**In the Family Court Case no. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Sitting at** Choose an item.

**The Children Act 1989**

**The child[ren]**

|  |  |  |
| --- | --- | --- |
| **Name** | **Gender** | **Date of Birth/ Age** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

**Issue and Allocation Order made on: CLICK TO SELECT A DATE**

1. **The parties**

1. The applicant Local Authority is Choose an item..
2. The first respondent is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the [*relationship to c**hild]*
3. The second respondent is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the [*relationship to child*]
4. The third respondent is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the [*relationship to child*]

**Confidentiality warning**

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

**Reporters in Family Court**

**It may be that reporters from the press will be present during any hearing you attend. They will not be able to report names or identifying information about the parties or any children involved. The Court may also restrict other details from being reported. Further information about this is available at** [**www.cumbriadfj.info**](http://www.cumbriadfj.info) **on the ‘Reporters in the Family Court’ page.**

**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 the court may make final orders including care orders and placement orders at that hearing.**

**Attention is drawn by the Court to the Northern Circuit Local Practice Direction (“NCLPD”) and Cumbrian Local Practice Directions (“CLPD”). Particular attention is drawn to NCLPD1/2023. That and other Local Practice Directions can be found at** [**www.cumbriadfj.info**](http://www.cumbriadfj.info)

**THE COURT ORDERS**

1. **Timetable**
	1. The 26 week date for this application is: Choose a date.
	2. At the Case Management Hearing the Court will expect the matter to be timetabled to an Issues Resolution Hearing to take place by no later than 21 weeks from the date of issue, namely by: Click or tap to enter a date no more than 21 weeks after issue.
2. **Allocation**
	1. The proceedings are allocated to be heard by Choose an item..
	2. The next hearing and if possible future hearings will be before \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
3. **Family Public Law Portal (FPL) and Identification of Administrative Court for FPL**
	1. For the avoidance of doubt the case is transferred to Choose an item.for the purposes of FPL administration.
	2. All references in this order to documents being sent to the parties or the Court shall include any steps necessary to comply with the requirements of FPL / the Family Public Law Portal.
	3. The Local Authority must give all parties FPL access to all documents sent to the court, including:
		1. the application form
		2. annex documents
		3. evidential checklist documents
		4. any documents sent later on.
4. **Communicating with the Court:**
	1. The following directions shall apply with respect to email or postal communication by the parties with the Judge, Legal Adviser or Magistrate or the Court Office in these proceedings:
		1. Applications for directions / variation of directions or orders must be made by way of Form C2 and the relevant fee paid. Any such application that is not issued on the relevant form together with payment of the relevant fee **will not be accepted**.
		2. No party shall email the Judge or court directly, save with the express prior permission of the Judge. Emails to the Court Office should be exceptional and only where the nature of any such communication cannot be dealt with by way of paragraph 3(a)(i) above.
		3. The parties shall not email statements, reports or other documentary evidence to the Judge or the Court Office informally but shall file such evidence with the court in accordance with the directions made by the court.
		4. When emailing the Court Office in accordance with the terms of this order, all parties must be copied into the email sent to the court.
		5. The parties shall not copy the Judge or Court Office into email communications taking place between the parties concerning the proceedings.
	2. For the avoidance of doubt this direction applies until the conclusion of this matter unless varied by later order of the Court.
5. **Video Hearings:**
	1. Ordinarily hearings must be held in person with each party attending (with their legal representative if relevant). In exceptional circumstances the court may direct that a hearing is to take place remotely by internet video link or that a specific attendee may join by video link.
	2. The local authority must email Choose an item. with:
		1. The Case Number (found at the top of this order) followed by the short form case name, in the Subject Line;
		2. The date and time of the relevant hearing in the body of the email;
		3. The relevant email addresses in the body of email; and
		4. The relevant contact telephone numbers in the body of the email.
	3. This must be done **no less than 48 hours** before the hearing is due to start or as soon as possible if the hearing is listed as an emergency.
	4. If a party and/or legal representative does not provide to the local authority the appropriate details in good time to comply with these directions, the information used by the Court will be the last known contact details held on the court file (e.g. from the Application Form or Acknowledgement Form). If an attendee fails notify the local authority of up-to-date contact details the hearing is likely to proceed and the Court may make orders in their absence.

