Practice Guidance
Case Management and Mediation of International Child Abduction Proceedings

1. Introduction

1.1. For the purposes of this Practice Guidance, "international child abduction proceedings" are proceedings in which the return of a child is sought under either of the following:

(a) The Convention on the Civil Aspects of International Child Abduction of 25 October 1980 ("the 1980 Hague Convention").

(b) The High Court's power to make an order returning the child to another jurisdiction or to make an order for the return of the child to this jurisdiction ("the inherent jurisdiction").

1.2. Proceedings in which the return of the child is sought may also engage the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children ("the 1996 Hague Convention") or, in respect of cases commenced before 11pm on 31 December 2020, Council Regulation (EC) No 2201/2003 of 27 November 2003 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility ("the Council Regulation").

1.3. International child abduction proceedings dealt with under the 1980 Hague Convention must be completed within six weeks of the date of the application. FPR 2010 PD12F para 3.5 applies the same time limit to non-Convention cases under the inherent jurisdiction, save where exceptional circumstances make this impossible. This Practice Guidance is issued to ensure that all applications are case managed in a manner that facilitates these time limits, both in cases that commence with a without notice application and cases that commence on notice. It should be noted that it may not be possible to complete within six weeks cases involving a respondent or a child who has made a protection claim (as defined in Section 82(2)(a) of the Nationality, Immigration and Asylum Act 2002) or been granted protection status (refugee status or humanitarian protection granted under Part 11 of the Immigration Rules).

1.4. Chapter 6 of Part 12 of the FPR 2010 and PD12F provide the procedural framework for proceedings under the 1980 Hague Convention and, the 1996 Hague Convention. The rules provide for case management directions in child abduction proceedings to be given "as soon as practicable" after the application has been made. In particular, the rules provide for:

(a) Directions for the production of the applicant's evidence (r. 12.46).

(b) The giving of case management directions generally (r 12.48).

(c) The filing and service of an answer (r 12.49).

(d) The filing and service of written evidence (r 12.50).

1.5. This Practice Guidance contains two appendices. Appendix 1 sets out the terms of the Child Abduction Mediation Scheme. Where appropriate, the court will encourage the parties to engage in mediation of their dispute through participation in the Child Abduction Mediation Scheme.

1.6. Appendix 2 deals with cases that involve a respondent or a child (whether by their own application or by virtue of being named as dependent of the respondent) who has made an application for international protection as a refugee, a claim for asylum or other claim for humanitarian protection ("a protection claim"). In such cases, reference should be made to Appendix 2 of this Practice Guidance. In cases that involve, or are believed to involve, a protection claim by a respondent or a child, *particular* care must be taken to ensure that the respondent or child is not compelled to disclose documentation related to such request or claim without the permission of the court, sought in accordance with the procedures contained in this Practice Guidance and Appendix 2.

2. Case Management – Procedure

(a) Without notice applications

Use of without notice applications

2.1. Commencing proceedings by way of a without notice application pursuant to FPR 2010 r 12.47 will be justified *only* where (a) the case is one of exceptional urgency or (b) there is a compelling case that the child's welfare will be compromised if the other party is alerted in advance or (c) where the whereabouts of the child and the proposed respondent are unknown. An urgent out of hours without notice application will be justified *only* where an order is necessary to regulate the position between the moment the order is made and the next available sitting of the court.

Evidence in support of without notice applications

2.2. The evidence in support of a without notice application must be as detailed and precise as possible, having regard both to the material provided by the applicant and transmitted by the Central Authority of the Requesting State and the high duty of candor required with respect to without notice applications. Unparticularised generalities will not suffice. Sources of hearsay must be identified, and expressions of opinion must be supported by evidence and proper reasoning. The evidence should set out the orders sought, together with fully particularised reasons. Specifically, with respect to the narrow circumstances justifying a without notice application set out in para 2.1 above:

(a) Where the justification for proceeding without notice is said to be exceptional urgency, the evidence in support of the without notice application *must* identify why the case is exceptionally urgent and why no notice, even short informal notice, can be given to the respondent (with respect to short, informal notice see para 2.7 below).

(b) Where the justification for proceeding without notice is said to be a compelling case that the child's welfare will be compromised if notice is given, the evidence in support of the without notice application *must* demonstrate a real risk that, if the respondent is alerted in advance, the welfare of the child will be compromised, whether by the respondent thwarting the court's order or otherwise. Where the risk is said to be the removal of the child from the jurisdiction, the evidence must address (i) the magnitude of the risk that the respondent will be minded to remove, (ii) the magnitude of the risk that, if the respondent is minded to remove, he or she will be able to evade protective measures put in place by the court and (iii) the magnitude of the consequences for the child if the protective measures are evaded.

(c) Where the justification for proceeding without notice is said to be that the whereabouts of the child and the proposed respondent are unknown, the evidence in support of the

without notice application *must* explain what steps have been taken to locate them, what disclosure orders are required against an identified agency and why there is reason to believe that that agency may be able to provide information which may lead to the location of the child.

Without notice orders

2.3. Before seeking a without notice Tipstaff order the applicant or their legal representative must speak to the Tipstaff. The Tipstaff can be contacted by telephone on 020 7947 6200.

2.4. Passport orders, location orders and collection orders constitute an interference with the child's and the respondent's fundamental rights. On a without notice application, parties should only seek, and the court can only be expected to grant, such orders as are necessary and proportionate having regard to the risks assessed to exist on the evidence. Where a court makes more than one disclosure order, it may provide for the sequential service of those orders.

2.5 It is important that any without notice application is prepared in a manner that maximises the chances of the on notice hearing being effective. To this end, the without notice application and the evidence in support must contain *all* the information in the possession of the applicant that will or may assist in the prompt execution of any orders made. At the conclusion of a without notice hearing at which orders have been made, the applicant *must* prepare an attendance note that should be provided to the respondent, or his or her solicitors once known.

(b) On notice applications

When an application should be on notice

2.6. It is recognised that many applications relating to alleged child abduction will meet the criteria for without notice applications. However, where applications do not meet the strict criteria for a without notice hearing, such applications should be issued on notice to the respondent party or parties.

Notice period for applications

2.7. FPR 2010 r 12.8 and PD12C provide that, in proceedings under the 1980 Hague Convention, service of the application on the respondent must be effected a minimum of 4 days before the first hearing and that, in proceedings under the inherent jurisdiction, service on the respondent must be effected a minimum of 14 days before the first hearing. Pursuant to FPR 2010 PD12C para 2.2, the court may extend or shorten these periods for service. Whilst the courts have endorsed the practice of giving short, informal notice of proceedings in preference to proceeding without notice, where short, informal notice is given there *must* be evidence identifying why it was not possible to serve the application in accordance with the rules or to make an application to abridge time for service.

