**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.**

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. **Court Dealing with this Case:**
   1. The Court has determined that this case is suitable for allocation to Choose an item.
   2. The Court has determined that a hearing is required in this case and it will be listed for a Choose an item.
6. **The Next Hearing:**
   1. There will be a Hearing on Click or tap to enter a date. at Choose an item. allowing Choose an item..
   2. The hearing will take place at: Choose an item..
   3. The hearing shall be Choose an item..
   4. In addition to the parties, the Cafcass Officer shall also attend.
   5. In addition to the parties the Social Worker shall also attend.
   6. Anyone attending the hearing must arrive at court no less than 60 minutes before the hearing is due to start.
   7. Anyone attending this hearing must report to reception upon arrival.
   8. The following persons may appear at the hearing listed above via video. They are to ensure, within seven days of receipt of this Order, that they provide the Court with their contact email address and telephone number if they wish to attend remotely. A link to the hearing will be emailed to them in advance of the hearing to enable them to join the hearing.
      1. The CAFCASS Officer (delete as applicable).
      2. The Social Worker (delete as applicable).
7. **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.
8. **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).
9. **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.
10. **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 the court is notified.
    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. The email address for each party/advocate in the body of email; and
       3. The contact telephone number for each party/advocate 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 for contact information.
  2. Any legal representatives attending the hearing must also comply with paragraph 9(c).
  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.

1. **Service of Court Orders:**
   1. These directions and any subsequent orders will be deemed to have been served upon the parties once they have been posted to the address the Court holds for the parties or by any other method of service deemed appropriate by the Court.
   2. Each party is responsible for ensuring that the Court has up-to-date correspondence addresses (postal address and email address).
2. **The Court Office to Forward Documents to a party:**
   1. The correspondence details of the Choose an item. shall remain confidential until further order of the court.
   2. The Choose an item. shall not send any documents to the Choose an item. directly unless either (i) a contrary order is made by the court at a later date or (ii) the Choose an item. obtains legal representation and that legal representative accepts service of court documents on behalf of the party they are representing.
   3. The Choose an item. shall always send **two hard copies** of any and all documents filed with the Court (whether statement, evidence, application or correspondence) by post so that the Court Office can forward one copy to the other party.
   4. Any documents filed with the court must include a covering letter/email indicating that the document has not been sent to the other party and confirming that the court has ordered that the Court Office should forward one of the copies to the other party because their address is not known to the sender.
   5. If a party fails to provide two copies of a document in accordance with paragraph 11(c) above, the Court Office may return the document to the sender, seeking compliance with this order.
3. **Directions - Attending a MIAM or PTFC Course:**
   1. The parties are directed to attend the following activity programme on the dates and times to be confirmed by the activity provider, and in any event by the time of the hearing:
      1. A Mediation Information and Assessment Meeting (MIAM).
      2. A Planning Together for Children Course (PTFC).
   2. The Court shall send this order to the activity provider with the parties’ contact details (in the case of a PTFC Course to planningtogether@cafcass.gov.uk).
   3. The activity provider must notify the court whether the parties attended at the conclusion of the activity directed.
4. **Evidence – Allegations of Domestic Abuse**
   1. Having considered the Application, Acknowledgement and Cafcass Letter the Court considers that this matter *may* require a hearing at which allegations concerning the parties’ past behaviour towards each other and/or the child[ren] need to be determined by the court (a fact-finding hearing).
   2. The following directions are given to assist the Court in reach a decision as to whether a fact-finding hearing will be necessary and proportionate in order to determine welfare issues with respect to the child[ren].
   3. The parties should note that the Court does not require a full statement concerning the issues and allegations at this stage but a list and summary only as directed below. The Court will consider the need for further statements or evidence at the hearing.
