**In the High Court of Justice, Family Division**



**No: [*Case number*]**

**[The Children Act 1989] /**

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

**[The Inherent Jurisdiction of the High Court] /**

**[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*]

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 [*applicant firm name*])

The respondent is [*respondent name*] (represented by [*respondent firm name*])

**(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. [He] / [She] has a deputy and assistants and can authorise police officers to act on [his] / [her] behalf. Any obligation to give information to the Tipstaff or to hand over a document to [him] / [her] includes an obligation to do so to [his] / [her] deputy or assistant or a police officer acting on [his] / [her] behalf.
2. A [Collection] / [Location] / [Passport] / [*insert other as applicable*] Order is an order directed to the Tipstaff authorising [him] / [her] 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 requests set out below are made pursuant to the Guidance from the President's Office, April 2016, *Liaison between Courts in England and Wales and British Embassies and High Commissions abroad.*
4. 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 Article [8] / [10] of BIIR.
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. The court, 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 their views and wishes and in particular those views in relation to their country of residence.
7. The court considers that it must protect and secure the wellbeing of the child[ren] so that they may be placed in a position where they may freely express their wishes and feelings as to their country and place of residence.

**(the court may consider making these as declarations if the respondent(s) have been served or proper attempts at service are proved)**

**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*]*.*

**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, 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.
3. All judicial and administrative bodies in [*State*] to render assistance in establishing the whereabouts of the child[ren] and in arranging for them to be placed in contact with [*body*] and facilitating their travel to the [British Embassy] / [High Commission] / [Consulate] at [*location*] with a view to their immediate return to the United Kingdom.
4. The courts of [*State*] do decline to exercise any jurisdiction in relation to matters of parental responsibility in respect of the child[ren].
5. [The Foreign and Commonwealth 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].

**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.

**(Attention is drawn to *Re S (Abduction: Hague Convention or BIIa)* [2018] EWCA Civ 1226 where it was stated that where the child has been taken to another EU state then, absent a good reason to the contrary, the better course is for the court to defer making a return order until an application under the 1980 Convention has been determined in the other state.)**

1. 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.
2. 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*].
3. The applicant’s solicitors shall fax 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; fax 00 44 207 9476408) [and to the Head of the Consular Division, Foreign and Commonwealth Office, Spring Gardens, London, SW1A 2PA, United Kingdom, tel: 00 44 207 0080212, fax: 00 44 207 008 0152].
4. 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.
5. The respondent shall attend at the hearing listed pursuant to [the preceding paragraph] / [*para number*], together with [solicitors and] counsel if so instructed.
6. 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.
7. 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.
8. Costs be reserved.

Dated [*date*]

**Notice pursuant to PD 37A para 2.1**

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

**Statements pursuant to PD 37A para 2.2(2)**

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 pursuant to PD 37A para 2.1**

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

**Statements pursuant to PD 37A para 2.2(2)**

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*]]