**In the High Court of Justice**

**Family Division**

**Sitting at [the Royal Courts of Justice] /
[[*name*]District Registry] Case No: [*Case number*]**

**[The Child Abduction and Custody Act 1985 incorporating the 1980 Hague Convention on the Civil Aspects of International Child Abduction] /**

**[The 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition and Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children] /**

**[The Senior Courts Act 1981] /**

**[Council Regulation (EC) No. 2201/2003]**

**(delete or adapt as appropriate)**

**The child[ren]**

**[*Name of child*] [Girl] / [Boy] [*dob dd/mm/yy*]**

**[*Name of child*] [Girl] / [Boy] [*dob dd/mm/yy*]**

After hearing [*name the advocate(s) who appeared*]

**ORDER MADE BY [*NAME OF JUDGE*]ON [*DATE*] SITTING IN [OPEN COURT] / [PRIVATE]**

**The parties**

1. The applicant is [*applicant name*], represented by [*barrister/solicitor name*] [instructed by [*solicitor name and firm name*] whose contact details are [*ref, phone number and email*]]

The respondent is [*respondent name*], represented by [*barrister/solicitor name*] [instructed by [*solicitor name and firm name*] whose contact details are [*ref, phone number and email*]]

**(Specify any additional respondents)**

**(Specify if any adult party acts by a litigation friend)**

**Recitals**

1. The court considered the issue of the child[ren]’s participation in these proceedings.
2. The court was informed the respondent and/or child (including as the respondent’s dependant) have made [protection claims within the meaning of s.82 Nationality, Immigration and Asylum Act 2002] / [the following protection claims within the meaning of s.82 Nationality, Immigration and Asylum Act 2002]:

[*insert, where known, who has made the claim, on what date, and the claim reference number*]]

1. The court had regard to the *Practice Guidance: Case Management and Mediation of International Child Abduction Proceedings* dated 1 March 2023, in particular paragraphs 1.6, 2.9(e), 2.11(b), 2.11(d) and Appendix 2.
2. The court made the respectful request of the Secretary of State for the Home Department set out in detail at Annex 1 to this Order, and drew the Secretary of State’s attention to the time frames and deadlines set out there.

**IT IS ORDERED THAT:**

**Next hearing**

1. The application for an order for the summary return of [*child(ren) name(s*)] to [*State*]shall be adjourned and relisted for [further directions] / [*insert other as appropriate*]**before a High Court Judge allocated by the President of the Family Division to deal with child abduction cases involving a concurrent protection claim** sitting at [the Royal Courts of Justice, Strand, London WC2A 2LL] / [*other venue and address*] at [*time*] on [*date*]with a time estimate of [*time estimate*] at risk, [subject to confirmation] / [confirmed with the Clerk of the Rules].
2. The issues for consideration at the directions hearing listed above shall include:
3. consideration of whether documents relating to the protection claim(s) should be disclosed into these proceedings;
4. [*insert as necessary*]
5. The respondent shall attend the hearing listed in accordance with paragraph [*para number*] above with their legal representative in the child abduction proceedings and their legal representative in the protection claim.

**Invitation to the Secretary of State to intervene in these child abduction proceedings**

1. The Secretary of State for the Home Department is invited to intervene in these child abduction proceedings and to have indicated to the court and the parties by 4.00pm on [*date and time*] whether [he] / [she] is accepting the invitation to intervene.
2. The solicitor for the applicant shall by 4.00pm on [*date*] provide a copy of the bundle to the Secretary of State.

**Respondent’s obligations in relation to concurrent protection claims**

1. The respondent shall immediately and, in any event by [*date*]:
2. provide the court with the name and contact details of any legal representative retained by them or the child in the protection claim;
3. indicate to the court in writing what further steps need to be taken by the taking-parent in relation to the protection claim(s).
4. In the event that the Secretary of State for the Home Department refuses the respondent or child[ren]’s protection claim(s):
5. the respondent and/or child shall, when lodging any appeal against that decision, request that the listing of the appeal be prioritised such that, if possible, the appeal is listed to be heard not later than [*date*];
6. where:
	1. the protection claim(s) is/are refused and certified as “clearly unfounded” by the Secretary of State pursuant to s.94 of the 2002 Act; and
	2. the respondent and/or child intend to lodge a judicial review application,

the respondent and/or child shall, at the same time as lodging the application for judicial review, request that the listing of that application be prioritised so that, if possible, the application for permission and the substantive hearing be rolled-up and heard no later than [*date*].

**Joinder**

1. The children shall be joined as parties to these proceedings. In relation to their joinder:
2. the senior practitioner at Cafcass High Court team shall appoint a Guardian to represent the child[ren]; and
3. the solicitor for the applicant shall by 4.00pm on [*date*] provide a copy of the bundle to Cafcass Legal.

**Evidence**

1. **(if not already served)** The time for the respondent to file and serve [his] / [her] answer and witness statement (limited to 15 sides of A4, double spaced, size 12 font), and a schedule of the protective measures (including orders that may be subject to registration under article 11 of the 1996 Hague Convention or, where appropriate, undertakings) that they say are required in the event of a return pursuant to paragraph [*para number*] of the without notice order dated [*date*] is extended until 4.00pm on [*date*].
2. The applicant shall by 4.00pm on [*date*] file and serve a witness statement (limited to 15 sides of A4, double spaced, size 12 font) and any other evidence which [he] / [she] wishes to use at the hearing listed above and a schedule of the protective measures (including orders that may be subject to registration under article 11 of the 1996 Hague Convention or, where appropriate, undertakings) that they are willing to offer in the event that the child is returned to [*State*].

