**HMCTS REFORM NOTES:**

* This is a standard directions template which is edited and issued following submission and review of an application.
* Created by an HMCTS Gatekeeper (Legal Reviewer), this order is issued to all relevant parties ahead of the first hearing.
* The content of this order includes:
  + Set text (most of the black text).
  + Text populated with case data (some of the red text e.g. *‘Name of Child’*)
  + Text populated using logic relating to case data (some of the red text e.g. *‘child[ren]’*)
  + Help text for the Gatekeeper which must be removed prior to issue (most of the green text)
  + Manually written additional directions which do not appear on the template e.g. a Gatekeeper may wish to add a 42nd direction.
* Gatekeepers require the ability to:
  + Add, remove and edit any text within this document

# In the Family Court <<caseName>> sitting at <<courtName>>

**The Children Act 1989**

**The Adoption and Children Act 2002**

**The child<<childrenNames>>**

**<<childrenNames>> <<gender>> <<{dateFormat(dateOfBirth, ‘dd MM yy’, ‘yyyy-MM-dd’)}>>**

**DIRECTIONS ON ISSUE AND ALLOCATION ORDER MADE BY <<{toUpperCase(nameOfJudge)}>> ON <<{dateFormat(courtDate, ‘dd MM yy’, ‘yyyy-MM-dd’)}>>**

**Timetable: the 26 week time limit for this case expires on <<{dateFormat(courtDate, ‘dd MM yy’, ‘yyyy-MM-dd’)}>>**

**The parties**

1. The applicant is<<localAuthority>>

<<rs\_respondentDetails>>

Name: <<value.name>>

Relationship: <<value.relationship>>

<<es\_respondentDetails>>

**Right to apply**

**As these directions have been made without a hearing you may ask the court to reconsider this order. You must do that within seven days of receiving this order by writing to the court (and notifying any other party) and asking the court to reconsider. Alternatively the court may reconsider the directions at the first hearing.**

**(the second and third warning may either appear at the start of the order, as shown here, or at the end)**

**Confidentiality warning**

**The names of the family and the children**

**are not to be disclosed in public without the permission of the court.**

**Compliance warnings**

**All parties must immediately inform the allocated judge as soon as they become aware that any direction given by the court cannot be complied with and to seek in advance an extension of time to comply.**

**In the event that a party fails to comply with directions and/or fails to attend any hearing the court may make final orders including care orders and placement orders at that hearing.**

**THE COURT ORDERS**

**Allocation**

**<<rs\_standardDirections>>**

**<<value.content>>**

**<<es\_standardDirections>>**

**Appointment of guardian**

**Jurisdiction**

1. The court declares it is satisfied it has jurisdiction in relation to the children based on habitual residence.

**Service of the application and documents**

1. The local authority must by 4.00pm on <<{dateFormat(courtDate, ‘dd MM yy’, ‘yyyy-MM-dd’)}>> serve on all parties the application form and annex documents filed with the court together with any annex documents not filed and the evidential checklist documents.

**Participation directions**

1. If they have not already done so, any party who considers that specific measures need to be taken to enable a party or witness to understand the proceedings and their role in them when in court, put their views to the court, instruct their representatives before, during, and after the hearing or attend the hearing without significant distress should file an application notice and include the following information as far as practicable:
   1. why the party or witness would benefit from assistance;
   2. the measure or measures that would be likely to maximise as far as practicable the quality of their evidence or participation and why;
   3. written confirmation from any relevant witness of his/her views.

**Case management hearing**

1. There will be a case management hearing at <<courtName>> on <<{dateFormat(courtDate, ‘dd MM yy’, ‘yyyy-MM-dd’)}>> at <<time>> allowing <<time>> The parties and their legal representatives must attend court one hour before the time listed for pre-hearing discussions.

**Identifying alternative carers**

1. Before the case management hearing:
   1. the local authority must liaise with the parents to make sure there is a complete family tree from which family members who could be alternative carers can be identified;
   2. all parties must consult with any person they believe may wish to be a potential reserve carer for any child if their preferred plan proves impossible. No later than the hearing they shall be identified to the local authority with contact details.