   4. By 4 pm on Click or tap to enter a date. the Choose an item. shall send to the Court and to any other party a list of allegations of alleged domestic abuse against the Choose an item.. The list must be as follows:
      1. The list shall be headed with the case number and the names of the parties/child[ren];
      2. The list shall be typed if possible;
      3. The allegations must be in date order starting with the oldest (chronological);
      4. Each individual allegation shall be in a new paragraph and each paragraph shall be as short as possible and no more than 50 words long;
      5. Each paragraph shall be a short summary of the allegation;
      6. The list shall be signed and dated by the relevant party;
      7. The list will conclude with a ‘Statement of Truth’ in the following form: ““I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth. I believe that the facts stated in this witness statement are true.”
   5. By 4 pm on Click or tap to enter a date. the Choose an item. shall send to the Court and to the other parties a list in response to the allegations made by the Choose an item.. The list in response must be as follows::
      1. The list shall be headed with the case number and the names of the parties/child[ren];
      2. The list shall be typed if possible;
      3. The responses must be in date order (chronological) following the same numbered paragraphs as the list made by the Choose an item.;
      4. Each individual response shall be in a new numbered paragraph indicating whether the allegation is admitted or denied and providing the context of any admission or denial in no more than 50 words;
      5. The list shall be signed and dated by the relevant party;
      6. The list will conclude with a ‘Statement of Truth’ in the following form: ““I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth. I believe that the facts stated in this witness statement are true.”
      7. If the Choose an item. makes any allegations of domestic abuse against the Choose an item., the Choose an item. shall also set them out in a further chronological list in the same format and complying with the same directions as set out in paragraph (d) above.
   6. If the Choose an item. makes allegations against the Choose an item. in accordance with paragraph (e)(vii) above, the Choose an item. shall send to the court and to the other parties by 4 pm on Click or tap to enter a date. a list of responses complying with the same format and directions as set out in paragraph (e) above.
5. **Evidence – Allegations of Health Issues:**
   1. The court notes that the Choose an item. makes allegations that the Choose an item. has health issues (physical or mental) that are asserted to be relevant to the welfare of the child[ren].
   2. The Choose an item. shall by 4 pm on Click or tap to enter a date. Obtain and send to the Court and the other parties a letter from a treating clinician (either the Choose an item.’s GP or if possible treating consultant or mental health professional) which details:
      1. Any diagnosis the Choose an item. has with respect to physical or mental health issues;
      2. How any diagnosed conditions affect the Choose an item. (if at all);
      3. The treatment and/or support the Choose an item. is receiving at present; and
      4. The prognosis with respect to any identified issues.
6. **Evidence – Welfare Report:**
   1. By 4 pm on Click or tap to enter a date. Choose an item.shall send to the Court and to the parties a report under section 7 of the Children Act 1989 which by express reference to the ‘welfare checklist’ at s 1 of the Children Act 1989 advises the court about:
      1. with whom the child[ren] should live;
      2. whether the child[ren] should see the party with whom the child is not living, and, if so, the appropriate arrangements;
      3. the home conditions and suitability of the accommodation of the Choose an item.;
      4. the concerns of the Choose an item. with regard to \*\*\*\*\*\*\*\*\*;
      5. recommendations in respect of arrangements for the child[ren] including stepped arrangements with a view to a final order if possible;
      6. Other
   2. The Court Manager shall send a copy of this order to Choose an item. forthwith.
7. **Evidence – Section 37 Report:**
   1. Choose an item. shall prepare a report pursuant to section 37 of the Children Act 1989 in respect of the child[ren], the Court being of the view that it may be appropriate for a care or supervision order to be made with respect to them.
   2. The authority shall, when advising the Court, consider whether they should apply for a care or supervision order, or provide services or assistance to the child[ren], and / or take any further action.
   3. The Court shall send to the legal adviser to the local authority preparing the report this order, the application, any C1A and the Cafcass safeguarding letter, together with any statements made by the parties and any police disclosure.
   4. The report shall be sent to the Court by 4 pm on Click or tap to enter a date..
   5. When the local authority sends a copy of the report to the court, it must also send copies to the parties (redacted if necessary) unless it considers it contrary to the welfare interests of the child[ren] to do so, in which case it must when sending the copy to the court explain its justification for that position.