**Referrals for further information/assistance**

1. The court requests the assistance of the central authority through the International Child Abduction and Custody Unit in respect of the following questions: [*set out questions*].
2. The court requests the assistance of the international judicial liaison network through the International Family Justice Office in respect of the following questions: [*set out questions*].
3. The court requests that pursuant to Article 15 of the 1980 Hague Convention on the Civil Aspects of International Child Abduction the [*name of* *court*]makes a decision or other determination of the following question: [*set out question*].
4. The parties agree:
	1. The applicant shall forthwith apply to the [*name of court*]forit to answer the said question;
	2. Both parties shall take all reasonable steps as necessary to ensure that the application is heard as soon as possible;
	3. Both parties shall fully co-operate with the proceedings in the [*name of court*]court.
5. The applicant's solicitors shall urgently liaise with the International Family Justice Office who is requested to make contact with the relevant judge in [*requesting State*]so as to obtain an urgent hearing date in the [*name of court*] in respect of the proposed application under article 15 of the Hague Convention on the Civil Aspects of International Child Abduction 1980.
6. The [solicitor for the] [applicant] / [respondent] shall serve this order by email on the International Child Abduction and Custody Unit and shall immediately serve on the other parties all replies received to the questions set out above.
7. The [solicitor for the] [applicant] / [respondent] shall serve this order by email on the International Family Justice Office and shall immediately serve on the other parties all replies received to the questions set out above.

**Section 5 orders**

1. Pursuant to section 5 of the Child Abduction and Custody Act 1985, [*local authority name*] shall immediately on service of this order provide accommodation for [*child(ren) name(s*)] until [*date*].
2. The solicitor for the applicant shall immediately notify the local authority of the making of this order and shall serve a copy of the sealed order by email or fax as soon as it is available.
3. The local authority may apply to the court to vary or discharge paragraph [*para number*] of this order after it has given at least 24 hours’ notice to the other [parties] / [parties’ solicitors].
4. Pursuant to section 5 of the Child Abduction and Custody Act 1985 the respondent shall allow the child contact with the applicant as follows [*insert* **(e.g. details of whether contact by telephone, Skype, face to face etc. and the dates and times and other practical arrangements for contact)**]*.*

**Tipstaff**

1. The port alerts currently in place pursuant to the [Collection] / [Location] / [Passport] order directed to the Tipstaff and issued on [*date*] in respect of the respondent and the child[ren], do continue until the conclusion of the next hearing, to be heard on [*date*], at which the court will make further directions as to their continuance or discharge.
2. All passports, identity cards and or travel documents currently held by the Tipstaff pursuant to the [Collection] / [Location] / [Passport] order directed to the Tipstaff and issued on [*date*] in respect of the respondent and the child[ren] do continue to be held by the Tipstaff until the conclusion of the next hearing to be heard on [*date*], at which the court will make further directions as to their continued retention or return.

**Other**

**(additional orders to be added where appropriate)**

1. **(video link)** The [applicant] / [respondent] may attend the hearing by video link; it shall be the responsibility of the [applicant] / [respondent]’s solicitors to arrange and test the video link in consultation with the Clerk of the Rules.
2. **(interpreter)** HMCTS shall arrange for an interpreter in [*insert language*] to attend at the hearing listed above not later than 30 minutes prior the time the hearing is listed to commence.

**Costs**

1. **(adapt as appropriate)** [There shall be no order as to costs.] / [There shall be a legal aid detailed assessment of [the applicant’s] / [the respondent’s] / [both parties’] costs.]
2. **(adapt as appropriate)** The [applicant] / [respondent] shall pay the costs of the [respondent] / [applicant] summarily assessed at £[*amount*] / [to be subject to a detailed assessment if not agreed]. The costs shall be paid by [*date*] or14 days from the date of the assessment.
3. **(adapt as appropriate)** [*Name*] for the [applicant] / [respondent] shall pay to the [applicant] / [respondent] wasted costs assessed at £[*amount*].

Dated [*date*]

**ANNEX 1**

**THE COURT RESPECTFULLY REQUESTS THAT THE SECRETARY OF STATE FOR THE HOME DEPARTMENT:**

1. Allocate the protection claims referred to in this Order to the Home Office Expedited Team.
2. Indicate to the court and to the parties in writing, preferably by [*date and time*]:
3. what further preparatory steps, if any, are required prior to the determination of the protection claim;
4. whether any protection claim has been made (or can be understood to have been made) in respect of the child; and
5. where the child is said to have “refugee status”, whether this is a reflection of a determination that the child is a refugee as defined in Art 1A of the 1951 Geneva Convention or as a result of the child being a named dependant of a successful application for protection by a parent.
6. Keep the court informed with respect to the progress of the protection claim(s) and/or appeals(s) and of any reconsideration of refugee status and, in particular, inform the court of any delays, or requests for extensions of time, in the protection claim.
7. Make any request to the court to exercise its case management powers that the Secretary of State considers will expedite the protection claim.
8. Provide the court, preferably by [*date and time*] with an anticipated timetable for the determination of the protection claim by the Secretary of State.
9. Ensure that a clear line of communication is maintained between the Secretary of State and the court.
10. Where the Secretary of State accepts the invitation of the court, as set out in this Order above, to intervene in the child abduction proceedings, attend all hearings by a representative.