**In the Family Court Case No: [*Case number*]**

**sitting at [*Court name*]**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Order**  **The Children Act 1989**  **The Family Procedure Rules 2010 rules 3.2 and 3.3** | | |
|  |  |  |  |
|  | The full name(s) of the child(ren) | Boy or Girl | Date(s) of Birth |
|  |  |  |  |
|  | [*insert*] | [*insert*] | [*insert*] |
|  | [*insert*] | [*insert*] | [*insert*] |
|  |  |  |  |

Before [*name of judge*] in private on [*date*] without a hearing.

**The parties:** The applicant is [*name*]

The 1st respondent is [*name*], the [*relationship to child*]

The 2nd respondent is [*name*], the [*relationship to child*]

**IMPORTANT NOTICES**

**(penal notice: not automatically included. if included, the order must be personally served unless the court dispenses with that requirement: fpr 2010, r 37(4))**

**Penal notice**

**IMPORTANT WARNING TO [*NAME*]**

**If you [*NAME*] of [*ADDRESS*] disobey this order you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized.**

## Confidentiality warnings

**During the proceedings and after they have concluded no person shall publish information related to the proceedings including accounts of what has gone on in front of the judge, documents filed in the proceedings, transcripts or notes of evidence and submissions, and transcripts and notes of judgments (including extracts, quotations, or summaries of such documents). Any person who does so may be in contempt of court.**

**Until the conclusion of the proceedings no person shall publish to the public at large or any section of the public without the court’s permission any material which is intended or likely to identify the child[ren] as being involved in these proceedings or an address or school as being that of the child[ren]. Any person who does so may be guilty of an offence.**

**The exceptions to this are in Rules 12.73 or 12.75 or Practice Direction 12G of the Family Procedure Rules 2010.**

**(add if the order was made without notice)**

**Right to apply**

**If you were not told about the hearing you may ask the court to reconsider this order. You must do that within seven days of receiving this order by writing to the court and asking the court to reconsider. You must tell the person who applied for the order that you are asking the court to reconsider the order.**

1. After consideration of the documents lodged by the parties
2. **(in the case of an order made without notice)** After reading the statements and hearing the witnesses specified in the Recitals below

**(where undertakings have been given)**

**Notice**

You [*applicant name*] may be held to be in contempt of court and imprisoned or fined, or your assets may be seized, if you break the promises that you have given to the court.

**Statement of understanding**

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, or fined, or my assets may be seized for contempt of court.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[*applicant name*]

**Notice**

You [*respondent name*] may be held to be in contempt of court and imprisoned or fined, or your assets may be seized, if you break the promises that you have given to the court.

**Statement of understanding**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, or fined, or my assets may be seized for contempt of court.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[*respondent name*]

**Undertakings to the court**

1. [*Set out any undertakings*]

**Definitions**

1. IFLA is the Institute of Family Law Arbitrators.
2. Form ARB1CS is the children arbitration agreement signed by the parties of which a copy has been lodged with the court.
3. The arbitration is an arbitration which is to be conducted in accordance with the rules of the IFLA Children Scheme.
4. The arbitrator is [*name*].
5. The arbitrator's order is a peremptory order made on [*date*] pursuant to section 41(5) of the Arbitration Act 1996 which required the respondent to comply with its terms [by [*date*]] / [without prescribing a date for compliance].

**Recitals**

1. **(in the case of an order made without notice)** This order was made at a hearing without notice to the respondent. The reason why the order was made without notice to the respondent was [*set out*].
2. **(in the case of an order made following the giving of short informal notice)** This order was made at a hearing without full notice having been given to the respondent. The reason why the order was made without full notice having been given to the respondent was [*set out*].
3. The [applicant] / [respondent] has applied to this court for orders under the Children Act 1989.
4. The judge read the following affidavits/witness statements [*set out*] and heard oral testimony from [*name*].
5. The court must by rules 3.2 and 3.3 of the Family Procedure Rules 2010 at every stage in proceedings consider whether alternative dispute resolution is appropriate and, if so, whether to adjourn those proceedings so to enable alternative dispute resolution to take place; and has power pursuant to its general powers of management under rule 4.1 to stay the whole or any part of proceedings either generally or until a specified date or event.
6. **(in the case of an application commenced elsewhere than in the family court)** This application was transferred to this court from the [*specify*] [Division] / [Court] by order of [*name of judge*] on [*date*].
7. The arbitration has commenced and is continuing.
8. The parties have by their Form ARB1CS and their acceptance of the IFLA Children Scheme rules agreed that the powers of the court under section 42 of the Arbitration Act 1996 (enforcement of peremptory orders of tribunal) are available, so that if one of them fails to comply with a peremptory order made by the arbitrator then another party may apply to the court for an order requiring compliance.
9. The arbitrator's order is (so far as relevant to this application) in the following terms:

[*set out in the words of the arbitrator's order*]

1. This application is for an order under section 42 of the Arbitration Act 1996 for the enforcement of the arbitrator's order and is made by the [applicant] / [arbitrator, upon notice to the parties].
2. This court is satisfied that:
   1. the applicant has exhausted all available arbitral process in respect of the respondent's failure to comply with [that] / [those] provision[s] of the peremptory order; and
   2. the respondent has failed to comply with [that] / [those] provision[s] of the peremptory order within [the time prescribed by the order] / [a reasonable time, no time for compliance having been prescribed].
3. [*Insert other recitals*]

**Agreements**

1. By their Form ARB1CS the parties have agreed to refer to arbitration the issues described in it which include some or all of the orders for which applications are pending in this court.
2. [*Insert other agreements*]

**THE COURT ORDERS [BY CONSENT] / [SAVE AS TO PARAGRAPHS [*PARA NUMBERS*]]**

1. The respondent shall comply with the peremptory order by no later than [*date*].
2. A penal notice is endorsed on paragraph [*para number*] of this order.
3. [*Insert other orders*]
4. **(if applied for)** Permission to appeal against this decision is [granted] / [refused].
5. [*Insert provision for the costs of the application*]

Dated [*date*]