



Case No. [insert]

In the Family Court at [West London / Barnet]

The Children Act 1989 / [The Adoption and Children Act 2002]

**The Children**

[name of child] [Girl/boy] [d.o.b. insert]

ORDER MADE BY [insert]  
AT THE CASE MANAGEMENT HEARING  
ON [insert]  
CMO NO. [insert] AT TIMETABLE WEEK NO. [insert]

**THE ORDER SENT FOR APPROVAL MUST REMOVE ALL PARAGRAPHS AND HEADINGS WHICH ARE NOT REQUIRED**

**The parties and representatives at this hearing**

	Name of party	Advocate	Advocate email	Solicitor email (if different)
Applicant				
Respondent 1				
Respondent 2				
Respondent 3				

**Important notices**

**Confidentiality Warning**

The names of the family and the children are not to be disclosed in public without the court's permission.

**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 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 without good reason the court may make final orders including care orders and placement orders at that hearing.

**General Provision in this order, the first case management order, are to apply in subsequent case management orders**

The following provisions of this order will continue unless otherwise ordered and do not need to be repeated in future orders:

- (1) Any order as to interim placement; (2) Any declaration as to jurisdiction; (3) The identity of the allocated judge; (4) The provision as to bundles; (5) The provision as to variation of orders.

**FAS Recitals**

The Court noting the following provisions for the purposes of FAS:

Hearing before	
Hearing date	
Court type	
Type of hearing	
Bundle	
Pre hearing discussions began at	
Start time of the hearing	
End time of hearing (to include time to agree order)	
Number of hearing units claimed	
Relevant bolt ons	

**General recitals**

- A. Police disclosure being relevant to this case [the Applicant confirms the Disclosure Protocol was invoked on [insert date] / the Applicant must no later than 4pm on [insert date within 7 days] invoke the Disclosure Protocol. The parties must ensure any request is focused on those matters in dispute and the period for which disclosure is sought is appropriately time limited to the relevant period only.
- B. [Insert as applicable further recitals bearing in mind guidance as to the inappropriateness of excessive use of recitals].

**IT IS DECLARED THAT**

**Jurisdiction**

1. The court in England and Wales has jurisdiction in relation to the child(ren) on the basis that the child(ren) are habitually resident in the jurisdiction of England and Wales.
- OR**
2. [Appropriate directions if jurisdiction is in dispute providing for evidence and a prompt hearing to determine the issue]

**AND THE COURT ORDERS**

**Interim placement**

3. In the interim, the child(ren), [insert] shall be [placed into the care of / put under the supervision of] the London Borough / Royal Borough of [insert] until [insert date / the duration of the proceedings or until further order].

**Alternative carer assessment**

4. Each parent must, no later than 4pm on [insert date no later than 7 days after CMO], provide the Applicant with the details (including contact details) of any person they wish to be

considered as alternative carers for the child(ren) if the child(ren) cannot be returned to or remain with the parent(s).

**Important Note: The Court made clear to the parents that this may be their only opportunity to put forward alternative carers. If a person is put forward late, there is a real risk that the delay to the child(ren)s' timetable will mean that they will not be given an assessment. The Court expects this point to be reinforced to the party by any solicitor acting on their behalf.**

5. The Applicant shall by 4pm on [date 3 weeks after CMH] send to the person being assessed and to the other parties a viability assessment of each individual referred to above. If for whatever reason an identified individual does not engage with the assessment or indicates an unwillingness to be assessed, then the applicant need not provide a viability assessment but must provide a short note from the assessor confirming why the viability assessment was not completed:
  - a. If a viability assessment is positive, the applicant must by 4pm on [date 15 weeks after CMH], send a full special guardianship or connected person foster carer assessment to the court and to the other parties.
  - b. If positive, the applicant is requested to consider funding a one-off session of legal advice (at legal aid rates) for one potential carer (or joint carers) for consideration of the legal basis upon which they seek to care for the children (for example as foster carers or special guardians).
  - c. If a viability or full assessment is negative, the applicant must forthwith on completion of the assessment write to the person assessed including a copy of the assessment, confirming the date, time and venue of the next court hearing and a list of local solicitors who are members of the Children Accreditation Scheme, explaining that if a person wishes to challenge their assessment they must:
    - i. seek legal advice as soon as possible;
    - ii. inform the applicant in writing within 7 days that they dispute the factual assertions of the assessment and/or its conclusions;
    - iii. attend the next court hearing, and
    - iv. that a delay in doing any of the above may lead the court to refuse a further assessment of that individual.
6. The following documents shall be disclosed by the applicant to persons undergoing viability assessment:
  - a. their viability assessment;
  - b. the threshold criteria document, and
  - c. the initial social worker statement.
7. The following documents shall be disclosed by the applicant to persons undergoing a special guardianship and/or connected persons assessment:
  - a. their assessment;
  - b. any special guardianship support plan relating to them;
  - c. any transition plan relating to them;
  - d. the final evidence of the applicant and final care plan;
  - e. the final evidence of the parents, and
  - f. the children's guardian's final analysis.

