



In the Family Court
Sitting at [place]

Case No

The Children Act 1989

THE CHILDREN

Names	Girl /Boy	Dob.

Order - First Hearing Dispute Resolution Appointment (FHDRA)/directions (CAP 02)

[Sequential number in these proceedings]

1. THE PARTIES

The applicant (mother/father/as appropriate) is *[name]*

The *[first]* respondent (father/mother/as appropriate) is *[name]*

[The second respondent (child(ren) through their children's guardian) [name]]

2. The child/ren is/are living with

3. NOTICE

Today's hearing is on notice/not on notice/on short notice..*[give details]*

4. REPRESENTATION AT THIS HEARING

The parties appeared before the court as follows:

Party/Name	In Person	Counsel/Solicitor/ Advocate	Contact telephone and email address
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Applicant

Respondent(s)

(1)

(2)

Other (specify)

The names of the children set out in the heading to this Order and the names of the persons set out in paragraphs 3 are not to be disclosed in public without the permission of the court.

5. ALLOCATION / TRANSFER

The proceedings are today/continue to be allocated to be heard by [lay justices / District Judge / Circuit Judge / High Court Judge] and are reserved to [.....]

This application is transferred to the [Family Court sitting at]

6. Cafcass / CAF/CASS Cymru

The court has decided that a Cafcass/ CAF/CASS Cymru investigation and report is not required in this case

or The Court has appointed a Cafcass / CAF/CASS Cymru officer.

If the identity of the Cafcass / CAF/CASS Cymru officer is known at this stage:

The Cafcass / CAF/CASS Cymru officer is:-

Name

Professional address

Date of appointment

7. THE APPLICATION(S)

(a) The applicant has applied for a Child Arrangements Order/Specific Issue Order/Prohibited Steps Order other Part II order [*delete as appropriate or specify*] [*today / on date*]

(b) [*If there are other applications add as follows or delete*]

(c) The [mother/father/as appropriate] has applied for [] [*today / on date*]

8. SAFEGUARDING CHECKS

(a) The safeguarding checks by Cafcass/CAF/CASS Cymru are/are not complete

(b) The safeguarding checks show no safety issues/that the safety issues are...../that the safety issues are not yet known [*delete as appropriate or specify*]

9. TODAY'S HEARING

a. Today's hearing is listed as a [*FHDRA / directions hearing*]

b. Today's hearing has been [EFFECTIVE AS THE FINAL HEARING] [EFFECTIVE AS THE FHDRA] [EFFECTIVE AS A DIRECTIONS HEARING] [CANCELLED] [ADJOURNED]

c. The reason why the hearing has been adjourned is: [*specify*]

10. TIMETABLE FOR THE CHILD(REN)

The key dates and events in the timetable for the child are [.....].

11. KEY ISSUES

A. The issues about which the parties are agreed are:-

a)	
----	--

b)	
c)	
d)	

B. The issues which remain to be resolved are:-

a)	
b)	
c)	
d)	

C. The steps planned to resolve the issues are:-

[where the parties intend to refer themselves to mediation or other form of non-court dispute resolution if appropriate]

a)	
b)	
c)	
d)	

12. FACT FINDING

Having considered the documents, received the representations of the parties, and the safeguarding report, a separate fact finding hearing is not necessary in this case because the nature of the allegations [and/or admissions] are such that the court does not require such a hearing in order to be able to decide whether to make the orders sought.

Or

Having considered the documents, received the representations of the parties, and the safeguarding report, a fact finding hearing is necessary in this case because.....

[delete/complete as appropriate]

The issues to be determined are

a)	
b)	
c)	
d)	

13. AGREED [INTERIM] ARRANGEMENTS FOR THE CHILDREN

If determined at this hearing, specify, such as:-

- [Between now and [date/the final hearing] the agreed arrangements for the child[ren] will be [as set out in the schedule to this order (if extensive) / as follows...].

- [Between now and [date/the final hearing]] the child[ren] will live with the [mother/father].
- [Between now and [date/the final hearing]] the children will live with the mother and the father.
- [Between now and [date/the final hearing]], the child[ren] will spend time or otherwise have contact with the [mother/father] as follows/ as set out in the schedule to this order (*if extensive*).
- [Between now and [date/the final hearing]], the child[ren] will have indirect contact as [follows/ as set out in the schedule to this order (*if extensive*).

