**PRECEDENT LIBRARY OF PRIVATE LAW CASE MANAGEMENT DIRECTIONS AND ORDERS**

This document contains a comprehensive library of case management directions and orders in private law cases to be added to the standard short form templates as appropriate.

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**IMPORTANT NOTICES**

**Confidentiality warning**

**The names of the child[ren] and the parties are not to be publicly disclosed without the court’s permission.**

**Child arrangements orders warnings**

**This order includes a child arrangements order (the part of the order setting out living arrangements for a child and about time to be spent or contact with another person). If you do not do what the child arrangements order says you may be made to do unpaid work or pay financial compensation. You may also be held to be in contempt of court and imprisoned or fined, or your assets may be seized.**

**It is a criminal offence to take a child out of the United Kingdom without the consent of everybody with parental responsibility unless the court has given permission.**

**While a child arrangements order is in force in relation to a child nobody may:**

* 1. **cause the child to be known by a new surname**
	2. **remove the child from the United Kingdom**

**without the written consent of every person with parental responsibility for the child or leave of the court.**

**However, this does not prevent the removal the child from the United Kingdom by a person named in the child arrangements order as a person with whom the child is to live for a period of less than one month.**

**Special guardianship order warning**

**It is a criminal offence to take a child out of the United Kingdom without the consent of everybody with parental responsibility unless the court has given permission.**

**While a special guardianship order is in force in relation to a child no person may:**

* 1. **cause the child to be known by a new surname**
	2. **remove the child from the United Kingdom**

**without the written consent of every person with parental responsibility for the child or the leave of the court.**

**However, this does not prevent the removal the child from the United Kingdom by a special guardian for a period of less than three months.**

**Penal notice**

**To [*name of person to whom the penal notice is directed*]: If you the within-named [applicant] / [respondent] do not comply with this order you may be held to be in contempt of court and imprisoned or fined, or your assets may be seized.**

**Right to apply**

**If you were not told about the hearing you may ask the court to reconsider this order. You must do that within seven days of receiving this order by writing to the court and asking the court to reconsider. You must tell the person who applied for the order that you are asking the court to reconsider the order.**

**RECITALS**

**Without/short notice hearings**

1. This hearing was listed [at the court’s own initiative] with[out] [short] notice because [*insert reasons*].

# Issues

1. The parties have agreed that:
	1. the child[ren] will live with [*name*] [until further order];
	2. the child[ren] will spend time with [*name*] as follows: [*insert*].
	3. [*insert*]
2. The issues that the court needs to decide are as follows:
	1. with whom the child[ren] should live;
	2. whether they should spend time with [the other parent] / [*name*] and, if so,
		1. how often;
		2. whether there should be overnight stays and longer stays;
		3. whether it should be supervised or supported;
		4. whether it should be limited to indirect contact;
	3. the child[ren]’s education;
	4. the child[ren]’s names;
	5. holidays or travel plans;
	6. proposed relocation by [*name*] with the child[ren] to [*insert*].

**Domestic abuse issues**

1. Domestic abuse has been raised as an issue which is likely to be relevant to any decision of the court relating to the welfare of the child[ren].
2. Notwithstanding the allegations of domestic abuse the court has decided that
	1. a fact-finding hearing is not needed;
	2. a section 7 report is not necessary to safeguard the child[ren]’s interests; because [*insert reasons*].
3. Although this order is made by consent the court has, before making the order, asked [Cafcass] / [CAFCASS Cymru] to provide an oral report to the court including any advice given by the [Cafcass] / [CAFCASS Cymru] officer to the parties and whether they, or the child[ren], have been referred to any agency, including local authority children’s services. A summary of the oral report is set out in the Schedule to this order.
4. The court is satisfied that the arrangements for the child[ren] made by this order, including any contact, protect the safety and wellbeing of the child[ren] and the parent with whom they are living.
5. [*Insert other recitals*]

**IT IS DECLARED THAT:**

1. The court in England and Wales has jurisdiction in relation to the child[ren] on the basis that:

**[please select the appropriate paragraph from list a. to f. below]**

**[pre-11pm on 31 december 2020]**

* 1. the child[ren] [was] / [were] habitually resident in the jurisdiction of England and Wales at the date the application was lodged with the court.
	2. the child[ren] [was] / [were] habitually resident in the jurisdiction of England and Wales immediately before they were wrongfully removed or retained, and they have not acquired a new habitual residence in another Member State and satisfied the conditions in Article 10 (a) or (b) of The Brussels IIa Regulation.

**[post-11pm on 31 december 2020]**

* 1. the child[ren] [is]/ [are] habitually resident in the jurisdiction of England and Wales.
	2. the child[ren] [was] / [were] habitually resident in the jurisdiction of England and Wales immediately before they were wrongfully removed or retained, and they have not acquired a new habitual residence in another Member State and satisfied the conditions in Article 7 (a) or (b) of the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.
	3. this is a case of urgency, and the court is taking necessary measures of protection in respect of the [child[ren] who [is] / [are]] / [property belonging to the child[ren] which is] present in England and Wales.
	4. [*insert other basis of jurisdiction*]

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

**Allocation**

1. Case management and hearings are allocated to a [Circuit Judge] / [District Judge] / [Justices] and reserved to [*name of judge*].

**Jurisdiction**

1. As there appears to be an issue as to jurisdiction which must be considered by the parties urgently, [*name*] must forthwith liaise with the relevant consular authority in England and Wales or other competent authority in the relevant state in relation to the proceedings or request the central authority of that state for such information as may be relevant to decide the issue of jurisdiction. Once obtained [*name*] must send the information to the court and the parties.

**Immigration information**

1. A separate order is made requesting immigration information.

**Adjournment of this hearing**

1. This hearing is adjourned until [*date*] at [*time*] allowing [*hours*] because [*insert reasons for adjournment*].

**Urgent hearing**

1. There will be an urgent hearing at [*place*] on [*date*] before [*name of judge*] allowing [*hours*] to deal with [*insert issues to be dealt with*]. Time for notice of this hearing is shortened to [*insert*].