8. **[Delete if not applicable: The court considering it appropriate to limit the number of individuals subject to full alternative carer assessment, each parent is restricted to [insert] candidates. Following receipt of the viability assessments each parent must within 48 hours select the individuals they wish to proceed to full assessment from within their list of candidates. Only those identified individuals will proceed to full assessment].**
9. In the event an individual being assessed does not engage, only partially engages or withdraws from the assessment, then the assessor must complete their assessment by the specified date on the basis of the work they have undertaken by that date. If the individual being assessed does not engage fully without a good reason, there is a real risk that they will not be given a further opportunity to be assessed.
10. **Important Note: The parties are referred to the direction relating to the issue resolution hearing set out below and the obligation to inform the court in circumstances in which it becomes apparent an assessment is not proceeding and this may permit the timetable to be revised with the consequence that the issue resolution hearing may be brought forward.**

**Parent's initial statement / response to threshold**

11. The parent's must, unless they have already done so, no later than 4pm on [insert date] send to the court and to the other parties their initial statement and response to interim threshold. If a parent fails to provide this response by the date provided, then they shall be taken to not dispute the interim threshold criteria as set out by the applicant.

**Litigation capacity (if applicable otherwise delete following paragraphs)**

12. There being an issue as to the litigation capacity of the following party, [insert name] the solicitor for the parent shall by 4pm on [insert date] send to the court a report from [insert name and discipline] dealing with the question as to whether that party:
  - a. has litigation capacity within the meaning of section 2 and 3 of the Mental Capacity Act 2005;
  - b. is competent to give evidence, and
  - c. has capacity to consent to placement for adoption and / or the making of an adoption order.

The cost of the report must be paid by [insert].

13. There will be a hearing at [insert time and date] to assess the question of capacity to litigate.
14. If the assessment concludes [insert name] has capacity then the assessment shall also consider whether the party is a vulnerable person and, if so:
  - a. how their evidence in chief should be given;
  - b. whether and how they should be questioned (cross examined) including the length of questioning and the need for, and frequency of, any breaks;
  - c. what support should be made available;
  - d. whether a separate waiting room or other facilities are needed, and
  - e. whether their evidence should be given remotely.

On receiving confirmation that the party has capacity the solicitor for the party assessed shall immediately inform the court that the capacity hearing is not required.

15. If the assessment concludes [insert name] lacks capacity, then that party's solicitor shall no later than 72 hours after receipt of the report confirm whether or not [insert name] accepts the conclusion of the report. If they accept the conclusion of the report and do not seek to challenge its contents and there is no other person proposed to act as a litigation friend then the parties shall within 72 hours of the assessment file a consent order vacating the capacity hearing and making provision for the instruction of the Official Solicitor of England and Wales to act on behalf of the party, subject to her consent.
16. If subsequently the applicant issues an application for a placement order, then [insert name] representatives must immediately consider whether the evidence as to litigation capacity obtained in the care proceedings remains sufficient for the placement proceedings and if so, must immediately ask the court so to confirm with a view to the inviting the Official Solicitor to also act in the placement proceedings.

