

# **Child Arrangements Programme (CAP) with index**

Examples of specific directions which  
can be included in a standard order in  
children's act proceedings

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**1. FINDING OF FACT**

- b) 21 days
- d) 35 days
- e) 56 days

Respondent having made allegations against Applicant who denies that the allegations are true, there shall be a Finding of Fact Hearing to determine those issues and the following directions apply:

- a) The solicitor for Respondent shall prepare a schedule of the allegations made in five columns headed 'Number', 'Date', 'Allegation', 'Reply' and 'Judge's Notes' and complete the first three columns. The schedule shall be supported by a statement from Respondent verifying the schedule and setting out the detail of the allegations.
- b) The solicitor for Respondent shall serve a copy of the schedule and the statement on the solicitor for Applicant by 4pm on 21 days. An electronic copy of the schedule shall be supplied at the same time.
- c) On receipt of the schedule, the solicitor for Applicant shall complete the fourth ('Reply') column. The reply shall be supported by a statement from Applicant verifying the schedule and setting out the detail of each reply summarised in the schedule.
- d) The solicitor for Applicant shall serve a copy of the schedule and the statement on the solicitor for Respondent by 4pm on 35 days. At the same time, the solicitor shall send copies of the completed schedule and the statements of both parties to any CAFCASS Officer or Social Worker involved in the case.
- e) Both parties may serve the statements of by 4pm on 56 days. A witness will not be allowed to give oral evidence at a hearing without the court's permission if their written statement has not been sent by the date fixed in this Order.
- f) If a witness or party is unable to read the statement in the form produced to the court, the statement must include a certificate that it has been read or interpreted to the witness by a suitably qualified person. If a witness who has made a statement is to give evidence or be cross-examined and is unable to do so in spoken English (or Welsh if the hearing is in Wales), the party relying on that witness must ensure that a suitable independent interpreter is available.

## **2. NO FINDING OF FACT**

has made allegations against who denies that the allegations are true. The court has decided that a special Finding of Fact Hearing is not required because if the allegations are unresolved, that will not prevent a CAFCASS Officer or other expert preparing a report.

## **3. NO FINDING OF FACT**

has made allegations against who denies that the allegations are true. The court has decided that a special Finding of Fact Hearing is not required because although they may be of significance between the parties, the allegations are not relevant to these proceedings which are to decide what (if any) Child Arrangements Order should be made in the best interests of the child.

## **4. NO FINDING OF FACT**

has made allegations against who denies that the allegations are true. The court has decided that a special Finding of Fact Hearing is not required because in so far as the allegations may be relevant to any Child Arrangements Order that may be made at a hearing, the truth of them can be determined at that hearing.

## **5. PERMISSION TO PURSUE AN APPLICATION**

The application of Applicant for permission to pursue an application in respect of the child is granted.

## 6. MEDICAL EXPERT

- a) 7 days
- c) 28 days

The Court gives permission for the parties to rely on the following expert evidence which the Court has decided is necessary before it can properly decide the issues in this case. The parties must make sure that expert evidence is obtained and made available to the Court in accordance with the directions below, and must provide any samples that are required for the purpose of the report.

- a) An expert child and adolescent psychologist shall be instructed by Respondent by 4pm on 7 days. A copy of this order shall be sent to the expert with the letter of instruction.
- b) The report shall address this issue: whether the Respondent should be allowed to care for
- c) The expert shall complete the report and send copies to the parties by 4pm on 28 days
- d) Respondent shall forward a copy of the report to the court immediately on receipt of it.
- e) The court is satisfied that the instruction of the expert witness is, in accordance with section 13(6) of the Children and Families Act 2014, necessary to assist the court to resolve the proceedings justly.
- f) The fees of the expert shall be paid by Applicant. Notwithstanding that the expert evidence is sought by all parties, the court has assessed their respective financial circumstances and, being satisfied that the parties without public funding cannot afford to make a contribution to the fees, orders that the fees shall be paid by the party or parties with public funding and, if more than one, in equal shares as a proper charge on their respective public funding certificates.