(c) First Hearing

2.8. *All* applications, whether issued without notice or issued on notice, will result in a first hearing being listed in the High Court applications list at the Royal Courts of Justice. The court will endeavour to list a first hearing four working days after the application is issued and, in any event, will list the first hearing no later than seven working days after the application is issued. Where the application is made on notice, to further assist in achieving an effective on notice first hearing the court will provide the hearing date upon issue and the issued application should be served by the applicant accompanied by details of the hearing, an information sheet, detailing how the respondent can obtain legal advice, public funding from the Legal Aid Agency and, if necessary, pro bono assistance, including assistance from the CALA Duty

Advocate Scheme, and a copy of the Child Abduction Mediation Scheme. Unless the court directs otherwise, pursuant to FPR 2010 r 12.47(3) the applicant is to effect personal service of the application and accompanying documents on the respondent.

(d) Case Management Directions

2.9. The court will in each case proceed at the first hearing to give case management directions to progress the matter. Where those directions are given at a without notice hearing such directions may be varied and/or supplemented at the subsequent on notice hearing where appropriate. The directions given at the first hearing may include the following as appropriate:

(a) A direction that the applicant and the respondent shall each be given the opportunity to speak separately with a mediator to enable the mediator to discuss with the parties the possibility of mediation under the Child Abduction Mediation Scheme and, where appropriate, undertake a screening interview. Where a party or parties indicates they wish to take up that opportunity the party, or their legal representative will be expected to make contact with Reunite by email on reunite@dircon.co.uk or by telephone on 0116 2555 345.

(b) A direction pursuant to FPR 2010 r 12.46(a) for the expeditious filing of any further evidence to be relied on by the applicant in support of the application including, where it is not already contained in the evidence supporting the application, a description of any protective measures (including orders that may be subject to a declaration of enforceability or registration under Art 26 of the 1996 Hague Convention or, where appropriate, undertakings) the applicant is prepared, without prejudice to his or her case, to offer for the purpose of securing the child's return, including the extent to which any undertakings offered and accepted in this jurisdiction are capable of enforcement in the requesting jurisdiction.

(c) A direction pursuant to FPR 2010 r 12.50(2)(a) for the filing and serving of the respondent's answer.

(d) A direction pursuant to FPR 2010 r 12.50(1) for the filing of the respondent's evidence in support of the answer, to include the factual basis of the exceptions relied on (if any) and details of any protective measures the respondent seeks (including, where appropriate, undertakings and the extent to which any undertakings offered and accepted in this jurisdiction are capable of enforcement in the requesting jurisdiction) in the event that the court orders the child's return.

(e) Where it is apparent that the case concerns a party or a child (or children) who has made a protection claim (as defined in Section 82(2)(a) of the Nationality, Immigration and Asylum Act 2002) or has been granted protection status (refugee status or humanitarian protection granted under Part 11 of the Immigration Rules), the court will give directions in accordance with Appendix 2 to this Practice Guidance, including as to allocation.

(f) An order listing the matter for hearing for summary resolution or, in the alternative, further directions, no more than 7 days from the date on which the without notice order is made (where a collection order is made, the Tipstaff will return the matter to court within 3 days of the order being executed) with a direction that the respondent shall attend this hearing. The order must identify the date of the next hearing; directions that the hearing shall take place on a date to be fixed with the Clerk of the Rules are not to be made.

(g) At the first hearing on a without notice application, a direction that upon service of the application the respondent file with the court:

(i) a notice confirming the respondent's address and the whereabouts of the child (or that they are unaware of the child's whereabouts); and

(ii) where the respondent subsequently changes his or her address or becomes aware of any change in the child's whereabouts, a notice of the new address or of the new whereabouts of the child; or

(iii) a notice indicating that the respondent objects to serving on the applicant a notice confirming the respondent's address and the whereabouts of the child and the reasons for that objection.

(h) A direction for the provision by HMCTS of an interpreter for the hearing where Section 11 of Form C67 indicates that the respondent does not speak English and indicates the language and dialect spoken by the respondent. The applicant's solicitors are to take the lead in liaising with the court in advance of the hearing in this regard.

(i) Such further or other case management directions that are appropriate in the circumstances of the case. Where it is clear on the face of the application and supporting evidence that it will be appropriate for the child to be heard during the proceedings the court may make directions to ensure the child is given the opportunity to be heard (see para 3.5 below).

2.10. Where the application has been commenced without notice, to further assist in achieving an effective on notice hearing, a directions order resulting from a without notice hearing will be served by the applicant together with a record of the without notice hearing, an information sheet, detailing how the respondent can obtain legal advice, public funding from the Legal Aid Agency and, if necessary, *pro bono* assistance, including assistance from the CALA Duty Advocate Scheme, and a copy of the Child Abduction Mediation Scheme. Unless the court directs otherwise, pursuant to FPR 2010 r 12.47(3) the applicant is to effect personal service of the directions order and accompanying documents on the respondent (note that where an order provides for service by the Tipstaff, it is not sufficient for the order to be served only by the applicant).

2.11. Where the application has been commenced on notice, or if the application has been commenced without notice and a without notice first hearing has been held, at the subsequent on notice hearing, the court will make such case management directions as appropriate with input from both parties. Where the respondent appears unrepresented, the court may provide the respondent with details of the CALA Duty Advocate Scheme. The court will expect the parties to be able to deal with the following case management issues if applicable:

(a) Directions with respect to mediation or other non-court dispute resolution procedure.

(b) Where it is apparent that the case concerns a party or a child (or children) who has made a protection claim (as defined in Section 82(2)(a) of the Nationality, Immigration and Asylum Act 2002) or has been granted protection status (refugee status or humanitarian protection granted under Part 11 of the Immigration Rules), the court will give directions in accordance with Appendix 2 to this Practice Guidance.

(c) Allocation.

(d) Any directions required to deal with disclosure in the child abduction proceedings. In cases that involve, or are believed to involve, a protection claim by a respondent or a

child, *particular* care must be taken to ensure that the respondent or child is not compelled to disclose documentation related to such request or claim without the permission of the court, sought in accordance with the procedures contained in this Practice Guidance and Appendix 2.

(e) Any directions with respect to the filing and service of an answer and evidence in support setting out the facts underpinning the exception relied on (if any) and details of any protective measures the respondent seeks (including, where appropriate, undertakings and the extent to which any undertakings offered and accepted in this jurisdiction are capable of enforcement in the requesting jurisdiction) in the event that the court orders the child's return.

