**IN THE HIGH COURT OF JUSTICE**

**FAMILY DIVISION**

**FD17POO400**

**BEFORE SITTING IN PRIVATE AT THE ROYAL COURTS OF JUSTICE, STRAND, LONDON WC2A 2LL on**

**THE SENIOR COURTS ACT 1981**

**AND IN THE MATTER of the child:**

**BETWEEN:-**

 ***[insert name]* Applicant**

AND

 ***[insert name]* Respondent**

 AND

 ***[insert name]*** **Second Respondent**

**ORDER**

|  |
| --- |
| **IMPORTANT WARNING****If you disobey this order you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized,****If any other person who knows of this order and does anything which helps or permits you** *[insert name]* **to breach the terms of this order they may be held to be in contempt of court and may be imprisoned, fined or have their assets seized.**This penal notice is attached to paragraph 2,3,5 of this order. |

**The Parties**

The Applicantattended Court in person and was represented by *[insert name]* (instructed by *[insert name of solicitors]*).

The First Respondent did not attend and was not represented.

The Second Respondent child is represented through his Children’s Guardian solicitor of Cafcass Legal.

Unless otherwise stated, a reference in this order to “the father” refers to the Respondent and a reference to “the mother” means the Applicant.

**Recitals**

**Upon** hearing from Counsel for the Applicant Mother and the Solicitor for the child

**And upon** the Judge having read the following documents:

1. the position statements of the legal representatives for the Applicant and **Second Respondent**
2. the court bundle;
3. **and upon this Court noting that the court determined** the father wrongfully retained in *[insert country]* in *[insert date]*;
4. that at that time remained habitually resident in England
5. that this court has jurisdiction pursuant to Article 10 EC Regulation 2201/2003

it considers the courts of England and Wales to be the more appropriate forum for determining the dispute between the parents over

**And upon this Court** respectfully requesting the Children’s Court at *[insert country]* to consider the Judgements given *[insert date]*

**And upon** this Courtinviting the Office of the Head of International Family Justice to send the order to the *[insert country]* international liaison judge to assist the Children’s Court in *[insert country]* when considering the case concerning

**And Upon** the court being informed that the mother now seeks an order from this court that she resume the primary care of in order to allow her to travel to *[insert country]* herself to collect him and return him to England without the father

**And Upon** the court accepting that any enquiry that the guardian makes with respect to the mother’s change in position will be limited to an assessment of the mother’s practical circumstances as she will not be able to conduct a thorough welfare assessment of the relationship between *[K]* and his mother whilst he remains in *[insert country]* including any impact on him of being removed from *[insert country]* without his father

**And upon** this Court being satisfied that contact between *[K]* and his mother is in his interests and that the risks identified by the father in his statements are unlikely to arise in the context of the contact ordered herein;

And upon the court declaring that it is intended that this order shall be enforceable forthwith notwithstanding the absence of a sealed order

**THE COURT HEREBY ORDERS THAT:-**

1. The child shall remain a ward of court until further order
2. The father shall bring the child to the jurisdiction of this Court forthwith or if he is unable to accompany him shall arrange for him to be brought to the jurisdiction of this court by *[insert date]*. Thereafter if it has not have been possible to bring the child by *[insert date]* the father shall bring him to England no later than *[insert date]*. A penal notice is attached to this paragraph
3. In the alternative to (2) a paternal or maternal family member, shall escort to the jurisdiction of this court by *[insert date]*. Thereafter if it shall not have been possible to bring the child by *[insert date]* a paternal or maternal family member, shall escort to the jurisdiction of this court by *[insert date]* a paternal relative shall bring him by *[insert date].* A penal notice is attached to this paragraph
4. The matter shall be set down for review and case management before a High Court Judge of the Family Division sitting in private at the Royal Courts of Justice, Strand, London WC2A 2LL within 14 days of the child’s return with a time estimate of 1 hour.
5. The parties shall attend the hearing listed at paragraph 4 above save that if an entry visa is refused the father is permitted to give evidence by video link **(with the father to notify** the court at least 7 days prior to the hearing that a video link will be required, and to be responsible for arranging and testing the video link in liaison with the Clerk of the Rules). A penal notice is attached to this paragraph
6. In the event that the child is returned in accordance with paragraphs 2 or 3 above the guardian shall report orally to the court as to
7. the home circumstances of the mother;
8. the interaction of the father and *[K]*;
9. the interaction of the mother and *[K];*
10. her opinion as to interim arrangements for the child.
11. The father shall make available for contact with the mother as follows:
12. daytime meetings between and his mother at her home 48 hours after his return to England and on every successive day until the matter returns to court.
13. The court requests that the guardian observe one of these contacts, preferably the first after returns to this jurisdiction. The observed contact will take place at a Cafcass Office in Central London. After the guardian has observed with his mother, shall spend overnights (from 12.00 pm [midday] one day until 12.00 pm the next) unless the guardian considers this overnight contact is not in his interests. The contact between the mother and shall not take place at the mother’s current address.
14. In the event that the guardian agrees overnight contact is appropriateshall have at least two overnight stays and 3 daytime visits of 5 hours prior to the court hearing. The times of contact, to include further contact after the hearing, shall be agreed between the parties
15. If for any reason the timetable changes the contact dates may be further amended by the parties in consultation with the guardian.
16. In the event that the child is not returned to the jurisdiction by the father by *[insert date]* or *[insert date]* the following provisions shall apply. The mother shall file a statement on or before *[insert date]* 4.00pm setting out
17. details of her plans for her and s accommodation in England
18. Plans for his education including nursery provision
19. Details of her finances
20. how she proposes to care for him if interim care of is transferred to her
21. The current position with respect to the proceedings in and what applications she has made (and their progress) or is intending to make to the *[insert country]* court
22. The guardian shall file an interim report by *[insert date]* detailing her assessment of:
	1. the home circumstances of the mother;
	2. her assessment of the mother’s capacity to provide care for and her application for him to be returned to her immediate care
23. Pursuant to paragraph 8 herein the matter shall be listed before Mr Justice [subject to confirmation with the clerk of the rules] *[insert date]* time estimate of 2 hours to consider,
	* 1. whether it is in s interests to be immediately returned to his mother’s primary care as an interim measure
		2. whether it is appropriate for the mother to travel to *[insert country]* to collect him from his father’s home in *[insert country]* in place of the arrangements ordered at 1 and 2 above.
24. Costs are reserved.

Dated: *[insert date]*

**Warning**

 **Where a Child Arrangements Order is in force and the arrangements regulated by it consist of, or include, arrangements which relate to either or both (a) with whom the child concerned shall live and (b) when the child shall live with any person, no person may cause the child to be known by a new surname or 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 of the child, for a period of less than 1 month, by a person named in the Child Arrangements Order as a person with whom the child shall live (Sections 13(1), (2) and (4) Children Act 1989).**

 **It may be a criminal offence under the Child Abduction Act 1984 to remove the child from the United Kingdom without the leave of the court.**

 **Where a Child Arrangements Order is in force: if you do not comply with a provision of this Child Arrangements Order:**

1. **you may be held in contempt of court and be committed to prison or fined; and/or**
2. **the court may make an order requiring you to undertake unpaid work (“an enforcement order”) and/or an order that you pay financial compensation**