**In the Family Court Case no. [*Case number*]**

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

**The Children Act 1989**

**The Adoption and Children Act 2002**

**The child[ren]**

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

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

**ORDER MADE BY [*NAME OF JUDGE*] AT THE CASE MANAGEMENT HEARING ON [*DATE*]** **WHICH IS THE FIRST CASE MANAGEMENT HEARING WITHIN THESE PROCEEDINGS**

**CMO NO. [*NUMBER*] AT TIMETABLE WEEK NO. [*NUMBER*]**

**The parties and representation at this hearing**

1. The applicant is[*name of local authority*], represented by [*barrister/solicitor name*] [instructed by [*solicitor firm name*]] whose contact details are [*chambers/firm name*], [*phone number*], [*email*]

The first respondent is [*name*], the [*relationship to child*], [in person], represented by [*barrister/solicitor name*] [instructed by [*solicitor firm name*]] whose contact details are [*chambers/firm name*], [*phone number*], [*email*]

The second respondent is [*name*], the [*relationship to child*], [in person], represented by [*barrister/solicitor name*] [instructed by [*solicitor firm name*]] whose contact details are [*chambers/firm name*], [*phone number*], [*email*]

The third respondent[s] [is] / [are] the child[ren] (by their children’s guardian [*guardian name*], represented by [*barrister/solicitor name*] [instructed by [*solicitor firm name*]] whose contact details are [*chambers/firm name*], [*phone number*], [*email*]

The intervener is [*name*], the [*relationship to child*], [in person], represented by [*barrister/solicitor name*] [instructed by [*solicitor firm name*]] whose contact details are [*chambers/firm name*], [*phone number*], [*email*]

**Important notices**

**(note: the second and third warnings may appear at the start of the order, as shown here, or at the end)**

**Confidentiality warning**

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

**Compliance warnings**

**All parties must immediately inform the allocated judge as soon as they become aware that any direction given by the court cannot be complied with and to seek in advance an extension of time to comply.**

**In the event that a party fails to comply with directions and/or fails to attend any hearing without good reason the court may make final orders including care orders and placement orders at that hearing.**

**General provisions in this order, the first case management order, to apply in subsequent case management orders**

**The following provisions in this first case management order shall apply throughout these proceedings unless the subsequent order expressly makes different provision:-**

1. **The declaration made under the heading of “Jurisdiction”.**
2. **The identification of an allocated judge under the heading “Allocation”.**
3. **The provisions made under the heading of “Documents/Bundles”.**
4. **The provisions made under the heading of “Variation of orders”.**

**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*]

**AND THE COURT ORDERS**

**Parents’ initial statement/response to threshold**

1. The [mother] / [father] / [parents] must by 4.00pm on [*date*] send to the court and to the other parties a statement setting out:
	1. a response to threshold;
	2. a response to the local authority evidence to date;
	3. proposals for the long-term care of the child[ren], including the names and contact details of alternative carers proposed by the parent;
	4. the parent’s proposals for the placement of the child[ren] both in the immediate and long term;
	5. any other matters relevant to the issues before the court and the welfare of the child[ren].
2. The parents having failed to comply with the direction given on allocation requiring them to provide a response to threshold, if the parents fail to comply with this direction they shall be taken as not disputing threshold criteria as set out by the local authority**.**

**Family Group Conference**

1. The local authority must consider whether to convene and, if appropriate, make a referral for a family group conference (FGC) and must by 4.00pm on [*date*] either:
	1. confirm the date the FGC is to be held; or
	2. if it is not proposed to hold a FGC, explain why not.
2. The local authority may disclose the case papers to the FGC Co-ordinator to prepare a report for a FGC, which report may be disclosed to all members of the FGC.
3. The local authority must within 14 days after the FGC is held send minutes of the FGC to the court and to the other parties.

**Alternative carer assessments**

1. The parents must by 4.00pm on [*date*] provide thelocal authority with the details (including contact details) of any person they wish to be considered as alternative carers for the child[ren] in the event that the child[ren] cannot be returned to or remain with the parents. If the parents fail to comply with this direction it may mean that any person put forward late cannot be considered because of the delay it would cause to the child[ren]’s timetable.
2. The local authority must, by 4.00pm on [*date*] send to the court, to the person being assessed and to the other parties [suitability] / [viability] / [standard] assessments of the following
	1. [*insert*];
	2. The local authority may apply to review whether an assessment should be continued or cancelled in the event that it contends that the proposed carer is not a realistic option for care.
3. In the event that the [suitability] / [viability] assessment[s] [is] / [are] positive the local authority must by [*date*] send full special guardianship or connected person foster care assessments to the court and to the other parties.

Further, the local authority is requested to consider funding a one off session of legal advice (at legal aid rates) for one potential carer (or joint carers) for consideration of the legal basis upon which they seek to care for the child[ren] (for example as foster carers or special guardians).

1. In the event that the suitability, viability or full assessments are negative the local authority must forthwith on completion of the assessment write to the person assessed with a copy of the assessment, confirming the date, time and venue of the next court hearing and a list of local solicitors who are members of the Children Accreditation Scheme, explaining that in the event that the person challenges the assessment they must:
	1. seek legal advice as soon as possible;
	2. inform the local authority in writing within 7 days that they dispute the factual assertions of the assessment and/or its conclusions; and
	3. attend the next court hearing.