(f) Any directions with respect to the filing and service of the applicant's evidence in reply to the answer, including, where it is not already contained in the evidence supporting the application or requires refining in light of the respondent's answer, a description of any protective measures (including orders that may be subject to a declaration of enforceability or registration under Art 26 of the 1996 Hague Convention or, where appropriate, undertakings) the applicant is prepared, without prejudice to his or her case, to offer to secure the child's return, including the extent to which any undertakings offered and accepted in this jurisdiction are capable of enforcement in the requesting jurisdiction. Where the respondent's answer raises a defence under Art 13(b), the applicant should give immediate consideration to, and take steps, in the most expeditious way available, to ensure that information is obtained, whether from the Central Authority of the Requesting State or otherwise, about the protective measures that are available or could be put in place to meet the alleged identified risks.

(g) Directions in respect of expert evidence, if appropriate. Where a party seeks to adduce expert evidence, that party must comply with the requirements of FPR 2010 Part 25.

(h) Directions in respect of oral evidence, if appropriate (in respect of directions for oral evidence see para 3.13 below).

(i) Directions with respect to ensuring that the child is given the opportunity to be heard during the proceedings, unless this appears inappropriate having regard to his or her age or degree of maturity, including consideration of joinder and separate representation (see paragraph 3.6 below). Any application for joinder and separate representation should be made on notice prior to the first on notice hearing, to be dealt with at that hearing.

(j) The timetabling of the final hearing prior to the expiry of the 6 week deadline, including the appropriate time estimate for the hearing, incorporating time for judicial reading and judgment writing.

(k) Injunctive orders preventing removal from the jurisdiction pending the conclusion of the proceedings and provision for travel documents to be held by solicitors.

(l) The arrangements for the provision of a court bundle that complies with FPR 2010 PD27A.

(m) The arrangements for the provision, where appropriate, of skeleton arguments and an agreed bundle of authorities in compliance with FPR 2010 PD27A.

(n) Ancillary directions making provision where necessary for the attendance of a party not in the jurisdiction, the provision of video links and the provision of interpreters at the

final hearing. Where a video link is sought, it is the responsibility of the parties to ensure that appropriate arrangements are made for the video link and that the connection is made to the court via an ISDN line or, where an ISDN line is not available, that a 'bridging link' is arranged to ensure that a connection with the court can take place.

(o) Special measures in cases of alleged domestic abuse by reference to FPR 2010 r 3A and PD3AA, with particular reference to the matters set out at paragraph 3.12 below.

(p) The question of whether the final hearing will be remote, hybrid or attended, the decision in respect of which shall remain a matter of judicial discretion to be exercised having regard to the particular circumstances of the individual case.

3. Case Management – Related Matters

(a) Child Abduction Mediation Scheme

3.1. The requirement in FPR 2010 r 1.4(2)(f)) that case management includes encouraging the parties to use a non-court dispute resolution procedure if the court considers that appropriate and facilitating the use of such procedure, and the obligation imposed by FPR 2010 r 3.3(1) to consider whether non-court dispute resolution is appropriate at every stage of the proceedings, applies to international child abduction proceedings. The Lord Chancellor has set out in regulations provision for the grant of non-means, non-merit tested legal aid for mediation for applicant parents in cases under the 1980 Hague Convention.

3.2. The court will, where appropriate, encourage the parties to engage in mediation of their dispute through participation in the Child Abduction Mediation Scheme (see Appendix 1). In any case where it is alleged or admitted, or there is other reason to believe, that the child or a parent has experienced domestic abuse or that there is a risk of such abuse, the court will have regard to these matters and the provisions of the Domestic Abuse Act 2021 when deciding whether it is appropriate to encourage the parties to mediate. Participation in the Child Abduction Mediation Scheme is voluntary and without prejudice to the parties' right to invite the court to determine the issues between them. An unwillingness to enter into mediation will not have an effect on the outcome of the proceedings. It is important that parties and their representatives note that entering into a process of mediation will not ground a defence of acquiescence (see *In Re H (Minors) (Abduction: Acquiescence*) [1998] AC 72 at 88-89).

3.3. The Child Abduction Mediation Scheme will operate in parallel with, but independent from, the proceedings. Where parties agree to enter into mediation, the court will give any directions required to facilitate the mediation. The parties or the parties' representatives must be in a position to address the court on the question of mediation at the relevant hearing to enable the court to consider the appropriateness of such directions. The mediation will proceed with the aim of completing that mediation within the applicable timescales. Where the mediation is successful, the resulting Memorandum of Understanding will be drawn up into a consent order for approval by the court. If the mediation is not successful, the court will proceed to determine the application.

(b) Remote Hearings

3.4. The decision as to whether a hearing takes place remotely, as a hybrid hearing or as an attended hearing remains at all times a matter of judicial discretion, to be exercised having regard to the particular circumstances of the individual case.

(c) Issue Identification

3.5. Key to ensuring that the final hearing is dealt with in a manner commensurate with the summary nature of most international child abduction hearings is the identification at the case management stage of what matters are truly in issue between the parties. It is particularly important that the directions hearing(s) preceding the final hearing be used to identify the real issues in the case so that the judge can give firm and focused case management directions, including as to the form that the hearing will take. Parties can expect the court to be rigorous and robust at the case management stage in requiring parties to consider and identify the issues that the court is required to determine and to make concessions in respect of issues that are capable of agreement.

(d) Participation of the Child

3.6. The issue of the participation of the child must be considered at the first hearing. Where it is clear on the face of the application and supporting evidence that it will be appropriate for the child to be heard during the proceedings, the court may give directions to facilitate this at a without notice hearing. Where directions have not already been given, the question of whether the child is to be given an opportunity to be heard in proceedings having regard to his or her age and degree of maturity, and if so how, must be considered and determined at the first on notice hearing. The methods by which a child may be heard during the proceedings comprise a report from an Officer of the Cafcass High Court Team or through party status with legal representation. In most cases where it is appropriate for the child to be given an opportunity to be heard in proceedings, an interview of the child by an officer of the Cafcass High Court Team will be sufficient to ensure that the child's wishes and feelings are placed before the court (the Cafcass High Court Team can be contacted at highcourtgm@cafcass.gov.uk or by way of the duty line on 07810 852554). In only a very few cases will party status be necessary. Where however, the respondent in the child abduction proceedings has made a protection claim, and when a claim has been made, and/or is deemed to have been made, on behalf of the child who is the subject of the application in child abduction proceedings, the child should be joined as a party absent strong countervailing reasons. Where the exception relied on is that of settlement pursuant to Art 12 of the 1980 Hague Convention, the separate point of view of the child will be particularly important. The court should record on the face of any final order the manner in which the child has been heard in the proceedings.