14. UNDERTAKINGS

Record as appropriate

THE COURT ORDERS:

15. JOINDER OF CHILD[REN]/OTHER PARTIES/INTERVENERS

- (a) The child[ren] [*name*] shall forthwith be made [a party/parties] to the proceedings and pursuant to rule 16.4 and PD16A, Part 4 FPR 2010 an officer of Cafcass/ CAF/CASS Cymru shall be appointed to act as [his/her/their] children's guardian.
- (b) A copy of this order shall be faxed/e-mailed to the Cafcass/CAF/CASS Cymru office and a hard copy of this order shall be sent within two working days of this order.
- (c) The service manager [is requested / has agreed to] allocate an officer as children's guardian as promptly as possible following receipt of this order, and to notify the court within 7 days of such allocation.
- (d) It is recorded that there are [no] reasons why the Cafcass officer / WFPO dealing with the case should not continue to deal with it as guardian.
- (e) In the event that Cafcass/CAF/CASS Cymru is unable to provide a children's guardian to act within [28 days] they shall notify the court forthwith, to enable the court to consider the appointment of another person.

16. CHILD ARRANGEMENTS

[if made at this hearing, specify as appropriate]

Such as:

- It is ordered [by consent] that [between the date of this order and.../the date of the next hearing/final disposal of the applications] the arrangements for the child[ren] shall be [as set out in the schedule to this order (*if extensive*)/as follows...[*specify*]: e.g. the child[ren] shall live with / spend time / indirect contact with [name] by way of [Skype/Facetime/telephone etc]]
- It is ordered that [a warning notice will be endorsed][by consent] [that between the date of this order and [the next hearing/final disposal of the applications] the [father/mother] shall make the child[ren] available to [spend time] / [have indirect contact] with the [father/mother] as set out in the schedule to this order (*if extensive*)/as follows...[*specify*]

A warning notice directed to the [father/mother] shall attach to paragraph [] of this order.

17. PARENTAL RESPONSIBILITY

Further to the Child Arrangements Order made [*today/date*], which provides that the child is to live with [the father, who does not currently have parental responsibility] / [*woman* who is a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, without parental responsibility], the court grants parental responsibility to [the father] / [*the woman*].

Further to the Child Arrangements Order made [*today/date*], which provides that the child is to spend time or otherwise have contact (but not live) with [the father, who does not currently have parental responsibility] / [*woman* who is a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, without parental responsibility], the court grants parental responsibility to [the father] / [*the woman*].

Further to the Child Arrangements Order made [*today/date*], which provides that the child is to spend time or otherwise have contact (but not live) with [*a person who is not the parent or guardian of the child concerned is named in the order as a person with whom the child is to spend time or otherwise have contact but not live*] the court grants parental responsibility for the child for as long as the order is in place.

18. ACTIVITY DIRECTIONS/CONDITIONS

[if made at this hearing, specify as appropriate]

Such as:-

The [father/mother] [other party] is directed to take part in:

Set out any order for Activity Direction/Condition [e.g. Separated Parents Information Programme/ Mediation Information and Assessment Meeting] on such dates and times as are specified by.....[the provider]

The Court shall forthwith send this order to the provider.

The provider shall notify the Court whether the parties attended at the conclusion of the Separated Parents Information Programme/mediation directed

19. CASE MANAGEMENT AND OTHER ORDERS/DIRECTIONS

(a) Safeguarding incomplete: Cafcass / CAFCASS Cymru must write to the court by [*date*] with the outcome of safeguarding checks / the case is adjourned to [*date*] (the parties' attendance is excused) when the court will either make an order in the terms agreed by the parties or list the case for further consideration.

(b) Sending and delivering of evidence

(i) [*specify what is to be sent and delivered by each party*]

(ii) With this order, the mother/father will be provided with a witness statement template relevant for a case concerning:

- allegations of domestic abuse;
- allegations of child harm;
- where the child is to live and who the child is to see (and when);
- schooling issues;
- temporary or permanent relocation from the jurisdiction.