**(see special guardianships directions relating to redaction of sensitive/confidential material from report before disclosure to parties)**

1. The [parents] / [family] having been given time to identify other persons to be assessed [and having failed to do so] no further viability assessments shall be undertaken [without court order].

**Parenting assessment by local authority**

1. The local authority must undertake a parenting assessment of [*name*] [as joint and as sole carers] and must file the assessment report by no later than 4.00pm on [*date*].
2. In the event that the parents have any cognitive or physical difficulties, the assessment must address:
	1. whether, and if so how, such difficulties impact on their ability to parent;
	2. what steps have been taken by the local authority to ensure that the parent[s] understand[s] and [is] / [are] able to engage in the assessment;
	3. what support has been given, and is proposed, to enable the parent[s] to meet the needs of the child[ren];
	4. active consideration of the parents’ capacity to change.

**Final evidence**

1. The local authority must by 4.00pm on [*date*] send their final evidence and care plans to the court and to the other parties.
2. The parent[s] and the children’s guardian must by 4.00pm on [*date*] send their position statements to the court and to the other parties.
3. The parent[s] must by 4.00pm on [*date*] send their final statements of evidence to the court and to the other parties.
4. The children’s guardian must by 4.00pm on [*date*] send a final case analysis to the court and to the other parties.

**Advocates’ meetings**

1. The child[ren]’s solicitor must arrange an advocates’ meeting for no later than 2 working days before each hearing. Each advocates’ meeting shall be attended by the advocates who will appear at the hearing to which the advocates’ meeting relates or any subsequent fact-finding or final hearing if different.
2. The agenda for the advocates’ meeting on [*date*] must include:
	1. agreement of a threshold document setting out any remaining issues for the court to decide;
	2. an agreed template for the hearing on [*date*].

**Issue resolution/early final hearing**

1. There will be an [issues resolution] / [early final] hearing at [*court*] at [*time*] on [*date*] allowing [*time estimate*]. The parties and their legal representative must attend by 1 hour before the time listed for pre-hearing discussions.
	1. The parties other than the local authority must by 3 working days before the [IRH] / [EFH] send to the court and to the other parties their position statements setting out clearly what issues remain, including any issues about threshold, and identifying those witnesses whose evidence is required to address the remaining issues.
	2. The local authority must by 11.00am on the working day before the [IRH] / [EFH] send a case summary and draft case management order to the court and to the parties. The case summary must
		1. identify the issues agreed at the advocates’ meeting and those which remain to be decided;
		2. identify the witnesses whose evidence is needed to resolve the remaining issues;
		3. include a witness template for the final hearing.
	3. All evidence, including expert evidence, must have been filed at court and sent to the parties by the time of the IRH.
	4. The court may treat that hearing as an early final hearing, may take evidence and may make final orders.
	5. If the parent[s] fail to attend the hearing without good reason the court may make final orders including care [and placement] orders.
	6. The children’s guardian must attend this hearing unless [he] / [she] has a prior professional commitment and has been excused at the time the IRH is fixed.

**Documents/Bundles**

1. No document other than a document specified in an order or filed in accordance with the Rules of any Practice Direction shall be filed without the court’s permission.
2. Court bundles must be prepared and lodged at court in accordance with Practice Direction 27A.
3. Permission is [not] given for the court bundle to exceed 350 pages [limited to [*number*] pages].
4. The local authority must provide a witness bundle for any hearing at which evidence is to be called.

**Variation of orders**

1. Any application to vary this or any other order is to be made to the allocated judge on notice to all parties.
2. An application to vary this or any other order may be made by email to the allocated judge provided the party seeking variation seeks the prior agreement of the other parties and when seeking the variation must submit a draft order and confirm whether:
	1. the proposed variation is agreed; and, if so
	2. to what extent the proposed variation would affect the timetable for the proceedings.

Dated [*date*]

**SCHEDULE**

**Child[ren]’s current arrangements**

1. The child[ren] [is] / [are] living with [*name(s)*] and [is] / [are] having contact with the parent[s] [*name(s)*].

**Allocation**

1. The proceedings are allocated to [*name of judge*].

**Timetable for the proceedings**

1. 26 weeks from the date of issue of these proceedings will expire on [*date*].
2. The timetable cannot be completed within 26 weeks, but is expected to be completed by [*date*], because:
3. it is necessary to extend the timetable in order to resolve the case justly because [*insert reasons*];
4. the nature of the proceedings has changed in that [*insert*];
5. progress of the case has been delayed by litigation failure by one or more of the parties, namely [*name*].
6. The impact on the welfare of the child[ren] of such delay is [*insert*].

**Timetable for the child[ren]**

1. The key dates for the child[ren] are as follows:
2. [Moves of school] / [Start of new [school term] / [academic year]: [*dates*]
3. [Medical] /[Psychological] treatment: [*dates*]
4. LAC reviews: [*dates*]

**Threshold**

1. The threshold criteria are [agreed] / [in dispute] / [in dispute subject to concessions made].

**The key issues in the case are**:

1. [*Insert*]

**The parties’ positions are**:

* 1. [*Insert*]

**Alternative carers**

1. The following person[s] [is] / [are] identified as possible alternative carer[s]: [*names(s)*]
2. The parties have identified all the persons they wish to be assessed as possible alternative carers and the court has explained to them that any persons identified by them in the future may not be assessed due to the delay not being consistent with the timetable for the child[ren].

**Other relevant matters:**

11.

1. [*Insert*]