(e) Witness Statements

3.7. FPR 2010 PD12F para 2.13 recognises that, to avoid delay, the *initial* statement in support of the application *may* be in the form of a statement given by the applicant's solicitor based on information transmitted by the Central Authority of the Requesting State. However, where possible and where it will not result in delay, it is preferable for the first statement to be provided by the applicant. The applicant's initial statement of evidence *must* in any event include the applicant's evidence establishing the necessary requirements for a return, a description of any protective measures (including orders that may be subject to a declaration of enforceability or registration under Art 26 of the 1996 Hague Convention or, where appropriate, undertakings) the applicant is prepared, without prejudice to his or her case, to offer for the purpose of securing the child's return and full details of any proceedings in the Requesting State or in England and Wales of which the applicant is aware. Statements should not ordinarily exceed **25 pages** in 12 point double spaced font. Care must be taken to ensure that the contents of the statement are accurate.

3.8. Witness statements filed in support of the answer and in reply to the answer should be as economical as possible and should deal *only* with those factual matters *relevant* to the issues

raised in the answer. Once again, statements should not ordinarily exceed **25 pages** in 12 point double spaced font. Care must be taken to ensure that the contents of the statement are accurate. Each statement must contain a statement of truth in the form prescribed by the rules and be signed by the person giving the statement. Appropriate translations of exhibits should be provided with the statement. Where the maker of the statement does not speak English, the statement should be prepared and served in the maker's own language and a certified translation in English should be provided by the party concerned.

(f) Expert Evidence

3.9 Expert evidence will not ordinarily be required by the court to determine an application of the type to which this Practice Guidance applies. If either party considers that expert evidence is necessary to determine the application before the court, that issue must be raised and dealt with at the first available opportunity and in accordance with the requirements of FPR Part 25.

(g) Protective Measures

3.10. With respect to protective measures (including orders that may be subject to a declaration of enforceability or registration under Art 26 of the 1996 Hague Convention or, where appropriate, undertakings) the court is required to examine in concrete terms the situation that would face a child on a return being ordered. Where the court considers that further information is required to answer these questions case management directions should be given, as referred to above, as early in the proceedings as possible.

3.11. In deciding what weight can be placed on undertakings as a protective measure, the court will take into account the extent to which they are likely to be effective both in terms of compliance and in terms of the consequences, including remedies, in the absence of compliance. The issue is the effectiveness of the undertaking in question as a protective measure, which is not confined solely to the enforceability of the undertaking. There is a need for caution when relying on undertakings as a protective measure, and undertakings that are not enforceable in the courts of the requesting State should not be too readily accepted. There is a distinction to be drawn between the practical arrangements for the child's return and measures designed or relied on to protect the child. The efficacy of the latter will need to be addressed with care. The more weight placed by the court on the protective nature of the measures in question when determining the application, the greater the scrutiny required in respect of their efficacy.

(h) Allegations of Domestic Abuse

3.12. Where allegations of domestic abuse are raised in an application under the inherent jurisdiction of the High Court for an order returning the child to another jurisdiction or an order for the return of the child to this jurisdiction, the court will find it of assistance to consider the requirements of the Domestic Abuse Act 2021 and FPR 2010 Part 3A and PD3AA. Where the court is considering whether to make a summary return order, the court should consider whether to conduct an enquiry into the allegations of domestic abuse and how extensive that enquiry should be.

(i) Special Measures

3.13. In those cases in which domestic abuse is raised as an issue, and in circumstances where the application of the Domestic Abuse Act 2021 will need to be the subject of express consideration, the question of the need for special measures at any case management or substantive hearing should be addressed by the court. FPR 2010 Part 3A and PD3AA requires the court to consider the need for participation directions for any hearing at which an alleged

victim of domestic abuse is involved. Where it is apparent that a party is an alleged victim of domestic abuse, consideration must be given at the earliest opportunity to the question of participation directions pursuant to FPR Part 3A and PD3AA, including those that may be required where, exceptionally, oral evidence will be heard at the final hearing. The court is unlikely to grant permission for oral evidence from an alleged victim of domestic abuse where the application for the same has not been made in accordance with this guidance. There is an obligation on the applicant (who may be the only party represented at an early stage, or at all) to give active consideration to the requirements of FPR Part 3A and PD3AA in cases in which allegations of domestic abuse are raised.

(j) Oral Evidence

3.14. The ordinary rule in proceedings under the 1980 Hague Convention is that the court will be very slow to make a direction for oral evidence to be given. Any party seeking such direction for oral evidence will need to demonstrate to the satisfaction of the court that oral evidence is *necessary* to assist the court to resolve the proceedings justly. It *may* be necessary to hear oral evidence where, for example: (a) there is an issue of fact as to whether the left-behind parent consented or acquiesced; (b) there is an issue of fact as to the extent to which the child has become settled in England and Wales; (c) the analysis of the Cafcass Officer as to the consequence of the child's wishes and feelings is disputed; or (d) there is an issue as to where the child is habitually resident, the determination of which would be assisted by hearing oral evidence. Any party seeking to rely on oral evidence should raise the issue at the earliest available opportunity and no later than the pre-hearing review. Where, exceptionally, oral evidence is permitted, that evidence should be issue-focused and will be time-limited.

3.15 In proceedings under the inherent jurisdiction, in which the court is required in deciding whether to make an order returning the child to another jurisdiction or to make an order for the return of the child to this jurisdiction to come to a decision in respect of welfare, different considerations may apply. In any event, where oral evidence is permitted in proceedings under the inherent jurisdiction it should again be issue focused and will be time-limited.

(k) Bundles

3.16. The court bundle for any hearing must comply with FPR 2010 PD27A. PD27A limits the size of the bundle to a single file containing no more than 350 pages (PD27A para 5.1). The limit of 350 pages includes the skeleton arguments. Only those documents which are relevant to the hearing and which it is necessary for the court to read, or which will be referred to during the hearing, may be included (PD27A para 4.1). It will not generally be necessary to include in the bundle the application sent from the home country's Central Authority to ICACU. Where an issue arises as to the inclusion of this document, that issue will be dealt with by direction of the court. Skeleton arguments and other preliminary materials prepared for use in relation to earlier hearings should be excluded. Any separate bundle of all authorities relied on for any hearing must comply with PD27A para 4.3. Each authority relied on must be provided with the relevant passages highlighted by means of a vertical line in the margin. Skeleton arguments must be filed by no later than 11am on the working day before the hearing (PD27A para 6.4). Where the bundle is provided in an electronic format it must comply with the current guidance for the preparation and lodging of electronic bundles.