**Cafcass / CAFCASS Cymru** **safeguarding checks**

1. [Cafcass] / [CAFCASS Cymru] must send completed safeguarding checks to the court with a copy to the parties unless considered inappropriate by 4.00pm on [*date*].
2. [Cafcass] / [CAFCASS Cymru] must undertake enhanced police checks in respect of [*insert*].
3. This hearing is adjourned until [*time*] on [*date*] allowing [*time estimate*] to enable safeguarding checks to be completed.

**Attendance at MIAM**

1. The court has considered the exemption claimed for attendance at a mediation information and assessment meeting (MIAM) and is not satisfied that it was properly claimed. Accordingly [*name*] must attend a MIAM and produce evidence at the next hearing that they have done so.

**Litigation capacity/cognitive assessment**

1. [*Name*] must by 4.00pm on [*date*] send to the court a [report] / [cognitive assessment] by a [general practitioner] / [treating consultant] / [psychiatrist] / [psychologist] / [adult social services] / [*insert*] dealing with the question whether [*name*]:
	1. has litigation capacity within the meaning of sections 2 and 3 of the Mental Capacity Act 2005;
	2. is competent to give evidence.
2. The cost of the report must be paid by [the parties equally] / [*name*].
3. If [*name*] is assessed as having litigation capacity, the cognitive assessment shall also consider whether [he] / [she] is a vulnerable person and, if so:
	1. how their evidence in chief should be given;
	2. whether and how they should be questioned (cross-examined) including the length of questioning and the need for, and frequency of, any breaks;
	3. what support should be made available;
	4. whether separate waiting or other facilities are needed;
	5. whether their evidence should be given remotely.
4. There will be a hearing at [*place*] on [*date*] to assess [*name*]’s capacity to litigate. If on receipt of the capacity evidence [*name*]’s solicitor confirms (a) that [*name*] does not assert that [he] / [she] has capacity and (b) that there is no other person proposed to act as litigation friend, the following directions will be given without a hearing and the capacity assessment hearing will be vacated.
5. The court deciding that [*name*] is a protected party
	1. [*Name*] is appointed as [his] / [her] litigation friend;
	2. and that there is no other person suitable and willing to act as [his] / [her] litigation friend (so that the appointment of the Official Solicitor is the last resort), and [he] / [she] being publicly funded, subject to his consent the Official Solicitor is appointed as litigation friend of [*name*].
6. As [*name*] is not publicly funded:
	1. All parties must co-operate with, and respond promptly to, any request made by the Official Solicitor for information/documents for the purpose of establishing the protected party’s eligibility for legal aid or, if the protected party is ineligible for legal aid, how their legal costs may otherwise be paid.
	2. In the event that any party is aware that the protected party has an attorney under a lasting or enduring power of attorney, or a financial deputy appointed by the Court of Protection, or an appointee for state benefits, that party must provide the Official Solicitor with the identity and contact details of that person.
	3. The Official Solicitor may apply in writing to the case management judge for any further directions which may assist in securing the protected party’s legal costs.

**Participation directions/Ground rules**

1. The court has concluded that there are currently no parties or witnesses for whom it is necessary to make participation directions because:
	1. no matters have been drawn to the attention of the court and it is aware of no reasons which would lead it to conclude otherwise;
	2. it has considered the matters adduced by [*name*] and concluded that the facilities available at court should afford sufficient protection.
2. The court considers that it may be necessary to make participation directions in respect of a party or witness.
3. If they have not already done so, any party who considers that specific measures need to be taken to enable a party or witness to understand the proceedings and their role in them when in court, put their views to the court, instruct their representatives before, during, and after the hearing or attend the hearing without significant distress should file an application notice and include the following information as far as practicable:
	1. why the party or witness would benefit from assistance;
	2. the measure or measures that would be likely to maximise as far as practicable the quality of their evidence or participation and why;
	3. written confirmation from any relevant witness of his/her views.
4. The court has concluded that [*name*] is [vulnerable] / [a protected party] and that [his] / [her] participation in the proceedings is likely to be affected because:
	1. it is alleged that [*name*] is the victim of domestic abuse;
	2. the court considers that the quality of evidence given by [*name*] is likely to be assisted by the services of an intermediary who can facilitate and enable communication and understanding of questions to and answers by a witness or party;
	3. [*other reason*].
5. [*Name*] must by 4.00pm on [*date*] ask [*name of intermediary provider*] to provide a quotation for the supply of services in the form of a preliminary assessment to include necessary preparative work and, if required, intermediary services and necessary preparative work for the ground rules hearing and final hearing and the following directions apply:
	1. the quotation must be sent to HMCTS for the attention of the court manager by [*date*];
	2. HMCTS must confirm acceptance of the quotation and payment of intermediary services within 7 days after receipt of the quotation;
	3. the case will be listed for a [FCMH] / [ground rules hearing] / [IRH] at [*time*] on [*date*] allowing [*time estimate*];
	4. [*Name of intermediary provider*] must file a preliminary assessment by [4 weeks after confirmation of payment of services by HMCTS] / [*date*] and shall attend, if required, the subsequent hearings;
	5. any default in compliance with these directions shall be brought to the attention of the case management judge on 48 hours’ notice to all parties.
6. The following measures are to apply to all hearings in this matter unless otherwise ordered. They must also be set out clearly in a separate schedule headed ‘Measures which apply in case number [*case number*]’ which is to be placed prominently on the case file and provided by the court office to security and the court usher for each hearing.