* 1. It is each party’s responsibility to ensure that the Court has up to date contact details before any hearing via the local authority. **The Court Office will not ‘chase’ the attendees for contact information.**
	2. Any legal representatives attending the hearing must comply with these directions.
	3. No unauthorised person may be present at any remote hearing. When asked, each legal representative and party must be able to confirm that no unauthorised person is in attendance or able to listen to or record the hearing. No party may make any video and/or audio recording of the hearing. The hearing must be recorded by the court and the authorised telephone conference host facilities.
	4. For the avoidance of doubt this direction applies until the conclusion of this matter unless varied by later order of the Court.
1. **Case Management Hearing (12 to 18 working days after issue):**
	1. There will be a Case Management Hearing on Click or tap to enter a date. at Choose an item. allowing Choose an item..
	2. The parties and their legal representatives must attend one hour before the time listed for pre-hearing discussions.
	3. The hearing will take place at Choose an item.
	4. The hearing shall be Choose an item..
2. **Attendance the Case Management Hearing by social work professionals**
	1. Attendance by the key social worker and/or the Guardian at the Case Management Hearing (or any future Further Case Management Hearing) is subject to the provisions of CLPD 5/2003 (Attendance by Social Work Professionals at Hearings) available at [www.cumbriadfj.info](http://www.cumbriadfj.info).
3. **Ground Rules for any Remote or Hybrid Case Management Hearing**
	1. The Ground Rules for any Remote or Hybrid Case Management Hearing shall be as set out in CLPD6/2003 (Ground Rules for any Remote or Hybrid Hearing) available at [www.cumbriadfj.info](http://www.cumbriadfj.info).
	2. This direction is subject to the provisions set out in CLPD2/2023 (New-born babies and Urgent Hearings) available at [www.cumbriadfj.info](http://www.cumbriadfj.info)
4. **Alterations to the mode of hearing or ground rules**
	1. Any request for a change of the mode of hearing (attended / hybrid / remote) the ground rules or seeking non-attendance shall be made via a C2 application with a supporting statement setting out the reasons for the parties’ inability to attend or comply with the ground rules for the hearing.
5. **Urgent Hearing**
	1. Choose an item.
	2. In accordance with the Local Practice Direction issued by Mr Justice MacDonald on 5 November 2020 (available at www.cumbriadfj.info), the Local Authority have not demonstrated sufficient evidence that without such an order a child’s immediate safety would be compromised pending the listing of the next hearing, it being noted that Choose an item..
	3. Time for the service of the notice of the proceedings is reduced from three days to Choose an item..
	4. There will be a contested interim care hearing on Click or tap to enter a date. at Choose an item. allowing Choose an item..
	5. The parties and their legal representatives must attend one hour before the time listed for pre-hearing discussions.
	6. The court dealing with the matter will sit at Choose an item..
	7. The hearing shall be Choose an item..
	8. The “*Ground Rules for any Remote or Hybrid Case Management Hearing*” above shall apply to any contested interim care hearing as far as is practically possible in the context of the timescales involved for the hearing.
	9. In the event that an urgent hearing concerns a new-born child, attention is drawn to CLPD2/2023 (New-born babies and Urgent Hearings) available at [www.cumbriadfj.info](http://www.cumbriadfj.info)
6. **Appointment of the Children’s Guardian**
	1. A Children’s Guardian must be appointed for the child[ren].
	2. There have been or are related proceedings. In those proceedings the Children’s Guardian is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and the court requests if possible that the same Guardian be appointed in this application.
7. **Jurisdiction**
	1. Choose an item.
	2. It appearing there may be an issue as to jurisdiction, the parties must consider the issue of jurisdiction as a matter of urgency and the local authority must forthwith request of the relevant consular authority in England & Wales or competent authority in the relevant state relevant information needed to decide issues of jurisdiction with a view to that information being available before the case management hearing.
	3. The court noting that the child(ren) are foreign nationals, the local authority must within 72 hours inform in writing the relevant consular authority of the existence of these proceedings, the date of the next hearing and invite any representations to be made to the court.
	4. The court noting that the child(ren) are foreign nationals, the local authority and the other parties must give urgent consideration to whether there should be an application pursuant to Articles 8 and/or 9 of the 1996 Hague Convention.
8. **Page Limits**
	1. Page limits for documents must comply with CLPD 3/2003 (Bundles and Other Documents) available at [www.cumbriadfj.info](http://www.cumbriadfj.info).
9. **Court Bundles, Case Summaries and Other Documents**
	1. Court Bundles, Case Summaries and Position Statements must comply with CLPD 3/2003 (Bundles and Other Documents) available at [www.cumbriadfj.info](http://www.cumbriadfj.info).
	2. Any documents electronic documents filed with the court must comply with CLPD 4/2003 (Electronic Documents sent to the Court) available at [www.cumbriadfj.info](http://www.cumbriadfj.info).
10. **Service of Application and Documents**
	1. If not already done, the local authority must serve on all parties the application form and annex documents filed with the court together with any annex documents not filed and the evidential checklist documents within 48 hours of receiving this order.
11. **Threshold**
	1. The Local Authority shall by 4.00pm on Click or tap to enter date send to the court and to the other parties a Threshold Document, which must identify the facts upon which the Local Authority rely and why those facts, if established, justify the conclusion that each child was suffering or was at risk of suffering significant harm at the relevant time.
	2. Choose an item.
12. **Parents’ Initial Statements**
	1. Each parent must by 4 pm on Click or tap to choose date send to the court and the other parties a signed written statement setting out:
		1. their detailed, narrative response to the local authority’s Threshold Document and evidence to date. Such shall including whether it is agreed as a matter of principle that the threshold is established in addition to responses to the individual particulars set out in the threshold document;
		2. a narrative history from their perspective of the relevant issues in the matter in the event the same is not covered by paragraph a(i) above;
		3. the parent’s proposals for the placement of the child(ren) both in the immediate and long-term;
		4. any other matters relevant to the issues before the court and the welfare of the child(ren).
	2. Any parent who does not respond to the Threshold Document as directed shall be taken to accept the allegations set out in it.
13. **Participation directions**

