**In the High Court of Justice**

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

**[The Children Act 1989] /**

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

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

**[The 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of parental responsibility and measures for the protection of children]**

**(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*]

After consideration of the documents lodged by the applicant and the respondent

After reading the statements and hearing the witnesses specified in paragraph [*para number*] of the Recitals below

After the making of a [Collection] / [Location] / [Passport] Order

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

**IMPORTANT WARNING TO [*RESPONDENT NAME*] OF [*RESPONDENT ADDRESS*]**

**If you [*respondent name*] 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 [*respondent 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.**

**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*]]
2. 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)**

**(Specify if the children or any of them act by a children’s guardian)**

1. Unless otherwise stated, a reference in this order to ‘the respondent’ means all of the respondents.

**Definitions**

1. The Tipstaff is the enforcement officer of the High Court at the Royal Courts of Justice. They have a deputy and assistants and can authorise police officers to act on their behalf. Any obligation to give information to the Tipstaff or to hand over a document to them includes an obligation to do so to their deputy or assistant or a police officer acting on their behalf.
2. A [Collection] / [Location] / [Passport] / [*insert other as applicable*] Order is an order directed to the Tipstaff authorising them to take steps to [collect the child] / [to locate the respondent and thereafter to seize any passport or other travel documents from them] / [seize any passport or other travel document held by the respondent as applicable].

**Recitals**

1. The judge read the following documents:
	1. [*insert*]
2. The judge heard the following oral evidence:
	1. [*insert*]
3. The court was satisfied [on a provisional basis] on the basis of the evidence presently filed that:
	1. The child[ren] [was] / [were] on [*date of removal or retention*] and remained on [*date of commencement of proceedings*] habitually resident in the jurisdiction of England and Wales;
	2. The child[ren] [was] / [were] wrongfully [removed from England on [*date*]] / [retained outside the jurisdiction of England on [*date*]]; and
	3. The courts of England and Wales have jurisdiction in matters of parental responsibility over the child[ren] pursuant to [Articles 8 and 10 of BIIR] / [Articles 5 and 7 of the 1996 Hague Child Protection Convention].

**(the court may consider making these declarations if the respondent(s) have been served or genuine attempts to serve are proved)**

1. The court considered the issue of the child[ren]’s participation in these proceedings.
2. **(where assistance from the fcdo is being sought)** [The court was satisfied that the applicant had contacted the [Child Policy Unity within the Consular Directorate of the Foreign, Commonwealth and Development Office] / [Forced Marriage Unit] and that the FCDO had provisionally indicated that it may be able to assist in these proceedings] / [The court was satisfied that, whilst ordinarily it was appropriate for the FCDO to have been contacted in advance of this hearing, on the evidence currently before it, it was appropriate for the applicant not to have done so].
3. The court made the formal requests to British Embassies and High Commissions abroad set out below pursuant to the Guidance from the President's Office, March 2022, *Liaison between Courts in England and Wales and British Embassies and High Commissions abroad.*
4. For the benefit of any overseas authority and/or the Foreign, Commonwealth and Development Office, the court noted the following **(insert/amend as appropriate)**:
5. The child[ren] [is] / [are] ward[s] of this Honourable Court and [is a] / [are] British citizen[s]; they were born in and are domiciled in the United Kingdom; and currently they are [believed to be] travelling outside England and Wales with a United Kingdom passport.
6. In consequence of the fact that this Court has ordered that the child[ren] remain[s] a Ward of this Court, the High Court of England and Wales, whilst (until [he] / [she] attains the age of 18 years on [*date*]) [he] / [she] remains a minor, this Court is empowered and required to exercise its custodial jurisdiction over [him] / [her] and to ascertain [his] / [her] best interests and to facilitate and protect those best interests.
7. The High Court of England and Wales is anxious to protect and secure [him] / [her] wellbeing and best interests and to ensure that [he] / [she] may freely express [his] / [her] wishes concerning [his] / [her] country and place of residence.
8. The High Court of England and Wales is anxious to ensure that [he] / [she] he is not induced or coerced into contracting any marriage or betrothal against [him] / [her] will.
9. The High Court of England and Wales is satisfied that all interested parties are before the Court, including Cafcass (the Children and Family Court Advisory and Support Service) appointed by the Court to represent the Ward.
10. The High Court of England and Wales, having heard oral evidence from [*name*], is of the view that significant grounds exist in the present circumstances to question whether the child[ren] [is] / [are] able freely to express [his] / [her] views and wishes and in particular those views in relation to their country of residence.

