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



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

**[The Child Abduction and Custody Act 1985 incorporating the 1980 Hague Convention on the Civil Aspects of International Child Abduction] /**

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

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

**[The 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition and Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children]**

**The child[ren]**

**[*Name of child*] [Girl] / [Boy] [*dd/mm/yy*]**

**[*Name of child*] [Girl] / [Boy] [*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 [3] / [*para number*] of the Recitals below

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

**IMPORTANT WARNING TO**

**[*APPLICANT NAME*] OF [*APPLICANT ADDRESS*]**

**[*RESPONDENT NAME*] OF [*RESPONDENT ADDRESS*]**

**If you [*applicant name*] or you [*respondent name*] disobey this order or the undertakings you have given 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*]

The respondent is [*respondent 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)**

**Recitals**

1. This order was made at a hearing at which both parties were present and represented.

**(amend as appropriate)**

1. The judge read the following [affidavits] / [witness statements] [*insert*] and heard oral evidence from [*name(s)*].
2. The judge refused the application on the basis that the applicant had not established that [the [removal] / [retention] was in breach of the rights of custody of the applicant] / [the child[ren]] [was] / [were] habitually resident in [*specify State*]) immediately prior to the [removal] / [retention]].
3. The court records that the courts of [*insert requesting State*] [have] / [have not] been seized of an application in matters of parental responsibility concerning the child[ren] and [are] / [are not] first seized of an application within the meaning of Article 16 of BIIR and that this court [is] / [is not] obliged to stay any proceedings concerning the child[ren] pursuant to Article 19(2) BIIR.
4. The orders in respect of the child[ren] are made pursuant to [Article 20 BIIR] / [Article 13 BIIR] / [Article 8 BIIR].
5. [*Insert any further recitals*]

**Undertakings to the court by the applicant [*applicant name*] or respondent [*respondent name*]**

1. [*Insert any undertakings*]

**IT IS ORDERED THAT:**

1. The application for summary return pursuant to the 1980 Hague Convention is dismissed.
2. A transcript of the judgment given today shall be prepared [at public expense] / [at the parties’ expense] [on an expedited basis] and provided to the ICACU.
3. The ICACU shall immediately transmit the judgment and this order to the [*insert*] Central Authority.
4. Permission is granted for the parties to disclose any document filed in these proceedings and the judgment herein to [*insert legal advisors*] / [the [*name of court*] court].
5. The Tipstaff shall return to the respondent all passports and international travel documents relating to the respondent and the child[ren].
6. [Permission to appeal is refused.] / [[Permission to appeal is granted.] [Time limit for filing an Appellant’s Notice shall be by *insert date*.]]
7. [There shall be no order as to costs, including the costs reserved save there shall be a legal aid detailed assessment of all parties’ costs]. / [The [applicant] / [respondent] shall pay the costs of the [respondent] / [applicant] [summarily assessed at £ [*amount*]] / [to be subject to a detailed assessment if not agreed] the costs shall be paid by [*date*] or 14 days from the date of the assessment.] **(amend as appropriate)**]
8. **(Insert if agreed or ordered)** Pursuant to section 8 Children Act 1989 the respondent shall make the child[ren] available for contact with the applicant as set out below. A warning notice shall be attached to this order.

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 solicitor name*]]

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

You [*respondent 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

[*respondent name*] [signed on [his] / [her] behalf by [*respondent solicitor name*]]

**Communications with the court**

All communications to the court about this order should be sent to:

[*Insert address and telephone number of the appropriate Court Office*]

If the order is made at the Royal Courts of Justice, communications should be addressed as follows:

The Clerk of the Rules, Queen's Building, Royal Courts of Justice, Strand, London WC2A 2LL, United Kingdom, quoting the case number. The telephone number is 00 44 20 7947 6543.

The offices are open between 10.00am and 4.30pm Monday to Friday.

Name and address of applicant's legal representatives

The applicant's legal representatives are:

[*Name, address, reference, fax and telephone numbers (both in and out of office hours) and email*]