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- (iii) By 16:00hs [], the Applicant shall file in court and serve on all parties (and Cafcass / CAF/CASS Cymru / Local Authority) his/her concise witness statement/s which are signed and contain a statement of truth.
- (iv) By 16:00hs on [], the Respondent shall file in court and serve on all parties (and Cafcass / CAF/CASS Cymru / Local Authority) his/her concise witness statement/s which are signed and contain a statement of truth
- (v) The statements shall only contain evidence relevant to the issue/s to be determined and shall set out the terms of any Order they invite the court to make and their reasons for it.

(c) Fact finding Schedules

- (i) The parties have prepared, with the assistance of the court at this hearing, a document setting out the concise schedule of the allegations on which the [mother/father] relies, and [the father/mother]'s answers to the allegations, for the purposes of the fact finding hearing;
- (ii) The [mother/father] shall, by 16:00 on [date], send/deliver to the [father/mother] and to the court a concise schedule of allegations on which [s]he relies for the purpose of the fact finding hearing.
- (iii) The [father/mother] shall, by 16:00 on [date] send/deliver to the [mother/father] and to the court a concise schedule of the answer(s) to the allegations relied on for the purpose of the fact finding hearing.

(d) Disclosure from Police / Medical records

- (i) Cafcass/CAF/CASS Cymru are requested to initiate enhanced checks of the relevant local police force, in particular in respect of their investigation into [incident] on [date] and shall send/deliver any relevant information that is received to the [father or mother] and the court.
- (ii) The [solicitor for the] [mother/father] shall seek disclosure of any Force Wide Incident Notices/Sleuth Reports (FWINs) in respect of the parties for the following addresses and for the following periods in accordance with the Police Protocol:
 - a. From [] to [] at the address:
 - b. From [] to [] at the address:and shall send/deliver the resulting disclosure to the [father/mother] and the court on receipt.
- (iii) The [solicitor for the] [mother/father] shall seek disclosure from the police of any statements / reports / notes of interview relevant to their investigation into [incident] on [date], in accordance with the Police Protocol and shall send/deliver the resulting disclosure to the [father/mother] and the court on receipt.
- (iv) The Court considering it both necessary and proportionate so to order for there to be a proper determination of the (preliminary) issues, the applicant/respondent has permission to rely on a report/statement from [Hospital, GP] which must be filed at court and a copy served on the other party by 16:00hs on [].
- (v) Permission is granted to [the solicitor for] the applicant/respondent to disclose this order to the record holder. The costs of obtaining the report shall be divided equally between the parties and shall be a proper charge upon the funding certificates of the publicly funded parties.

(d) Cafcass / CAF/CASS Cymru / Local Authority s.7 Reports / s.37 investigation and report.

A [Cafcass / CAF/CASS Cymru officer / local authority social worker] is directed to prepare a section 7 report on:

Specify as appropriate, such as:-

- The ascertainable wishes and feelings of the children.
- It is recorded that the [mother/father] alleges that the children have expressed a wish that [*specify*]
- The home conditions and suitability of the accommodation of the [mother/father]
- The concerns of the [mother/father] with regard to [*specify*]
- Whether or not the children's physical/emotional/educational needs are being met by the [mother/father]
- How the children will be affected by the proposed change of [*specify*]
- Whether or not it appears that the children have suffered or at risk of suffering the harm alleged by the [mother/father]
- The parenting capacity of the [mother/father] having regard to the allegations that [*specify*]
- Whether [*Specify*] local authority should be requested to report under section 37 Children Act 1989.

A [*named local authority*] is directed to prepare a section 37 report 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 the child(ren). 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.

In the event that the Local Authority considers that it is unable to comply with this direction, it shall no later than 16:00hs 3 days after service of this order upon it provide to the court in writing its reasons for holding that view. A copy shall at the same time be sent by email to [*insert email address*]

Permission is given for the Court to release [and send to the Local Authority] the safeguarding screening report by Cafcass to the Department, together with all the applications, statements and orders.

