**In the High Court of Justice, Family Division**



**No: [*Case number*]**

**[The Child Abduction and Custody Act 1985 incorporating the 1980 Hague Convention on the Civil Aspects of International Child Abduction] /**

**[The 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition and Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children] /**

**[The Senior Courts Act 1981] /**

**[Council Regulation (EC) No. 2201/2003]**

**(delete or adapt as appropriate)**

**The child[ren]**

**[*Name of child*] [Girl] / [Boy] [*dob dd/mm/yy*]**

**[*Name of child*] [Girl] / [Boy] [*dob dd/mm/yy*]**

After hearing [*name the advocate(s) who appeared*]

**ORDER MADE BY [*NAME OF JUDGE*]ON [*DATE*] SITTING IN [OPEN COURT] / [PRIVATE]**

**The parties**

1. The applicant is [*applicant name*] who [attended] / [did not attend] court today

The respondent is [*respondent name*] who [attended] / [did not attend] court today

**(Specify any additional respondents)**

**(Specify if any adult party acts by a litigation friend)**

**Recitals**

1. At this hearing the applicant and the respondent were given the opportunity to make contact [in person] / [by telephone] /[*insert method*] separately with the court based mediator so that the parties could consider engaging in mediation under the Child Abduction Mediation Scheme [or through another non-court dispute resolution procedure]. The parties have [agreed to participate in mediation] / [have been unable to agree to participate in mediation] / [*insert other result*].

**IT IS ORDERED THAT:**

1. The application for an order for the summary return of [*child(ren) name(s*)] to [*insert State*]shall be adjourned and relisted for [final consideration] / [further directions] / [*insert other as appropriate*]before a High Court Judge sitting at [the Royal Courts of Justice, Strand, London WC2A 2LL] / [*other venue and address*] at [*time*] on [*date*]with a time estimate of [*time estimate*] at risk, [subject to confirmation] / [confirmed with the Clerk of the Rules].
2. Both parties shall attend personally the hearing at [*time*] on [*date*]together with any legal representatives they may instruct. The court considers that the costs of the attendance of the [applicant] / [respondent] at the hearing, including [his] / [her] accommodation and reasonable travel costs is a necessary and proportionate disbursement upon [his] / [her] legal aid certificate.
3. **(if not already served)** The time for the respondent to file and serve [his] / [her] answer and witness statements and, a schedule of the protective measures (including orders that may be subject to registration under article 11 of the 1996 Hague Convention or, where appropriate, undertakings) that they say are required in the event of a return pursuant to paragraph [*para number*] of the without notice order dated [*date*] is extended until 4.00pm on [*date*].
4. The applicant shall by 4.00pm on [*date*] file and serve a witness statement and any other evidence which [he] / [she] wishes to use at the hearing listed above and a schedule of the protective measures (including orders that may be subject to registration under article 11 of the 1996 Hague Convention or, where appropriate, undertakings) that they are willing to offer in the event that the child is returned to [*State*].
5. Paragraphs [*para numbers*] of the [Location] / [Passport] Order, together with the port alert, shall continue in force until or unless varied or discharged by order of the court.