**Paternity (if applicable otherwise delete following paragraphs)**

17. There being an issue as to the paternity of the child(ren), pursuant to section 20 of the Family Law Reform Act 1969 the child(ren) [insert name] shall be subject to DNA testing by a testing agency accredited in accordance with the 1969 Act to determine whether [insert name] is the father of the child(ren) [insert name]. The person with care and control of the child(ren) is [insert name]. The adults to be tested are [insert names].
18. At the time the samples are taken the person being tested must produce to the sampler: (a) form BD1; (b) photo identity, and; (c) a copy of this order. The instruction to the accredited testing agency must be accompanied by a statement identifying what the range of relatedness or un-relatedness might be an express in clear terms what those being tested believe the relationship to be.
19. [Insert name of instructing solicitor] must make the instruction and must by 4pm on [insert date] submit completed form BD1 to an accredited testing agency. The results of testing must be sent to the court, to the tested adults and the applicant by no later than 4pm on [insert date within 14 days if possible]. The cost of the testing must be paid by [insert name of paying party].
20. If as a result of the testing results, there is a requirement for further case management directions to include any assessments then the parties are required in the first instance to discuss and if possible, agree a proposed consent order providing for the same. The dates within such order must not be such as to cause the next hearing to be vacated. In the event the parties cannot reach agreement and file a consent order within 7 days of the test results being known or where they propose varying the date of the next hearing then they must apply to the court within 48 hours of this becoming apparent.

**Disclosure (if applicable otherwise delete following paragraph)**

21. [If applicable add any disclosure provisions].

#### Expert assessments

22. The Court being satisfied that it is necessary for the following expert to be instructed, the court gives permission to [insert name] to instruct an expert [type of expert], namely [insert name], as a single joint expert.

23. The following directions shall apply to the instruction:

- a. the lead for the instruction of the expert shall be [insert name];
- b. the letter of instruction to the expert [as approved by the court today / to be agreed by the parties by 4pm on [insert date] and sent to the court] must be sent to the expert by 4pm on [insert date];
- c. the questions to be dealt with by the expert are as follows: [insert];
- d. permission is [not] given for the expert to see and assess the child(ren);
- e. the expert's report must be sent to the court and to the parties by no later than 4pm on [insert date];
- f. permission is not given at this stage to call the expert to give oral evidence at the hearing;
- g. the costs of the report shall be paid by [insert name], and
- h. the appointment date(s) for the assessment are [insert if known].

24. In the event an individual being assessed does not engage, only partially engages or withdraws from the assessment, the expert must complete the assessment by the specified date based on the work they have undertaken by that date. If an individual being assessed does not engage fully without a good reason, there is a real risk that they will not be given a further opportunity to be assessed.

25. **Important note: The parties are referred to the directions relating to the issue resolution hearing set out below and the obligation to inform the court in circumstances in which it becomes apparent an assessment is not proceeding and this may permit the timetable to be revised with the consequence that the issue resolution hearing may be brought forward.**

26. Questions of the expert must be dealt with in accordance with FPR rule 25.10.

27. If any party seeks permission to call an expert to give oral evidence that must be made clear to the other parties by no later than the pre-IRH advocates meeting. If clarification (only) is sought, then the court will expect questions to be raised within 10 days of receipt of the report in accordance with FPR rule 25. If a party seeks to cross examine the expert, as opposed to seeking clarification, clear reasons must be provided in the party's position statement filed for the IRH.

#### Drug / Alcohol testing

28. [Name] solicitors must be 4pm on [insert date] obtain and send to the court and to the other parties a [hair strand test / EtG and FAEE / CDT blood / PETH] test report which shall cover:

- a. use of cannabis, cocaine, amphetamines, heroin, MDMA, [insert other] in the preceding [insert] months;
  - b. segmented by month;
  - c. excessive alcohol consumption (by EtG and FAEE testing);
  - d. whether it is possible to say whether the results obtained are consistent with the accepted usage.
29. [Name] must co-operate with transdermal continuous alcohol testing (TACT) for excessive alcohol consumption for a month-by-month assessment for [insert] months starting on [insert date]. The expert appointed to fit the TACT bracelet must be instructed by [name]. The test report must be sent to the court and to the parties by no later than 4pm on [insert date].
30. **Important note: The court may draw a negative inference from failure to comply with any testing requirement.**
31. The costs of the testing and report [and fitting and removing the TACT bracelet] must be paid by [insert name].