* 1. 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 a C2 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.
	2. Any application for an expert cognitive functioning assessment should be made promptly and if possible by the submission of a C2 and draft consent order to the allocated judge (via FPL) before the Case Management Hearing (see directions entitled ‘Experts’ below).
1. **Identifying Alternative Carers and further assessments**
	1. If not already set out in the initial evidence, the local authority shall, no later than 5 working days before the Case Management Hearing, file and serve a statement setting out:
		1. A genogram setting out all the relatives and connected persons the local authority is aware of;
		2. What further assessment(s) the local authority asserts is/are necessary for the court to be in a position to determine the issues specified by section 31 (as amended) of the Children Act 1989 and any related applications; and
		3. Why such assessment were not carried out during the pre-proceedings process;
		4. The timescales and plan for the completion of any such assessments;
		5. The timescales and plan for the making of any related applications (e.g. for Placement or Special Guardianship Orders);
		6. By reference to the genogram, what alternative relative or connect persons have been approached to consider short or long-term care for the child(ren);
		7. What each individual’s response was and whether the same is confirmed in writing; and
		8. In respect of any connect persons not yet assessed who wish to be assessed, what are the timescales for undertaking viability and/or assessments of them as foster carers and special guardians.
	2. all parties shall provide to the local authority the identity and contact details (phone number and email address) of any proposed alternative carer as soon as possible and **no later than the advocates’ meeting**. They must confirm if they have discussed the matter with the person nominated.
	3. The Court may decide not to give permission for assessments of potential carers to take place if their details have not been made known to the local authority by the time of the Advocates’ Meeting.
	4. The local authority shall provide to any individual assessed thus far or assessed during the course of these proceedings with a copy of their written assessment together with an indication of the steps that person should take in the event that they seek to challenge the conclusions of the assessment, indicating that any application to the court to challenge the conclusions of the assessment must be made within 14 days of receiving a copy of the assessment.
	5. The parties and in particular the local authority shall have regard to CLP7/2023 (Parent, Relative and Connected Persons Assessments) available at [www.cumbriadfj.info](http://www.cumbriadfj.info).
2. **Family Group Conference**
	1. The Local Authority must, by no later than 2 working days before the case management hearing, file at court and serve on the parties either:
		1. minutes of any family group conference that has already taken place; or
		2. the date fixed for the family group conference; or
		3. if no date has been fixed, the reason why not.
3. **Experts**
	1. Any party intending to seek permission to instruct an expert must give notice of such application no later than a working day before the advocates’ meeting and must comply with the requirements of FPR 25 and PD 25C. In particular, the parties are reminded that they should seek the permission of the court as soon as possible and no later than the date of the Case Management Hearing (FPR Part 25.6 and PD25C paragraph 3.9).
	2. In the event that the following expert assessment are agreed by the subject(s) of the assessment, the local authority and the guardian (including as to the issue of costs), the following experts may be instructed prior to the Case Management Hearing and dealt with by way of consent order submitted to the allocated judge via FPL. Those expert assessments are:
		1. Drug and/or alcohol testing; and/or
		2. An assessment of litigation capacity; and/or
		3. Paternity Testing.
	3. In the event that the parties agree to the assessment of the child(ren) and/or parent(s) in a residential placement (including agreement as to the costs of the same) such placement Choose an item. proceed prior to the Case Management Hearing.
	4. Any party proposing a residential assessment may disclose the case papers to any proposed provider for the purpose of viability assessments and must by no later than the advocates meeting send to the court and to the other parties details of any proposed providers and copies of any viability assessments received.
	5. Proposed providers must be told what it is proposed the assessment should cover and that any viability assessment must set out:
		1. the nature of the work the provider expects to undertake;
		2. a statement of the benefits of the proposed assessment compared to its impact on the child[ren];