**Parents’ response to threshold**

1. The parents must by 4.00pm on <<{dateFormat(courtDate, ‘dd MM yy’, ‘yyyy-MM-dd’)}>> send to the court and to the other parties a written statement setting out:
2. their response to the local authority’s threshold statement;
3. the parent’s proposals for the placement of the children both in the immediate and long term;
4. where a family group conference (FGC) has not yet taken place, whether they agree to a FGC taking place that includes all relevant family members as recommended by the local authority.
5. If the parents do not respond to the threshold statement as directed they may be taken not to dispute the allegations set out in it.

**Disclosure**

1. The parties must by 4.00pm on <<{dateFormat(courtDate, ‘dd MM yy’, ‘yyyy-MM-dd’)}>> serve any requests for disclosure on any third party (including the police and any medical body).
2. Any party intending at the case management hearing to seek an order for disclosure by a third party shall give written notice of the application with a copy of this order to the third party by <<{dateFormat(courtDate, ‘dd MM yy’, ‘yyyy-MM-dd’)}>>.
3. Any third party objecting to the disclosure sought is directed either to attend the case management hearing to explain the objection or make written representations.
4. Any disclosure made in these proceeding is confidential and may not be disclosed to any third party without the court’s permission.

**Experts**

1. Any party intending to seek permission to instruct an expert must give notice of such application no later than <<{dateFormat(courtDate, ‘dd MM yy’, ‘yyyy-MM-dd’)}>> and must comply with the requirements of FPR 25 and PD 25C.

**Residential assessment**

1. Any party proposing a residential assessment may disclose the case papers to any proposed provider for the purpose of viability assessments and must by no later than <<{dateFormat(courtDate, ‘dd MM yy’, ‘yyyy-MM-dd’)}>> send to the court and to the other parties details of any proposed providers and copies of any viability assessments received.
2. Proposed providers must be told what it is proposed the assessment should cover and that any viability assessment must set out:
   1. the nature of the work the provider expects to undertake;
   2. a statement of the benefits of the proposed assessment compared to its impact on the children;
   3. who will carry out and report on the assessments and their curriculum vitae;
   4. specific timescales for each part of the assessment including any part of the assessment of the parents alone and with the children
   5. a full breakdown of the costing of each part of the proposed assessment stating separately the cost of any element of therapy, training or treatment.

**Family Group Conference**

1. The Local Authority must, by no later than 2 working days before the case management hearing, file either:
   1. minutes of any family group conference that has already taken place; or
   2. the date fixed for the family group conference; or
   3. if no date has been fixed, the reason why not.

**Advocates’ meeting**

1. The children’s solicitor must arrange an advocates’ meeting for no later than <<{dateFormat(courtDate, ‘dd MM yy’, ‘yyyy-MM-dd’)}>>. All advocates’ meetings must be attended by the advocates who will appear at the hearing to which it relates or any subsequent fact-finding or final hearing if different.

**Case summary and draft CMO**

1. The local authority must by 11.00am on <<{dateFormat(courtDate, ‘dd MM yy’, ‘yyyy-MM-dd’)}>> send a case summary and draft case management order to the allocated judge and to the parties.

**Children guardian’s analysis**

1. The children’s guardian must by 11.00am on <<{dateFormat(courtDate, ‘dd MM yy’, ‘yyyy-MM-dd’)}>> send a case analysis to the court and to the other parties.

**Bundles**

1. The local authority must by 11.00am on <<{dateFormat(courtDate, ‘dd MM yy’, ‘yyyy-MM-dd’)}>> lodge an agreed and paginated bundle to comply with PD 27A.
2. If the case management hearing is to be conducted by lay justices the local authority must lodge 4 copies of the bundle by <<{dateFormat(courtDate, ‘dd MM yy’, ‘yyyy-MM-dd’)}>> (or if time has been abridged, as soon as practicable).

**Forward planning**

1. The local authority must have available at the case management hearing information regarding any appropriate parallel planning including confirmation that preliminary paperwork has been completed and a request made for an adoption medical, the dates for panel medicals, panel meetings and the date when the matter will be considered by the agency decision maker.

Dated <<{dateFormat(courtDate, ‘dd MM yy’, ‘yyyy-MM-dd’)}>>

**ANNEX - ADDITIONAL ORDERS**

**Jurisdiction issues**

1. It appearing there may be an issue as to jurisdiction, the parties must consider the issue of jurisdiction as a matter of urgency and the local authority must forthwith request of the relevant consular authority in England & Wales or competent authority in the relevant state relevant information needed to decide issues of jurisdiction with a view to that information being available before the case management hearing.