**AND NOW THEREFORE THIS HONOURABLE COURT RESPECTFULLY REQUESTS:**

1. Any person not within the jurisdiction of this court who is in a position to do so to co-operate in assisting and securing [the immediate return to England and Wales of the child[ren]] / [the directed assessment of the child[ren]].
2. All judicial and administrative bodies in the State of [*insert*] to consider what assistance may be provided pursuant to the exercise of their respective powers, and to provide such assistance that they consider appropriate, with a view to establishing the whereabouts of the Ward of the High Court of England and Wales.
3. All judicial, administrative and law enforcement authorities to consider what assistance may be provided pursuant to the exercise of their respective powers, and to provide such assistance that they consider appropriate, with a view to locating, safeguarding and facilitating the return to England and Wales of the said minor child[ren] pursuant to the laws of England and Wales.
4. All judicial, administrative and law enforcement authorities in [*State*] do use their best endeavours to assist in taking any steps which may to them appear necessary and appropriate in facilitating the assessment directed by this order.
5. The courts of [*State*] do decline to exercise any jurisdiction in relation to matters of parental responsibility in respect of the child[ren].
6. The Foreign, Commonwealth and Development Office to [*specify*

**(for example – this is not a finite list of steps the fcdo can be asked to take –**

* **liaise with the competent safeguarding authorities in [*insert*] in order to check the child’s welfare;**
* **engage with local police services to ascertain what efforts have been made to locate the child;**
* **host consular appointments involving the child;**
* **advise on travel arrangements for the return of the child to england & wales.)**]
1. [The Foreign Commonwealth and Development Office] / [HM Passport Office] do take steps to grant or facilitate the grant of a passport, travel document or emergency travel document to [*child(ren)’s name(s)*] without the consent of the [mother] / [father].

**Undertakings to the court by the applicant (delete or supplement as appropriate)**

1. The applicant undertakes not to remove the child[ren] from the care of the respondent until [*date*].

**Undertakings to the court by the solicitors for the applicant**

1. The solicitors for the applicant undertake to:
	1. [*insert*].

**Mediation**

1. At this hearing the applicant and the respondent were given the opportunity to make contact [in person] / [by telephone] / [*insert method*] separately with the court based mediator so that the parties could consider engaging in mediation under the Child Abduction Mediation Scheme [or through another non-court dispute resolution procedure]. The parties have [agreed to participate in mediation] / [been unable to agree to participate in mediation] / [*specify other result*]*.*

**IT IS ORDERED THAT:**

1. The child[ren] [is] / [are] and shall remain [a] Ward[s] of this court during their minority or until further order. For the avoidance of doubt, for the purposes of any foreign administrative or judicial authority considering this order, that means that the child[ren] are, immediately upon this order being made, protected by the High Court of Justice of England and Wales and that no important step in the child[ren]’s [life] / [lives] can be taken without permission being granted by the High Court of Justice of England and Wales.
2. The respondent shall return the child[ren] forthwith to England and Wales.
3. Every person within the jurisdiction of this Honourable Court who is in a position to do so shall co-operate in assisting and securing the immediate return to England and Wales of the child[ren], [a] Ward[s] of this court.
4. The [mother] / [the father] / [*other family member*] shall co-operate in and make the child[ren] available for an assessment of the family’s circumstances by [*individual/local authority*].
5. In a case where assistance is sought from the International Family Justice Office the applicant’s solicitors shall email copies of this order to the Office of the Head of International Family Justice at the Royal Courts of Justice, The Strand, London WC2A 2LL, United Kingdom (DX4450 Strand RCJ; IFJOffice@justice.gov.uk) [and in a case where assistance is sought from Foreign and Commonwealth Office to either: (a) the Child Policy Unit, Foreign and Commonwealth Office, King Charles Street, London SW1A 2AH, Consular.ChildrensPolicyOfficer@fco.
gov.uk; or (b) where the case concerns either Forced Marriage or Female Genital Mutilation, the Forced Marriage Unit FMU@fcdo.gov.uk].
6. Permission is granted to [the applicant]/ [*insert* *other appropriate party*] to disclose a copy of this Order [and [*insert any other relevant appropriate documents*]] to the FCDO [Child Policy Unit] / [Forced Marriage Unit].
7. Permission is granted to the Foreign, Commonwealth and Development Office of the United Kingdom to share the information disclosed to them in accordance with paragraph [*para number*] above with [*insert named bodies/persons*] [and any other relevant agency].
8. The matter shall be listed for directions [within 7 days of the return of the child[ren] to England and Wales] / [at 10:30 on [*date*]], when the court shall consider what further orders shall be made.
9. The respondent shall attend at the hearing listed pursuant to [the preceding paragraph] / [*para number*], together with [solicitors and] counsel if so instructed.
10. The child[ren] shall be joined as [a party] / [parties] to the proceedings pursuant to rule 16.2 of the Family Procedure Rules 2010. An officer of the Cafcass High Court Team shall be appointed as children’s guardian. The applicant’s solicitors shall forthwith send a copy of this order and the court bundle to the Cafcass High Court Team.
11. There shall be permission to [*name*] to serve this order and the proceedings on [*name*] by email and by post to their last known address in England and Wales and through the Central Authority of England and Wales.
12. Costs be reserved.

Dated [*date*]

**Notice**

You [*applicant name*] may be sent to prison for contempt of court if you break the promise that have been given to the court

**Statement of understanding**

I understand the undertakings that I have given, and that if I break any of my promises to the court I may be sent to prison for contempt of court

[*applicant name*] [signed on [his] / [her] behalf by [*applicant firm name*]]

**Notice**

The firm of solicitors [*applicant firm name*] may be fined or sent to prison for contempt of court if the promise that have been given to the court is broken

**Statement of understanding**

I understand the undertakings that I have given, and that if I break any of my promises to the court I may be sent to prison for contempt of court

[*applicant solicitor name*] [on behalf of [*applicant firm name*]]