider matters relating to the exercise of parental responsibility in respect of the child[ren] on the basis that (as at the date of this order):
   1. the child[ren] [is] / [are] habitually resident in England and Wales; and
   2. the courts of England and Wales are best placed to make decisions about the child[ren]’s upbringing and welfare.
3. The court further declares that the [mother] / [father] has ‘rights of custody’ in relation to the children for the purposes of articles 3 and 5 of the 1980 Hague Convention on the Civil Aspects of International Child Abduction.
4. The [mother] / [father] agree and acknowledge that:
   1. the child[ren] [lives] / [live] in the jurisdiction of England and Wales in the care of the [mother] / [father];
   2. the [mother] / [father] is the primary carer of the child[ren];
   3. the [mother] / [father] does not seek to challenge (and will not seek to challenge before any court in [*State*]) the fact that the child[ren] [lives] / [live] in the jurisdiction of England and Wales in the primary care of the [mother] / [father].
5. [*Other recitals*]

**Undertakings**

1. The [mother] / [father] gives the following undertakings to the court, voluntarily and with the benefit of legal advice, and understanding the consequences if [she] / [he] were to be found by a court in England and Wales to have breached such undertakings:
   1. not to initiate or issue any proceedings in any court in [*State*] in relation to the child[ren] except for the purpose of complying with the conditions set out in this order;
   2. to return, or cause the return of the child[ren] to the jurisdiction of England and Wales forthwith at the conclusion of the period of time to be spent in [*State*] in accordance with the order below.

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

**Jurisdiction**

1. The court declares it is satisfied it has jurisdiction in relation to the child[ren] based on habitual residence.

**Live with order**

1. For the avoidance of doubt, the child[ren] shall live with [*name*] [as follows: [*insert*]].

**Permission to remove temporarily/Contact order**

1. Subject to the prior implementation in full before the child[ren] [leaves] / [leave] the jurisdiction of England and Wales of the requirements and safeguards set out below, the [mother] / [father] shall have permission to take the child[ren] out of the jurisdiction of England and Wales for the purposes of spending time with the [father] / [mother] in [*State*] in accordance with the order below.
2. The [mother] / [father] shall not be permitted to remove the child[ren] from [*State*] except for effecting the return of the child[ren] to the jurisdiction of England and Wales at the conclusion of the period of time provided for by this order.
3. The [mother] / [father] shall make the child[ren] available to spend time with the [father] / [mother] in [*State*] as follows:
4. Any time spent by the child[ren] with the [mother] / [father] provided for by this order shall be subject to strict compliance with the following conditions imposed pursuant to section 11(7) of the Children Act 1989:
   1. prior to the children leaving the jurisdiction the [mother] / [father] shall:
      1. obtain from a competent court in [*State*] in the form referred to below; and
      2. provide the [father] / [mother] with a sealed and officially certified copy of such order;
   2. the [mother] / [father] shall arrange and pay for the air fares for the child[ren] to travel to and from [*State*];
   3. the [mother] / [father] shall provide the [father] / [mother] with the child[ren]’s flight itinerary not less than seven days prior to the date of travel (such itinerary to include airline details and flight times);
   4. the [mother] / [father] shall arrange and pay for the retention of the child[ren]’s passports for the entirety of the time the child[ren] spend in [*State*]. [*Insert other provisions in relation to the retention of passports, as necessary*].
5. The order to be obtained by the [mother] / [father] must if the conditions in this order are to be satisfied contain the following provisions:
   1. provisions in mirror form to the recitals and orders contained at paragraphs [*para numbers*] of this order;
   2. provisions so that the courts of [*State*] recognise that England and Wales is the State of the child[ren]’s habitual residence and that the courts of England and Wales are the courts with primary jurisdiction in relation to the child[ren];
   3. a provision that in the event that the [mother] / [father] does not forthwith return the child[ren] to the jurisdiction of England and Wales in accordance with the [mother’s] / [father’s] undertakings and the terms of this order, the courts of [*State*] shall, on the provision of affidavit evidence, but without a hearing, order the immediate return of the child[ren] to England and Wales;
   4. a provision directing the attention of the immigration authorities of [*insert State*] and all other relevant authorities in [*State*] to the terms of the order obtained in the courts of [*State*].

**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.]

Dated [*date*]