**(additional orders to be added where appropriate)**

1. **(video link)** The [applicant] / [respondent] may attend the hearing by video link; it shall be the responsibility of the [applicant] / [respondent]’s solicitors to arrange and test the video link in consultation with the Clerk of the Rules.
2. **(interpreter)** HMCTS shall arrange for an interpreter in [*insert language*] to attend at the hearing listed above not later than 30 minutes prior the time the hearing is listed to commence.
3. **(cafcass/child’s participation: to be used where a cafcass report is not required)** The court has determined that [*child(ren) name(s*)] [is] / [are] too young for their views to be ascertained by a Cafcass officer.
4. An officer of the Cafcass High Court team shall provide a report on the issue:
   1. the child[ren]’s views, wishes and feelings in respect of returning to [*insert State*];
   2. the child[ren]’s maturity;
   3. whether [the child] / [any of the children] should be separately represented;
   4. whether [the child] / [any of the children] wish to meet the trial judge.
5. The report shall be filed and served by [*date*].
6. The solicitors for the applicant shall notify Cafcass forthwith of the making of this order and shall thereafter provide a copy of the trial bundle and a copy of the draft order made today to the Cafcass High Court Team within 2 working days by email to [highcourtgm@cafcass.gsi.gov.uk](mailto:highcourtgm@cafcass.gsi.gov.uk) or Third Floor, 21 Bloomsbury Street, Fitzrovia, London WC1B 3HF or by telephone to 07810852554.
7. The respondent shall make the child[ren] [*child name(s)*] available to be seen by the Cafcass officer at a time and place to be arranged by the officer.
8. The Cafcass officer shall be available to attend the hearing on the [morning] / [afternoon] of [*date*] and shall attend if notified by a party in writing by letter or email to [highcourtgm@cafcass.gsi.gov.uk](mailto:highcourtteamgm@cafcass.gsi.gov.uk) at least 2 working days before the date of the final hearing that the officer’s attendance is essential.
9. Within one working day of the decision, the solicitor for the applicant shall inform the Cafcass officer of the outcome of the hearing, and provide a copy of the draft order.
10. The solicitor for the applicant shall provide to the Cafcass officer a copy of any approved written judgment or approved transcript as soon as it is available.
11. The child[ren] [*child name(s)*] shall be joined as parties to these proceedings.
12. The senior practitioner at Cafcass High Court team shall appoint a Guardian to represent the child[ren] [*child name(s)*].

**Referrals for further information/assistance**

1. The court requests the assistance of the central authority through the International Child Abduction and Custody Unit in respect of the following questions: [*set out questions*].
2. The court requests the assistance of the international judicial liaison network through the Legal Secretary to the Head of International Family Justice in respect of the following questions: [*set out questions*].
3. The court requests that pursuant to Article 15 of the 1980 Hague Convention on the Civil Aspects of International Child Abduction the [*name of* *court*]makes a decision or other determination of the following question: [*set out question*].
4. The parties agree:
   1. The applicant shall forthwith apply to the [*name of court*]forit to answer the said question;
   2. Both parties shall take all reasonable steps as necessary to ensure that the application is heard as soon as possible;
   3. Both parties shall fully co-operate with the proceedings in the [*name of court*]court.
5. The applicant's solicitors shall urgently liaise with the International Family Justice Office who is requested to make contact with the relevant judge in [*requesting State*]so as to obtain an urgent hearing date in the [*name of court*] in respect of the proposed application under article 15 of the Hague Convention on the Civil Aspects of International Child Abduction 1980.
6. The [solicitor for the] [applicant] / [respondent] shall serve this order by email on the International Child Abduction and Custody Unit and shall immediately serve on the other parties all replies received to the questions set out above.
7. The [solicitor for the] [applicant] / [respondent] shall serve this order by email on the International Family Justice Office and shall immediately serve on the other parties all replies received to the questions set out above.

**Further Tipstaff orders/variation of Location Orders**

1. Paragraph[s] [*para number(s)*] of the [Location] / [Passport] Order shall be varied to: **(adapt as applicable)**
   1. enable [*child(ren) name(s*)] to travel to [*insert country*]between[*insert dates*] on condition that the respondent returns them to England and Wales by not later than [*insert date*];
   2. enable [*child(ren) name(s*)] to be overnight at a different address in England and Wales on condition that the respondent gives 24 hours’ notice to the applicant’s solicitors of the address and the name of the householder.
2. The Tipstaff shall return forthwith to the [respondent] / [respondent’s solicitor] the respondent’s [passport] / [birth certificate] / [ID card] / [driving licence] **(adapt as applicable)**.
3. The Tipstaff shall permit the [applicant] / [applicant’s solicitors] / [respondent] / [respondent’s solicitors] to take copies of the [*insert document*]*.*
4. The Tipstaff shall immediately send to the [solicitor for the] [applicant] / [respondent] all passports and other international travel documentation [he] / [she] holds in the name of the [applicant] / [respondent] and [*child(ren) name(s*)]. **(adapt as appropriate)**
5. The condition imposed by the order dated [*date*] for the respondent to attend a police stationis removed.