Measures are to be taken to:

* 1. provide separate entrances to, and waiting areas in, the court building for [*name(s)*];
	2. prevent [*name*] from seeing [*name*] whilst within the court building or its precincts;
	3. make sure that [*name*] is to arrive at court no later than 30 minutes before the hearing and is to report to [court security] / [the usher] immediately on arrival;
	4. security and the court staff must liaise to make sure that the parties do not meet except when they are in the hearing room;
	5. neither party is to approach the other directly;
	6. allow [*name*] to participate in hearings and give evidence:
		1. by live link;
		2. by a recording made [and transcribed] in advance of the hearing;
		3. with the aid of a [signer] / [*other*];
		4. by use of evidence already given in other proceedings, namely [*give details*];
		5. [*other*].
	7. provide for [*name*] to:
		1. use a [*identify aid*] to help communicate;
		2. participate in proceedings with the assistance of an intermediary;
		3. be questioned in court with the assistance of an intermediary;
	8. provide for all hearings to take place in a courtroom;
	9. ensure in relation to any questioning of [*name*] that:
		1. questions or topics are agreed prior to the hearing;
		2. any questions that [can be] / [have been] put by one advocate may not be repeated by another without the court’s permission;
		3. questions may be put by [one advocate] / [the judge] only;
		4. [example] questions [from each topic to be put] are provided in writing in advance of the hearing so that [the intermediary can consider whether they will be understood by the witness] / [they can be put by the judge];
		5. [*other*].
1. The court has made these participation directions for the following reasons:
	1. they are a proportionate way to meet the apparent needs of [*name*];
	2. they protect both parties from coercive conduct or false allegations of coercive conduct;
	3. [*other reasons*].
2. These participation directions have been made by the court without receiving representations from all parties. An application may be made to set aside, vary or stay them provided it is issued within seven days of service of this order.
3. The court considers that a measure under Family Procedure Rules rule 3A is necessary but the measure is not available to the court because [*insert reasons*].
4. The participation directions given on [*date*] are [revoked] / [varied] as follows: [*insert details*] because [*give reasons*].
5. All parties’ legal representatives are expected to be familiar with and to use the techniques employed by the toolkits and approach of The Inns of Court College of Advocacy. The toolkits are available at [www.theadvocatesgateway.org/toolkits](http://www.theadvocatesgateway.org/toolkits).

**Child[ren] giving evidence**

1. There shall be a hearing on [*date*] to consider whether the child[ren] should give oral evidence. In preparation for that hearing:
	1. [*Insert*] must by [*date*] make available any ABE interview of the child[ren] to be viewed by the judge and all parties;
	2. **(where there is a pending criminal investigation or prosecution)** [*Insert*] must give notice to the [police] / [CPS] that a decision will be made at the hearing whether the child[ren] should give evidence in these proceedings and that they may either send written representations or attend the hearing to express any views they have;
	3. [Cafcass] / [CAFCASS Cymru] / [The child[ren]’s guardian [*name*]] must by [*date*] send to the court and to the parties a report in respect only of the child[ren] subject of these proceedings to whom the question of giving evidence relates dealing with the following issues in relation to the question whether the child[ren] should give oral evidence:
		1. the child[ren]’s wishes and feelings, in particular the child[ren]’s willingness to give evidence;
		2. the child[ren]’s particular needs and abilities;
		3. the maturity, vulnerability and understanding, capacity and competence of the child[ren];
		4. the support or lack of support the child[ren] [has] / [have];
		5. any harm that may be caused to the child[ren] by giving, or by not being allowed to give, oral evidence;
		6. whether any specialist assessment is required before the court can decide whether the child[ren] should give evidence;
		7. the views of the children’s guardian having discussed the issue with the child[ren].
	4. The parties must by [*date*] send to the court, to [Cafcass] / [CAFCASS Cymru] and to the other parties written submissions dealing with the matters set out in paragraphs 9, 12 and 14 of the Family Justice Council *Guidelines on the issue of Children Giving Evidence in Family Proceedings* (December 2011) [a copy of which is attached to this order for the benefit of any unrepresented party].
2. The child[ren] will [not] give evidence at the hearing on [*date*].
3. There will be a ground rules hearing at [*place*] on [*date*] [which the parents and any other family members must not attend] to consider the following matters:
	1. whether the child[ren] should give evidence in chief and if so how, in particular whether the child[ren]’s evidence should be pre-recorded or given by live link;
	2. the need for and use of an intermediary or other communications specialist or other support for the child[ren] giving evidence;
	3. whether, by whom and how the child[ren] [is] / [are] to be cross-examined including:
	4. the format of questions and whether they should be submitted for judicial/intermediary approval in advance;
	5. any specific questions or topics to be covered;
	6. length of questioning and the need for breaks;
	7. what if any papers should be disclosed to the child[ren];
	8. arrangements for
	9. the child[ren] to see their ABE interview;
	10. a familiarisation visit by the child[ren] before the hearing;
	11. access and waiting facilities at court for the child[ren] and their [security] / [privacy].

**Involving the child**

1. [Cafcass] / [CAFCASS Cymru] / [The children’s guardian] must consider whether a meeting between [*name of child(ren)*] and the judge would be in the child[ren]’s interests having regard to the child[ren]’s wishes, the purpose of such a meeting having been explained to the child[ren].
2. [Cafcass] / [CAFCASS Cymru] / [The children’s guardian] must provide [a written report by letter by [*date*]] / [an oral report at the next hearing] on the question whether the child[ren] should meet with the judge.
3. At the next hearing the court will consider representations as to whether there should be a meeting between the child[ren] and the judge.
4. The court having considered the parties’ representations and the wishes of the child[ren]:
	1. [*name of child(ren)*] shall be brought to court by [*name*] at [*time*] on [*date*] for a meeting with the judge;

* 1. the meeting (and preparation of the child[ren] for it) must be conducted in accordance with the Family Justice *Council Guidelines for judges meeting children who are subject to family proceedings* (April 2010) with which all professionals in the case must be familiar;
	2. the other persons present at the meeting will be [*names*] and a note of the meeting shall be taken by [*name*] which shall be circulated to the parties following the meeting.
1. [*Name*] must explain the outcome of this hearing to the child[ren].
2. The [letter from the judge to] / [summary of reasons for this order for] the child[ren] annexed to this order must be given to the child[ren] by [*name*] [who must also give any further explanation sought by the child[ren]].

**Permission to apply**

1. [*Name*] has permission to apply for a
	1. child arrangements order;
	2. prohibited steps order;
	3. specific issues order;
	4. special guardianship order.

**Permission to withdraw**

1. [*Name*] has permission to withdraw [his] / [her] application for a
	1. child arrangements order;
	2. prohibited steps order;
	3. specific issues order;
	4. special guardianship order

and the application is recorded by the court as withdrawn.