<b>Parenting assessment by applicant</b>
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32. The applicant must undertake a parenting assessment of [insert name] [ as sole / joint carers] and must file the assessment report by no later than 4pm on [insert date 8-12 weeks from CMH unless otherwise directed].
33. In the event a parent does not engage, only partially engages or withdraws from the assessment, the assessor must complete their assessment by the specified date on the basis of the work they have undertaken by that date. If a parent does not engage fully without a good reason, there is a real risk that they will not be given a further opportunity to be assessed.
34. **Important note: The parties are referred to the directions relating to the issue resolution hearing set out below and the obligation to inform the court in circumstances in which it becomes apparent an assessment is not proceeding and this may permit the timetable to be revised with the consequence that the issue resolution hearing may be brought forward.**
35. The appointment date(s) for the assessment are: [insert if known at CMH].

<b>Final evidence</b>
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36. The applicant must by 4pm on [date 14-18 weeks after CMH] send its final evidence and care plans, and final threshold document, to the court and to the other parties.
37. The applicant must by 4pm on [3 working days prior to the IRH/EFH] send to the court and the other parties a threshold document setting out those facts which are agreed and identifying any additional findings of fact that the applicant still seeks for the court to determine. This document should not include facts in dispute which the applicant is not seeking the court to determine.

38. The parents must by 4pm on [date 2 weeks after date for applicant evidence] send their final statements of evidence and responses to the final threshold document to the court and to the other parties.
39. Where a party fails to provide a response to threshold within the time stipulated the court may take them to have accepted the threshold and the court may proceed based on the threshold as if agreed.
40. The children's guardian must by 4pm on [date 2 weeks after parents' evidence] send a final case analysis to the court and to the other parties.

<b>Placement application directions</b>
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41. In the event the applicant intends to issue a placement application then it must take all steps to enable a decision by the ADM regarding placement (including adoption medicals and child permanence report) and to ensure the ADM decision regarding any placement application is made by no later than 4pm on [insert date].
42. The applicant must issue any application for a placement order (with Annex B report, statement of facts, child permanence report and ADM record of decision) by no later than 4pm on [insert date].
43. The applicant must serve the child permanence report and ADM's record of decision on the parties, but those documents shall not be included in the court bundle unless requested by any party by no later than the IRH.
44. The placement application may be served on the parents' solicitors if they remain on the record as acting for the parents in the care proceedings.
45. The following directions shall apply immediately upon issue of an application for a placement order:
  - a. the child(ren) shall be made party to the application;
  - b. the existing children's guardian in the care proceedings shall be appointed as the children's guardian;
  - c. the evidence in the care proceedings shall be admitted in the placement proceedings and vice versa;
  - d. the parents must include their response to the placement application and the request to dispense with their consent within their final evidence in the care proceedings;
  - e. the children's guardian's final case analysis in the care proceedings must include a case analysis in respect of the placement application, and
  - f. the placement order application must be listed and heard at the same time as the application for the care order.

<b>Foreign evidence</b>
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46. It is incumbent on all parties to ensure compliance with FPR PD22A as to the calling of evidence from a party outside the jurisdiction. With this in mind:
- a. as soon as it becomes apparent to a party that they will likely need to call such evidence in support of their case they must commence and take all steps required to confirm the capacity of that witness to give evidence from the location in question and by the means proposed;
  - b. in all cases each party should proactively consider whether it is likely to need to call evidence from a witness outside the jurisdiction no later than 6 weeks prior to the IRH/EFH. In the event the same is likely then that party should immediately take the requisite steps to confirm the ability of that witness to give evidence from that location and by the means proposed;
  - c. a party will be required to explain any failure to comply with this provision at the IRH/EFH in the event such failure is likely to delay the final hearing of the case.

