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

**Sitting at** Choose an item.

**The Children Act 1989**

**The child[ren]**

|  |  |  |
| --- | --- | --- |
| **Name** | **Sex** | **Date of Birth/ Age** |
|  |  |  |
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**IT IS IMPORTANT THAT YOU READ ALL OF THESE DIRECTIONS AS THEY SET OUT WHAT WILL HAPPEN NEXT AND WHAT YOU NEED TO DO.**

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

**IMPORTANT NOTICES**

**Confidentiality warnings**

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

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

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

**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 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 at that hearing.**

**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.**

**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.**

**Mediation, and the Role of the Family Court**

**You should have received information from the Court about the alternatives to Court proceedings. If you have not, please request it from the court immediately.**

**The Court is a place of last resort for solving family disputes. The Court will only ever make Court orders if they are necessary. Often, disputes could be better resolved through mediation. The Court can put proceedings on hold to allow you to attend mediation, and you are strongly encouraged to attempt mediation. You may be eligible for a £500 voucher towards the costs of mediation under the Family Mediation Voucher Scheme.**

**In almost all cases, you must attend a mediation information and assessment meeting before you start court proceedings.**

**[Divert to a MIAM] The legal adviser has considered the request for an exemption and the Court is not satisfied that there are good enough reasons not to attend a MIAM. The MIAM is likely to be very beneficial in exploring what mediation can offer the family in resolving the disputes, and the Court considers that it is necessary and proportionate for a MIAM to be attended to formulate a parenting plan.**

**[OR Exemption claimed is reasonable] The legal adviser has considered the request for an exemption and the Court is satisfied that there are good enough reasons not to attend a MIAM. However, you are not prevented from attending a MIAM if you wish to do so, and the mediator may be able to facilitate the meeting in a way that manages those concerns.**