**Direction to DWP for disclosure of party’s address**

1. A separate order is made in relation to disclosure of a party’s whereabouts by the DWP. Upon receipt, such information must be held by the court as confidential and not disclosed to the parties without permission of the court.

**Recovery of the child - section 34 FLA 1986**

1. A separate order is made authorising a police officer to take charge of the child[ren].

**Appointment of children’s guardian - FPR rule 16.4**

1. The child[ren] [is] / [are] joined as [a party] / [parties] to the proceedings and [an officer of [Cafcass] / [CAFCASS Cymru]] / [*name*] must be appointed to act as children’s guardian. The appointed children’s guardian must promptly appoint a solicitor to act for the child[ren] and inform the other parties of the solicitor instructed.
2. The court must send a copy of this order to the [Cafcass] / [CAFCASS Cymru] Service manager who must allocate an officer as guardian promptly and tell the court who has been appointed.
3. If [Cafcass] / [CAFCASS Cymru] is unable to appoint a children’s guardian within 7 days of service of this order, they must tell the court straightaway.

**Children’s guardian’s report**

1. The children’s guardian must file a report at court by 4.00pm on [*date*] [and must send a copy to the parties] / [and may send a copy to the parties at the children’s guardian’s discretion] / [but must not disclose it to the parties without further directions].

**Joining [parties] / [interveners]**

1. [*Name*] is joined as [a party] / [an intervener] [limited for the purpose of [*insert*]].
2. [*Name*] must by 4.00pm on [*date*] provide [*insert*] with the case documents [necessary to deal with [*insert*]] [redacted as to [*insert*]].

**Live with order**

1. The child[ren] shall live with [*name*] [until further order] [as follows: [*insert*]].

**Contact order**

1. [*Name*] must make sure that the child[ren] spend[s] time or otherwise [has] / [have] contact with [*name*] as follows: [*insert details*].
2. [*Insert other*]

**Contact directions and conditions**

1. The following conditions apply to contact:
	1. handovers at the start of contact will be at [*place*] and [*name*] must [collect] / [deliver] the child[ren];
	2. handovers at the end of contact will be at [*place*] and [*name*] must [collect] / [deliver] the child[ren];
	3. handovers at the start and end of contact must be at an agreed public place covered by CCTV cameras [namely [*place*]];
	4. the parties must ensure that [no other adult] / [*name*] accompanies them to handovers
	5. any party delayed for a handover must let the other know immediately;
	6. handovers will be facilitated by [*name*];
	7. communication between the parties must be confined to issues concerning the child[ren] [and must only be by text message/email. The telephone numbers/email addresses of the parties are [*insert*]];
	8. a ‘contact handover book’ shall be used to note any matters of concern of importance which one party needs to tell the other. The book is to be used solely for communication about contact arrangements and the health and welfare of the child[ren][and must not be used to criticise or verbally abuse the other parent]. The book must be passed from one party to the other at contact handovers and must be brought to court on each occasion the parties attend;
	9. [*name*] must not drink alcohol or use non-prescribed drugs for 24 hours before, or at any time while, seeing the child[ren];
	10. contact will only take place if [*name*] provides a negative breathalyser sample at the start of any contact session when requested to do so. The testing kit is to be provided by [*name*].
	11. the contact is to be supervised at all times by [*name*].

**Contact centre**

1. Such contact is to be [supervised] / [supported] at [[*name*] Contact Centre] / [an accredited centre] and the following conditions shall apply:
	1. [*name*] / [the court] must provide a copy of this order, the safeguarding letter or information filed by [Cafcass] / [CAFCASS Cymru] and any injunction order involving the parties to the centre manager as soon as possible and in any event within 2 days;
	2. [*name*] must [complete and submit a referral form to the contact centre] / [use the online referral service];
	3. any rules of the contact centre must be complied with;
	4. the child[ren] must be taken by [*name*] to the contact centre promptly for the start of each session and collected at the end of each session by [*name*];
	5. [*name*] must not enter the contact centre before the contact session is due to start;
	6. [*name*] must not remain in the same room as the child[ren] during the contact session;
	7. any costs charged by the contact centre must be paid by [*name*];
	8. both parties are responsible for telling the centre manager when the place is no longer required;
	9. contact will continue at the contact centre until [*date*]; thereafter contact shall take place in accordance with the following order **(use paras 57-59 above)**.

**Indirect contact**

1. [*Name*] shall have indirect contact with the child[ren] by sending them letters, cards, gifts and/or photos no more than once every [fortnight] / [month] starting on [*date*]. [*Name*] must make the items sent available for the child[ren] to read or see (reading any letters or cards to the child if the child cannot read for him or herself) and must keep items sent for the child[ren] to access when they wish from time to time. [*Name*] must encourage the child[ren] to respond to each item sent by way of letter or card in reply. [*Name*] must copy items sent and keep proof of postage or sending.
2. [*Name*] must send to [*name*] school reports, photographs and any updated medical information relating to the child[ren] [when received] / [every [*insert frequency*]] together with periodic updates as to the child[ren]’s health, welfare and interests.

**Specific issue order**

1. [*Name*] must
	1. return the child[ren] to the care of [*name*] immediately [upon service of this order];
	2. make sure that the child[ren] attend school at [*name of school*];
	3. make sure the child[ren] [is] / [are] known by the last name [*surname*];
	4. deliver the child[ren]’s passport[s] to [*name*] by [*date*];
	5. [*insert*].

**Prohibited steps order**

1. [*Name*] must not
	1. remove the child[ren] from the care of [*name*] or any person or institution (including any nursery or school) to whom that party has entrusted the child[ren]’s care, nor instruct or encourage anybody else to do so, other than for the purpose of contact agreed in writing or ordered by the court, in which case the child[ren] must be returned promptly at the end of each such contact period;
	2. allow the child[ren] to live at a different address than [*address*];
	3. remove the child[ren] from their current school;
	4. remove the child[ren] from the United Kingdom;
	5. allow the child[ren] to be known by a different surname than [*surname*];
	6. [*insert*].