**Pre-IRH advocates meeting**

47. The children's solicitor must arrange an advocates meeting for no later than 3 clear working days before the IRH. The meeting shall be attended by the advocates who will appear at the hearing to which the advocates meeting relates. The following items shall be included on the agenda:
- a. agreement in respect of the final threshold if possible;
  - b. agreed list of issues to be determined at the final hearing;
  - c. timetabling of composite threshold document;
  - d. proposals for any participation directions, special measures and ground rules;
  - e. completed witness template showing who is giving evidence, when and for how long;
  - f. agreed time estimate for the final hearing;
  - g. confirmation of the witnesses' availability as timetabled, or where a final hearing remains to be listed availability over the following 4 months;
  - h. agreed reading list to be sent to any expert giving evidence at least 5 working days before they are due to give evidence;
  - i. whether it is proposed that any witnesses will attend remotely. If so, which witnesses, on what days, the reason for the proposed remote attendance, where they will attend from and what the arrangements are for them to participate remotely, including their access to an electronic / paper bundle and a device to enable them to attend by video at the same time as being able to use the bundle. If any witness intends to give evidence from abroad, the parties should satisfy themselves that there are no known issues with a witness giving evidence from that jurisdiction;
  - j. any other relevant matters including arrangements for any interpreters (quiet simultaneous interpretation), intermediaries and / or production order.

**IRH/EFH**

48. There will be an IRH/EFH on [insert date and time], with a time estimate of [insert]. This shall be an attended hearing and the parties, and their legal representatives must attend by [insert] for pre-hearing discussions.

49. The parties shall provide their position documents for the hearing as set out below (where a party is required to send a document to the court/parties and the case is within the FPL environment then this shall be done by uploading the relevant document to the FPL hearing documents tab):
- a. The applicant must by 11am two working days before the IRH/EFH send to the court and to the other parties a case summary and draft case management order. The case summary must:
    - i. provide a summary of the issues agreed at the advocates' meeting and those which remain to be decided;
    - ii. identify the witnesses whose evidence is needed to resolve the remaining issues, and
    - iii. include a witness template for the final hearing.
  - b. The parties other than the applicant must by 11am one working day before the IRH/EFH send to the court and the other parties their position documents setting out clearly what issues remain, including any issues about threshold, and identifying those witnesses whose evidence is required to address the remaining issues.
  - c. The court may treat that hearing as an early final hearing, may take evidence and may make final orders.

50. **Important note: If the parents fail to attend the hearing without good reason the court may make final orders including care and placement orders in their absence.**

51. The children's guardian must attend this hearing unless she has prior professional commitments and was excused attendance at the time the IRH was fixed.

52. **Important note: If prior to the date of the IRH it becomes apparent that either (i) an assessment is not being pursued or (ii) there has been a failure to engage with an assessment, and that as a consequence the timetable set out in this order could be revised with the IRH being brought forward, then there shall be an obligation on the parties to (iii) co-operate to agree a revised timetable and (iv) file a draft revised timetable in the light of the same. This should be done within 14 days of event (i) or (ii) above.**

#### Interpreters

53. The court must arrange for [insert number] interpreters fluent in [insert language] to be available at all future hearings for the [insert party], to attend no later than one hour before the time the hearing is listed.

#### Production order

54. The Governor of His Majesty's Prison [insert name] is hereby requested to produce [prisoner name and number] for the hearing at the court at [insert time and date] for a hearing of family proceedings under case number [insert] in which the prisoner is a [party/witness /intervener]. Such production shall be by video link means (CVP).

55. The hearing is estimated to last [insert time estimate] and the prisoner is expected to be present throughout the hearing.

56. The court considers that the production of the prisoner at the hearing is desirable in the interests of justice. The prisoner's Article 6 and 8 rights are relevant to the question of whether to produce the prisoner because the proceedings relate to questions in respect to his private family life and there is a need for the prisoner to be able to participate in the court process.

<b>Documents / Bundles</b>
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57. No document other than a document specified in an order or filed in accordance with the Rules of any Practice Direction shall be filed without the court's permission. Court bundles must be prepared and lodged at court in accordance with Practice Direction 27A. Permission is not given for the court bundle to exceed 350 pages. The applicant must provide a witness bundle for any hearing at which evidence is to be called.

<b>Variation of orders</b>
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58. Any application to vary this or any other order is to be made to the allocated judge on notice to all parties. An application to vary this or any other order may be made by email to the allocated judge provided the party seeking variation seeks the prior agreement of the other parties and when seeking the variation must submit a draft order and confirm whether (i) the proposed variation is agreed, and, if so; (ii) to what extent the proposed variation would affect the timetable for the proceedings. This should be read subject to the case being managed within the FPL system in which case the application should be made as appropriate on that system.