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

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

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Order**  **Children Act 1989** | | |
|  |  |  |  |
|  | The full name(s) of the child(ren) | Boy or Girl | Date(s) of Birth |
|  |  |  |  |
|  | [*insert*] | [*insert*] | [*insert*] |
|  | [*insert*] | [*insert*] | [*insert*] |
|  |  |  |  |

Before [*name of judge*] in private on [*date*] at a [*type of hearing*].

**The parties:** The applicant is [*name*] represented by [*name*] [of counsel]

The 1st respondent is [*name*], the [*relationship to child*], represented by [*name*] [of counsel]

The 2nd respondent is [*name*], the [*relationship to child*], represented by [*name*] [of counsel]

The 3rd [[and] / [to][*insert* **(number so that each child is identified as a separate respondent)**] respondent[s] [is] / [are] the child[ren] (by their children’s guardian [*name*]) represented by [*name*] [of counsel]

## Confidentiality warnings

**Until the conclusion of the proceedings no person shall publish to the public at large or any section of the public without the court’s permission any material which is intended or likely to identify the child[ren] as being involved in these proceedings or an address or school as being that of the child[ren]. Any person who does so is guilty of an offence.**

**Further, during the proceedings or after they have concluded no person shall publish information related to the proceedings including accounts of what has gone on in front of the judge, documents filed in the proceedings, transcripts or notes of evidence and submissions, and transcripts and notes of judgments (including extracts, quotations, or summaries of such documents). Any person who does so may be in contempt of court.**

**Information related to the proceedings must not be communicated to any person other than as allowed by Rules 12.73 or 12.75 or Practice Direction 12G of the Family Procedure Rules 2010.**

## Penal notice

**IMPORTANT WARNING TO [*NAME*]**

**If you [*NAME*] of [*ADDRESS*] disobey this order you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized.**

**Also the court may make an enforcement order (an order requiring you to do unpaid work) or increase an existing enforcement order or order you to pay compensation to another party.**

1. [*Name*] has applied to enforce paragraphs [*para numbers*] of the order made on [*date*] requiring [*name*] [not] to [*insert*].
2. [*Name*] admits the allegations of breach [but says [he] / [she] has a reasonable excuse].

**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)**

1. **(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*]

**THE COURT ORDERS**

## Safeguarding checks

1. As the application to enforce has been made more than three months after the order subject of the application, [Cafcass] / [CAFCASS Cymru] must carry out safeguarding checks and send a safeguarding [letter] / [report] to the court by [*date*].

## Directions hearing/FHDRA

1. The application is listed for [directions] / [a FHDRA] at [*place*] on [*date*] before [*name(s) of judge, justices or legal adviser who made the order*] allowing [*time estimate*]. Both parties must attend by [*time*] for pre-hearing discussions.

## Breach Hearing

1. [*Name*] must by 4.00pm on [*date*] send to the court and to [*name*] a list of the alleged breaches of the order with a written statement of evidence and any documents in support.
2. [*Name*] [must] / [may] by 4.00pm on [*date*] send to the court and to [*name*] a written statement of evidence and any supporting documents in response to the allegations of breach.

## Reasonable Excuse Hearing

1. [*Name*] must by 4.00pm on [*date*] send to the court and to [*name*] a written statement of evidence and any documents in support setting out any reasonable excuse relied upon.
2. [*Name*] must by 4.00pm on [*date*] send to the court and to [*name*] a written statement of evidence in response and any supporting documents.

## Findings

1. The court is satisfied so that it is sure that [*name*] has breached the order without reasonable excuse as follows: [*insert*].

## Information from [Cafcass] / [CAFCASS Cymru]

1. [Cafcass] / [CAFCASS Cymru] must by [*date*] report to the court on the following matters:
   1. the availability of unpaid work in the area where [*name*] lives or will live;
   2. any relevant information about [*name*] and the effect of an unpaid work order on [him] / [her];
   3. the effect of making an unpaid work order against [*name*] on the welfare of the child[ren].

## Unpaid work

1. [*Name*] must do [*number*] hours of unpaid work.
2. The unpaid work order is suspended until [*date*] on condition that [*name*] does the following: [*state what must be done*].

## Monitoring

1. [Cafcass] / [CAFCASS Cymru] must monitor compliance with this order and must report to the court:
2. on completion of the unpaid work;
3. in the event of non-compliance;
4. if [*name*] becomes unfit to complete the unpaid work available; or
5. if the unpaid work becomes unavailable.

## Compensation

1. [*Name*] must pay financial compensation to [*name*] of £[*amount*] by [*date*].

Dated: [*date*]