**Family assistance order**

1. All persons named in the order [and the local authority] having consented to a family assistance order being made, [[Cafcass] / [CAFCASS Cymru]] / [[*name*] [Council] must make an officer available to advise, assist and befriend [*name*] and the child[ren] until [*date*]. The following further directions apply:
	1. all persons to whom this order is addressed must ensure that the officer is informed of any change of address or contact details (including those of the child[ren]) and that the officer is able to visit them.;
	2. all persons to whom this order is addressed must ensure that the officer is able to see the child[ren];
	3. the officer must give advice and assistance as regards establishing, maintaining, and improving contact;
	4. if the officer is of the view that any order relating to the living or contact arrangements for the child[ren] may need to be altered or discharged, the officer must report to the court accordingly.

**Activity directions/conditions**

1. [*Name*] must attend the following activity programme[s] [as a condition of the child arrangements order] on dates and at times to be confirmed by the activity provider, and in any event by [*date*]:
	1. a mediation information and assessment meeting (MIAM);
	2. **(england only)** a separated parenting information programme (SPIP);
	3. **(wales only)** a working together for children course (WT4C)
	4. **(england only)** an Improving Child and Family Arrangements service (ICFA) intervention;
	5. **(england only)** subject to suitability, a domestic abuse perpetrator’s programme (DAPP);
	6. the court must send this order to [Cafcass] / [CAFCASS Cymru] with all contact details (in the case of [a SPIP to spip.referrals@cafcass.gsi.gov.uk] / [WT4C to CafcasscymruCAT@gov.wales] otherwise to the family court adviser);
	7. the court records the consent of the parties to disclosure of their details by [Cafcass] / [CAFCASS Cymru] to the activity provider;
	8. Cafcass must make the referral to the approved local provider of DAPP by [*date*] including a request to the DAPP provider to inform Cafcass in writing that the party is suitable for the programme;
	9. if the party is not suitable, Cafcass must report to the court by [*date*] making any alternative recommendations;
	10. if the party is assessed as suitable for the programme, the DAPP provider must supply information to Cafcass to enable them to prepare reports for the court at mid-way and completion stages of the programme setting out the party’s engagement, progress and any recommendations.

**Monitoring by [Cafcass] / [CAFCASS Cymru]**

1. [Cafcass] / [CAFCASS Cymru] must monitor compliance with the [child arrangements order] / [activity direction/condition] made above until [*date*]and report to the court in the event of any significant non-compliance which the monitoring officer considers should be reported.

**Drug/alcohol testing**

1. The court needs a report to find out whether [*name*] use[s] drugs and/or alcohol.
2. [*Name*] must provide samples so that tests can be undertaken and a report prepared. So that can be done
	1. [*name*] must make arrangements with [his] / /[her] GP so that [[hair] / [blood] samples] / [a liver test analysis] can be undertaken by no later than [*date*];
	2. [*name*] must produce photo proof of identity at the time samples are taken;
	3. [*name*] must provide a copy of this order to the GP before samples are taken;
	4. the GP must send the samples to [*company*] for testing by no later than [*date*];
	5. the tests must cover [*number*] months to the date samples are taken and must be for the use of alcohol and the following drugs: [*insert*];
	6. [*name*] must send the test report to the court and to the parties by 4.00pm on [*date*];
	7. the cost of testing [which must not exceed £[*amount*]] must be paid by [*name*].

**Paternity testing**

1. The court needs a report to find out whether [*name*] is the father of [*name*]. A tester needs samples from [*name*] and [*name*] so that tests can be carried out and a report prepared.
2. As the dispute regarding parentage has arisen in relation to an application for a child arrangement order and as the court has made the above direction for a report on parentage of its own motion, a test is considered necessary to resolve the proceedings:

**(testing through cafcass/cafcass cymru)**

* 1. The court officer must complete Parts I and II of form BD1 and send this to:
		1. [**(where the child whose parentage is in dispute is resident in england)** DNA Requests, CAFCASS National Business Centre, Millburn Hill Road, University of Warwick Science Park, Coventry CV4 7JJ (DNArequests@cafcass.gsi.gov.uk and inboundpost@cafcass.gsi.gov.uk; telephone number 0300 456 4000)]
		2. [**(where the child whose parentage is in dispute is resident in wales)** Central Administrative Team, Welsh Government Rhydycar Business Park, Merthyr Tydfil CF48 1UZ (CafcasscymruCAT@wales.gsi.gov.uk)].
	2. an officer of [Cafcass] / [CAFCASS Cymru] must then make arrangements with [*name*] for mouth swab samples to be given by [*name*], supervised by a trained officer of [Cafcass] / [CAFCASS Cymru];
	3. [*name*] must allow the officer of [Cafcass] / [CAFCASS Cymru] to take photographic identity of [his] / [her] identity at the time the sample is taken;
	4. the officer of [Cafcass] / [CAFCASS Cymru] must send the samples to the tester to arrive by no later than [*date*];
	5. the tester must send the written test report to the court and [Cafcass] / [CAFCASS Cymru] by [*date*];
	6. the costs of the sampling, testing and report will be paid for by Cafcass in respect of proceedings in England and by the Ministry of Justice in respect of proceedings in Wales.

**(testing not through cafcass/cafcass cymru)**

* 1. The court office must complete Parts I and II of form BDI and send this to [*name*];
	2. [*Name*] must contact an accredited tester and make arrangements for an appropriate sampler to obtain samples by [*date*];
	3. At the time the samples are obtained the person giving the samples must provide to the sampler the completed form BD1, a copy of this order and photo identity;
	4. The sampler must send the samples to the tester by [*date*];
	5. The tester must send the written test report to the court and [Cafcass] / [CAFCASS Cymru] by [*date*];
	6. The costs of sampling, testing and reporting must be paid by [*name*].