3.17. The time limits set out in FPR 2010 PD27A para 6 for preparing and delivering the bundle and case management documents represent the *minimum* time limits applicable to this task. Where the hearing is on notice and the respondent is a litigant in person, the applicant should prepare and deliver the bundle pursuant to PD27A para 6 in a timeframe that ensures that the

bundle and the case management documents are provided to the litigant in person at least three working days prior to the hearing.

(l) Time estimates

3.18. The time estimate for the final hearing should make reasonable allowance for judicial reading time and judgment writing. In those cases where, exceptionally, permission for oral evidence has been given, a witness template for the final hearing should also be completed at the time that the direction for oral evidence is made to ensure that the time estimate for the final hearing is accurate.

(m) International Judicial Liaison

3.19. The following matters may appropriately be the subject of direct international judicial liaison: (a) information concerning the scheduling of the case in the foreign jurisdiction, (b) seeking to establish whether protective measures are available for the child or other parent in the State to which the child would be returned, (c) ascertaining whether the foreign court can accept and enforce orders made or undertakings offered by the parties in the initiating jurisdiction, (d) ascertaining whether the foreign court can make a 'mirror order', (e) confirming whether orders were made by the foreign court and (f) verifying whether findings about domestic violence were made by the foreign court. This is not an exhaustive list. It is important to remember that international judicial liaison is *not* intended to be a substitute for obtaining legal advice, a means to avoid having to seek expert evidence as to foreign law or procedure, a mechanism for judges to settle welfare disputes or a means of making submissions to a foreign court. All requests for international judicial liaison should be made through the International Family Justice Office (IFJOffice@justice.gov.uk) and should be accompanied by a (preferably agreed) concise case summary and a set of focused questions to be put to the network judge which ask for information of a practical and non-legal nature, phrased in a neutral, non-tactical way.

(n) Final Hearing

3.20. Article 11 of the 1980 Hague Convention requires the judicial or administrative authorities of Contracting States to act expeditiously in proceedings for the return of children. Within this context, whilst the quantity and nature of the evidential material required to reach a proper determination of the application at final hearing will depend on the individual case, as will the format of the final hearing, including the extent to which, exceptionally, oral evidence is permitted, the final hearing will be dealt with *summarily* and in most cases based on the written material then available to the court. In transitional cases (commenced before 31 December 2020), Article 11(3) of the Council Regulation also requires a court to which a return application is made to act expeditiously and stipulates that, unless exceptional circumstances make this impossible, the court must issue its judgment no later than 6 weeks after the application is lodged.

(o) Orders

3.21. The Tipstaff passport, location and collection orders are in a standard format that has been arrived at after careful consultation and revision. It is for the court to draw the relevant Tipstaff order once granted. Legal representatives should *not* provide a draft of the passport order, location order or collection order sought. Legal representatives should provide drafts of any disclosure orders sought and a separate draft of the case management directions sought alongside the Tipstaff and/or disclosure order(s) applied for. Draft orders should identify the date of the next hearing; they should not make provision for any hearing to be fixed on the first

open date after X date or to be fixed by counsels' clerks with the Clerk of the Rules. Orders that discharge Tipstaff orders, including orders for the release of passports held by the Tipstaff, will only be accepted by the Tipstaff if they are sealed. The provision for port alerts and the continued retention of documents held by the Tipstaff must be addressed at each hearing. The court's directions must be drawn into an order and a sealed copy provided to the Tipstaff. Where it is not appropriate for a Tipstaff passport order to be made, the court may still consider, in an appropriate case, whether to make an order that the respondent and the child(ren)'s passports are delivered up to the applicant's or respondent's solicitors pending the determination of the proceedings.

3.22. Where one of the parties is a litigant in person, the advocate for the represented party will need to ensure that any case management and disclosure orders made by the court are drafted and submitted for approval by the judge. When the solicitor for the represented party sends a copy of the order to the litigant in person, the solicitor should highlight in writing to the litigant in person any case management steps that the order requires them to take. Counsel instructed on a Direct Access basis cannot conduct litigation on behalf of their client. The obligation on Direct Access counsel ends once the order has been submitted to the court. Case management directions made against the client must accordingly be met by them as a litigant in person.

3.23. In transitional cases (where the application has been issued before 31 December 2020), where an order refusing the return of the child (a 'non-return' order) has been made in respect of an applicant from an EU member state on the grounds set out in Art 13 of the 1980 Hague Convention, the procedure set out in Art 11(6) of the Council Regulation, requiring the transmission of certain documents to the court with jurisdiction or Central Authority in the Member State where the child was habitually resident within 1 month of the date of the non-return order, must be complied with.

(p) Appeals and Applications for Stay

3.24. Any application for a stay pending an application for permission to appeal and the application for permission to appeal should be made expeditiously. Any application for permission to appeal and any stay should be made to the judge if possible and, if not possible or if refused, to the Court of Appeal. The filing of the notice of appeal should not be delayed until the appellant has received a copy of the approved transcript of the judgment under appeal. Given the need to avoid delay, the court should, unless obviously inappropriate, consider abridging the time for lodging the Notice of Appeal as a matter of course, subject to the submissions of the parties.

3.25. An application for stay a may be necessary in any event where the court has made a return order in proceedings in which a protection claim by the respondent or the child is pending.

Sir Andrew McFarlane

President of the Family Division

1 March 2023

APPENDIX 1

Child Abduction Mediation Scheme

Introduction

1. The requirement in FPR 2010 r 1.4(2)(f) that case management includes encouraging the parties to use a non-court dispute resolution procedure if the court considers that appropriate and facilitating the use of such procedure, and the obligation imposed by FPR 2010 r 3.3(1) to consider whether non-court dispute resolution is appropriate at every stage of the proceedings, applies to international child abduction proceedings. The 1980 Hague Convention itself, by Arts 7(c) and 10, places weight on the desirability of a negotiated or voluntary return or the amicable resolution of the issues.

2. In 2006, a child abduction Mediation Pilot Scheme run by Reunite, with funding from the Nuffield Foundation, found, in the context of twenty-eight cases which progressed to a concluded mediation, that there is a clear role for mediation in resolving cases of alleged child abduction and that parents were willing to embrace the use of mediation. Seventy-five percent of cases resulted in the parents concerned reaching a Memorandum of Understanding.

3. The Child Abduction Mediation Scheme is a mediation scheme that aims to ensure that parties engaged in child abduction proceedings are able, in an appropriate case, to access a mediation service as an integral part of the court process and in parallel with, but independent from, the proceedings. Whilst mediation will not be appropriate, or suitable, in every case, it is an option that should be explored by the court in all cases of alleged international child abduction.