**Joinder**

1. [*Name(s*)] shall be joined as respondent to these proceedings. The solicitor for the applicant shall by 4.00pm on [*date*] provide a copy of the bundle to Cafcass Legal.
2. [*Name(s*)] shall be discharged as a party to the proceedings.
3. The application by [*name(s*)] for [*child(ren) name(s*)] to be joined to these proceedings is refused.

**Court bundle, skeleton arguments, bundle of authorities**

1. [The court bundle is limited to a single file containing no more than 350 pages including skeleton arguments.] / [There is permission for the court bundle to exceed 350 pages, such court bundle to be limited to [*insert number*] pages.] [The parties shall file and serve skeleton arguments by 4.00pm on [*insert date*].] [The bundle of authorities must comply with PD 27A, para 4.3.]

**Section 5 orders**

1. Pursuant to section 5 of the Child Abduction and Custody Act 1985, [*Local Authority name*] shall immediately on service of this order provide accommodation for [*child(ren) name(s*)] until [*date*].
2. The solicitor for the applicant shall immediately notify the local authority of the making of this order and shall serve a copy of the sealed order by email or fax as soon as it is available.
3. The local authority may apply to the court to vary or discharge paragraph [*para number*] of this order after it has given at least 24 hours’ notice to the other [parties] / [parties’ solicitors].
4. Pursuant to section 5 of the Child Abduction and Custody Act 1985 the respondent shall allow the child contact with the applicant as follows [*insert details of whether contact by telephone, Skype, face to face etc.* *and the dates and times and other practical arrangements for contact*]*.*

**Expert evidence**

* 1. The parties shall jointly instruct [*identify expert*]oran expert to be determined by the court upon application by both parties by email by not later than 4.00pm on [*date*]; the [solicitor for the] [applicant] / [respondent] shall provide full details of the name of each proposed expert, their qualifications and relevant experience together with details of estimated costs and timescales; if the identity of the expert is not agreed by the parties, each party may set out brief arguments as to why one expert should be selected by the court rather than another. **(adapt as applicable)**
  2. The solicitor for the [applicant] / [respondent] shall serve a draft letter of instruction on the other parties by not later than 4.00pm on [*date*]*;* the letter of instruction shall be agreed by not later than 4.00pm on [*date*]and in default of agreement the letter of instruction shall be determined by the court upon application by both parties by email by not later than 4.00pm on [*date*] setting out the areas of dispute clearly marked on the draft letter of instruction.
  3. The solicitor for the [applicant] / [respondent] shall send the letter of instruction by not later than 4.00pm on [*date*]together with any relevant documents.
  4. The report shall be sent to the parties by the expert by not later than 4.00pm on [*date*].
  5. The expert shall be available to attend the hearing on the [morning] / [afternoon] of [*date*]and shall attend if notified by a party in writing by at least two working days before the date of the final hearing that the officer’s attendance is essential. **(insert paragraph above if video link required)**
  6. The costs of the expert shall be shared between the parties in the first instance but the issue of whether one party should pay all or a greater contribution of the costs may be considered by the court at the conclusion of the final hearing.
  7. The [applicant] / [respondent] / [both parties] shall attend at the [office] / [clinic] / [surgery] of the expert at a date and time to be notified to the [applicant] / [respondent] / [both parties] by the expert. **(adapt as appropriate)**

**Costs**

1. [There shall be no order as to costs.] / [There shall be a legal aid detailed assessment of [the applicant’s] / [the respondent’s] / [both parties’] costs.] **(adapt as appropriate)**
2. The [applicant] / [respondent] shall pay the costs of the [respondent] / [applicant] summarily assessed at £[*amount*] / [to be subject to a detailed assessment if not agreed]. The costs shall be paid by [*date*] or14 days from the date of the assessment. **(adapt as appropriate)**
3. [*Insert name*] for the [applicant] / [respondent] shall pay to the [applicant] / [respondent] wasted costs assessed at £[*amount*]. **(adapt as appropriate)**

Dated [*date*]