**Parental responsibility**

1. Parental responsibility is granted to [*name*] in respect of [*name*].

**Witness statements**

1. The parties must by 4.00pm on [*date*] send to each other, to [Cafcass] / [CAFCASS Cymru] and to the court written statements of the evidence they will give to the court.
	1. Copies of all statements must be sent to the court and to [Cafcass] / [CAFCASS Cymru]
	2. A party’s statement may be prepared using the witness statement template which is available from the court or at <https://formfinder.hmctsformfinder.justice.gov.uk/c120-eng.pdf>
	3. Each party's statement must set out:
		1. any relevant background information;
		2. the party's position in relation the matters which are not agreed;
		3. any relevant facts they are asking the court to decide about matters which are not agreed (this direction applies to the parties themselves and the statements of any witnesses they want to call); and
		4. the party's proposals for the arrangements for the child[ren]
	4. At the same time they file the papers with the court, the parties must also send to the court and the other [party] / [parties] and [Cafcass] / [CAFCASS Cymru] copies of the statements of any other witness who they wish to give evidence about the facts of the case.
	5. Unless the court gives permission, nobody will be allowed to give oral evidence at a hearing unless their written statement has been sent by the date fixed in this order.
	6. Neither party may use the evidence of more than [*number*] additional witnesses.
	7. Every statement must:
		1. start with the name of the case and the case number;
		2. state the full name and address of the person making it;
		3. set out what the person has to say clearly in numbered paragraphs on numbered pages;
		4. end with this statement: 'I believe that the facts stated in this witness statement are true.'; and
		5. be signed and dated by the person making it.
	8. If a witness or party is unable to read the statement in the form produced to the court, the statement must include a certificate that it has been read or interpreted to the witness by a suitably qualified person.
	9. If a witness who has made a statement is to give evidence or be questioned and is unable to do so in spoken English (or Welsh if the hearing is in Wales), the party relying on that witness must ensure that a suitable independent interpreter is available.
2. Statements must be no longer than [*number*] pages of A4 paper, preferably typed in a font no smaller than 12pt and at no less than 1.5 in line spacing.

**Directions for fact-finding hearing**

1. [*Name*] has made allegations against [*name*] which are disputed.
2. [The court requires more detailed information to enable it to decide whether a separate fact-finding hearing will be necessary to decide the disputed allegations and the parties must comply with these directions.] / [The court will hold a separate fact-finding hearing to decide the disputed allegations and the parties must comply with these directions.]
	1. By 4.00pm on [*date*] [*name*] must send to the court and the other [party] / [parties] [and [Cafcass] / [CAFCASS Cymru]] a list of all the allegations being made:
		1. The list must be signed and dated. Each incident must be numbered and set out in date order, giving the date each incident happened so far as possible and giving a brief description of what happened and where. If someone else was there at the time of the incident, and/or the incident was reported to the police or medical attention was sought, details should be given.
		2. If possible, the list of allegations shall be set out in the form of a table with headings. An example table is attached to this order.
		3. The list must end with a statement that it is true, and be signed and dated (see the example table).
		4. **(where a fact-finding hearing is being considered)** A statement must be sent with the list, giving more details of the allegations, referring to each allegation by its number in the list and attaching all evidence relied upon in support.
		5. **(where a fact-finding hearing is being considered)** If there were other witnesses to the alleged incidents, or there are documents on which a party intends to rely, that should be referred to in the last paragraph of the statement but no additional witnesses or documents should be sent at this stage.
		6. **(where a fact-finding hearing is directed)** In addition, [*name*] and any witnesses must make written statements of the evidence they will give to the court about the disputed facts, attaching copies of any documents they wish to use to support their evidence. Copies of the statements and any documents must be sent with the lists.
3. By 4.00pm on [*date*] [*name*] must send to the court and the other [party] / [parties] [and [Cafcass] / [CAFCASS Cymru]]:
4. A written response to each of the allegations (using the same table if possible) and setting out brief details of what [*name*] says happened or if the incident is denied. The response must end with a statement that it is true, and be signed and dated (see the example table).
5. **(where a fact-finding hearing is being considered)** A statement giving more details of the responses, referring to each allegation by its number in the list.
6. **(where a fact-finding hearing is being considered)** If there were other witnesses to the alleged incidents, or there are documents on which a party intends to rely, that should be referred to in the last paragraph of the statement but no additional witnesses or documents should be sent at this stage.
7. **(where a fact-finding hearing is directed)** In addition, [*name*] and any witnesses must make written statements of the evidence they will give to the court about the disputed facts, attaching any documents they wish to use to support their evidence. Copies of the statements and any documents must be sent with the lists.
8. Neither party may use the evidence of more than [*number*] additional witnesses.
9. Every statement must:
	1. start with the name of the case and the case number;
	2. state the full name and address of the person making it;
	3. set out what the person has to say clearly in numbered paragraphs on numbered pages;
	4. end with this statement: 'I believe that the facts stated in this witness statement are true.'; and
	5. be signed and dated by the person making it.
10. If a witness or party is unable to read the statement in the form produced to the court, the statement must include a certificate that it has been read or interpreted to the witness by a suitably qualified person. If a witness who has made a statement is to give evidence or be questioned and is unable to do so in spoken English (or Welsh if the hearing is in Wales), the party relying on that witness must ensure that a suitable independent interpreter is available.
11. Statements must be no longer than [*number*] pages of A4 paper, preferably typed in a font no smaller than 12pt and at no less than 1.5 in line spacing.
12. The list or table, statements and documents should also be sent in electronic form if possible.

**Police disclosure**

1. A separate order is made in relation to police disclosure in form Annex H.

**Medical disclosure**

* 1. [*Name*] must by 4.00pm on [*date*] disclose [his] / [her] GP and hospital medical records to [*name*].
	2. A copy of this order must be sent with any request to the record holder.
	3. Any fee charged by the record holder must be paid by [*name*].