Child Abduction Mediation Scheme – Key Principles

4. The Child Abduction Mediation Scheme is an independent mediation scheme run with the assistance of Reunite; this organisation provides mediators with specialised knowledge of international child abduction, who are trained and experienced in mediating cases of this nature. The following key principles apply to the operation of the Child Abduction Mediation Scheme:

(a) The mediation will run in parallel with, but independent from, the proceedings in court, with the aim of completing the mediation within the timescale applicable to the proceedings.

(b) Mediation is voluntary and will only be undertaken with the consent of both parents. An unwillingness to enter into mediation will not have an effect on the outcome of the proceedings.

(c) Mediation will only be undertaken if the mediator considers that it is appropriate and safe to do so, following an assessment of the parties and their situation during the required screening stage.

(d) Participation by the parties in mediation is without prejudice to the applicant's right to pursue the return of the child, and without prejudice to the respondent's right to defend the proceedings.

(e) Participation by the parties in mediation does not prevent the parties from requesting that the court determine the issues between them.

(f) If the mediation is not successful in resolving the issues, then the matter will return to the court arena for determination.

5. The Child Abduction Mediation Scheme complements the proceedings and is only embarked upon once proceedings have been issued (Reunite also runs a mediation scheme that operates independently of court proceedings. Full details of this scheme can be found at Mediation Overview - Reunite International).

6. The operation of the Child Abduction Mediation Scheme will be facilitated by mediators from Reunite with specialised knowledge of international child abduction who will be available to speak with parties on child abduction matters.

Child Abduction Mediation Scheme - Operation

7. The scheme has three key stages, namely (i) identification, (ii) screening and (iii) mediation. The three key stages operate as follows:

Identification

8. Participation in the Child Abduction Mediation Scheme is voluntary. Mediation will only be undertaken with the consent of both parents and where it can be undertaken safely. However, it is also important that parties to child abduction proceedings are aware of, and have the proper opportunity to indicate their willingness to participate in, the Child Abduction Mediation Scheme.

9. The following steps will be taken by the court in each case, with a view to identifying those cases in which the parties are willing to consider mediation of their dispute:

(a) At the first without notice hearing, or by way of directions following an on notice hearing, the court will, where appropriate, direct that the applicant and the respondent shall each be given the opportunity at the first on notice hearing to speak with a mediator.

(b) At the first on notice hearing, the court will, where appropriate, encourage the parties to consider the option of mediation and, in an appropriate case, will invite the parties to speak with a mediator.

(c) Where the parties agree to speak with the mediator, the mediator will discuss with the parties the possibility of participating in mediation under the Child Abduction Mediation Scheme and will carry out an initial screening interview (see paragraph 12 below). Where a party or parties indicates they wish to take up that opportunity the party, or their legal representative will be expected to make contact with Reunite by email on reunite@dircon.co.uk or by telephone on 0116 2555 345.

(d) Where the parties consent to mediate *and* the case is suitable for mediation, the court will give any directions necessary to facilitate the mediation and will record on the face of the order the proposed outline timetable for the mediation, in consultation with the parties and the mediator.

10. Where one party is outside the jurisdiction, the steps set out at paragraph 9 will be accomplished by telephone at the first on notice hearing. Where this is not possible, for example due to a time difference, they will be accomplished on an agreed date shortly after the hearing. If these steps are accomplished on an agreed date shortly after the hearing, the parties will inform the court of the outcome and, where necessary, the court will either approve agreed directions to facilitate any agreement to mediate or list the matter for the purposes of giving any such directions. In any event, the mediator will ensure that the required screening and assessment is carried out prior to the mediation commencing.

11. It is important to note that entering into a process of mediation will not ground a defence of acquiescence (see *In Re H (Minors) (Abduction: Acquiescence*) [1998] AC 72 at 88-89).

Screening

12. In addition to the parents being willing to mediate, the case must be suitable for mediation. Mediators have a responsibility to ensure that the parents take part in any mediation process willingly and without fear of violence or harm. The mediator will undertake a screening procedure to confirm that this can be achieved. The mediator will have particular regard for the welfare of the child or children. The mediator will also have particular regard for any allegation or admission of domestic abuse (as defined in s.1 of the Domestic Abuse Act 2021), or other reason to believe that the child or a parent has experienced domestic abuse or is at risk of such abuse.

13. An initial screening interview will be undertaken individually with each of the parents prior to undertaking mediation, in order to ensure that the parent is willing to take part in mediation and to assess whether the case is suitable and safe for mediation. The screening interview will also allow the mediator to confirm to each parent at the conclusion of the interview whether it is appropriate for mediation to be offered and, if so, to ensure that each parent understands the purpose of the mediation and to provide an opportunity for any concerns relevant to mediation to be discussed further.

14. As provided for at paragraphs 9(c) and 10, where possible, the screening interviews will take place at the first on notice hearing when the parents speak with the mediator, either in person or by telephone. However, where the screening interview takes place at a later agreed date, the parties will inform the court of the outcome and, where necessary, the court will either approve agreed directions to facilitate an agreement to mediate or list the matter for the purposes of giving any such directions.

15. Where both parents indicate a willingness to engage in mediation, during the screening interview the mediator will deal with the following matters:

(a) Whether or not the case is one that is suitable for mediation.

(b) Whether or not both parents are willing to mediate and to attend mediation with an open mind.

(c) Whether or not the subject child is of an age and level of maturity at which their voice should be heard.

(d) Provide information about the mediation and how the mediation process will work in parallel with, but independent from, the proceedings.

(e) Address any concerns that either parent may have relevant to the conduct of the mediation.

16. Within the context of the matters set out in paragraph 12, the assessment of the suitability of a case for mediation will include an assessment of whether the mediation can be conducted safely. In any case in which the parents are willing to mediate but it is alleged or admitted, or there is other reason to believe, that the child or a parent has experienced domestic abuse (as defined in FPR 2010 PD12J para 3) or that there is a risk of such abuse, the mediator will assess, through the screening procedure, whether a mediation can be conducted safely having

regard to the matters set out in FPR 2010 PD12B para 5.1 and 5.2 and FPR 2010 PD12J. A mediation will take place in such circumstances only after the mediator has undertaken a risk assessment and is satisfied that appropriate measures are in place to protect the safety of those participating in the mediation process.

17. The question of whether the child is to be given an opportunity to be heard in proceedings having regard to his or her age and degree of maturity, and if so how, must be considered by the court at the first hearing. Where the court has determined that the subject child is of an age and level of maturity at which their voice should be heard, the court will direct that the child be interviewed by a member of the Cafcass High Court Team and the report filed with the court will be provided to the parents and mediators to assist the mediation process.

Mediation

18. Where the parties agree to mediate and the case is suitable for mediation, the mediation will be timetabled so as to ensure that the timescales applicable to the proceedings are met.