## **7. DNA EXPERT**

- a) 7 days
- c) 28 days
- d) 35 days

The Court gives permission for the parties to rely on the following expert evidence which the Court has decided is necessary before it can properly decide the issues in this case. The parties must make sure that expert evidence is obtained and made available to the Court in accordance with the directions below, and must provide any samples that are required for the purpose of the report.

- a) An expert in DNA testing shall be instructed by Respondent by 4pm on 7 days. A copy of this order shall be sent to the expert with the letter of instruction.
- b) The report shall address this issue: whether Applicant is the father of Child
- c) The parties shall comply with any request for samples made by the expert by 4pm on 28 days
- d) The expert shall complete the report and send copies to the parties by 4pm on 35 days
- e) Respondent shall forward a copy of the report to the court immediately on receipt of it.
- f) The court is satisfied that the instruction of the expert witness is, in accordance with section 13(6) of the Children and Families Act 2014, necessary to assist the court to resolve the proceedings justly.
- g) The fees of the expert shall be paid by both parties.

## **8. DRUG /ALCOHOL EXPERT**

- a) 7 days
- b) 28 days

Court gives permission for the parties to rely on the following expert evidence which the Court has decided is necessary before it can properly decide the issues in this case. The parties must make sure that expert evidence is obtained and made available to the Court in accordance with the directions below, and must provide any samples that are required for the purpose of the report.

- a) An expert in drug and alcohol abuse shall be instructed by Respondent by 4pm on 7 days. A copy of this order shall be sent to the expert with the letter of instruction.
- b) The report shall address this issue: whether Applicant has abused either alcohol or unlawful drugs, or both
- c) The expert shall complete the report and send copies to the parties by 4pm on 28 days

- d) Respondent shall forward a copy of the report to the court immediately on receipt of it.
- e) The court is satisfied that the instruction of the expert witness is, in accordance with section 13(6) of the Children and Families Act 2014, necessary to assist the court to resolve the proceedings justly.

## **9. S37 REPORT DIRECTION**

42 days

Leeds Social Care shall by 4pm on 42 days prepare a section 37 report in respect of the child, the court being of the view that it may be appropriate for a care or supervision order to be made with respect to the child.

- a) A Section 37 Report is required because the court is considering whether to make an interim care order
- b) The Authority shall, when advising the court, consider whether it should apply for a care or supervision order, or provide services or assistance to the child, or take any further action.
- c) In the event that the Authority considers that it is unable to comply with this direction, it shall no later than 4pm three days after service of this order upon it provide to the court in writing its reasons for holding that view.
- d) The court shall release and send to the Authority the safeguarding report from CAF/CASS, together with copies of all applications, statements and orders in this case.
- e) When sending the report to the court, the Authority shall also send copies to both parties or, if they are represented, to their solicitors.

## **10 SERVICE OF ORDER UPON A THIRD PARTY**

This Order shall be served on Leeds Social Care by the court. Service shall include copies of all of the documents released to the Authority.

## **11. CAFCASS MONITORING ORDER (2 options)**

a) 1 year

All parties concerned having consented to such an order being made, a CAFCASS Officer

A) shall advise, assist and befriend Applicant, Respondent and the child until 3rd September 2015. The following further directions apply:

- a) all persons to whom this order is addressed shall ensure that the Officer is informed of any change of address or contact details (including those of the child) and that the Officer is able to visit them.;
- b) all persons to whom this order is addressed shall ensure that the Officer is able to see the child;
- c) the Officer shall give advice and assistance as regards establishing maintaining, and improving contact;
- d) if the Officer is of the view that any order relating to the living or contact arrangements for the child may need to be altered or discharged, the Officer shall report to the court accordingly.

OR

B) Pursuant to Section 11H of the Children Act 1989 Cafcass is requested to monitor compliance with the child arrangements order made at paragraph 3 above and to report to the Court promptly in the event of any occasion of non-compliance. It is the duty of Cafcass to comply with this request (Section 11H(7))

## **12. PARENTAL RESPONSIBILITY**

Applicant is granted Parental Responsibility for the child.

## **13. PARENTAL RESPONSIBILITY BY CONSENT**

By consent, Applicant has Parental Responsibility for the child.