**Section 7 report**

1. [Cafcass] / [CAFCASS Cymru] / [[*Name*] Council] must by 4.00pm on [*date*] send to the court and to the parties a report under section 7 of the Children Act 1989 dealing with the following:
	1. with whom the child[ren] should live;
	2. whether the child[ren] should see the other parent [or [*name*]];
	3. how often and for how long the child[ren] should see the other parent [or [*name*]];
	4. the wishes and feelings of the child[[ren] so far as they can be ascertained;
	5. the home conditions and suitability of the accommodation of [*name*];
	6. the concerns of [*name*] with regard to [*name*];
	7. whether or not the child[ren]’s [physical] / [emotional] / [educational] needs are being met by [the parents] / [*name*];
	8. how the child[ren] would be affected by the proposed change of [*insert*];
	9. whether or not it appears that the child[ren] [has] / [have] suffered or are at risk of suffering [any harm] / [the harm alleged by [*name*]];
	10. the parenting capacity of [*name*] [having regard to the [allegations] / [findings] made];
	11. whether the local authority should be requested to report under section 37 of the Children Act 1989;
	12. **(for interim orders before determination of facts)** having regard to the allegations of domestic abuse if proved:
		1. the impact on the child[ren] and on the care given by the parent making the allegation of domestic abuse of any contact and the risk of harm, whether physical, emotional or psychological, if a contact order is made;
		2. whether contact between the child[ren] and the [mother] / [father] can take place safely (physically, emotionally and psychologically) for the child and the parent with whom the child is living;
		3. whether contact should be supervised or supported and, if so, where and by whom and the availability of resources for that purpose;
		4. if direct contact is not appropriate, whether there should be indirect contact and, if so, in what form;
	13. **(in all cases where domestic abuse has been found to have occurred)** having regard to the findings of fact made as set out in the Schedule to [this order] / [the order made on [*date*]]:
		1. any harm suffered by the child[ren] and the parent with whom the child[ren] are living as a consequence of the domestic abuse found;
		2. any harm which the child[ren] and the parent with whom the child[ren] are living is at risk of suffering if a contact order is made;
		3. information about the facilities available locally (including domestic abuse support services) to assist any party or the child[ren];
		4. the report should address the matters set out in paragraphs 36 and 37 of PD 12J;
	14. recommendations in respect of arrangements for the child[ren] including stepped arrangements with a view to a final order if possible.
2. A copy of this order must be sent by the court to [Cafcass] / [CAFCASS Cymru] / [the legal adviser to the local authority at [*name of local authority*]].

**Section 37 report**

1. It appears to the court that it may be appropriate for a care or supervision order to be made with respect to the child[ren] because [*insert reasons*].
	1. [*Name*] Council must undertake an investigation of the child[ren]’s circumstances under section 37 of the Children Act 1989 and consider whether they should apply for a care or supervision order, provide services as assistance for the child[ren] or the family or take any other action in respect of the child[ren].
	2. The court must send this order to the legal adviser to the local authority by [*date*] together with the following documents: [*insert*].
	3. If the local authority decides not to apply for a care or supervision order they must by 4.00pm on [*date* **(eight weeks)**] file at court a report setting out
		1. the reasons for so deciding;
		2. any services or assistance they have provided, or intend to provide, for the child[ren] and the family;
		3. any other action they have taken, or propose to take, with respect to the child[ren]; and
		4. when they propose to review the case.
	4. Upon receipt of the report the court will consider whether it should be sent to the parties. It will, in any event, be considered at the next hearing.

**Experts**

1. [The court being satisfied that it is necessary for the following expert to be instructed,] [permission] to [*name*] to instruct an expert [*type of expert*], namely [*name*], as a single joint expert is [given] / [refused].
2. [The court being satisfied that it is necessary for the following expert[s] to be instructed,] [permission] to [*name*] to instruct the following expert[s] is [given] / [refused]: [*name and discipline of expert*].
3. The application by [*name*] for permission to instruct an expert [*type of expert*] is adjourned pending compliance with Part 25C. Upon compliance the court will consider the application [at a hearing] / [on paper].
4. The following directions shall apply to the instruction of [*name or discipline of expert*]:
	1. The lead for the instruction of the expert shall be [*name*].
	2. The letter of instruction to the expert [as approved by the court today] / [to be agreed by the parties by 4.00 pm on [*date*] and sent to the court] shall be sent the expert by 4.00 pm on [*date*].
	3. The questions to be dealt with by the expert are as follows: [*insert*]
	4. Permission is [not] given for the expert to see and assess the child[ren].
	5. The expert’s report must be sent to the court and to the parties by no later than 4.00 pm on [*date*].
	6. Permission is [not] given to call [*name*] to give oral evidence at the hearing.
5. Questions of the expert must be dealt with in accordance with FPR rule 25.10.
6. Experts can request the court (by letter or email) to give directions pursuant to FPR rule 25.17 for the purpose of assisting in the carrying out of the expert’s functions.

1. Unless the experts are agreed, there shall be a meeting of experts to be arranged by the solicitor for the child[ren]. An agenda for the meeting must be circulated and agreed not later than 5 days before the meeting. The meeting must be chaired by [*name*]. Within 7 days after the meeting the experts must produce a joint statement setting out the issues on which they agree and, with reasons, those on which they do not.
2. Any application for permission to call an expert to give oral evidence must be made no later than 2 working days before the dispute resolution appointment. Any party making such an application will be expected to have raised written questions in accordance with FPR rule 25.17.
3. The following experts shall give their evidence concurrently: [*names*].
4. [*Name of expert(s)*] shall give evidence by live link. [*Name*] must send a witness bundle to the expert no later than 2 working days before the hearing.
5. The costs of the expert[s] [attending] must be paid by the parties [equally] / [in the same proportions as the costs of the original instruction of the expert, subject to any further order made by the court].
6. The reports by [*name*] may be disclosed to any person or agency providing professional therapy, counselling or treatment to either of the parents or child[ren].
7. The court being satisfied that the expert evidence is being sought on behalf of the child[ren] alone, the expert’s fees shall be paid through the child[ren]’s public funding certificate.
8. Notwithstanding that the expert evidence is sought by all parties, the court having assessed the parties’ financial circumstances and being satisfied that the parents can[not] [only] afford a contribution [of £[*amount*]] the expert’s fees shall be paid through the child[ren]’s public funding certificate [with contribution from the parties of £[*amount*]].

