**In the High Court of Justice No. FD\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Family Division
Sitting Remotely**

**[THE CHILD ABDUCTION AND CUSTODY ACT 1985]**

**[COUNCIL REGULATION (EC) No. 2201/2003]**

**[THE SENIOR COURTS ACT 1981]**

**IMPORTANT NOTE. The next hearing will take place remotely (that is to say the Judge, the parties and, where relevant, their representatives, will attend the hearing in different locations but by means of the communications technology specified in this order). Each party and/or their representatives must take immediate steps to obtain or ensure that they have access to appropriate technology in preparation for that hearing.**

**The Child(ren) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

After considering the application issued on notice to the respondent.

**ORDER MADE BY \_\_\_\_\_\_\_\_\_\_\_\_ ON \_\_\_\_\_\_\_\_\_\_\_\_ SITTING IN PRIVATE**

**The Parties**

1. The applicant is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ The respondent is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Recitals**

1. **UPON** the Applicant having issued an application for relief under the [Child Abduction and Custody Act 1985] / [Council Regulation (EC) No. 2201/2003] / [the Inherent Jurisdiction of the High Court].
2. **AND UPON** the Court reading the application dated \_\_\_\_\_\_\_\_\_\_ and the evidence in support thereof.
3. **AND UPON** the Court determining that in the exceptional circumstances of the current national public health emergency this case is suitable for hearing remotely (‘remote hearing’) by means of a remote communication platform to be identified.
4. **AND UPON** the parties having attended the hearing by means of [telephone/video link].

**IT IS ORDERED THAT:**

**[Choose as appropriate]:**

1. At the hearing listed below the applicant and the respondent shall each be given a further opportunity to contact the court based mediator to enable the court based mediator to discuss with the parties the possibility of the parties engaging in mediation under the Child Abduction Mediation Scheme and, where appropriate, undertake a screening interview.
2. Upon service of the Applicant’s application on the Respondent, the Respondent shall immediately file with the court a notice confirming the respondent’s address and the whereabouts of the child (or that they are unaware of the child’s whereabouts) and, where the respondent subsequently changes his or her address or becomes aware of any change in the child’s whereabouts, a notice of the new address or of the new whereabouts of the child.
3. Upon service of the Applicant’s application the Respondent shall serve on the applicant the notice confirming the respondent’s address and the whereabouts of the child (or that they are unaware of the child’s whereabouts) ***or*** file with the court a notice indicating that the respondent objects to serving on the applicant with notice confirming the respondent’s address and the whereabouts of the child and the reasons for that objection.
4. By 4pm on \_\_\_\_\_\_\_\_\_\_\_\_\_\_ the applicant shall file and serve any further evidence to be relied on by the applicant in support of the application including, where it is not already contained in the evidence supporting the application, a description of any protective measures (including orders that may be subject to registration under Art 11 of the 1996 Hague Convention or, where appropriate, undertakings) the applicant is prepared, without prejudice to his or her case, to offer for the purpose of securing the child’s return.
5. By 4pm on \_\_\_\_\_\_\_\_\_\_\_\_\_ the respondent shall file and serve any answer to the applicant’s application and any evidence in support of that answer, to include details of any protective measures the respondent seeks (including, where appropriate, undertakings) in the event that the court were to order the child(ren)’s return.
6. An officer of the Cafcass High Court team shall by 4pm on 20 September 2017 provide a report on the following issue(s):

(a)   The child(ren)’s wishes and feelings;

(b)   Whether the child(ren) should be separately represented in these proceedings.

1. The applicant shall notify Cafcass forthwith of the making of this order and shall thereafter provide a copy of the trial bundle and a copy of this order to the Cafcass High Court Team within 2 working days by email to highcourtgm@cafcass.gsi.gov.uk..
2. The respondent shall make the child \_\_\_\_\_\_\_\_\_\_\_\_ available to be seen by the Cafcass officer at a time and place to be arranged by the officer.
3. The Cafcass officer shall be available to attend the hearing remotely on \_\_\_\_\_\_\_\_\_\_\_\_\_\_ and shall attend if notified by a party in writing by letter or email to highcourtgm@cafcass.gsi.gov.uk at least 2 working days before the hearing that the officer’s attendance is essential.
4. The Applicant’s application shall be adjourned for a first directions hearing or summary resolution if appropriate before a High Court Judge of the Family Division on \_\_\_\_\_\_\_\_\_\_\_ with a time estimate of 1 hour. The hearing shall take place by way of remote hearing pursuant to FPR 2010 r 4.1(e).
5. By 4.00pm on \_\_\_\_\_\_\_\_\_\_ the parties shall agree and communicate to the judge’s clerk their preferred method of remote communication.
6. Upon the court confirming that the method elected by the parties is acceptable, the Applicant’s solicitor shall be responsible for arranging with the Judge’s clerk the necessary facilities to conduct a remote hearing, allowing sufficient time for any necessary testing to take place. This will include provision to the court of the necessary contact details for the parties and their representatives where these are needed to facilitate the remote hearing.
7. The Applicant’s solicitor must confirm the details of the arrangements for the hearing to the other parties by no later than 24 hours prior to the remote hearing taking place.
8. By 4.00pm on \_\_\_\_\_\_\_\_\_\_\_ the applicant’s solicitor shall electronically file a PDF bundle prepared in accordance with the requirements of Paragraph 20 of the Protocol

For Remote Hearings in the Family Court and Family Division of the High Court, which e-bundle must include:

(a)   A case summary and chronology;

(b) The parties’ positions statements;

(c)   The previous orders that are relevant to the remote hearing;

(d)   All essential documents that the court requires to determine the issues that fall

for determination at the remote hearing;

(e)   A draft order.

1. The Respondent shall attend remotely the hearing at on \_\_\_\_\_\_\_\_ together with any legal representatives he/she may instruct.
2. HMCTS shall endeavour to arrange for the attendance remotely at the hearing on \_\_\_\_\_\_\_\_\_\_\_ of an interpreter who speaks the language and dialect set out in section 11 of the Applicant’s Form C67, namely \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
3. A copy of this order and the electronic bundle shall be served by the Applicant on the Respondent no later than two clear days before the hearing on \_\_\_\_\_\_\_\_\_\_\_\_\_\_.
4. [Other directions]
5. Costs in the application.

Dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_