		3. who will carry out and report on the assessments and their curriculum vitae;
		4. specific timescales for each part of the assessment including any part of the assessment of the parent[s] alone and with the child[ren];
		5. a full breakdown of the costing of each part of the proposed assessment stating separately the cost of any element of therapy, training or treatment;
		6. How any transition back to the community for the parent and child(ren) after the assessment (if recommended) will be supported and managed.
	6. In the event that the local authority commissioned and expert report(s) prior to the issuing of this application:
		1. The Local Authority shall send to the court and the parties any such expert report(s) (and letter(s) of instruction) as soon as possible and in any event no less than 5 working days before the Case Management Hearing.
		2. In the event that there is no objection, the local authority do have leave to reply upon any such provided reports.
		3. In the event that a party objects to the local authority being given leave to rely upon any such pre-issue expert reports, the issue shall be determined at the Case Management Hearing. The objecting party shall file and serve a Position Statement dealing with the reasons for objecting by no later than 2 pm the working day before the Case Management Hearing.
		4. The disputed expert report(s) must be included in the Court Bundle so that the court may read them before reaching a determination as to any issue.
4. **Children’s Guardian’s Initial Analysis**
	1. The Children’s Guardian must by no later than 10 am on the working day before the Case Management Hearing send to the Court and the other parties an Initial Analysis. Exceptionally and if unavoidable the Children’s Solicitor may file a comprehensive Position Statement on the Children’s Guardian’s behalf in lieu of an Initial Analysis.
5. **Advocates’ Meeting**
	1. An advocates' meeting shall take place no later than 2 working days before the Case Management hearing. It may be held by MS Teams if the advocates so choose. The children's solicitor shall be responsible for generating and sending the invitation to the other parties.
	2. The advocates’ meeting shall be attended by the advocates who shall have conduct of the matter at the Case Management Hearing and the attending advocates must have instructions from their respective clients.
	3. The Advocates shall consider any issues arising out of the Transparency Pilot, details of which can be found at [www.cumbriadfj.info](http://www.cumbriadfj.info). In particular the parties shall consider, in the event that the court makes a Transparency Order, whether the terms of the standard order (and in particular paragraphs 13 and 15 of the Template Order, available [www.cumbriadfj.info](http://www.cumbriadfj.info)) will require amendment.
6. **Capacity**
	1. It appearing there may be an issue whether \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has litigation capacity, the party’s solicitor must instruct an expert to carry out a cognitive assessment and report to the court by pick a date as to whether the individual has capacity to litigate within the meaning of sections 2 and 3 of the Mental Capacity Act 2005. The court is satisfied this report is necessary. The expert’s fees must be paid by the legal funding certificate of the assessed person.
	2. In the event that the expert reports that the assessed person does not have litigation capacity, and it appearing there is no other person able to act as litigation friend, that person’s solicitor must upon receipt of the report send it and the relevant case papers to the Official Solicitor who shall, subject to his consent, be appointed to act for the individual who lack litigation capacity.
7. **Interpreter/translation**
	1. The court must arrange an interpreter to be present at all future hearings as follows:
		1. For \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ their first language being \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
	2. If it has not already done so the local authority must by 4.00pm on [pick a date] serve on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ translations into language[s] they will understand of the documents upon which the local authority relies to support any allegations made and which explain why the local authority seeks the orders it has applied for.
8. **Joinder of father without parental responsibility**
	1. The names of individual(s) identified as putative father(s) for the child(ren) but not named on the relevant birth certificate(s) is/are as follows:
		1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
	2. Unless within 72 hours of the date of this order any party sends to the local authority objection to the individual(s) named in the above paragraph being joined as party to the proceedings, he/they shall be joined as a party or parties without further order and the local authority must send to him/them the documents served on the other parties.