19. Reunite will contact both parents to arrange appropriate dates for mediation. Where it proves impossible for an applicant to come to this jurisdiction for the purposes of mediation, the mediator will conduct the mediation with the applicant attending by way of a telecommunications application such as MS Teams, Zoom or FaceTime.

20. In some circumstances, public funding from the Legal Aid Agency may be available to cover the costs of flights and hotel for the applicant parent to come to this jurisdiction for the purposes of mediation, in which case Reunite will coordinate travel and accommodation arrangements.

21. Where the parent has requested the services of an interpreter, this will be provided throughout the mediation session(s).

22. Parents are free at any stage during the course of the mediation to consult their respective legal representatives in this jurisdiction or overseas, or any other individual they wish to consult, and the mediator may encourage them, as appropriate, to consult.

23. Where a safeguarding issue concerning a child or an adult arises during the course of the mediation, the mediator will, where appropriate, terminate the mediation and will notify the relevant agencies.

24. Where the mediation is successful, the agreement reached between the parents will be set down in the form of a Memorandum of Understanding. Parents will be encouraged to seek advice on the Memorandum of Understanding from their respective legal representatives if they have them. The court will be informed of the outcome of the mediation and the Memorandum of Understanding will be reduced to a consent order which will be placed before the court for approval. Any consent order will explain how the child has been heard in the context of the mediation process.

25. Where the mediation is not successful, the court will proceed to determine the case. Ordinarily, there will be no further reference to the mediation or to anything said during the mediation, save where child protection concerns have been revealed.

APPENDIX 2

Cases Involving a Protection Claim or Protection Status

Introduction

1. This appendix to the Practice Guidance will apply where, on an application for the summary return of a child, the respondent or the child (whether by their own application or by virtue of being named as dependent of the respondent) has an outstanding protection claim with a right of appeal within the meaning of section 82 of the Nationality, Immigration and Asylum Act 2002 or has been granted protected status under Part 11 of the Immigration Rules. Section 82(2)(a) of the 2002 Act defines a protection claim as a claim that removal from the United Kingdom would breach the United Kingdom's obligation under the Refugee Convention or would breach the United Kingdom's obligations in relation to persons eligible for a grant of humanitarian protection. For the avoidance of doubt, this includes claims for asylum. Any party to proceedings to which this guidance applies who is aware of a linked protection claim must notify the court of the existence of that claim.

2. The Secretary of State for the Home Department has sole responsibility for both examining and determining protection claims. All decisions relating to protection claims fall within the exclusive powers of the Secretary of State. Child abduction proceedings are separate from the protection claims process. Accordingly, in determining an application for a return order in child abduction proceedings, the court cannot trespass on the Secretary of State's exclusive function. Where the claim has been refused by the Secretary of State for the Home Department, an appeal may be brought, a protection appeal, under the 2002 Act to the First-tier Tribunal (Immigration and Asylum Chamber) (hereafter FtTIAC) with the possibility of a further appeal to the Upper Tribunal (Immigration and Asylum Chamber).

3. However, information available to the Secretary of State and the decision of the Secretary of State, or to the FtTIAC or Upper Tribunal, may inform the court's decision in the child abduction proceedings. Likewise, information in the child abduction proceedings and the court's decision in those proceedings may inform the determination by the Secretary of State of a person's protection claim, or the protection appeal in the FtTIAC or Upper Tribunal.

4. The aim of this appendix is to ensure that the case management of the child abduction proceedings under the Practice Guidance is conducted in a manner that will enhance decision-making in both jurisdictions where there are related applications. This Guidance has been issued at the same time as Guidance issued by the Senior President of Tribunals entitled 'Guidance on appeals where there is a concurrent application in the Family Division of the High Court for the return of a child who is an appellant in a protection appeal or a family member of an appellant in a protection appeal'.

Allocation

5. If it is known at the time the application in the child abduction proceedings is issued that the case involves a protection claim, the application form should so indicate.

6. Such cases will have particular sensitivities and will require close liaison between the judge allocated to hear the case and the Home Office, the FtTIAC or with the Upper Tribunal with respect to the protection claim.

7. Where it is apparent, either from the application form or at the first hearing, that a concurrent protection claim has been made or is to be made, the matter should be allocated to a named

Judge of the Division who has been designated to deal with child abduction proceedings involving a protection claim or grant of protection status. Once the named judge has been allocated, that judge should retain the proceedings through to their conclusion.

8. For the avoidance of doubt, it is not appropriate for a child abduction case involving a protection claim to be listed before a Deputy High Court judge.

Joinder of the child

9. Where the respondent in the child abduction proceedings has made a protection claim (and *a fortiori* when a claim has been made on behalf of the child subject to the child abduction proceedings) the child should be joined as a party to the child abduction proceedings absent strong countervailing reasons.

Secretary of State as Intervenor

10. Where there are child abduction proceedings in which the respondent and/or child has an outstanding protection claim, or has been granted protection status, ordinarily the Secretary of State should be invited to intervene in the child abduction proceedings.

Disclosure

11. Parties engaged in family proceedings are subject to a duty of full and frank disclosure, i.e. of making known to the other party the existence of potentially relevant material. However, particular care must be taken to ensure that the respondent and / or child is not compelled to disclose documentation from his or her protection claim without the permission of the court in accordance with the procedures contained in this Practice Guidance.

12. The court at an early stage of the child abduction proceedings should consider disclosure of the documentation from the protection claim into the child abduction proceedings. In a limited number of cases it *may* be appropriate for the documents that have been provided to the Secretary of State in support of the protection claim to be the subject of early disclosure to the representatives of the child in the child abduction proceedings. Prompt consideration will need to be given to that issue.

13. The question of whether disclosure should or should not take place will be subject to the principles set out in *Re H (A Child) (Disclosure of Asylum Documents)* [2020] EWCA Civ 1001, [2021] 1 FLR 586 within the procedural framework provided by FPR 2010 r 21.3. FPR 2010 r 21.3 provides a procedural framework both for an application to withhold disclosure on the grounds that disclosure would damage the public interest and a procedural framework for withholding disclosure or inspection of a document on the grounds of confidentiality or privacy.

14. An application to withhold disclosure on the grounds that disclosure would damage the public interest must be supported by evidence (FPR 2010 r 21.3(7)). On an application to withhold disclosure on the grounds that disclosure would damage the public interest, the court may require the production of the document(s) to the court to assist in the determination of the application (FPR 2010 r 21.3(6)(a)). Whilst the court will not require the production of the documents in every case, the rules make clear that there will be cases in which the courts will only be able to determine the question of disclosure having seen the documents in issue. On an application to withhold disclosure on the grounds that disclosure would damage the public interest, the court may invite any person to make representations (in cases involving a concurrent protection claim, this is likely to be the Secretary of State for the Home Department) (FPR 2010 r 21.3(6)(b)).