**Special guardianship directions and order**

1. Permission is given to [*name*] to apply for a special guardianship order in respect of the child[ren].
2. [*Name*] Council is directed to investigate and prepare a report to the court about the suitability of [*name(s)*] for appointment as special guardian[s]. The information to be included in the report to the court shall include that set out in Regulation 21 of, and the Schedule to, the Special Guardianship Regulations 2005. The report shall be sent to the court [and to the parties] by 4.00pm on [*date*].
3. The local authority must liaise with the person[s] being assessed to ascertain whether there is any information they would wish to be redacted from the special guardianship report before it is disclosed to the parents or others. The local authority must by 4.00pm on [*date*] send [the report to the court with any representations as to disclosure and/or redaction of the report and the court will decide whether and to whom the report should be disclosed and whether any redaction is necessary prior to disclosure.] / [a complete copy of the special guardianship report to [the child[ren]’s guardian and a copy to] those with parental responsibility for the child[ren] excluding the following information:
	1. any references given;
	2. any financial information;
	3. detailed medical information in relation to the proposed special guardian[s];
	4. any other information which the proposed special guardian[s] in conjunction with the local authority deem to be appropriate to exclude from the report before it is disclosed.]
4. [*Name*] is appointed special guardian of the child[ren] [*name(s)*] under section 14A of the Children Act 1989.

**Guardianship – section 5, Children Act 1989**

1. [*Name*] is appointed guardian of the child[ren] [*name(s)*] under section 5 of the Children Act 1989.
2. [*Name*]’s appointment as guardian of the child[ren] [*name(s)*] is terminated.

**Settlement Conference**

1. The parties having read the settlement conference information and filing their signed consents to a settlement conference, the matter is listed for a settlement conference at [*place*] on [*date*] at [*time*] before [*name of judge*] allowing [*number*] hours, the parties to attend at [*time*].
2. No party shall file any position statements prior to the settlement conference.
3. The parties having read the settlement conference information but not consenting to a settlement conference, a settlement conference is not directed. In the event that the parties do all consent they must by 4.00pm on [*date*] send their signed consent form to the court together with a request for a settlement conference to be listed on a date prior to the final hearing date.

**Next hearing**

1. The next hearing will be at [*place*] on [*date*] at [*time*] before [*name of judge*] allowing [*number*] hours which will be [an adjourned FHDRA] / [a dispute resolution appointment] / [a ground rules hearing] / [a fact-finding hearing] / [a final hearing] / [a review hearing].

**Attendance at next hearing**

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

**Further hearings**

1. There will also be a further hearing at [*place*] on [*date*] before [*name of judge*] allowing [*number*] hours to deal with [*insert*].

**Interpreters/translation**

1. The court must arrange for [*number*] interpreters fluent in [*language (and dialect if necessary)*] to be available at all future hearings to attend no later than one hour before the time the hearing is listed.
2. The court authorises the use of interpreters by the solicitors for [*name*] to enable them to take instructions. The cost of the interpreters must be paid by [*name*].
3. The parties must agree the documents (or summaries of documents) that it is necessary to translate to enable the parties to understand the case and give instructions. A list of the documents it is proposed to translate must be submitted to the court by 4.00pm on [*date*] so that the court can satisfy itself that the documents need to be translated.
4. [*Name*] must arrange for the translation of [*identify documents*] to be made into [*language (and dialect if necessary)*] and provided to [*name*]. The court is satisfied that the translation of these documents is necessary. The cost of translation shall be paid by [*name*].

**Documents/Bundles**

1. No document other than a document specified in an order or filed in accordance with the Rules or any Practice Direction shall be filed without the court’s permission.
2. The bundle for the next hearing will be prepared by [*name*].
3. The party preparing the bundle must comply with Practice Direction 27A concerning the preparation and presentation of bundles [a summary of which is attached to this order for the benefit of any unrepresented party preparing the bundle].

**Transcript**

1. The [local authority] / [*other*] must by 4.00pm on [*date*] apply for a transcript of the [fact-finding] judgment given [today] / [on [*date*]] [together with the evidence given by [*name*] on [*date*]] [and such transcript shall be expedited].
2. A transcript of the judgment is necessary:
	1. [so that the expert can carry out a[n] [risk] assessment based on the findings made]
	2. [to inform the welfare hearing]
	3. [so that [*name*] may [be advised whether to] apply for permission to appeal the order made [today] / [on [*date*]].
3. The cost of the transcript must be [paid by the local authority] / [shared by all parties equally] / [met as a public expense].

**Costs**

1. [There is no order for costs [save public funding assessment of the costs of any publicly funded party.] / [[*Name*] must pay [a contribution of £[*amount*] towards] [*percentage*]% of] the costs of [*name*] [summarily assessed at £[*amount*]] [subject to detailed assessment] [not to be enforced without an enquiry as to the amount, if any, that [*name*] (a funded party) can reasonably afford to pay towards those costs.]

**SCHEDULE TO ORDER**

**Summary of oral report given by [Cafcass] / [CAFCASS Cymru] concerning advice given to the parties and whether they or the child[ren]** **have been referred to any agency, including local authority children’s services.**

[*Summarise report*]

**Admissions of domestic abuse**.

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

* 1. [*Set out admissions made*]
1. **Example schedule of allegations and responses for fact finding hearing**

|  |  |  |
| --- | --- | --- |
| **The person making the allegation should fill in these parts.** | **The person replying should fill in this part** | **This part should be left blank for the judge to use** |
| **No** | **Date** | **Briefly, what do you say happened and where?****(Give more detail in your statement)** | **Who else was there?** | **If the incident was reported, give details.** | **Briefly, what do you say happened?****(Give more detail in your statement)** |
| 1. | [*date*] | [*insert*] | [*name*] | [*insert*] | [*insert*] |  |
| 2. | [*etc.*] |  |  |  |  |  |

|  |  |  |
| --- | --- | --- |
| I believe that the information I have entered in this list is true |  | I believe that the information I have entered in this list is true |
|  |  |  |
| Name: [*name*]Signed: |  | Name: [*name*]Signed: |
|  |  |  |
| Dated: [*date*] |  | Dated: [*date*] |