*Order at Dispute Resolution Appointment – Child Arrangements Programme (CAP)*



**In the Family Court** **Case No**

**Sitting at** [*place]*

**The Children Act 1989 – Child Arrangements Programme**

**THE CHILDREN**

|  |  |  |
| --- | --- | --- |
| Names | Girl | Dob. |
|  | /Boy |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

**Order- Dispute Resolution Appointment –Child Arrangements Programme**

**(CAP03)**

**1. THE PARTIES**

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

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

The second respondent [children through their children’s guardian] [*name*] [The first intervener [*state relationship to child(ren) or other party*] *is* [*name*]]

1. The child/ren is/are living with…
2. **REPRESENTATION AT THIS HEARING**

The parties appeared before the Court as follows:

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

Advocate

Applicant

respondents:

(1)

(2)

(3)

Other

(specify)

The names set out in paragraph 2 are not to be disclosed in public without the permission of the court.

**4. Cafcass / CAFCASS Cymru / Local Authority** *[if appropriate]*

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Name [welfare officer / children’s guardian]

Professional address

Date of appointment (if children’s guardian):

Date of order of [section 7] [section 37] report

**5. THE APPLICATIONS**

The applicant has applied for a Child Arrangements Order / Specific Issue Order/Prohibited Steps Order/ other Part 2 order [*delete as appropriate or specify*]

|  |  |  |
| --- | --- | --- |
| [*today / on date*] |  |  |
| [*If there are other applications add as follows or delete*] | ] [*today / on date*] |  |
| The [mother/father/as appropriate] has applied for [ |  |

1. **TODAY’S HEARING**
	1. Today’s hearing has been [EFFECTIVE AS A DISPUTE RESOLUTION APPOINTMENT/ DIRECTIONS][CANCELLED] [ADJOURNED]
	2. The reason why the hearing has been adjourned is: [*specify*].

|  |  |
| --- | --- |
| The next hearing is [final hearing or as appropriate] on [date and time | ] at [court] |
| with a time estimate of [ | ]. |  |  |
| **7. EVIDENCE** |  |  |  |
| The court heard the evidence of the following witnesses:- |  |  |
|  |  |  |  |  |
|  | **Witness** | **Party calling** | **Issue** |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

**8. KEY ISSUES**

**A.** The following issues have been resolved



a)

b)

c)

d)

**B.** It remains necessary to decide the following remaining issues in order todetermine [the applications that have been made/the application for.......]:-



a)

b)

c)

d)

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1. **AGREED [INTERIM] ARRANGEMENTS FOR THE CHILDREN**

*Specify if these are different to those in place previously, such as:-*

* 1. [Between now and [date/the final hearing]] the child[ren] will live with the [mother/father].
	2. [Between now and [date/the final hearing]] the child[ren] will live with the mother and the father.
	3. [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)* to this order.
	4. 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).*

1. **OTHER AGREEMENTS REACHED BETWEEN THE PARTIES**

*Record as appropriate*

**11. UNDERTAKINGS**

*Record as appropriate*

**THE COURT ORDERS:**

**12. CHILD ARRANGEMENTS**

*[if made at this hearing, specify as appropriate] Such as:*

1. [By consent,] [between the date of this order and.../the date of the next hearing/final disposal of the applications] the child[ren] shall live with the mother and the father [as set out in the schedule to this order *(if* *extensive)*/as follows..*[specify]*].
2. [By consent,] [between the date of this order and [the next hearing/final disposal of the applications] the arrangements for the child[ren] shall be that [the child[ren] shall live with the [mother/father] and spend time with / have indirect contact with the [father/mother] by way of [telephone/Skype/Facetime etc].
3. [a contact 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 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.

**13. 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*].

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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 courtgrants parental responsibility for the child for as long as the order is in place.

**14. 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.

**15. SPECIFIC ISSUES**

*Such as*:

The [mother/father] is permitted to take all necessary steps to ensure that a place is available for the [child[ren] at [x] school, starting in [y] term. This shall include causing the [child/ren] to attend the open day on [date] and the entrance examination on [date]. The [father/mother] shall take all steps which are necessary on his part to secure the said place.

1. **PROHIBITED STEPS**

*Such as*:

Pending the final hearing of [this/these] applications, the [mother/father] shall not cause the [child[ren]] to live at any address other than *[specify]* or to attend any school other than *[specify].*

1. **OTHER ORDERS/DIRECTIONS**
2. **Cafcass / CAFCASS Cymru / Local Authority**

*Specify any directions required/not dealt with at the FHDRA*

1. **Delivering of evidence**

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

1. **Fact finding Schedules**
	1. The [mother/father] shall, by 16:00 on [date] send/deliver to the [father/mother] and the court a concise schedule of allegations on which [s]he relies for the purpose of the fact finding hearing.

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* 1. The [father/mother] shall by 16:00 on [date] send/deliver to the [mother/father] and the court a concise schedule of the answer(s) to the allegations relied on for the purpose of the fact finding hearing.
	2. Cafcass/CAFCASS 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.
	3. 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 ACPO Protocol and shall send/deliver the resulting disclosure to the [father/mother] and the court on receipt.
	4. The [insert party] shall have permission to rely on a [report/statement] from *[e.g. hospital, GP]* which must be delivered/sent to the court and a copy delivered/sent to the other party by 16:00 on [date].
	5. Permission is granted for the solicitor for the applicant/respondent to disclose this order to the record holder.
1. **Disclosure of documents**

The following documents are to be disclosed by the mother/father to [Cafcass /CAFCASS Cymru / the local authority with children’s services functions of [local authority as appropriate]*[list documents to be disclosed]*

1. **Special arrangements for witnesses.**

[The following special arrangements 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]].

**18. FURTHER HEARING[S]**

*Directions as appropriate, such as:*

**(a)** [this/these] application[s] be listed for [fact finding/final hearing] before [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]. |  |

1. The author of the [section 7] [section 37] report shall attend the [review/final/as appropriate] hearing on [date] unless all parties have confirmed no less than five days before the hearing date that [his/her] attendance is not required.
2. The [mother/father] shall by 4.00 pm on [date] lodge a paginated and indexed trial bundle [and send/deliver a copy to [party/Cafcass / CAFCASS Cymru].

**19. 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]*

**20. COMPLIANCE**

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

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1. Any application to vary this order or allocated judge on notice to [

for any other order is to be made to the ] / all parties.

1. 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:**

**Court address: for sending documents/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 |  |  |  | Child Arrangement |  |  |  |  |  | Prohibited Steps |  |  |  |
|  |  |  |  | Order – Spending |  |  |  |  |  |  |  |  |
|  | Order – Living with |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  | Time |  |  |  |  |  | C43 (PS ) |  |  |  |
|  | C43 (CAL) |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  | C43 (CAST) |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  | Specific Issue |  |  |  | Parental |  |  |  |  |  | Special |  |  |  |
|  | C43 (SI) |  |  |  | Responsibility |  |  |  |  |  | Guardianship |  |  |  |
|  |  |  |  | C45A |  |  |  |  |  | C43A |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  | Withdrawn |  |  |  | Refused |  |  |  |  |  | No-Order |  |  |  |
|  | C63 |  |  |  | ORDREF |  |  |  |  |  | ORDNOM |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

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