**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 Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children] /**

**[The Children Act 1989] /**

**[The Family Law Act 1986]**

**(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

After reading the statements and hearing the witnesses specified in paragraph [*para number*] of the Recitals below

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

**IMPORTANT WARNING TO [*NAME OF PERSON TO SUPPLY INFORMATION*] OF [*ADDRESS*]**

**If you [*name of person to supply information*] 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 [*name of person to supply information*] 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.**

**Important Notice to [*name of person to supply information*]**

Breach of the undertakings contained in this order or in paragraphs [13-15] / [*para numbers*] of this order would be a contempt of court punishable by imprisonment, fine or seizure of your assets. You are not excused from complying with this order by reason that to do so might incriminate yourself or your spouse of an offence; but a statement or admission made in compliance with this order shall not be admissible in evidence against you or your spouse (if applicable) in proceedings for any offence other than perjury. Accordingly, whether or not the Tipstaff arrests you, you may be summoned to attend court and, if you are found to be in breach of the order, you are liable to be committed to prison or fined or to have your assets seized.

You have the following legal rights:

* 1. to seek legal advice. This right does not entitle you to disobey any part of this order until you have sought legal advice.
  2. to require the applicant's solicitors, namely [*applicant firm name*], tel: [*applicant firm phone*], email [*applicant firm email*]) at their own expense to supply you with a copy of any statement and their note of any oral evidence referred to in the recitals below.
  3. to apply, whether by counsel or solicitor or in person, to the Urgent High Court Applications’ Judge at the Royal Courts of Justice, Strand, London, if practicable after giving notice to the applicant’s solicitors and to the court, for an order discharging or varying any part of this order. This right does not entitle you to disobey any part of this order until your application has been heard.
  4. if you do not speak or understand English adequately, to have an interpreter present in court at public expense in order to assist you at the hearing of any application relating to this order.

**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)**

**[***Name of person to supply information***]** is a person who the court is satisfied can supply information about the whereabouts of the above-named child[ren] to assist in promoting their welfare and enabling issues relating to them to be decided by the courts of England and Wales

1. Unless otherwise stated, a reference in this order to ‘the respondent’ means all of the respondents.
2. This order is effective against any person on whom it is served or who is given notice of it. Any person who has notice of this order must not assist **[***name of person to supply information***]** in breaking the terms of this order. If they do so they may also be in contempt of court.

**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.

**Recitals**

1. This order was made at a hearing without notice to the respondent or to **[***name of person to supply information***]**. The reason why the order was made without notice to the respondent or **[***name of person to supply information***]** was [*insert*].
2. The judge read the following [affidavits] / [witness statements] [*insert*] and heard oral evidence from [*name*].

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

1. If the court later finds that this order has caused loss to **[***name of person to supply information***]** and decides that [he] / [she] should be compensated for that loss by the applicant, [he] / [she] will comply with any order the court may make that [he] / [she] do so compensate **[***name of person to supply information***]**.

**Undertakings to the court by the applicant’s solicitor [*applicant firm name*]** **(delete as necessary if information is to be disclosed to the tipstaff)**

1. To pay such costs reasonably incurred by **[***name of person to supply information***]** in complying with this order and which the court may decide should be paid to **[***name of person to supply information***]** by [them] / [the applicant].
2. To use any information received by them as a consequence of this order solely for the purposes of:
   1. assisting in the location of the child[ren] named in this order; and
   2. in the conduct of these proceedings.
3. Not to disclose any information received by them as a consequence of this order to [*applicant’s* *name*].
4. To keep any record of information received by them as a consequence of this order in a separate file marked confidential and with a note that its contents are subject to undertakings to the court and not to copy or provide that information to others save for the purposes of:
   1. assisting in the location of the child[ren] named in this order; and
   2. in the conduct of these proceedings.
5. Where they deem it appropriate so to do, to obtain a written undertaking in the terms of the first three undertakings given by [him] / [her] above from any person provided with information received by them as a consequence of this order.

**Undertakings [10, 11 and 12] / [*para numbers*]** **will be discharged if and when the court makes an order disclosing this information to the applicant**.

**IT IS ORDERED THAT:**

1. **[***Name of person to supply information***]** must immediately on service of this order provide to [*applicant firm name*] / [the Tipstaff] the following information (‘the information’):
   1. all information relating to the whereabouts of the child[ren] [*child(ren) name(s)*] which is presently in [his] / [her] knowledge or control;
2. During the period that this order remains in force **[***name of person to supply information***]** must to provide the information to [applicant firm name] / [the Tipstaff] where it comes into [his] / [her] possession and control after service of this order as soon as is practicable after the receipt of the information.
3. Other than with the prior permission of this Court, or the written permission of [*applicant firm name*], **[***name of person to supply information***]** must not disclose the making, content, service or any steps taken in compliance with this order to any person other than legal advisers instructed by **[***name of person to supply information***]** in connection with this order.
4. Permission is granted to the applicant not to serve this order on [*respondent* *name*].
5. Permission is granted to the applicant to serve a facsimile or scanned copy of this order and to serve by facsimile transmission or by email.
6. **[***Name of person to supply information***]** and any person affected by this order may apply to the court (High Court of Justice, Family Division (The Strand, London WC2A (Tel: 0207 947 6000)) forthwith but if practicable on notice to the applicant’s solicitors to vary or discharge this order.
7. 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 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 solicitor*] [on behalf of [*applicant firm name*]]