1. **(where the child(ren) is/are foreign national(s))** The local authority must by <<{dateFormat(courtDate, ‘dd MM yy’, ‘yyyy-MM-dd’)}>> inform in writing the consular authority of <<country>> of the existence of these proceedings, the date of the next hearing and invite any representations to be made to the court by [<<{dateFormat(courtDate, ‘dd MM yy’, ‘yyyy-MM-dd’)}>> **(day before advocates’ meeting)**].

**Urgent hearing**

1. The local authority’s request for an urgent hearing to consider an interim care order and removal is refused as the court is not satisfied that sufficient evidence of urgency has been shown [and the application to abridge time for service is refused].
2. Time for service of notice of the proceedings is [not] reduced from 3 days to [*insert period*] because [*insert reasons*].
3. There will be an <<typeOfHearing>> hearing at <<courtName>> on <<{dateFormat(courtDate, ‘dd MM yy’, ‘yyyy-MM-dd’)}>> at <<time>> allowing [*hours/days*]. The parties and their representatives must attend court by 1 hour before the time listed for pre-hearing discussions.

**Capacity**

1. It appearing there may be an issue whether <<personName>> has litigation capacity, <<{map(gender, ‘M’, ‘his’,’F’, ‘her’)}>> solicitors must instruct <<personName>> as an expert to carry out a cognitive assessment and report to the court by <<{dateFormat(courtDate, ‘dd MM yy’, ‘yyyy-MM-dd’)}>> whether <<personName>> has capacity to litigate within the meaning of sections 2 and 3 of the Mental Capacity Act 2005. The court is satisfied this report is necessary. The expert’s fees must be paid by <<personName>>.
2. In the event that the expert reports that <<personName>> does not have litigation capacity, and it appearing there is no other person able to act as litigation friend, <<{map(gender, ‘M’, ‘his’,’F’, ‘her’)}>> solicitor must upon receipt of the report send it and the relevant case papers to the Official Solicitor who shall, subject to his consent, be appointed to act for <<personName>>.

**Interpreter/translation**

1. The court must arrange an interpreter for <<personName>> at all future hearings in the following language<<languages>> (and dialect if necessary): <<languages>>
2. If it has not already done so the local authority must by 4.00pm on <<{dateFormat(courtDate, ‘dd MM yy’, ‘yyyy-MM-dd’)}>> serve on <<personName>> translations into language<<languages>> they will understand of the documents upon which the local authority relies to support any allegations made and which explain why the local authority seeks the order<<orders>> it has applied for.

**Joinder of father without parental responsibility**

1. <<personName>> is believed to be the father of <<childrenNames>> but is not named on the children’s birth certificate. Unless by 4.00pm on <<{dateFormat(courtDate, ‘dd MM yy’, ‘yyyy-MM-dd’)}>> any party sends to the local authority objection to <<personName>> being joined as party to the proceedings, he shall be joined as party without further order and the local authority must send to him the documents served on the other parties [redacted as to [*insert*] [but limited to [*insert*]].
2. <<personName>> must so far as practicable comply with the requirements of this order.
3. If any party objects to <<personName>> being joined as party the local authority must give him notice of the case management hearing so that he may attend and the question whether he should be joined can be considered at that hearing.

**Other proceedings**

1. **(where there have been previous private or public law proceedings involving parties who are not parties in these proceedings)** The local authority must give 7 days’ notice to any party in proceedings under case number <<caseNumber>>in the [Family Court sitting at <<place>> [Family Division] (who is not also party in these proceedings) of their intention to apply for disclosure of those proceedings into the current proceedings and telling them that if they object to such disclosure they must write to the local authority within 7 days of service of notice and that if they do not object they will be taken not to oppose disclosure.
2. The local authority must annex to any application for disclosure of the previous proceedings any objections or consents received by them.
3. Assuming the other proceedings are disclosed, the parties must agree the relevant documents from those proceedings to be included in the court bundle.
4. **(where there have been previous private or public law proceedings involving the same parties)** The files in case number <<caseNumber>> must be available to the court at the case management hearing so that appropriate disclosure from those proceedings can be considered. The advocates must agree a list of documents, for approval by the court at the case management hearing, which are to be disclosed into these proceedings.

**Production order**

1. A separate production order is made.