[Cafcass / CAF/CASS Cymru / the local authority] shall send the report to the court by 16:00 on [date] and at the same time deliver a copy of the report to each of the parties and, if applicable, to their solicitors.

(e) Disclosure of documents

The following documents are to be disclosed (by sending or delivering such documents) by the mother/father to [Cafcass / CAF/CASS Cymru / the local authority with children's services functions of [local authority as appropriate]][*list documents to be disclosed*].

(f) Experts

Drug and alcohol testing

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The Court considering it both necessary and proportionate so to order for there to be a proper determination of the (preliminary) issues, the [Mother] [and] [Father]/ shall co-operate with scientific hair strand testing for

- a. [all prohibited substances]/ [for the following prohibited substances.....for the _____ months immediately preceding this order
- b. [and] [for excessive alcohol consumption (by FAEE/CDT and EtG testing)] for amonth period of assessment.
- c. It is recorded that the has been advised that any future tests should be carried out on hair from his/her head if at all possible and it is in his/her interests to ensure that it is of sufficient length to enable an effective test to be carried out.
- d. a written report as to the results of the tests shall be sent to the court and the parties by 16:00hs on
- e. the costs of the testing shall be shared equally by the parties and shall be a proper charge of the funding certificates of the publicly funded parties

DNA Paternity Testing

The Court considering it both necessary and proportionate so to order for there to be a proper determination of the (preliminary) issues, and pursuant to Section 20 (1) of the Family Law Reform Act 1969, the solicitor for the children may instruct [

] to conduct scientific tests to ascertain whether [_____] is or is not the father of [_____] and the

following directions shall apply:-

- a. for that purpose bodily samples be taken on or before [_____] from the following persons:
 - i. the child:
 - ii. The mother:
 - iii. The putative father:
- b. The person appearing to the court to have care and control of the child is:
- c. Arrangements for the provision of samples shall be made by the solicitor for the children;
- d. The report regarding the paternity of [_____] shall be served on all other parties by the solicitor for the children by 16:00hs on the _____ ; and
- e. The reasonable fees for the paternity testing shall be divided equally between the parties and shall be a proper charge of the funding certificates of the publicly funded parties

Adult psychiatrist

The Court considering it both necessary and proportionate so to order for there to be a proper determination of the (preliminary) issues, permission is granted to the [_____]

] solicitor as nominated lead solicitor to disclose the case papers and relevant medical records to and to instruct [_____] to undertake a psychiatric assessment of the [_____].

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- a. The report shall be filed by the lead Solicitor no later than 16:00hs on the [] and shall address the following issues:
 - i.
- b. The lead solicitor shall forthwith send an electronic copy of this order to the expert instructed
- c. The approved letter of instruction and the bundle of documents shall be delivered to the expert by not later than 4.00pm on the []
- d. The reasonable costs incurred in the preparation of this report shall be divided equally between the parties and shall be deemed a reasonable disbursement upon the publicly funded parties' public funding certificates.

Adult psychologist

The Court considering it both necessary and proportionate so to order for there to be a proper determination of the (preliminary) issues, permission is granted to the [] solicitor as nominated lead solicitor to disclose the case papers and relevant medical records to and to instruct [] to undertake a psychological assessment of the [].

- a. The report shall be filed by the lead Solicitor no later than 4.00pm on the [] and shall address the following issues:
 - i.
- b. The lead solicitor shall forthwith send an electronic copy of this order to the expert instructed
- c. The approved letter of instruction and the bundle of documents shall be delivered to the expert by not later than 16:00hs on the []
- d. The reasonable costs incurred in the preparation of this report shall be divided equally between the parties and shall be deemed a reasonable disbursement upon the publicly funded parties' public funding certificates.

General

For the avoidance of doubt, the expert directed above [shall/shall not] have permission to examine and assess the child[ren]

(g) Special arrangements for witnesses

[The following special arrangements for witnesses shall apply to the evidence of [name of witness] *[specify]*: or the court will determine at the hearing on [date] whether and, if so, which special arrangements shall apply in the case of [name witness]].