#### **14. REMOVAL FROM THE JURISDICTION FOR HOLIDAYS**

Respondent shall allow and enable Child to accompany Applicant to Country x provided that at least one week before departure Respondent is provided with copies of the relevant travel documents including evidence that a fixed return ticket has been purchased, that any recommended inoculations have been administered, that appropriate travel insurance is in force, and details of the intended accommodation.

#### **15. POLICE DISCLOSURE**

28 days

By 4pm on 1st October 2014 the Chief Constable of West Yorkshire shall disclose and send to both parties copies of all reports, logs, notes, statements, photographs, interview records, and like material in his possession or control concerning incidents or complaints between the parties during the period January 2004 to December 2014 inclusive.

- a) This Order shall be served on the Chief Constable immediately by
- b) Any fees charged by the Chief Constable shall be paid by the parties equally. Such fees are a necessary expenditure in the determination of the issues before the court and the identification of the best interests of the child, and are a proper charge on any public funding certificate.
- c) The Chief Constable may apply within seven days of service of this Order for it to be varied or discharged.

#### **16. DISCLOSURE OF MEDICAL RECORDS**

21 days

By 4pm on \_\_\_\_\_ copies of the medical records of Applicant shall be obtained by that party and disclosed to Respondent

#### **17. DISCLOSURE OF MEDICAL RECORDS**

21 days

By 4pm on 21 days copies of the medical records of Applicant shall be obtained by that party and disclosed to Respondent. Alternatively, this requirement may be met by Applicant providing the solicitor for Respondent with written authority to obtain those records by 4pm on 7 days. The costs of obtaining the records shall be paid by Applicant.

## **18. COSTS OF OBTAINING MECIAL RECORDS**

The costs of obtaining the records shall be paid by the Applicant

## **19.PERMISSION TO WITHDRAW APPLICATION**

Permission is given to Applicant to withdraw the applications for a child arrangements order, a parental responsibility order, a prohibited steps order and a specific issue order in respect of Child.

## **20. SUMMARILY DISMISSAL FOR AN APPLICATION**

The court summarily dismisses Applicant's applications for a child arrangements order, a parental responsibility order, a prohibited steps order and a specific issue order in respect of Child.

There shall be funded services assessment of the costs of both of the parties

## **21. APPOINTMENT OF GUARDIAN**

28 days

The child is joined to these proceedings.

a) a CAFCASS Officer shall be appointed to act as Guardian for the child



## **26. WARNING OF ORDER IF FAIL TO ATTEND**

If a party fails to attend the Court may make such Order as appears just.

## **27. SPECIAL GUARDIANSHIP CLAUSE**

is appointed Special Guardian of the children in accordance with Section 14A of the Children Act 1989.

**Where a Special Guardianship Order is in force, no person may cause the children to be known by a new surname or remove the children from the United Kingdom without either the written consent of every person who has parental responsibility for the children or the leave of the Court. However, this does not prevent the removal of the children for a period of less than 3 months, by the children's special guardian (Section 14C(3) and (4) Children Act 1989.)**

**It may be a criminal offence under the Children Abduction Act 1984 to remove the children from the United Kingdom with the leave of the Court.**

## **28. FILING OF DRAFT ORDER**

The Solicitor for the shall file a draft order electronically to [leedsdfprivatelawgeneralenquiries@HMCTS.gsi.gov.uk](mailto:leedsdfprivatelawgeneralenquiries@HMCTS.gsi.gov.uk) for approval by 4pm (48 hours) in default the Court may list the application for a further hearing.

## **29. SAFEGUARDING CHECKS WHEN CONSIDERING APPLICATION TO APPLICATION TO ENFORCE**

The application for enforcement is issued more than three months after the Order which is the subject of the enforcement and in accordance with paragraph 21.4 of the Child Arrangements Programme, safeguarding checks are ordered from CAFCASS. CAFCASS shall within 17

working days of receipt of this Order, send to the Court a safeguarding letter in respect of the parties.

**30. (SEPARATE ORDER) – DISCLOSURE BY DWP OR HMRC**

This is a separate High Court Order (Form EX670) for DWP or HMRC. Draw Order EX670 from C4 application.