8. **Evidence – Parties’ Witness Statements:**
   1. By 4 pm on Click or tap to enter a date. the Applicant shall send to the Court, Cafcass and to the other parties written statements of evidence they will give to the Court. This includes a statement from themselves and from any witnesses the Applicant wishes to give evidence.
   2. By 4 pm on Click or tap to enter a date. the Respondent shall send to the Court, Cafcass and to the other parties written statements of evidence they will give to the Court. This includes a statement from themselves and any witnesses the Respondent wishes to give evidence.
   3. All witness statement(s) provided by any party or witness must:
      1. If at all possible be typed;
      2. Be no longer than 2500 words;
      3. Have the Case Number (the number at the top of this order) and the name of the parties and the children at the top of the statement;
      4. State the full name and address (unless the court has said you do not have to give the address) of the person providing the statement;
      5. Set out what the person has to say clearly in numbered paragraphs on numbered pages;
      6. Conclude with a 'Statement of Truth' in the following form: "I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth. I believe that the facts stated in this witness statement are true."
      7. Be signed and dated by the person providing it.
   4. The Applicant’s Statement must include:
      1. What the Applicant wishes the Court to order with respect to:
         1. The time the children spend with the Respondent;
         2. What happens in school holidays;
         3. What the arrangements should be for the Respondent to take the children on holiday:
         4. Where any ‘handovers’ should take place;
         5. How the children will be transported to and from handovers;
      2. Why the applicant’s proposals for the arrangements for the child[ren] are in the welfare interests of the child[ren];
      3. Any other matters the Applicants wishes the court to take into account relevant to the issues to be determined.
   5. The Respondent’s Statement must include:
      1. What the Respondent wishes the court to order with respect to:
         1. The time the children spend with the Applicant;
         2. What happens in school holidays;
         3. What the arrangements should be for the Respondent to take the children on holiday:
         4. Where any ‘handovers’ should take place;
         5. How the children will be transported to and from handovers;
      2. Why the Respondent’s proposals for the arrangements for the child[ren] are in the welfare interests of the child[ren];
      3. Any other matters the Respondent wishes the Court to take into account relevant to the issues to be determined.
   6. All parties should note:
      1. Unless the Court gives permission, nobody will be allowed to give oral evidence at any future hearing unless their written statement has been sent by the date fixed in this order.
      2. Statements should attach copies of any documents, photographs or other evidence relevant to the contents of the statement. Original documents must be available for inspection by the court and the other parties if requested. Any attached documents etc. must be given a number and must be referred to in the statement (which shall explain what the document is and its relevance).
      3. The Court does not gather evidence for parties – it is the responsibility of parties to provide evidence for the Court to consider.
      4. If text messages are exhibited to or included within a statement, the device on which those messages were sent/received must be available for inspection by the other parties and/or the Court.
      5. If a witness or party is unable to prepare a statement in English, they must prepare the statement in a language in which they can write and express themselves satisfactorily, and they must obtain a professional independent translation of that statement into English. The person undertaking the translation must themselves prepare a brief statement, exhibiting copies of the original and the translated statements, by which they confirm that they the translated version is an accurate translation of the original. That translator’s statement must also be verified by statement of truth. If a witness who has made a statement is to give evidence or be cross-examined and is unable to do so in spoken English, the party relying on that witness must make sure that a suitable independent interpreter is available.
9. **Compliance with Court Orders:**
   1. The Court must not be sent documents and/or evidence that has not also been provided to the other party or parties unless, exceptionally, the Court gives permission. Permission should be sought by way of a specific application pursuant to paragraph 3 above.
   2. The court must not be sent documents or evidence that has not either been ordered by the Court or permitted by the Family Procedure Rules 2010. The Court may ignore or exclude from consideration evidence that has been filed without permission.
   3. **It is the responsibility of each party to comply with directions or seek to vary them (e.g. if evidence cannot be filed on time) in accordance with paragraph 3 above.**
   4. For the avoidance of doubt, paragraph 3, 6, 7, 8, 9 and 10 of this order apply until the conclusion of this case and to every hearing unless varied by the court by a later order.

**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.