* 1. The putative father(s) must so far as practicable comply with the requirements of this order.
	2. The local authority shall when serving the putative father(s), provide the putative father(s) with a list of suitably qualified legal aid family solicitors and a letter advising them to seek legal representation, informing the putative father(s) of the entitlement to free legal representation in such proceedings.
	3. If any party objects to a putative father being joined as party the local authority must give him notice of the case management hearing so that he may attend and the question whether he should be joined can be considered at that hearing unless paragraph (f) below is complied with by another party.
	4. If formal application is made by a party within 72 hours of the date of this order to dispense with giving a putative father notice of the proceedings the local authority shall not give that relevant individual notice of the Case Management Hearing. The party applying to dispense with notice must, no later than 5 working days before the Case Management Hearing, send a statement to the court and the parties setting out in detail why, exceptionally, notice should not be given to the relevant putative father and the issue will be determined at the Case Management Hearing.
1. **Other Proceedings**
	1. In the event that there have been previous private or public law proceedings involving parties who are not parties to this application (hereinafter ‘the Previous Proceedings’) the following directions apply:
		1. The local authority must give 7 days' notice to any party in the Previous Proceedings (who is not also party in these proceedings) of their intention to apply for disclosure of those proceedings into the current proceedings and telling them that if they object to such disclosure they must write to the local authority within 7 days of service of notice and that if they do not object they will be taken not to oppose disclosure.
		2. After the above notice has been given the local authority must apply to the relevant court/tribunal/judge for disclosure of the papers in those proceedings.
		3. The local authority must annex to any application for disclosure of the previous proceedings any objections or consents received by them.
		4. Assuming the other proceedings are disclosed, the parties must agree the relevant documents from those proceedings to be included in the court bundle in a separate section.
	2. In the event that there have been previous private or public law proceedings involving the same parties as these proceedings, the advocates must agree a list of documents, for approval by the court at the case management hearing, which are to be disclosed into these proceedings.
2. **Police disclosure**
	1. In the event that the parties deem that the Court will be assisted by disclosure of relevant police documents (or updated disclosure where such has occurred pre-proceedings), the Local Authority shall within 3 working days make the request to the relevant police force for voluntary disclosure. Where no voluntary disclosure arrangements exist, the Local Authority shall, within 3 working days, make an application to court for disclosure, to include draft disclosure order (in accordance with the ‘Cumbrian Public Law Police Disclosure Order Template’ available at [www.cumbriadfj.info/template-orders](http://www.cumbriadfj.info/template-orders).)
3. **Transparency and Listing Information**
	1. The publicly available Court List shall identify this matter as a Choose an item. case.
	2. The publicly available Court List shall identify the primary issues and/or allegations in this case using the following codification (**numbers only to appear on any public list)**:
		1. Choose an item.
		2. Choose an item.
		3. Choose an item.
		4. Choose an item.

**Right to apply**

**As these directions have been made without a hearing you may ask the court to reconsider this order. You must do that within 72 hours of receiving this order by making an application in form C2 to the court (and notifying any other parties) and asking the court to reconsider the directions.**

Ordered by:

Date: Click or tap to enter a date.

**Notes on Completing this order:**

1. **Please delete any irrelevant paragraphs, including these notes.**
2. **When completed please:**
	1. **Select all of the text by pressing [CTRL] + A**
	2. **Change the colour of all the text to black by Right Clicking on the highlighted text and clicking on the capital A and selecting “Automatic”**
	3. **With all the text still highlighted, Right Click again and select “Remove Content Control”. This will ‘fix’ all the dropdown boxes in place.**
	4. **Save the final version of the order.**
	5. **Upload the order to FPL.**