15. The disclosure exercise conducted in the child abduction proceedings will need to balance the systemic importance of maintaining confidentiality in the asylum process, together with the respondent parent's and the child's particular right to confidentiality in that process against the applicant parent's rights under Arts 6 and 8 of the ECHR and the child's rights under Arts 6 and 8 of the ECHR.

16. In determining whether the documents that have been provided to the Secretary of State in support of the protection claim should be the subject of disclosure in the child abduction proceedings, the following matters will require particular attention:

a. Care must be taken to determine the stage the protection claim has reached having regard to the terms of Art 22 of the Procedures Directive (if applicable).

b. In carrying out the balancing exercise a relevant factor will be whether the left-behind parent in the child abduction proceedings is the alleged actor of persecution in the protection claim.

c. It will ordinarily be appropriate to identify the information contained in the protection claim which is distinct from and additional to the information that the taking-parent has already disclosed in the child abduction proceedings. There is an obligation on the legal representatives of the parent or child making the protection claim to consider the asylum documents and to identify the additional information, if any.

d. Where the protection claim is the subject of an appeal to the FtTIAC, a request will need to be made to the FtTIAC to lift the anonymisation direction given in respect of such appeals with respect to the disclosure given.

17. The court will also be required to consider whether the documents in the child abduction proceedings should be made available to the Secretary of State for the Home Department in accordance with the ordinary principles governing disclosure of documents from family proceedings.

Communication

18. In order to ensure that there is a clear, transparent and documented line of communication between the court and the Home Office, the International Family Justice Office will act as the conduit for communication between the judge allocated to the child abduction proceedings and the Home Office.

19. The Home Office has established a specialist expedited protection claim team (the 'Home Office Asylum Expedited Team') to which protection claim cases will be assigned as soon as it becomes apparent that there is an overlap with child abduction proceedings.

20. It is particularly important that there is timely communication between the Secretary of State for the Home Department and the court of the outcome of both the protection claim and/or appeal and the child abduction proceedings.

21. In respect of the child abduction proceedings, the court should inform the Secretary of State when the court has listed the hearing of the 1980 Hague Convention proceedings, when it has granted a stay (if appropriate) and when it has listed the child abduction proceedings for final hearing. At the conclusion of the final hearing, the court will provide the Secretary of State with the court's judgment.

22. In respect of the protection claim, the Secretary of State will inform the court of the outcome of any protection claim, including any certification by the Secretary of State pursuant to section 94 of the 2002 Act.

23. It is also important for there to be liaison between the High Court and the FtTIAC and/or the Upper Tribunal where the decision of the Secretary State for the Home Department on the respondent's asylum application is the subject of an appeal.

Case Management

24. In light of the information and principles set out above, the following matters should be considered during the case management stage of proceedings for the summary return of the child where the respondent or child has a concurrent protection claim.

25. At the first directions hearing at which the court is aware that a respondent to an application for the summary return of the child or the child has a concurrent protection claim, the following directions will need to be given:

(a) Allocation of the child abduction proceedings to a named judge of the Division designated to deal with child abduction cases involving a concurrent protection claim.

(b) A direction that the respondent provide the court with the name and contact details of any legal representative retained by them in the protection claim.

(c) A direction that the respondent attend the next hearing of the child abduction proceedings with their legal representative in the child abduction proceedings *and* their legal representative in the protection claim.

(d) A direction that the respondent indicate in writing to the court what further steps need to be taken by the taking-parent in relation to the protection claim.

(e) A direction that, in the event that the protection claim is refused by the Secretary of State, and the respondent or child exercises his or her right of appeal, the respondent or child shall, when lodging the appeal, request that the listing of the appeal be prioritised such that, if possible, the appeal is listed to be heard not later than a specified date.

(f) A direction that, in the event that the protection claim is refused and certified as "clearly unfounded" by the Secretary of State pursuant to section 94 of the 2002 Act and the respondent or the child intends to lodge a judicial review application, at the same time as lodging the application for judicial review a request is made that the listing of that application be prioritised so that, if possible, the application for permission and the substantive hearing should be rolled-up and heard no later than a specified date.

(g) A direction that the Secretary of State for the Home Department be invited to intervene if considered necessary in the child abduction proceedings together with a request to the Secretary of State for the Home Department to:

    (i) Allocate the protection claim to the Home Office Asylum Expedited Team.

    (ii) Indicate to the court and to the parties in writing what further preparatory steps, if any, are required prior to the determination of the protection claim.

    (iii) Indicate to the court and to the parties in writing whether any protection claim has been made (or can be understood to have been made) in respect of the child.

(iv) Indicate, where the child is said to have "refugee status", whether this is a reflection of a determination that the child is a refugee as defined in Art 1A of the 1951 Geneva Convention or as a result of the child being a named dependant of a successful application for protection by a parent.

(v) Keep the court informed with respect to the progress of the protection claims(s) and/or appeal(s) and of any reconsideration of refugee status and, in particular, inform the court of any delays, or requests for extensions of time, in the protection claim.

(vi) Make any request to the court to exercise its case management powers that the Secretary of State considers will expedite the protection claim.

(vii) Provide the court with an anticipated timetable for the determination of the protection claim by the Secretary of State.

(viii) Ensure that a clear line of communication is maintained between the Secretary of State and the court.

(ix) Where the Secretary of State accepts the invitation of the court to intervene in the child abduction proceedings, attend hearings by a representative or to provide written submissions as required by the court.

(h) An order joining the child as a party to the child abduction proceedings, together with ancillary orders to secure the representation of the child, absent strong countervailing reasons.

26. At the subsequent directions hearing, and following the Secretary of State accepting the invitation to intervene in the proceedings, the court will need to consider further case management directions as follows:

(a) A direction listing the matter for early consideration of whether the documents associated with the protection claim that comprise information distinct from, and additional to, the information that the taking-parent has already disclosed in the child abduction proceedings, should be disclosed in those proceedings.

(b) Where the matter is listed for determination of the question of whether the documents associated with the protection claim should be disclosed into those proceedings, the court will direct:

(i) A statement from the Secretary of State for the Home Department dealing with the matters stipulated by FPR 2010 r 21.3, including the right or duty claimed to withhold inspection and the grounds on which that right or duty is claimed.

(ii) The preparation, in an appropriate case, of a paginated bundle of the information distinct from, and additional to, the information that the taking-parent has already disclosed in the child abduction proceedings.

(iii) The attendance of a representative of the Secretary of State for the Home Department to make representations on the question of disclosure if deemed necessary by the court.