20. CONTACT CENTRE DIRECTION

The order for supported contact at the [] contact centre is subject to the following conditions for its operation and effect:-

- a. The [parties/ solicitors for the [Mother/Father][] shall inform the centre co-ordinator of the contents of this order as soon as practicable.
- b. The [parties/ solicitors for the parties] shall jointly be responsible for
 - i. completing a referral form for the centre co-ordinator and

- ii. providing a copy of this order and any subsisting injunction orders involving the parties to the co-ordinator as soon as practicable and in any event within 2 days of today.
- c. Confirmation from the centre co-ordinator that:
 - i. the centre is an accredited member of NACCC;
 - ii. the referral has been accepted following completion of a preparation for contact interview (which interview is a compulsory requirement of all NACCC centres);
 - iii. a vacancy is available or the parties have been allocated a place upon a waiting list (the order for supported contact is suspended during any waiting period until a place is available).
- d. The parties and any person permitted to accompany them to the centre shall abide by the rules of the centre.
- e. The parties must attend a preparation for contact meeting with the centre co-ordinator (the parties' solicitors, if acting, must take responsibility for ensuring that information about the meeting is passed to the parties).
- f. The [Mother/Father] [] agrees to take the child(ren) for a pre-contact introductory visit to the centre.
- g. The child(ren) will be informed of the contact arrangements by [Mother/Father] []
- h. The following arrangements for the contact sessions shall apply:-
 - i. The child(ren) shall be taken to the centre by
 - ii. The child(ren) shall be collected at the conclusion of contact by
 - iii. The [Father/Mother] [] may [not] be accompanied during the contact session [by]
 - iv. The [Father/Mother] [] may [not] remain in the same room as the child(ren) during the contact session
 - v. After [] sessions of contact, the [Father/Mother] [] shall not remain in the same room as the child(ren) but may remain in the confines of the centre.
 - vi. [Other agreements about contact at the centre]
- i. The [parties/ the parties' solicitors] shall jointly be responsible for informing the centre co-ordinator when the place is no longer required.

21. FURTHER HEARINGS

Directions as appropriate, such as:-

- (a) [This/These] application[s] shall be listed for [fact-finding hearing/Dispute Resolution Appointment/other directions hearing/final hearing] before [Legal Advisor/Lay Justices/District Judge/Circuit Judge/High Court Judge] [reserved to...] on [date] with a time estimate of [specify] and for final hearing on [date] with a time estimate of [specify].
- (b) The author of the [section 7] report [shall not] [shall] be required to attend the Dispute Resolution Appointment;
- (c) The author of the [section 7] [section 37] report shall attend the [final/as appropriate] hearing on [date] unless all parties have confirmed to him/her no less than five days in advance of the hearing date that [his/her] attendance is not required.
- (d) The [mother/father] shall by 16:00 on [date] deliver to the court a paginated and indexed trial bundle [and provide a copy to [party/Cafcass/CAFCASS Cymru].

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(e) The parties **MUST** arrive at court at least [30 45 60] minutes before any future hearings

22. COSTS

No order as to costs *or*

Costs in the application *or*

Costs reserved *or*

Funded services assessment of the costs of [*specify*]*or*

Other [*specify*]

23. COMPLIANCE

(a) No document other than a document specified in this order or delivered in accordance with the Rules or any Practice Direction shall be delivered by any party without the court’s permission.

(b) Any application to vary this order or for any other order is to be made to the allocated judge on notice to [] / all parties.

(c) In the event of non-compliance by any person with any order or direction made today, each party shall be responsible for notifying the court of the same, in order to avoid delay.

Dated

Court address: for filing/communication:

INTERNAL OFFICE USE ONLY

TO BE COMPLETED BY THE JUDGE OR LEGAL ADVISOR

Please record in the table below (using X) whether a substantive order has been made and if so what order or whether no substantive order has been made today.					
No Substantive Order Made					
Substantive Orders Made:					
Child Arrangement Order – Living with C43 (CAL)		Child Arrangement Order – Spending Time C43 (CAST)		Prohibited Steps C43 (PS)	
Specific Issue C43 (SI)		Parental Responsibility C45A		Special Guardianship C43A	
Withdrawn C63		Refused ORDREF		No-Order ORDNOM	