**The Court Order that:**

1. **The parties:**

1. The Applicant is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the [*relationship to c**hild]*
2. The Respondent is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the [*relationship to child*]
3. **Applying to Change this Order:**
	1. This order has been made without any party being present. You have the right to apply to the Court to change this order providing (i) any such application is made within 5 days of receiving a copy of this order and (ii) the other parties are sent a copy of the application.
	2. Applications to change this order must be made on Form C2 (see “Communicating with the Court” below).
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. Copies of Form CB1 “Making an Application – Children and Family Courts” and Form C2 “Application for an Order or directions in existing proceedings” are available [www.cumbriadfj.info/court-forms](http://www.cumbriadfj.info/court-forms).
5. **Safeguarding by Cafcass (if MIAM exemption valid):**
	1. Cafcass shall, within 17 working days of receipt of this order, send to the court a Safeguarding Letter in respect of the parties to include details on whether or not they have reached an agreement and wish to withdraw the application.
	2. In the event that Cafcass carries out a risk assessment in relation to the children pursuant to section 16A of the Children Act 1989 the outcome of any such assessment shall be reported to the court pursuant to FPR 2010 PD12L and in the event Cafcass has any urgent concerns it shall apply for an urgent hearing before a District Judge.
6. **What the Parties must do next (if MIAM exemption valid):**
	1. The parties must co-operate with Cafcass undertaking safeguarding enquiries. Failure to do so may result in the case being delayed or the court making orders without information from or about both parties.
7. **What the Parties must do next (if MIAM exemption not valid):**
	1. [Name] must attend a mediation information and assessment meeting and they must by 4 pm on Click or tap to enter a date. then do the following:
		1. Send a statement to the Court and to the other parties and solicitors (if available) setting out when they attended the MIAM, the outcome of the meeting, whether they intend to proceed with mediation, and, if not, why.
		2. Attach a certificate of suitability from the MIAM provider.
		3. Send a parenting plan to the Court and to the other parties and solicitors if available.
	2. If you do not comply with this paragraph your application may be dismissed upon further consideration by the court.
8. **What the Court will do Next (if MIAM exemption valid):**
	1. The Court will next review this case after the Cafcass Safeguarding letter has been received.
	2. The Court will consider how to deal with this case 25 working days after the date on which this Order was sent to CAFCASS.
	3. At that time the Court will consider contents of the Safeguarding Letter from Cafcass and may make orders for one or more of the following:
		1. Listing the matter for First Hearing Dispute Resolution Appointment (FHDRA);
		2. Listing the matter for a hearing after further welfare reports from Cafcass or the Local Authority;
		3. Providing directions for a welfare report from Cafcass or the Local Authority;
		4. Directing statements of evidence from the parties;
		5. Directing the parties to attend a Mediation Information and Assessment Meeting (MIAM);
		6. Directing the parties to attend a Planning Together for Children Course Online (PTFC);
		7. Providing for any other direction necessary to resolve the issue(s) in the case.
	4. Once the Safeguarding letter has been considered by the Court in accordance with this order, the court will send to the parties an order setting out the next steps that will be taken in the case and directions as to the what the parties must do.
9. **What the Court will do Next (if MIAM exemption not valid):**
	1. The Court will next review this case after the MIAM has been attended and evidence of attendance has been provided in accordance with this order.
	2. The Court will consider how to deal with this case 25 working days after the date on which this Order was sent to the parties.
	3. At that time the Court will consider the updated information and may make orders for one or more of the following:
		1. Directing a Safeguarding letter be prepared by Cafcass;
		2. Dismissing the application by reason of a failure to comply with this order.
		3. Providing for any other direction necessary to resolve the issue(s) in the case.
10. **Urgent Hearing:**
	1. Choose an item.
	2. The Court considers that an urgent hearing is not justified because (a) the court will not be able to make appropriate welfare decisions with respect to the child[ren] without the Safeguarding enquiries having been undertaken by Cafcass and (b) it being noted that Choose an item.
	3. The Court considers that an urgent hearing is justified because Choose an item.
	4. Time for the service of the notice of the proceedings is reduced to Choose an item..
	5. There will be an urgent hearing on Click or tap to enter a date. at Choose an item. allowing Choose an item..
	6. The parties and their legal representatives must attend one hour before the time listed for pre-hearing discussions.
	7. The court dealing with the matter will sit at Choose an item..
	8. The hearing shall be Choose an item..
11. **Urgent Hearing – Evidence from the Local Authority**:
	1. A copy of this order shall be sent to the relevant local authority by the Court Manager as a matter of urgency.
	2. It appears to the court that the local authority have current or previous recent involvement with the relevant child[ren].
	3. The local authority shall file with the court and send to the other parties by 12 noon on Click or tap to enter a date. a short statement and/or any recent assessment(s) summarising their involvement with the relevant child[ren] and family in the preceding 2 years (or, in Lancashire, a completed copy of the DFJ’s Template Information Form).
	4. [Please delete unless the attendance of the social worker is essential and unavoidable] The social worker currently allocated to or with recent knowledge of the family is requested to attend the urgent hearing listed above.
12. **Further Directions about Attendance at Hearings:**
	1. If possible, any discussions about the case should have been undertaken and concluded with the other party before attending Court as the Court cannot guarantee that there will be rooms available for private discussions. All legal representatives are to have full instructions prior to attending the Court building.
	2. All participants in the hearing can bring an electronic device, such as a laptop or tablet, to the hearing to read any Court documentation they have received electronically.
	3. An electronic bundle containing the relevant papers for the case is to be provided by the legal representative of the applicant or the legal representative of the respondent if the applicant is not legally represented.
	4. **It is the responsibility of each party to attend any hearing with the documents they need for the hearing, on an electronic device or in paper form. The Court will not provide electronic devices on which parties can read documents and will not provide or copy documents for parties. Parties are strongly advised to keep all documents relating to this matter safe and in date order, to allow them to refer to them easily when they attend court.**
	5. If any party has requested an interpreter for the hearing that will be arranged by the Court (the expenses of which are a reasonable disbursement on the party’s legal aid certificate if appropriate). The interpreter will join the hearing.
13. **Special Arrangements or Measures for a Hearing:**
	1. If a party requires special arrangements or measures to ensure they can participate effectively and give their best evidence in the hearing, then they are to apply to court as soon as possible. Examples of special measures include a separate waiting area, screens between the parties in the Court room, one party appearing by video and more breaks if a party would struggle to sit/concentrate for any length of time.
	2. More information about Special Measures can be found on here: [www.cumbriadfj.info/safety-at-court](http://www.cumbriadfj.info/safety-at-court).
14. **If a party is unable to attend a hearing in person:**
	1. If any party is unable to attend the Court House for the hearing, they must make an application to the Court in accordance with paragraph 3 above (and send copies to the other parties) as soon as possible. The application must include:
		1. Details as to why the party cannot attend, with evidence if appropriate and available; and
		2. Whether they could attend remotely by video or telephone, and, if not, why not.
	2. Once this is received the Court will consider how best to proceed with the hearing and the parties will be notified.
15. **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.
	2. If the Court directs that a hearing shall take place by video link the court will send an invitation to the email address included on the Application Form (Form C100) or Acknowledgement (Form C7) unless you notify the court that your contact details have changed.
	3. You must email Choose an item. with:
		1. The Case Number (found at the top of this order) followed by your name, in the Subject Line;
		2. Your email address in the body of email; and
		3. Your contact telephone number in the body of the email.
	4. 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. If you do not contact the Court in accordance with these instructions the details 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 you do not notify the Court of your up-to-date contact details the hearing is likely to proceed and the Court may make orders in your absence.

* 1. It is each party’s responsibility to ensure that the Court has up to date contact details before any hearing. **The Court Office will not ‘chase’ the parties (or witnesses) for contact information**.
	2. Any legal representatives attending the hearing must also comply with paragraph (c) above.
	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.

**Order made by:**

Notes on Completing this order:

1. A copy of this order can be downloaded from the [www.cumbriadfj.info](http://www.cumbriadfj.info) website. Go to “Info: Professionals” and then “Template Orders”.
2. Please delete any irrelevant paragraphs, **including these notes**.
3. 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.